

## **Act No. 5/2004 Coll.**

of 4 December, 2003

**on employment services and on amendment of certain acts**

**published in Chapter 4/2004**

**as amended by**

Act No. 191/2004 Coll. - published in Chapter 88,  
Act No. 365/2004 Coll. - published in Chapter 153,  
Act No. 585/2004 Coll. - published in Chapter 250,  
Act No. 614/2004 Coll. - published in Chapter 262,  
Act No. 1/2005 Coll. - published in Chapter 1,  
Act No. 82/2005 Coll. - published in Chapter 37,  
Act No. 528/2005 Coll. - published in Chapter 215,  
Act No. 573/2005 Coll. - published in Chapter 230,  
Act No. 310/2006 Coll. - published in Chapter 108,  
Act No. 693/2006 Coll. - published in Chapter 265.

The National Council of the Slovak Republic has adopted the following Act:

### **Title I**

#### **PART ONE**

##### **FUNDAMENTAL PROVISION**

###### **§ 1**

###### **Scope of the Act**

This Act regulates the legal relationships in the provision of employment services.

#### **PART TWO**

##### **PARTICIPANT OF LEGAL RELATION**

###### **§ 2**

(1) For the purposes of this Act the participant of legal relation is:

- a) State administration authority (*in Slovak "orgán štátnej správy"*),
- b) The Centre of Labour, Social Affairs and Family<sup>1</sup> (hereinafter referred to as "Centre"; *Ústredie práce, sociálnych vecí a rodiny, ďalej len "ústredie"*),
- c) Office of Labour, Social Affairs and Family<sup>1</sup> (hereinafter referred to as "Office"; *úrad práce, sociálnych vecí a rodiny, ďalej len "úrad"*),

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<sup>1</sup> Act No. 453/2003 Coll. on the state administration authorities in the field of social affairs, family and employment services and on amendment of certain acts as amended by later regulations.

- d) Self-governing region (*samosprávny kraj*),
- e) Municipality (*obec*),
- f) Non-governmental organisation<sup>2</sup>,
- g) Employer,
- h) The partnership pursuant to § 10,
- i) Job seeker (*uchádzač o zamestnanie*) pursuant to § 6,
- j) Person interested in employment (*záujemca o zamestnanie*) pursuant to § 7,
- k) Employee,
- l) Self-employed person (*samostatne zárobkovo činná osoba*),
- m) Legal person or natural person executing activity under this Act, mainly in the field of employment mediation, education and preparation for the labour market, and in the field of professional consultancy, and
- n) National of a non-Member State of the European Union, the State, which is a Contracting Party to the Treaty on the European Economic Area, and the Swiss Confederation<sup>3</sup> (hereinafter referred to as “alien”; “*cudzinec*”).

(2) Unless this Act stipulates otherwise the citizen of a Member State of the European Union, the citizen of a State which is a Contracting Party to the Treaty of the European Economic Area and the citizen of the Swiss Confederation, and members of their family<sup>3a</sup> shall have equal legal status in legal relations arising pursuant this Act, as the citizen of the Slovak Republic.

(3) For the purposes of this Act, in respect of a State which is a Contracting Party to the Treaty of the European Economic Area and the Swiss Confederation it shall be proceeded as in respect of a Member State of the European Union (hereinafter referred to as the “Member State of the European Union”).

(4) For the purposes of this Act, abroad shall mean a State that is not a Member State of the European Union.

### **§ 3 Employer**

(1) For the purposes of this Act an employer is a legal person having his domicile or site of his organisational unit in the territory of the Slovak Republic, or a natural person having his/her permanent residence in the territory of the Slovak Republic who employs a natural person in an employment relationship or in a similar labour relationship.

(2) For purposes of this Act shall also be deemed as an employer

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<sup>2</sup> For example, Act No. 83/1990 Coll. on the association of citizens, as amended by later regulations; Act No. 213/1997 Coll. on non-profit organisations performing general beneficiary services, as amended by Act No. 35/2002 Coll.

<sup>3</sup> Act No. 48/2002 Coll. on stay of aliens and on amendment of certain acts, as amended by later regulations.

<sup>3a</sup> Regulation (EEC) No. 1612/68 of the Council of 15 October 1968 on freedom of movement for workers within the Community (OJ L 257, 19.10.1968, p. 2-12), as amended by later regulations.

- a) The organisational component of a foreign legal person or a foreign natural person with labour-law personality entitled to conduct business in the territory of the Slovak Republic pursuant to special regulation<sup>4</sup>, and
- b) The legal person or natural person performing activities pursuant to this Act, mainly fee charged mediation of employment, temporary employing, supported employing, executing professional consultancy, education and preparation for the labour market of job seekers, persons interested in employment and employees on the territory of the Slovak Republic,
- c) The legal person or a natural person, who is not an employer, and who wants to engage a natural person in an employment relationship or similar labour relation and, for this reason, shall apply the Office for the provision of information and advisory services for the selection of the employee, pursuant to § 42, or provision of a contribution, pursuant to § 50, or § 56, or who wants to engage a jobseeker for the execution of the graduate practice, pursuant to § 51.

#### **§ 4 Employee**

(1) For the purposes of this Act an employee is a natural person in an employment relationship<sup>5</sup> or in a similar labour relationship<sup>6</sup>, or a PhD student studying in full-time PhD study<sup>7</sup>.

(2) For the purposes of this Act the citizen performing activities for a legal person fulfilling employers' obligations in link with that person shall not be deemed an employee, if it follows from the nature of performed activity<sup>8</sup> that such activity could not be carried out by mediation of employment pursuant to this Act.

#### **§ 5 Self-Employed Person**

(1) For the purposes of this Act self-employed person is defined as

- a) Natural person engaged in agricultural production including use of forests and water systems<sup>9</sup>, and registered pursuant to a special regulation<sup>10</sup>,
- b) Natural person operating or performing a trade pursuant to a special regulation<sup>11</sup>,
- c) Natural person carrying out activity pursuant to special regulations<sup>12</sup>,

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<sup>4</sup> Commercial Code.

<sup>5</sup> Act No. 311/2001 Coll. Labour Code, as amended by later regulations.

<sup>6</sup> For example, § 226(2) of the Commercial Code; Act No. 312/2001 Coll. on civil service and on amendment of certain acts, as amended by later regulations.

<sup>7</sup> § 54 of Act No. 131/2002 Coll. on Higher Education and on amendment of certain acts.

<sup>8</sup> For example, Act No. 308/1991 Coll. on freedom of religious belief and on the status of churches and religious societies, as amended by Act No. 394/2000 Coll.

<sup>9</sup> § 12a to § 12e of Act No. 105/1990 Coll. on private entrepreneurship of citizens, as amended by later regulations.

<sup>10</sup> Slovak National Council Act No. 369/1990 Coll. on local governments, as amended by later regulations.

<sup>11</sup> Act No. 455/1991 Coll. Trades Licensing Act, as amended by later regulations.

<sup>12</sup> For example, Act No. 586/2003 Coll. on the Advocacy and on amendment of the Act No. 455/1991 Coll. Trades Licensing Act, as amended by later regulations.

- d) Natural person who is a partner of a general commercial partnership (*spoločník verejnej obchodnej spoločnosti*), a partner of a limited partnership (*spoločník komanditnej spoločnosti*), or a partner of a limited liability company (*spoločník spoločnosti s ručením obmedzeným*) pursuant to a special regulation,<sup>13</sup>,
- e) Natural person executing fee charging mediation of employment (*sprostredkovanie zamestnania za úhradu*) pursuant to § 25,
- f) Natural person carrying out temporary employing pursuant to § 29,
- g) Natural person carrying out supported employing pursuant to § 58.

## **§ 6 Job seeker**

(1) For the purposes of this Act employment is defined as the execution of gainful activity as employees pursuant to § 4, the operation or performance of self-employed activity by a self-employed person pursuant to § 5, and the execution of an occupation on a freelance basis (*vykonávanie slobodného povolania*) pursuant to special regulation.

(2) For the purposes of this Act the job seeker is a citizen able and wishing to work and seeking employment and being filed in the Office's register of job seekers (hereinafter referred to as "register of job seekers"; "*evidencia uchádzačov o zamestnanie*") and

- a) Who is not an employee pursuant to § 4, unless regulated otherwise by this Act,
- b) Who does not operate or perform self-employed activity,
- c) Who performs no gainful activity in the Member State of the European Union or abroad,
- d) Who performs gainful activity maximally 64 hours per month and whose wage or remuneration for such activity does not exceed 3 200 SKK per month, the gainful activity being considered as personal execution of an activity either on the basis of a labour-law relation pursuant to a special regulation<sup>5</sup> or another legal relation pursuant to special regulations,<sup>13a</sup> facts on the number of hours worked and the amount of wage or remuneration shall be proved by the job seeker on request of the Office.

## **§ 7 Person Interested in Employment**

For the purposes of this Act the person interested in employment is defined as a citizen seeking a different employment, or is interested in the provision of professional consultancy and the services of education and preparation for the labour market and who is not a job seeker.

## **§ 8 Disadvantaged Job Seeker (*Znevýhodnený uchádzač o zamestnanie*)**

(1) For the purposes of this Act the disadvantaged job seeker is defined as a job seeker who is

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<sup>13</sup> § 76 to § 153 of the Commercial Code.

<sup>13a</sup> For example Commercial Code, Civil Code.

- a) A citizen below 25 years of age, who has completed his/her systematic vocational preparation in full-time study courses less than two years ago and failed to acquire his/her first regularly paid employment (hereinafter referred to as “graduate”; “*absolvent školy*”),
- b) A citizen older than 50 years,
- c) A citizen maintained in the register of job seekers for at least 12 months in the last 16 months (hereinafter referred to as “long-term unemployed citizen”; “*dlhodobo nezamestnaný občan*”),
- d) A citizen who did not perform gainful activity not even prepared for a profession in the framework of systematic vocational preparation or further education, due to inability of harmonizing duties at work with his/her parental obligations,
- e) A citizen, who is a parent, or a person, pursuant to a special regulation, who cares for three or more children, or a lone citizen caring of a child,
- f) A citizen who has lost the ability to carry out his/her current employment for health reasons and who is not a disabled citizen,
- g) A citizen moving or moved within the territories of Member States of the European Union, or a citizen staying in the territory of a Member State of the European Union in order to carry out an employment, and
- h) A disabled citizen,
- i) An alien who has been granted asylum.<sup>13b</sup>

(2) For the purposes of this Act the first regularly paid employment is defined as an employment which lasted more than six consecutive months.

## § 9

### Disabled Citizen

*(Občan so zdravotným postihnutím)*

(1) For the purposes of this Act a disabled citizen shall mean

- a) A citizen recognized as a disabled citizen pursuant to special regulation<sup>14</sup>,
- b) A citizen who has reduced ability to perform gainful activity by 20 % but not by more than 40 % pursuant to special regulation<sup>15</sup>.

(2) The disabled citizen submits proof of disability and of the percentage rate of decrease in ability to perform gainful activity in consequence of a physical disorder, mental disorder or behavioural disorder in the form of a decision of the Social Insurance Agency, or of an opinion issued by a social security unit pursuant to special regulation<sup>16</sup>.

## § 10

### Partnership

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<sup>13b</sup> § 2 (d) of the Act No. 480/2002 Coll. on the asylum and on amendment of certain acts.

<sup>14</sup> § 71 of Act No. 461/2003 Coll. on social insurance.

<sup>15</sup> Act No. 461/2003 Coll., as amended by later regulations.

<sup>16</sup> Act No. 328/2002 Coll. on social security of police officers and soldiers and on amendment of certain acts, as amended by later regulations.

(1) For the purposes of this Act a partnership is an association of legal persons<sup>17</sup> established in order to realise specific projects and programmes in support of employment. A partnership may be established primarily by the Office, district office (*obvodný úrad*), municipality, self-governing region, non-governmental organisation, business entity, bank and charitable organisation.

(2) The participants of a partnership shall conclude written agreement on the establishment of the partnership in order to realise the applicable project or programme in support of employment, specifying mainly

- a) The participants of the partnership,
- b) The date of establishing and duration of the partnership,
- c) The purpose of the partnership,
- d) The rights and obligations of participants of the partnership,
- e) The financing method of the partnership purpose.

### **PART THREE**

#### **EMPLOYMENT SERVICES**

##### **§ 11**

(1) For the purposes of this Act employment services is defined as the system of institutions and instruments providing support and assistance to participants of the labour market while

- a) Seeking employment,
- b) Changing employment,
- c) Occupying vacancies, and
- d) Implementing active labour market measures, with special regard to the vocational assertion of disadvantaged job seekers pursuant to § 8.

(2) Employment services on the territory of the Slovak Republic shall provide

- a) The Centre and the Office,
- b) Legal person and natural person executing mediation of employment, professional consultancy, and implementing active labour market measures by written agreement concluded with the competent Office, or by written agreement concluded in the scope of a partnership pursuant to § 10,
- c) Legal person and natural person executing fee charged mediation of employment,
- d) The agency for temporary employing, and
- e) The agency for supported employing.

(3) Instruments of support and assistance are instruments provided pursuant to § 32 to § 60.

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<sup>17</sup> Civil Code.

## § 12 Competences of the Centre

The Centre has the following competences

- a) To manage, control and coordinate the activities of Offices in the field of employment services,
- b) To elaborate the proposal of employment services' priorities in the respective year and to present it for approval to the Ministry of Labour, Social Affairs and Family of the Slovak Republic (hereinafter referred to as "the Ministry"; *Ministerstvo práce, sociálnych vecí a rodiny Slovenskej republiky, ďalej len "ministerstvo"*),
- c) To determine the minimum scope of employment services provided by the Office,
- d) To prepare and realise national projects financed by the European Social Fund toward improving the situation in the labour market,
- e) To provide for methodical guidance of Offices in the preparation and realisation of projects financed by the European Social Fund toward improving the situation in the labour market within their respective territorial boundaries,
- f) To approve, upon discussion with the Ministry of Education of the Slovak Republic, national programmes of education and preparation for the labour market,
- g) To approve and realise projects and programmes pursuant to § 54,
- h) To establish facilities for fulfilling tasks pursuant to this Act,
- i) To organise the activity of professional consilium of medical assessors (*odborné konzílium posudkových lekárov*) and to issue opinion of the professional consilium of medical assessors,
- j) To issue, change, suspend, cancel, or issue a duplicate of the licence to a legal person or a natural person for
  1. fee charged mediation of employment, pursuant to § 26 (1), or § 27 (2),
  2. the activity of the agency for temporary employing, pursuant to § 29 (4) or § 31 (3),
  3. the activity of the agency for supported employing, pursuant to § 58 (6) or (15),
- k) To fulfil the obligations pursuant to a special regulation<sup>18</sup>,
- l) To mediate employment for citizens of the Slovak Republic in the Member States of the European Union, to carry out activities in link with notification of vacancies that may be filled by alien, to send to the European Co-ordination Office applications for employment submitted by citizens of the Slovak Republic interested in employment in a Member State of the European Union, to manage activities of the Offices and provide them with methodical guidance in the relevant field,
- m) To control adherence to this Act and to generally binding legal regulations issued on the basis of this Act and to control illegal work and illegal employment pursuant to a special regulation;<sup>18a</sup> detected cases of illegal work and illegal employment shall be communicated to the respective Labour Inspectorate, Social Insurance Agency and also the Police Forces, as far as a alien performing illegal work is concerned,
- n) To execute the functions of a state administration in the second instance in matters which were decided by an Office in the first instance,
- o) To publish statistical information in at least monthly intervals about the state, development and structure of employment and about the state, development and

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<sup>18</sup> § 233 of the Act No. 461/2003 Coll. as amended by the Act No. 82/2005 Coll.

<sup>18a</sup> Act No. 82/2005 Coll. on illegal work and illegal employment and on amendment of certain acts, as amended by the Act No. 125/2006 Coll.

- structure of active labour market measures, and to submit the results of such statistical surveys to the Ministry,
- p) To cooperate with the Social Insurance Agency in checks of sustained entitlement to benefit,
  - r) To request information in monthly intervals from the Social Insurance Agency about the state of inflow and outflow of recipients of unemployment benefits,
  - s) To maintain a central register<sup>18b</sup> of data on commencing and termination of a job of a citizen of a Member State of the European Union and his/her family members and to maintain a central register<sup>18b</sup> of data on commencing and termination of a job of an alien who is not required to submit the work permit pursuant to § 22(7),
  - t) To publish a list of natural and legal persons, pursuant to § 67a, in respect of whom the Centre and the Office have recorded receivables,
  - u) To provide for further education of employees working in the field of employment services,
  - v) To elaborate labour market analyses and development prognoses,
  - w) To maintain the central register<sup>18b</sup> of work permits issued to aliens and to maintain a central register of data<sup>18b</sup> specified in § 23(9),
  - x) To decide on imposing a penalty,
  - y) To cover expenses for a medical performance pursuant to § 20a.

### § 13

#### Competences of the Office

- (1) The Office has the following competences
- a) To mediate suitable employment to job seekers and persons interested in employment,
  - b) To maintain register of
    - 1. Job seekers,
    - 2. Persons interested in employment,
    - 3. Vacancies,
    - 4. Employers, within their respective territorial boundaries,
  - c) To provide with information and advisory services,
  - d) To provide with professional consultancy,
  - e) To decide on the
    - 1. Placement or non-placement of job seekers in the register of job seekers, and on their removal from the register of job seekers,
    - 2. Obligation of employers to pay levies for failure to meet the statutory proportion of employing disabled citizens pursuant to § 65,
    - 3. Granting of previous consent to the termination, by employer's notice, of employment relationship of an employee who is a disabled citizen pursuant to § 9(1)(a),
    - 4. Imposing a penalty,
  - f) To hear infractions (*"priestupky"*) pursuant to special regulation<sup>18a</sup>,
  - g) To organise medical assessors' activity within the scope of this Act,
  - h) To manage the activity of workplaces established within its territorial boundaries,
  - i) To implement active labour market measures within its territorial boundaries,

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<sup>18b</sup> Council Regulation (EEC) No. 311/76 of 9 February 1976 on the compilation of statistics on foreign workers (OJ L 039, 14.2.1976, p. 1).



- j) Announce public procurement call pursuant to special regulation<sup>19</sup> for the purposes of this Act,
- k) To submit proposals to the Centre on establishing facilities for fulfilling duties pursuant to this Act,
- l) To establish agency for temporary employing and agency for supported employing as necessary,
- m) To approve and realise projects and programmes pursuant to § 54,
- n) To elaborate and realise projects financed by the European Social Fund toward improvement of the labour market situation within its territorial boundaries,
- o) To create partnerships pursuant to § 10,
- p) To carry out obligations in connection with collective redundancies pursuant to a special regulation<sup>20</sup>,
- r) To control compliance with this Act and with generally binding legal regulations issued on the basis of this Act and to control illegal work and illegal employment pursuant to a special regulation<sup>18a</sup>; detected cases of illegal work and illegal employment shall be communicated to the competent Labour Inspectorate, Social Insurance Agency and, in case of an alien performing illegal work, also to the Police Forces,
- s) To request information, in monthly intervals, from the applicable branch offices of the Social Insurance Agency about the state of inflow and outflow of recipients of unemployment benefits in the relevant month until the 10<sup>th</sup> of the following calendar month at latest,
- t) To cooperate with the Social Insurance Agency branch offices in checks of sustained entitlement to benefits,
- u) To communicate data to the register of insured persons and savers of the old age pension saving of the Social Insurance Agency, pursuant to a special regulation,<sup>20a</sup>
- v) To provide for further education of employees,
- w) To elaborate analyses and development prognoses of the labour market within its territorial boundaries and to submit them to the Centre,
- x) To execute monthly and quarterly statistical surveys on unemployment within its territorial boundaries and to submit the results to the Centre,
- y) To submit draft projects submitted by legal persons or by natural persons pursuant to § 54(2)(c) and (d) to the Committee for employment issues for approval, and to inform such persons about the results of the procedure of approval,
- z) To receive applications of citizens for the mediation of employment in Member States of the European Union and to submit them to the Centre,
- aa) To provide information to citizens about opportunities of employment abroad,
- ab) To inform the job seeker about his/her equal treatment right in respect of access to employment,
- ac) To submit to the municipality, monthly data on job seekers pursuant to § 52(4) until the 20<sup>th</sup> day of the following calendar month at latest,
- ad) To issue certificates to job seekers about the duration of being filed in the register of job seekers,
- ae) To monitor the use of jobs for which contributions were granted pursuant to § 49, §50, § 56 and § 57,

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<sup>19</sup> Act No. 25/2006 Coll. on public procurement and on amendment of certain acts.

<sup>20</sup> § 73 of Act No. 311/2001 Coll., as amended by Act No. 210/2003 Coll.

<sup>20a</sup> § 233(12) of the Act No. 461/2003 Coll., as amended by the Act No. 82/2005 Coll.

af) To inform in writing for purpose of service of the sentence of compulsory work<sup>20b</sup> the district court, in the district where the Office has domicile on vacancies offer in the service suppliers of the activation activity pursuant to § 52(2), which can not be filled by the jobseekers.

(2) The Office has the following competences in the field of integration of disabled citizens, additionally to those specified in paragraph 1,

- a) Establishing special organisational units for the integration of disabled citizens,
- b) Designating jobs unsuitable for disabled citizens in the register of vacancies,
- c) Controlling the compliance of employers with the statutory proportion of employing disabled citizens in their total numbers of employees, and controlling their fulfilment of obligations pursuant to § 63(1).

(3) The Office has the following competences regarding the employing of a citizen a Member State of the European Union and his/her family members and an alien

- a) Notifying the Centre of vacancies that may be filled by alien,
- b) Informing an alien about the possibilities of employment within its territorial boundaries and issuing work permit to an alien.
- c) To maintain a register of<sup>18b</sup>
  - 1. Data related to the commencement of the employment and termination the employment of the citizen of a Member State of the European Union and his/her family members,
  - 2. Data related to the commencement of the employment and termination the employment of the alien who is not required to submit a work permit, pursuant to § 22(7),
  - 3. The number of work permits issued to the aliens,
  - 4. The data specified in § 23(9),
- d) To notify the Centre of the number of issued work permits to aliens and the data referred to in § 23(8) and (9), in the calendar month until the 20<sup>th</sup> day of the next calendar month at latest.

## § 14

### **Right of Access to Employment**

*(Právo na prístup k zamestnaniu)*

(1) The right of access to employment is the right of the citizen, wishing and able to work and seeking employment, to services assisting him/her in

- a) Seeking out a suitable employment,
- b) Receiving education and preparation for the labour market required for his/her assertion in the labour market.

(2) A citizen has the right of access to employment without any restrictions, in compliance with the principle of equal treatment in labour law relations and similar legal

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<sup>20b</sup> Act No. 528/2005 Coll. on service of the sentence of compulsory work and on amendment of the Act No. 5/2004 Coll. on employment services and on amendment of certain acts, as amended by later regulations (Act on service of the sentence of compulsory work; *zákon o výkone trestu povinnej práce*).

relations, provided for under a special regulation.<sup>20c</sup> In compliance with the principle of equal treatment, discrimination is prohibited also on the grounds of marital status and family status, colour of skin, language, political or other conviction, trade union activity, national or social group affiliation, disability, age, property, lineage or other status.

(3) The enforcement of the rights and obligations arising out of the right of access to employment must be in compliance with good morals. Nobody may abuse such rights and obligations to the damage of another citizen. Nobody may be persecuted or otherwise sanctioned, for exercising the right of access to employment because of making a complaint before the Office against another citizen, or making a complaint, bringing a charge or action to commence criminal proceedings against an employer.

(4) A citizen shall have the right to make a complaint before the Office in connection with the infringement of the rights and obligations, laid down in provisions of paragraphs 1 to 3; the Office shall be obliged to respond to such complaint without undue delay, take remedial action, abstain from such conduct, and eliminate the consequences thereof.

(5) The Office may not discipline or disadvantage a citizen for claiming his/her rights arising out of the right of access to employment.

(6) A citizen who feels his or her rights, or legally protected interests have been injured as a result of non-compliance with the rights provided under paragraphs 1 to 5, may, pursuant to a special regulation, claim legal protection before the court.<sup>20c</sup>

(7) A citizen shall have the right to freely choose and carry out employment throughout the territory of the Slovak Republic, or may seek employment abroad.

## **§ 15**

### **Suitable Employment**

*(Vhodné zamestnanie)*

(1) For the purposes of this Act a suitable employment is defined an employment that takes in account the state of health, qualification and professional skills of the citizen, and considers the nature of recently performed work.

(2) Suitable employment for employment mediation purposes is defined as an employment where the weekly working hours are not less than one half of the determined weekly working hours.

(3) Suitable employment is sought by the citizen himself/herself, with assistance of the Office or with assistance of a legal person or natural person pursuant to § 25 and 58.

## **§ 16**

### **The Committee for Employment Issues**

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<sup>20c</sup> Act No. 365/2004 Coll. on equal treatment in certain areas and protection against discrimination and on amendment of certain acts (Antidiscrimination Act).

*(Výbor pre otázky zamestnanosti)*

- (1) The Office establishes the Committee for employment issues for the purpose of resolving essential employment issues and for approving the application of active labour market measures within its territorial boundary (hereinafter referred to as “the Committee”).
- (2) The Committee has eight members, four of whom are representatives of the Office, two are representatives of the self-governing region and two are representatives of self-governments of towns and municipalities.
- (3) The self-governing region shall be represented by two representatives of the self-governing region relating to the competent Office.
- (4) Representatives of the Office shall be appointed and recalled by the director general of the Centre.
- (5) Representatives of the self-governing region are appointed and recalled by the representative body of the self-governing region.
- (6) Representatives of self-governments of towns and municipalities are appointed and recalled by the representative organisation of towns and municipalities.
- (7) Committee meetings have the quorum in the presence of a simple majority of its members.
- (8) The Committee brings its decisions in the form of resolutions. A resolution is accepted with the consenting votes of the simple majority of the present members.
- (9) The director of the Office or his/her appointee attends to the Committee meetings.
- (10) Discussions at Committee meetings shall be held in compliance with the rules of procedures.
- (11) Meetings of the Committee shall be held as required, but not less than in quarterly intervals.

**§ 17**

**Membership of the Committee**

- (1) The term of office of Committee members is four years.
- (2) The Committee elects the chairman and vice-chairman from among its members, one of whom shall be a representative of territorial self-government and one a representative of the Office.
- (3) The functions of Committee members are mutually incompatible; a member of the Committee may execute his/her function in a single Committee only.

(4) Committee member is entitled to compensation of expenses occurring in connection with the execution of their functions in the Committee pursuant to special regulation<sup>21</sup>. A Committee member may be awarded remuneration once in a year for the execution of his/her function. The amount of remuneration shall be determined by the Centre in the form of internal regulation.

(5) Membership of the Committee is defined as obstructions for reasons of general interest, entitling the employee to time off with wage compensation.

(6) Execution of the Committee member's function by proxy is unacceptable.

(7) Membership in the Committee shall expire

- a) By lapse of the term of office,
- b) By revocation of the member,
- c) By written resignation on the membership,
- d) By death of the member.

(8) The entity who appointed the Committee member shall, by proposal of the Committee, recall him/her in the following cases

- a) Law full conviction of the member for a wilful crime,
- b) Commencement of activities incompatible with membership by the Committee member,
- c) Failure to attend to Committee meetings twice in consecution without noteworthy reasons,
- d) By proposal of the authority having appointed the member.

(9) The Committee member shall maintain strict confidentiality about all facts learned during or in link with the execution of his/her function, which cannot, in the Office's interests, be disclosed to other persons.

## **§ 18 Competence of the Committee**

(1) The Committee has the competence to give approval to the following:

- a) Priorities of implementing active labour market measures and priorities in the field of education and preparation for the labour market,
- b) The application and scope of funding of those active labour market measures which cannot be claimed by statute and which are not simultaneously co-financed from the European Social Fund, including projects and programmes pursuant to § 54(2)(c) and (d).

(2) The Office, by request of a legal person or of a natural person, submits proposals pursuant to paragraph 1 to the Committee for approval.

## **PART FOUR**

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<sup>21</sup> Act No. 283/2002 Coll. on the reimbursement of travel expenses, as amended by later regulations.

**§ 19**  
**Medical Assessment**  
(*Lekárska posudková činnosť*)

(1) For the purposes of this Act, medical assessment is defined as the evaluation of health capacity of the job seeker, including evaluation made on his/her

- a) Possible taking up a suitable employment with regard to the state of health,
- b) Possible participation in an active labour market measures programme and in activation activity with regard to the state of health,
- c) Justified health reasons for terminating, due to health reasons, the operation or performance of self-employment supported with a contribution pursuant to § 49 or § 57.

(2) Medical assessment pursuant to paragraph 1(a) is executed when the job seeker refused to accept a suitable employment due to health considerations.

(3) Medical assessment pursuant to paragraph 1(b) is executed when the job seeker refused participation in an active labour market measures programme and in activation activities or has not completed participation in active labour market measures and in activation activities due to the reason of not considering his/her state of health.

(4) Assessment of health reasons justification pursuant to paragraph 1 is executed by the medical assessor, based on the opinion issued by the Social Insurance Agency or by the social security unit pursuant to a special regulation<sup>16</sup>, on evaluation of the medical abstract of the attending physician documentation or on a written statement on state of health of the health care provider, submitted by the job seeker or by the self-employed person.

(5) The Centre and of the Office shall ensure the execution of medical assessment.

(6) Medical assessment is executed by a physician with a specialization diploma in the field of medical assessment medicine (*posudkové lekárstvo*), or by a physician with a specialization diploma in the field of general medicine (*všeobecné lekárstvo*) and certificate of industrial medical service with at least three years of specialized medical experience.

(7) The opinion elaborated by the medical assessor shall show the following

- a) Name, surname, date of birth and permanent address of the assessed job seeker or self-employed person,
- b) Characteristics of the offered job or of the specific active labour market measures programme or activation activity,
- c) Summary assessment of the suitability or unsuitability of the job or of the specific active labour market measures programme or activation activity for the job seeker with regard to the his/her state of health,
- d) Characteristics of the job operated or performed by the self-employed person receiving a contribution pursuant to § 49 or § 57,
- e) Summary assessment of whether or not health reasons justify termination of the operation or performance of self-employment supported with a contribution pursuant to § 49 or § 57.

(8) The opinion shall be exclusively used for decisions of professional consilium of medical assessors pursuant to § 20, or for examining a court order on removal of the job seeker from the register of job seekers, and shall show the medical assessor's note of the medical abstract<sup>22</sup> of the attending physician documentation used for evaluated of the health capacity of the job seeker, or of the self-employed person receiving a contribution pursuant to § 49 or § 57.

(9) The opinion pursuant to paragraph 7 is used to decide on removal of the job seeker from the register of job seekers, or on the existence or lack of justified health reasons for terminating the operation or performance of self-employment supported with contributions pursuant to § 49 or § 57; the Office shall supply a copy of the opinion to the job seeker or self-employed person.

(10) When the assessed job seeker or self-employed person disagreed with the opinion made under paragraph 7, he/she may, within five working days from delivery thereof, apply to the Office for examination of the opinion by a professional consilium of medical assessors.

(11) For the purposes of this Act medical assessment includes also monitoring of the procedure applied in the job seeker's capacity assessment and control of the therapeutic regimen observance by the job seeker during his temporary work incapacity. While monitoring the therapeutic regimen observance by the job seeker during his temporary work incapacity, the medical assessor shall cooperate with the attending physician pursuant to a special regulation.<sup>22aa</sup>

(12) Control of the therapeutic regimen observance by the job seeker during his temporary work incapacity includes an inspection either in the apartment of the job seeker during his/her temporary work incapacity, with his/her consent, or in a place where the job seeker during his temporary work incapacity is expected to stay.

(13) While performing an inspection of the therapeutic regimen observance, pursuant to paragraph 12, the employee of the Office shall be obliged to present an authorisation for inspection to the job seeker during his temporary work incapacity.

## § 20

### **Professional Consilium of Medical Assessors**

*(Odborné konzílium posudkových lekárov)*

(1) The professional consilium of medical assessors consists of three medical assessors of the Offices. The Centre's medical assessor appoints, from case to case, members of the professional consilium of medical assessors from among the Offices' medical assessors. The medical assessor, who issued the opinion to be examined, is not eligible for membership in the professional consilium of medical assessors.

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<sup>22</sup> Act No. 428/2002 Coll. on the protection of personal data, as amended by later regulations..

<sup>22aa</sup> Act No. 576/2004 Coll. on health care, services related to medical care provision and on amendment of certain acts, as amended by later regulations.

(2) The medical assessor, who issued the opinion to be examined, submits the opinion to the professional consilium of medical assessors pursuant to § 19(7); the professional consilium of medical assessors may request additional documentation from the job seeker or the self-employed person who received the contribution pursuant to § 49 or § 57 and applied for verification of the opinion by the professional consilium of medical assessors.

(3) The Centre's medical assessor shall call the professional consilium of medical assessors as to ensure issuing of the professional consilium of medical assessors opinion until 30 day from delivering of the application of the job seeker or self employed person receiving the contribution pursuant the § 49 or § 57. The professional consilium's of medical assessors opinion shall include the particulars pursuant to § 19(7).

(4) The opinion issued by the professional consilium of medical assessors is the base document in deciding on removal of the job seeker from the register of job seekers or on remitting his/her obligation to refund the proportional part of the contribution received pursuant to § 49 or § 57.

### **§ 20a**

For the purposes of the job seeker's health capacity assessment, the medical performance is represented by issuance of a confirmation proving the job seeker's temporary work incapacity.

## **PART FIVE**

### **§ 21**

#### **Employing of Aliens**

*(Zamestnávanie cudzincov)*

(1) The alien who is a participant of legal relations pursuant to this Act has the same legal status as a citizen of the Slovak Republic, if the alien

- a) Was issued a work permit and temporary stay permit for the propose of employment, or
- b) It involves an asylum seeker, whose access to the labour market is permitted by a special regulation.<sup>22a</sup>

(2) The employer with domicile in the territory of the Slovak Republic may accept in an employment only the alien meeting the conditions pursuant to paragraph 1, unless stipulated otherwise by the Act.

(3) Before arriving in the territory of the Slovak Republic, the alien pursuant to paragraph 1(a) shall apply in writing to the competent Office for a work permit, either by himself/herself or through the future employer, or through the legal person or natural person to whom he/she should be posted to perform work.

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<sup>22a</sup> § 23(6) of the Act No. 480/2002 Coll., as amended by later regulations.



(4) The competent Office issuing the work permit is the Office of territorial competence at the work location of the alien.

(5) The work permit application shall show in particular

- a) Name, surname and date of birth of the alien,
- b) Address in the state of permanent residence and address for mail delivery,
- c) Travel document number and name of the issuing authority,
- d) Name, domicile, identification number and type of economic activity of the employer,
- e) Type, location and period of work performance.

(6) The application for issuing the work permit shall be accompanied with the employer's promissory statement to employ the alien.

## § 22 Work Permit

(1) The competent Office may grant the alien a work permit, providing that the vacancy could not be filled by a job seeker in the register of job seekers.

(2) In issuing the work permit the Office shall consider the labour market situation.

(3) The work permit shall show in particular

- a) Name, surname and date of birth of the alien,
- b) Address in the state of permanent residence and address for mail delivery,
- c) Location of the work,
- d) Type of work,
- e) Name, domicile, identification number and type of economic activity of the employer,
- f) Validity period of the work permit.

(4) There is no legal claim to the issuance of a work permit.

(5) The Office shall, without taking in account the labour market situation, issue a work permit to the alien

- a) In accordance with an international agreement binding the Slovak Republic, which was published in the Collection of Acts of the Slovak Republic,
- b) Going to be employed for a specific time period, not exceeding one year, in order to improve his/her qualification in the employment (stagier),
- c) Up to 26 years of age, who is employed by performing occasional and time-restricted work within school exchange programmes or youth programmes, of which the Slovak Republic is a participant,
- d) Executing systematic educating activity or scientific activities in the Slovak Republic as a pedagogic employee or academic employee of an university or research employee or as a development employee in a research,
- e) Commissioned by a registered churches or religious societies to execute clerical activities,
- f) Who was granted supplementary protection (*doplňková ochrana*)<sup>23</sup>,

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<sup>23</sup> Act No. 480/2002 Coll., as amended by later regulations.

- g) Whose permit for tolerated stay was extended because of the person concerned had been a victim of crime offence pertinent to trafficking with human beings<sup>23a</sup>,
- h) Who was granted a permit for tolerated stay for reasons of respect of his/her private and family life.<sup>24</sup>

(6) A work permit is also required for the alien

- a) Employed by an employer whose domicile or site of organisational unit with labour law personality is outside of the territory of the Slovak Republic and posted by that employer to perform work in the territory of the Slovak Republic, based on a contract concluded with a legal person or with a natural person,
- b) Going to be employed in a border area of the Slovak Republic, who would return at least once in a week into the state of his/her permanent residence neighbouring with the Slovak Republic; a border area of the Slovak Republic is defined as the territory of a district neighbouring with to the state borders.

(7) Issuance of a work permit is not required to the alien

- a) Holding a permanent residence permit valid for the territory of the Slovak Republic,
- b) Who was granted a temporary stay permit for the purpose of family reunification and he/she may enter a labour-law relation or similar legal relationship pursuant to a special regulation,<sup>24a</sup>
- c) Who was granted a temporary stay permit for study purposes and whose duration of employment in the territory of the Slovak Republic does not exceed 10 hours per week, or the corresponding number of days or months in a year,
- d) Who is a foreign Slovak,<sup>25</sup>
- e) Who is an asylum seeker and whose access to the labour market is permitted by special regulation<sup>22a</sup> or who was granted an asylum,<sup>13b</sup>
- f) Who was granted a temporary shelter,<sup>27</sup>
- g) Whose employment on the territory of the Slovak Republic does not exceed seven consecutive calendar days or the total of 30 calendar days in a calendar year and who is
  1. A pedagogic employee, academic employee of an university, scientific, research or development worker participating in a professional scientific event,
  2. A performing artist, participating in an artistic event,
  3. A person providing in the Slovak Republic for supply of goods or services or supplying such goods or performing installation works on the basis of a commercial contract, or performing warranty services and repairs,
- h) Who was accepted in an employment, based on an international agreement binding the Slovak Republic and published in the Collection of Acts of the Slovak Republic, stipulating that acceptance of such an alien in the employment is not contingent upon issuance of a work permit,
- i) Who is the member of the family of a diplomatic mission member, or of an employee of a consular office, or family member of the employee of an international governmental organisation whose registered office is in the territory of the Slovak

<sup>23a</sup> § 43 (8) of the Act No. 48/2002 Coll., as amended by later regulations

<sup>24</sup> § 43 (1)(f) of the Act No. 48/2002 Coll., as amended by later regulations.

<sup>24a</sup> § 23 of the Act No. 48/2002 Coll., as amended by later regulations.

<sup>25</sup> § 2 of Act No. 474/2005 Coll. on the Slovaks living abroad and on amendment of certain acts.

<sup>27</sup> § 2(e) of Act No. 480/2002 Coll.

- Republic, providing mutuality guaranteed by an international agreement concluded on behalf of the Government of the Slovak Republic,
- j) Who is a member of a rescue unit and provides assistance on the basis of an inter-state agreement on mutual assistance while eliminating the consequences of accidents and natural disasters, as well as in humanitarian assistance cases,
  - k) Who is a member of the armed forces or of a civilian branch of the armed forces of the state having delegated the alien,<sup>28</sup>
  - l) Who performs work within his/her systematic vocational preparation at a school or at a schooling facility that is included in the system of schools, schooling facilities or pre-school establishments,
  - m) Who was assigned to perform activities in the territory of the Slovak Republic within the framework of services of an employer whose domicile is in another Member State of the European Union,<sup>29</sup>
  - n) Who is the partner of a commercial partnership (*spoločník obchodnej spoločnosti*) or the authorized body (*štatutárny orgán*) of a commercial partnership or a member of the authorized body of a commercial partnership, performing the activity on behalf of the commercial partnership in the territory of the Slovak Republic or who is a member of a cooperative or a member of the authorized body of a cooperative or of another body of a cooperative, performing the activity on behalf of that cooperative in the territory of the Slovak Republic,
  - o) Who is employed in international mass transport and was posted by his/her foreign employer to perform the work in the territory of the Slovak Republic,
  - p) Holding a mass media accreditation.
- (8) The Office shall not issue a work permit to the alien who
- a) Applies for asylum; this shall not apply, where it involves an alien, pursuant to § 21(1)(b), or
  - b) Fails to meet any of the conditions of issuance of the work permit specified in this Act.

### § 23 Validity of the Work Permit

- (1) Validity of the work permit shall expire
- a) By lapse of the period of issuance,
  - b) Upon termination of the employment before lapse of the period of validity of the work permit,
  - c) By lapse of validity of the stay permit issued to the alien, or
  - d) Upon expiry of the stay permit for other reasons,
  - e) Upon completion of the proceedings, pursuant to a special regulation<sup>22a</sup>, in the case of an alien, pursuant to § 21(1)(b).

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<sup>28</sup> Notice No. 324/1997 Coll. of the Ministry of Foreign Affairs of the Slovak Republic on concluding the Contract between the Member States of the North Atlantic Treaty on one hand, and other states participating in the Partnership for Peace on the other hand, relating to the statute of their armed forces.

<sup>29</sup> Article 53 and Article 56 of the European Association Agreement - Notice No. 158/1997 Coll. of the Ministry of Foreign Affairs of the Slovak Republic on signature of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Slovak Republic, of the other part.

(2) The Office having issued the work permit may withdraw it in case of violation of generally binding legal regulations by the alien.

(3) The competent Office issues the work permit with one-year validity at most; with six-month validity in any one calendar year at most in case of seasonal works, in which case a period of at least six months shall separate two individual employments in the territory of the Slovak Republic.

(4) By application of the alien the Office may repeatedly extend the work permit by one year at most, while taking the labour market situation in account.

(5) Extension of the work permit is preconditioned by remaining employed by the same employer. The extension shall be applied for in writing by the alien to the competent Office at least 30 days before expiry of validity of his/her work permit.

(6) The provision of § 21(5) remains applicable to the application for extending the work permit. The application shall be accompanied with the employer's undertaking that he shall continue employing the alien.

(7) The national (*tuzemská*) legal person or the national natural person who concluded with a foreign legal person or with a foreign natural person a contract for assigning employees of a foreign employer to work in the territory of the Slovak Republic remains responsible for the working conditions and for the conditions of employing pursuant to a special regulation.<sup>30</sup>

(8) The employer is obliged to inform the Office, in writing, on the commencement of the employment and termination of the employment of the citizen of a Member State of the European Union and his/her family members and on the commencement of the employment and termination of the employment of an alien who is not required to submit any work permit pursuant to § 22(7), within seven working days after the commencement of the employment at the latest and within seven working days after the termination of employment at the latest.

(9) The employer is obliged to inform the Office in writing, within seven days at the latest, of the fact that the alien who had been granted a work permit, either did not commence the employment or his/her employment finished before expiration of the employment period specified in the work permit.

## § 24

### **Authorisation to adopt National Measures in the Field of Employment**

*(Splnomocnenie na prijatie národných opatrení v oblasti zamestnávania)*

(1) Whenever a Member State of the European Union applies the national measures with respect to the citizens of the Slovak Republic and of their family members under the conditions set forth in the Treaty of Accession of the Slovak Republic to the European Union, or fully or partially suspends the application of Articles 1 to 6 of Council

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<sup>30</sup> Act No. 311/2001 Coll., as amended by later regulations. Act No. 124/2006 Coll. on occupational safety and health protection and on amendment of certain acts.

Regulation (EEC) No. 1612/68 on freedom of movement for workers within the Community, the Government of the Slovak Republic may stipulate, by the regulation, equivalent measures, including the scope thereof, with respect to that Member State.

(2) Should the European Commission, by request of the Slovak Republic made in link with the free movement of persons, notify, under the conditions set forth in the Treaty of Accession of the Slovak Republic to the European Union, full or partial suspending of the application of Articles 1 to 6 of Council Regulation (EEC) No. 1612/68 on freedom of movement for workers within the Community by the Slovak Republic in order to restore to normal the situation in labour market, the Government of the Slovak Republic may stipulate by regulation, with respect to which Member State shall suspend the application of Articles 1 to 6 of Council Regulation (EEC) No. 1612/68 on freedom of movement for workers within the Community and the scope of thereof.

## **PART SIX**

### **EMPLOYMENT SERVICES PROVIDED BY LEGAL PERSON AND BY NATURAL PERSON**

#### **§ 25**

#### **Licence to Fee Charged Mediation of Employment**

*(Sprostredkovanie zamestnaní za úhradu)*

(1) Fee charged mediation of employment may be carried out by a legal person or by a natural person who was licensed for such activities by the Centre under the conditions established by this Act (hereinafter referred to as “the mediator”; “*sprostredkovateľ*”).

(2) The sum of payment for mediation of employment shall be negotiated between the mediator and legal person or natural person, for whom an employee is being mediated.

(3) The mediator may collect a fee from natural persons up to the specified value of the services provided in connection with his/her mediation of employment; the fee shall only be collectible after the actual mediation of an employment.

(4) The mediator who mediates fee charged employment abroad shall conclude a written agreement with the citizen on the fee charged mediation of employment. The agreement on the fee charged mediation of employment shall show in particular

- a) Name, address, identification number and type of economic activity of the foreign employer,
- b) Duration of the employment,
- c) Type of work, wage or salary, and other working conditions,
- d) Methods and conditions of health insurance and social insurance,
- e) Scope of the mediator’s responsibility for his failure to comply with the conditions of the agreement,
- f) Sum of the fee payable for the mediation of employment pursuant to paragraph 3.

(5) The mediator shall inform the citizen for whom employment abroad is mediated about the rights and obligations linked to the employment abroad.

## § 26

### **Licence to Fee Charged Mediation of Employment** (*Povolenie na sprostredkovanie zamestnania za úhradu*)

**Naformátováno:**  
Francouzština (France)

(1) The licence to fee charged mediation of employment shall be issued by the Centre for indefinite period. Subject to application in writing by the mediator, the Centre will change, suspend, cancel the licence to fee charged mediation of employment or issue its duplicate. The Centre shall issue a duplicate in the case of loss, theft, or damage to the licence to fee charged mediation of employment, or in the case of loss of the document on the change, suspension, or cancellation of the licence to fee charged mediation of employment.

(2) Issuance, change or the issue of the duplicate of the licence to fee charge mediation of employment is subject to payment of a charge pursuant to a special regulation.<sup>31</sup>

(3) The mediator whose licence for the fee charged mediation of employment has been cancelled on the basis of a proposal, pursuant to § 27(2), will be issued a new license to fee charged mediation of employment by the Centre not before the lapse of three years from the cancellation of the preceding license to perform fee charged mediation of employment.

(4) The application for the licence to fee charged mediation of employment shall show the following particulars

- a) Name, registered office, identification number and type of economic activity of the legal person or name, surname and permanent address of the natural person,
- b) Document in proof of the mediator's education; in the case of legal persons a document in proof of the education of the responsible individual,
- c) Range of employments mediated by the mediator,
- d) Territorial scope of the mediator's mediating activities,
- e) Subjects cooperating with the mediator in his mediation of employment abroad,
- f) Address of the location of work within an fee charged employment mediation, and
- g) The estimated sum payable fee charged mediation of employment.

(5) The application for a licence to fee charged mediation of employment shall be accompanied with the following documents

- a) The project of executing fee charged mediation of employment, including the estimated revenues and expenses,
- b) Contract for leasing, or document on ownership of the premises,
- c) Proof of availability of the material conditions enabling fee charged mediation of employment,
- d) Range of cooperating subjects, and
- e) Human resources who will realise fee charged the mediation of employment.

(6) The licence to fee charged mediation of employment shall mainly comprise the following particulars

- a) Name, registered office, identification number and type of economic activity of the legal person, or name, surname and permanent address of the natural person,
- b) Range of employments mediated by the mediator,

<sup>31</sup> National Council of the Slovak Republic Act No. 145/1995 Coll. on administrative charges, as amended by later regulations.

- c) Territorial scope of the mediator's mediating activities,
- d) Address of the location of performing fee charged mediation of employment.

(7) The mediator may perform fee charged mediation of employment, providing that he is a person of blameless reputation (*bezúhonný*), completed his secondary education at least, and that he is licensed to execute the relevant activities. In case of legal persons the blameless reputation condition and the condition of having at least complete secondary education shall be fulfilled by the person acting on behalf of the mediator while performing fee charged mediation of employment; for the purposes of this Act, blameless reputation shall be proven by presentation of a statement of criminal records<sup>32</sup>, predated 3 months at most.

## **§ 27**

### **Suspension of Activities and Cancellation of the Licence to Fee Charged Mediation of Employment**

*(Pozastavenie činnosti a zrušenie povolenia na sprostredkovanie zamestnania za úhradu)*

(1) The Centre may suspend the mediator's activities before lapse of validity of the licence until removal of the faults, or cancel the licence by proposal of the authorities pursuant to paragraph 2.

(2) The following authorities are empowered to submit a proposal to suspend the mediator's activities or to cancel the licence of fee charged mediator of employment:

- a) The competent tax office, having ascertained that a violation of legal regulations in the field of taxation<sup>33</sup> has taken place,
- b) The competent Office, having ascertained that a violation of legal regulations in the field of employment services has taken place,
- c) The National Labour Inspectorate, having ascertained that a violation of labour law regulations and regulations in the field of occupational safety and health protection<sup>34</sup> has taken place, and
- d) The citizen aggrieved in consequence of the mediator's activities.

## **§ 28**

### **Obligations of the Mediator**

The mediator shall

- a) Maintain a register of citizens for whom employment was fee charged mediated, showing mainly the following particulars
  1. Name, surname, date of birth, street and municipality or municipal district of the permanent residence address of the citizen whose employment was fee charged mediated,
  2. Name, address, identification number and field of economic activities of the employer with whom an employment was fee charged mediated,

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<sup>32</sup> Act No. 311/1999 Coll. on the register of criminal records, as amended by later regulations.

<sup>33</sup> Slovak National Council Act No. 511/1992 Coll. on the administration of taxes and duties and on changes in the system of territorial fiscal authorities, as amended by later regulations.

<sup>34</sup> Act No. 125/2006 Coll. on the labour inspection and on amendment of the Act No. 82/2005 Coll. on illegal work and illegal employment and on amendment of certain acts.

3. The state where employment was fee charged mediated,
  4. Date of fee charged mediation of employment and duration of the fee charge mediated employment,
- b) Provide the Centre with
1. The data on the range and structure of fee charged mediated employments and the data, pursuant to letter a) of the first point, without the consent of the person, who was provided with fee charged mediation of employment, for the purpose of the inspection activity; the data shall be provided as of the last day of the calendar month, not later than within the tenth day of the following calendar month, on the forms, whose content and method of submission shall be determined by the Centre,
  2. The report on activities once a year,
- c) Ensure protection of personal data pursuant to a special regulation<sup>22</sup>,
- d) Generate conditions for the control of compliance with legal regulations in the field of employment services, and submit the required information and documents to the controlling authorities.

## § 29

### **Agency for Temporary Employing** (*Agentúra dočasného zamestnávania*)

(1) For the purposes of this Act the agency for temporary employing is a legal person or a natural person employing a citizen in an employment relationship (hereinafter referred to as “temporary employee”; “*dočasný zamestnanec*”) toward his/her temporary assignment to the using employer.<sup>35</sup>

(2) The agency for temporary employing is entitled to collect an agreed fee from the using employer for the temporary assignment of the temporary employee; a fee shall not be collected from the temporary employee for his/her temporary assignment.

(3) A natural person may execute the activities of an agency for temporary employing, providing that he/she is a person of blameless reputation, completed his secondary education at least, and that he/she is licensed to execute the relevant activities. In case of legal persons the blameless reputation condition and the condition of having at least completed secondary education shall be fulfilled by the person acting on behalf of the agency for temporary employing; for the purposes of this Act, blameless reputation shall be proven by presentation of a statement of criminal records<sup>32</sup>, predated 3 months at most.

(4) The licence to perform the activity of an agency for temporary employing shall be issued by the Centre for indefinite period. Subject to application in writing by the agency for temporary employing, the Centre will change, suspend, cancel, or issue a duplicate of the licence for the activity of an agency for temporary employing. The Centre shall issue a duplicate in the case of loss, theft, or damage to the licence to perform the activity of the agency for temporary employing, or in the case of loss of the document on the change, suspension, or cancellation of the licence for the performance of the activity of the agency for temporary employing.

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<sup>35</sup> § 58 of Act No. 311/2001 Coll., as amended by later regulations.



(5) The agency for temporary employing, whose licence for the performance of the activity of an agency for temporary employing has been cancelled on the basis of a proposal, pursuant to § 31(3), shall be issued a new license for the activity of the agency for temporary employing by the Centre not before the lapse of three years from the cancellation of the preceding license to perform the activity of an agency for temporary employing.

(6) The application for a licence to perform activities of an agency for temporary employing shall show in particular

- a) Name, registered office, identification number and type of economic activity of the legal person, or name, surname and permanent address of the natural person,
- b) Document in proof of education of the natural person; in the case of legal persons the document in proof of education of the individual acting on behalf of the legal person,
- c) Territorial scope of activities to be performed by the legal person or natural person.

(7) The application for a licence to perform activities of an agency for temporary employing shall be accompanied with the following documents

- a) Project of activities of the agency for temporary employing, including its estimated revenues and expenses,
- b) Contract for leasing, or document on ownership of the applicable premises,
- c) Proof of the availability of material conditions enabling to carry out activities of the agency for temporary employing,
- d) Range of cooperating subjects, and
- e) Human resources, realising the activities of the agency for temporary employing.

(8) The licence to execute activities of the agency for temporary employing shall show in particular

- a) Name, registered office, identification number and type of economic activity of the legal person, or name, surname and permanent address of the natural person,
- b) Territorial scope of activities of the agency for temporary employing,
- c) Range of employments for which temporary employees would be assigned by the agency for temporary employing.

(9) Issuance, the change or the issue of a duplicate of the licence to execute activities of the agency for temporary employing is subject to a charge, payable pursuant to a special regulation.<sup>31</sup>

### § 30

#### **Working Conditions and Conditions of Employment**

*(Pracovné podmienky a podmienky zamestnávania)*

(1) The agency for temporary employing shall provide protection to the temporary employee with regard to working conditions and conditions of employment pursuant to a special regulation<sup>30</sup>.

(2) The provision of protection to the temporary employee is controlled by the competent authorities pursuant to a special regulation<sup>34</sup>.

**Naformátováno:**  
Francouzština (France)

**§ 31**  
**Obligations of the Agency for Temporary Employing**  
*(Povinnosti agentúry dočasného zamestnávania)*

- (1) The agency for temporary employing shall
- a) Ensure protection of the temporary employee's personal data pursuant to a special regulation<sup>22</sup>,
  - b) Enable exercising the right to freedom of association and right to collective bargaining by the temporary employee,
  - c) Enable access of the temporary employee to vocational education or acquisition of professional skills in order to enhance his/her employability, including while the temporary employee is still awaiting his/her temporary assignment to the using employer,
  - d) Establish conditions for the controlling authorities enabling them to control compliance with generally binding legal regulations in the field of employment services, and submit to them the required information and documents, and
  - e) Submit annual reports of activities to the Centre.

(2) The Centre may suspend the activities of the agency for temporary employing before lapse of the validity of its licence until removal of faults, or cancel the licence, by proposal of the authorities specified in paragraph 3.

(3) The following authorities are empowered to submit a proposal to suspend the activities or to cancel the licence of the agency for temporary employing

- a) The competent tax office, having ascertained that a violation of legal regulations in the field of taxation<sup>33</sup> has taken place,
- b) The competent Office, having ascertained that a violation of legal regulations in the field of employment services has taken place,
- c) The National Labour Inspectorate, having ascertained that a violation of labour law regulations and regulations in the field of occupational safety and health protection<sup>34</sup> has taken place, and
- d) The citizen aggrieved in consequence of the mediator's activities.

**PART SEVEN**

**ACTIVE LABOUR MARKET MEASURES**

**§ 32**  
**Mediation of Employment**  
*(Sprostredkovanie zamestnania)*

(1) For the purposes of this Act, mediation of employment is an activity executed for the following purposes:

- a) Seeking out jobs and offering suitable employment to job seekers and to persons interested in employment, and
- b) Seeking out and offering suitable employees to employers.

(2) Mediation of employment includes registration activity, information and advisory services and the elaboration of lists of vacancies, as well as lists of jobs aspired to by job seekers and by persons interested in employment, publishing of lists of vacancies and lists of jobs aspired to by job seekers and by persons interested in employment, including publishing of such lists in the internet, press and other media.

(3) Mediation of employment is executed

- a) By the Centre,
- b) By the Office and by workplaces established by the Office, and
- c) By legal persons and natural persons executing fee charged mediation of employment, mediation of temporary employing and mediation of supported employing pursuant to this Act, or by other legal persons and natural persons licensed to mediate employment under conditions specified in written agreements concluded with the Office.

(4) The Centre and the Office shall execute mediation of employment in the territory of the Slovak Republic free of charge.

(5) The citizen applies for mediation of employment at the Office whose territorial boundaries correspond to his/her permanent residence. The citizen seeking employment may request any Office for information about the possibilities of employment.

(6) The Office of competence, from viewpoints of a citizen who has neither a permanent nor a temporary residence but stays at a schooling establishment or at a social service facility, is the Office whose territorial boundaries correspond to the registered office of the schooling establishment or of the social service facility. Such a citizen shall submit proof of his/her stay at a schooling establishment or at a social service facility in the form of a certificate issued by the schooling establishment or social service facility for the purpose.

(7) The Office of competence, from viewpoints of the alien who had been granted asylum or temporary shelter is the Office whose territorial boundaries correspond to the residence of the alien.

(8) The Office executes mediation of employment free of charge and impartially, holding in respect the citizen's selection from among offered jobs, and the principle of voluntary selection of employers from among job seekers.

(9) There is no statutory claim to the mediation of a specific job.

(10) The Office shall, for employment mediation purposes

- a) Maintain the register of job seekers, the register of persons interested in employment and the register of vacancies,
- b) Provide for information and advisory services,
- c) Provide for professional consultancy,
- d) Compensate parts of travelling expenses of job seekers, linked to their entry interviewing, or selection process at the employer's site, if the travelling expenses exceed the sum specified in generally binding legal regulations; the Office may grant advance payments, covering parts of the travelling expenses of the job seekers.

(11) The travel expenses, pursuant to paragraph 10(d), shall mean the travel expenses by public transport means from the place of permanent residence, or the place of temporary residence to the place of the entry interviewing, or the selection procedure and back.

(12) Reimbursement of part of the travel expenses, pursuant to paragraph 10(d), shall be provided on the basis of an application in writing by the jobseeker, to which the certificate of attendance in introductory interview or selection procedure should be appended. The application in writing for reimbursement of part of the travel expenses shall be submitted by the jobseeker no later than within ten working days upon completion of the month, in which the entitlement to provision of the contribution for reimbursement of part of travel expenses has arisen.

### **§ 33**

#### **The Register of Job Seekers**

*(Evidencia uchádzačov o zamestnanie)*

(1) The register of job seekers comprises the name and surname, date of birth, nationality, permanent address of the job seeker, data of his/her qualification, professional skills, type of recently performed work, information about his/her interest in a specific employment, data of his/her personal and familial relationships linked to the mediation of employment, health state data voluntarily supplied by the job seeker.

(2) Unless regulated otherwise by this Act and by special regulations<sup>22</sup>, personal data of the job seeker may be disclosed to a third person for employment mediation purposes only with consent of the job seeker.

(3) Issuance of a permit by the Office for Protection of Personal Data pursuant to a special regulation<sup>22</sup> shall not be required for the processing of personal data of job seekers whose employment is mediated in a Member State of the European Union, or for the disclosure of such data and of employment duration data of job seekers in the Slovak Republic to a Member State of the European Union, and to the European Co-ordination Office.

### **§ 34**

#### **Filing in the Register of Job seekers**

*(Zaradenie do evidencie uchádzačov o zamestnanie)*

(1) The job seeker having applied for filing in the register of job seekers by application in writing personally submitted to the competent Office by his/her permanent residence shall be entered into the register of job seekers as from the date of personal submission of the application in writing for filing in the register of job seekers.

(2) The job seeker who applied for filing in the register of job seekers within seven calendar days from the day of

a) Termination of an employment shall be filed in the register of job seekers from the day following the termination of employment,

- b) Termination of the operation or performance of self-employment shall be filed in the register of job seekers from the day following the termination of self-employment operation or performance,
- c) Termination of systematic vocational preparation shall be filed in the register of job seekers from the day following the termination of the systematic vocational preparation,
- d) Termination of the compulsory military service or civilian service shall be filed in the register of job seekers from the day following the termination of the compulsory military service or civilian service,
- e) Termination of personal care for a child shall be filed in the register of job seekers from the day following the termination of the personal care for a child,
- f) Termination of personal care for close person, shall be filed in the register of job seekers from the day following the termination of personal care for a close person,
- g) Termination of temporary incapacity to work shall be filed in the register of job seekers from the day following the termination of the temporary incapacity to work,
- h) Termination of invalidity shall be filed in the register of job seekers from the day following the termination of invalidity,
- i) Termination of custody and termination of a term of imprisonment shall be filed in the register of job seekers from the day following the termination of custody and of the term of imprisonment, or
- j) Of the validity of the decision on the non-award of an early old-age pension, shall be filed in the register of job seekers from the day following the date of the decision on the non-award of an early old-age pension.

(3) Procedure specified in paragraph 2 shall also apply in the case of filing in the register of job seekers a citizen involved in a legal dispute with the employer for invalid termination of employment.

(4) The job seeker shall submit proof of any facts of importance for his/her filing in the register of job seekers at the time of submitting the application for filing in the register of job seekers, and within three working days notify the Office in writing on all changes since the preceding filing in the register of job seekers.

(5) The jobseeker shall be obliged to actively seek employment and prove for the Office the active job search within the periodicity of calls, pursuant to paragraphs 9 and 10.

(6) As provable active job search shall be regarded the active forms of personal search for employment by the jobseeker as stipulated by a generally binding legal regulation.

(7) The job seeker shall be at disposal to the Office within three days from delivery of a written invitation, or of a verbal invitation when the Office is in personal contact with the job seeker (hereinafter referred to as "availability"), for purposes of employment mediation, participation in professional consultancy programmes, in active labour market measures programmes and in activation activities.

(8) The Office shall, pursuant to paragraphs 9 and 10, impose duty on the job seeker to personally appear at the Office or at a location specified by the Office (hereinafter referred to as "periodicity of calls"; "*periodicita návštev*").

(9) The following periodicity of calls shall apply

- a) Once in seven calendar days for the job seeker who is a long-term unemployed citizen,
- b) Once per month in the case of a jobseeker participating in
  - 1. education and preparation for the labour market which has been provided for by the Office, or by the jobseeker himself or herself,
  - 2. preparation for commencement or operating self-employment,
  - 3. the graduate practice,
  - 4. the activation activity,
  - 5. the projects and programmes implemented by the Centre, the Office, other subject in partnership with the Office, except for the mediation of the employment and information and advisory services provided by the Office and the projects and programmes implemented by a legal person or a natural person executing the mediation of employment, pursuant to § 32(3)(c) or
  - 6. the professional consultancy and the projects and programmes implemented by a professional consultancy provider, pursuant to § 43(9),
- c) Once in 14 calendar days for other job seekers.

(10) In a jobseeker, who is participating in education and preparation for the labour market for more than two months, the periodicity of calls shall be required, pursuant to paragraph 9(b), only during the last two months prior to the completion of education and preparation for the labour market.

(11) The job seeker who submits the temporary work incapacity confirmation shall not be assigned the obligation to be at the disposal of the Office, pursuant to paragraph 7, and the obligation of periodicity of calls pursuant to paragraphs 9 and 10 within the period of temporary work incapacity.

(12) The female job seeker who submits a document of the expected date of delivery, shall not be assigned the obligation to be at the disposal of the Office, pursuant to paragraph 7, and the obligation of periodicity of calls pursuant to paragraphs 9 and 10 within the period from the beginning of the sixth week before the expected delivery and six weeks after the delivery.

(13) The job seeker who, due to a change of his/her permanent residence, changed the Office of local competence shall notify this fact to the Office whose territorial boundaries correspond to his/her present permanent residence within three working days from the date of change or from the date when social services started to be provided to the job seeker at a social service facility. The job seeker shall submit proof of his/her stay at the social service facility in the form of a certificate issued by the social service facility for the purpose. The rights and obligations relating to the filing in the register of job seekers shall lapse to the competent Office as of the day of change of the permanent residence. When the job seeker failed to notify the competent Office of the relevant fact, the rights and obligations linked to filing in the register of job seekers shall lapse to the competent Office as of the day of such notification by the job seeker. The Office of local competence, identified by the new permanent residence of the job seeker or by the place where he/she is provided with social services at a social service facility, shall request delivery of written documentation required for filing in the register of job seekers from the Office of competence of the preceding permanent residence. This procedure shall appropriately apply also in cases of change of competence of the Office, identified pursuant to § 32(5) to (7).

(14) To the register of job seekers shall be not entered a citizen who is

- a) In systematic vocational preparation,
- b) In temporary work incapacity,
- c) Entitled to maternity benefit,
- d) Awarded old-age pension, or the citizen whose invalidity pension, as of the date of his/her attaining the retirement age, shall be deemed old-age pension pursuant to special regulation<sup>15</sup>,
- e) Removed from register of job seekers pursuant to § 36(1)(n) and (2) for the period of his/her removal from the register of job seekers pursuant to § 36(3),
- f) Has terminated the operation or performance of self-employment activity for which he or she has been provided a contribution, pursuant to § 49 or § 57 before the lapse of two years from the commencement of the operations or performance of this activity, namely for the duration of time that is lacking until compliance with the obligation, pursuant to § 49(2) or § 57(2).

(15) A jobseeker, who is in receipt of unemployment benefit and who intends to go to a Member State of the European Union in order to seek employment and retain the entitlement to unemployment benefit, is obliged to notify the Office of the date of his or her departure for the Member State of the European Union.

(16) A jobseeker who has notified the Office of the date of his or her departure for the Member State of the European Union, pursuant to paragraph 15, shall not be obliged to be at disposal to the Office, pursuant to paragraph 7, and shall not be obliged to comply with the periodicity of calls, pursuant to paragraphs 9 and 10, from the day of his departure for the Member State of the European Union.

(17) The jobseeker, who has not been included in the employment services register by the competent institution in the Member State of the European Union to which he has gone in order to seek employment and retain the entitlement to unemployment benefit, shall be obliged to resume compliance with the obligations, pursuant to paragraphs 7, 9 and 10, no later than within 15 working days of his departure for the Member State of the European Union.

(18) The jobseeker, who has been included in the employment services register by the competent institution in the Member State of the European Union to which he has gone in order to seek employment and retain the entitlement to unemployment benefit, shall be obliged to resume compliance with the obligations, pursuant to paragraphs 7, 9 and 10, no later than within 15 working days of the day, from which he has ceased to be at disposal to the competent institution of the Member State of the European Union, but before the lapse of three months at the latest from the day of his departure for the Member State of the European Union.

**§ 35**  
**Systematic Vocational Preparation**  
*(Sústavná príprava na povolanie)*

(1) For the purposes of this Act, systematic vocational preparation of a citizen is defined as study at a secondary school<sup>37</sup> or university studies until his/her second-level graduation<sup>38</sup> at a university.

(2) The following periods are also deemed systematic vocational preparation:

- a) The period immediately following after termination of secondary school studies, but not later than the end of the school year when the citizen graduated at the secondary school,
- b) The period from termination of secondary school studies until immatriculation for university studies in the calendar year of termination of the secondary school studies of the citizen,
- c) The period from termination of the last school year at a secondary school until passing the exam pursuant to a special regulation<sup>37</sup>, but not later than until end of the school year when the studies should have been terminated,
- d) The period from graduation in first-level university studies until immatriculation for second-level university studies, providing that the immatriculation was accomplished until the end of the calendar year of graduation in the first-level university studies,
- e) The period following the last school year at a university until passage of the state examination, but not later than until end of the school year when the studies should have been terminated,
- f) Other study or tuition courses, provided that they were, in scope and level, recognized as courses at a level equivalent with secondary school and university studies within the Uniform system of education programmes, approved by the Ministry of Education of the Slovak Republic.

(3) The following shall not be deemed systematic vocational preparation

- a) The period of interrupted study courses, and
- b) Part-time study at a secondary school and a study organised in a part-time form at a university, pursuant to special regulation<sup>39</sup>.

(4) Systematic vocational preparation commences from the beginning of the school year in the first year of study courses at the earliest; in the case of university students it commences from the date of immatriculation with the university. Systematic vocational preparation terminates on the day specified in special regulations<sup>39</sup>.

### **§ 36**

#### **Removal from the Register of Job seekers**

*(Vyradenie z evidencie uchádzačov o zamestnanie)*

(1) The Office shall remove the job seeker from the register of job seekers as of the day of

- a) Commencement of an employment,
- b) Commencement of the operation or performance of self-employment,

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<sup>37</sup> Act No. 29/1984 Coll. on the system of primary and secondary schools (School Act), as amended by later regulations.

<sup>38</sup> Act No. 131/2002 Coll., as amended by later regulations.

<sup>39</sup> Act No. 29/1984 Coll., as amended by later regulations. Act No. 131/2002 Coll., as amended by later regulations.



- c) Commencement of systematic vocational preparation,
- d) Commencement of compulsory military service, executed as the national service or substitute service, of further military service executed as a preparatory service, of extraordinary military service<sup>40</sup> or of civilian service<sup>41</sup>,
- e) Commencement of serving a term of imprisonment,
- f) Detainment,
- g) Award of old-age pension, or as of the date when the invalidity pension, due to attaining the retirement age, is deemed old-age pension pursuant to special regulation<sup>15</sup>,
- h) Rise of the claim to maternity benefits,
- i) Decease,
- j) Departure for the Member State of the European Union for a period exceeding 15 calendar days, with the exception of the departure for the Member State of the European Union pursuant to § 34(15) to (18), or medical treatment in the Member State of the European Union,
- k) Departure to abroad for a period exceeding 15 calendar days, except for purposes of medical treatment abroad,
- l) Commencement of gainful activities
  - 1. in the Member State of the European Union, or
  - 2. abroad,
- m) Application for removal from the register of job seekers by reason of
  - 1. care for a child up to ten years of the age,
  - 2. documented personal care for a close person<sup>42</sup>, who is immobile,
- n) Application for removal from the register of job seekers,
- o) Discontinuation of meeting the condition, pursuant to § 6(2)(d).

(2) The Office shall remove the job seeker from the register of job seekers from the day of detecting his/her

- a) Performance of work other than in an employment or in a similar labour relationship,
- b) Commencement of employment,
- c) Failure to remain available to the Office without noteworthy reasons,
- d) Lack of cooperation with the Office,
- e) Acquisition of a work permit in the Member State of the European Union or abroad.

(3) In cases of removal from the register of job seekers for reasons specified under paragraph 1(n) and for reasons under paragraph 2 the Office may repeatedly file the job seeker in the register of job seekers after lapse of three months from the date of removal from the register of job seekers.

(4) Noteworthy reasons pursuant to paragraph 2(c) and paragraph 5(b) to (d) are defined as follows

- a) When the location and nature of employment of the spouse, or the location and nature of employment location and nature of employment preclude the possibility to ensure escort for a child up to ten years of age to a pre-school establishment or to school, and

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<sup>40</sup> Act No. 570/2005 Coll. on military service and on amendment of certain acts.

<sup>41</sup> Act No. 569/2005 Coll. on alternative service in wartime and the state of war.

<sup>42</sup> § 116 of the Civil Code.

- b) State of health of the job seeker, assessed pursuant to § 19(1), and the state of health of close persons<sup>42</sup>, by written statement of the attending physician or by decision of a health care facility,
- c) Temporary work incapacity of the job seeker the commencement and termination of which shall be proved to the Office with a temporary work incapacity confirmation within three days after the issuance date of the temporary work incapacity confirmation and the day following the termination of temporary work incapacity.

(5) Lack of cooperation of the jobseeker with the Office pursuant to paragraph 2(d) is defined as follows

- a) Refusal of a suitable employment,
- b) Refusal to participate in the active labour market measures without noteworthy reasons for it, with the exception of refusal to participate in education and preparation for the labour market, pursuant to § 46,
- c) Early termination of participation in the active labour market measures by the jobseeker before the agreed date, without noteworthy reasons,
- d) Refusal by the jobseeker who is registered in the register of job seekers for more than six months of participation in or an early termination of the activation activity, pursuant to § 52, before the agreed date, without noteworthy reasons,
- e) Failure to arrive at the Office or at a location specified by the Office for purposes specified in § 34(9) and (10),
- f) Failure to submit documents pursuant to paragraph 4 and § 19(4) within the deadline specified by the Office and by the Centre, in cases when the failure to keep the deadline was caused by the job seeker,
- g) Failure of the job seeker to comply with the rules of curative treatment during his/her temporary incapacity to work,
- h) Non-compliance with obligations specified in § 34(7), (17) or (18).

(6) The document in proof of being awarded the old-age pension or a document in proof that the invalidity pension, as of the date of attaining the retirement age, is deemed old-age pension shall be presented to the Office for purposes specified in paragraph 1(g), either by the job seeker or, by request of the Office, by the Social Insurance Agency.

(7) The temporary work incapacity confirmation represents the job seeker's apology, who has not present himself/herself at the Office or on a location specified by the Office for the purpose pursuant to § 34(9) and (10) if the jobseeker has notified the Office of the commencement and termination of temporary incapacity for work within three working days and if that time, the temporary work incapacity still persists.

### **§ 37**

#### **Register of Persons Interested in Employment**

*(Evidencia záujemcov o zamestnanie)*

(1) The register of persons interested in employment comprises the necessary personal data of the person interested in employment, mainly of his/her qualification, professional skills, experience acquired in recently executed employments, information about his/her interest in a specific employment, and other relevant data.

(2) Unless specified differently by this Act and by special regulations<sup>22</sup>, personal data of the person interested in employment may be disclosed to a third person for employment mediation purposes only with consent of the person interested in employment.

### **§ 38**

#### **Filing in the Register of Persons Interested in Employment**

*(Zaradenie do evidencie záujemcov o zamestnanie)*

(1) The person interested in employment who applied, by personally submitted application in writing or by other forms, for mediation of suitable employment shall be filed by the Office in the register of persons interested in employment from the date of submitting the application.

(2) The person interested in employment specified in paragraph 1 may apply for mediation of employment to any single Office or to several Offices.

(3) The Office shall, at the time of filing in the register of persons interested in employment, provide information about vacancies and options for seeking out vacancies to the person interested in employment.

### **§ 39**

#### **Removal from the Register of Persons Interested in Employment**

*(Vyradenie z evidencie záujemcov o zamestnanie)*

The Office shall remove the person interested in employment from the register of persons interested in employment from

- a) The date of mediation of a suitable employment to that person, or
- b) The date of his/her request for removal from the register.

### **§ 40**

#### **Register of Vacancies**

*(Evidencia voľných pracovných miest)*

For the purposes of employment mediation a vacant job is defined as a newly created job or an existing but unoccupied job, for which an employee is sought by the employer.

### **§ 41**

#### **Register of Employers**

The Office shall, for the purpose of seeking out vacancies, maintain a register of employers within its territorial boundaries.

### **§ 41a**

#### **Register of employment of certain groups of employees**

Data register<sup>18b</sup> of employment of a citizen of a Member State of the European Union and his/her family members and data register<sup>18b</sup> on employment of an alien includes, in particular, his/her name, surname, date of birth, sex, education completed, nationality, branch, type of performed work and the location of work performance.

## § 42

### **Information and Advisory Services**

*(Informačné a poradenské služby)*

(1) The Office provides information and advisory services to citizens, job seekers, persons interested in employment and employers.

(2) For the purposes of this Act, information and advisory services are defined as services provided in the framework of

- a) Selection of an occupation,
- b) Selection of an employment, including the change of employment, and
- c) Selection of employees.

(3) For the purposes of this Act, information and advisory services include also the supply of information and professional advice about

- a) Employment possibilities in the territory of the Slovak Republic and abroad,
- b) Preconditions of executing a occupation,
- c) Possibilities and conditions of participating in programmes of active labour market measures and in activation activities,
- d) Conditions of claiming unemployment benefits, and
- e) Conditions of participating in partnerships established in support of the development of employment within the territorial boundaries of the Office.

(4) Information and advisory services for selecting an occupation are defined mainly as the supply of information and professional advice on various occupations, on the conditions of their execution and on the requirements applying to their execution.

(5) Information and advisory services for selection of an employment and change of employment are defined as

- a) Evaluation of the personal preconditions, abilities and professional skills of the job seeker and of the person interested in employment,
- b) Submission of information and professional advice in link with the requirements of jobs in terms of health and qualification.

(6) Information and advisory services for the selection of employees are defined as the provision of information and professional advice to employers looking for a suitable employee for a specific job.

(7) The Office provides information and advisory services free of charge.

## § 43

### **Professional Consultancy**

*(Odborné poradenské služby)*

(1) The Office may organise professional consultancy for the job seeker and for the person interested in employment.

(2) For the purposes of this Act, professional consultancy is the activity executed toward resolving problems in link with the vocational assertion of job seekers, toward harmonizing the conditions of his personality with the requirements of specific employment, toward influencing the applicant's decisions and conduct, and toward the social and working adaptation of the job seeker.

(3) Professional consultancy is executed by consultant who has achieved higher education of the second level.

(4) The Office may organise professional consultancy in the form of individual consultancy or group consultancy.

(5) The Office guarantees the elaboration of an individual action plan in support of vocational assertion of the job seeker who has been on file for a specified time in the register of job seekers.

(6) For the purposes of this Act, the individual action plan is defined as a written document which, based on evaluation of the personality conditions, abilities and professional skills of the job seeker, determines the type and scope of assistance required for facilitating his/her occupational assertion and delimits specific procedural steps for the purpose. The individual action plan shall be elaborated assessed and updated by the job seeker in close cooperation with the professional consultant. Upon its elaboration and mutual approval, the individual action plan shall assume binding force to the job seeker.

(7) The Office shall provide the jobseeker with part of the travel expenses incurred in his participation in activities within the professional consultancy provided by the Office, on the basis of an application in writing, where the travel expenses exceed the sum determined by a generally binding legal regulation to be issued by the Ministry.

(8) The travel expenses, pursuant to paragraph 7, shall mean the expenses of travel by the public transport means, from the place of permanent residence<sup>43</sup>, or the place of temporary residence<sup>44</sup> to the place of the professional consultancy, and back.

(9) The Office may itself organise professional consultancy, or through a natural person or legal person who is licensed to provide professional consultancy pursuant to a special regulation (hereinafter referred to as the "service supplier"; "*dodávateľ služby*"). Only a natural person who has achieved higher education of second level and a legal person in which this condition is satisfied by the person providing professional consultancy in the name of the service supplier, can be the service supplier of professional consultancy.

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<sup>43</sup> § 3 of Act No. 253/1998 Coll. on stay announcement of citizens of the Slovak Republic and on the register of the population of the Slovak Republic amended by the Act 454/2004 Coll.

<sup>44</sup> § 8 of Act No. 253/1998 Coll., as amended by later regulations.

(10) Where the provision of professional consultancy is rendered in excess of three days to a jobseeker and a person interested in employment by the Office, or where the Office arranges for the provision of professional consultancy for a jobseeker or a person interested in employment through a service supplier of professional consultancy, pursuant to paragraph 9, it shall reimburse the expenses for board, accommodation and the travel expenses from the place of permanent residence, or the place of temporary residence to the place of the professional consultancy, and back, pursuant to a special regulation<sup>21</sup>. The jobseeker can be provided reimbursement, pursuant to the first sentence, also by the professional consultancy service supplier, where that has been part of the agreement, pursuant to paragraph 12.

(11) The Office shall provide a contribution for services for families with children, pursuant to § 46(11), to a jobseeker and a person interested in employment, which participate in the activities within the professional consultancy and who are parents caring for a child before commencement of compulsory schooling or persons pursuant to special regulation<sup>45</sup>, if they apply for the contribution in writing.

(12) The Office shall conclude written agreement with the supplier of professional consultancy. The agreement for the provision of professional consultancy shall comprise in particular

- a) The aim of professional consultancy that will be provided by the service supplier,
- b) The number of job seekers receiving professional consultancy provided by the service supplier,
- c) Date of the professional consultancy commencement,
- d) Location of the professional consultancy,
- e) Price of the professional consultancy,
- f) Method and date of payment of justified expenses for the provision of professional consultancy, and
- g) Commitment of the service supplier to report all changes in the numbers of job seekers receiving professional consultancy

(13) Special regulation<sup>19</sup> applies to the selection of the service supplier providing professional consultancy pursuant to paragraph 9.

#### § 44

#### **Education and Preparation for the Labour Market**

*(Vzdelávanie a príprava pre trh práce)*

(1) For the purposes of this Act education and preparation for the labour market is defined as theoretical or practical preparation enabling the acquisition of new knowledge and professional skills by the job seeker and by the person interested in employment for the purpose of assertion at work in a suitable employment, or for the purpose of maintaining the employment of an employee, particularly by the education activities focused on the completion of education in primary schools and the study in secondary schools, for the purposes of obtaining a document of primary or secondary education completion, in the last grade of the relevant school, on the basis of the projects and programmes, pursuant to § 46

**Naformátováno:**  
Francouzština (Francie)

<sup>45</sup> For example, the Act No. 36/2005 Coll. on the family and on amendment of certain acts, as amended by the Resolution of the Constitutional Court of the Slovak Republic No. 297/2005 Coll., the Act No. 195/1998 Coll. on social assistance, as amended by later regulations.

paragraph 3; on education and preparation for a particular job opportunity, on the basis of employment commitment by the employer; and on education and preparation for commencement of operations or performance of self-employment. Determination of the contents and scope of education and preparation for the labour market shall be based on the level of recent knowledge and professional skills of the job seeker, person interested in employment and employee, enabling their targeted use in the acquisition of new levels of knowledge and professional skills.

(2) For the purposes of this Act, increase of the level of education pursuant to special regulations<sup>39</sup> shall not be deemed education and preparation for the labour market. The provision of the first sentence shall not apply to the completion of education in primary school or the study in secondary school by a jobseeker or a person interested in employment for the purposes of obtaining the document of primary or secondary education completion, in the last grade of the relevant school, on the basis of the projects and programmes, pursuant to § 46(3).

(3) The procedure applying to education and preparation for the labour market applies identically also to the following cases

- a) Theoretical preparation or practical preparation of the job seeker or person interested in employment who did not achieve a qualification upon concluding his/her compulsory education,
- b) Preparatory course toward additional completion of primary education of the job seeker or person interested in employment,
- c) Preparatory course for the secondary school entrance examination of the job seeker or person interested in employment,
- d) Course provided to the disabled citizen enabling his/her education and preparation for the labour market.

(4) Theoretical or practical preparation shall not be deemed education and preparation for the labour market, when

- a) The employer is obliged to provide it to the employee in accordance with applicable legal regulations, and the employee is obliged to participate in link with carrying out his/her employment,
- b) The employee participates therein in his/her own interests, although change of his/her recent qualification is not unavoidable in the currently performed work.

(5) Education and preparation for the labour market pursuant to this Act shall be ensured by

- a) The Office, for the job seeker and the person interested in employment,
- b) The employer, for his employee.

(6) Education and preparation for the labour market pursuant to this Act may be provided by the job seeker and the person interested in employment by his/her own initiative and at own cost.

## **§ 45**

### **The National Programme of Education and Preparation for the Labour Market**

(1) The Centre and the Office, in cooperation with other public authorities, with employers, with local governments and with non-governmental organisations may elaborate the National programme of education and preparation for the labour market.

(2) Realisation of the National programme of education and preparation for the labour shall be within the Centre's responsibilities.

#### **§ 46**

#### **Education and Preparation for the Labour Market of the Job Seeker and Person Interested in Employment**

(1) The Office may provide for education and preparation for the labour market of the job seeker and for the person interested in employment, through the educational activities pursuant to § 44(1), first sentence, if they have applied for it in writing, based on the evaluation of abilities, working experience, professional skills, level of acquired education and health ability for work of the relevant person mainly in the following cases

- a) Insufficient professional knowledge and skills,
- b) Change of professional knowledge and skills, required from the labour market demand and,
- c) Loss of ability to carry out work in the recent employment.

(2) The assessment, pursuant to paragraph 1, including determination of the kind of educational activity for the jobseeker, is part of the individual action plan, pursuant to § 43(6). The Office may provide education and preparation for the labour market for a person interested in employment after the lapse of three months from his last registration as a person interested in employment. Participation in education and preparation for the labour market by the jobseeker and the person interested in employment is voluntary.

(3) The Office may provide education and preparation for the labour market for a jobseeker and a person interested in employment primarily under the national projects and programmes of education and preparation for the labour market, approved by the Centre and implemented by the Office, or the projects and programmes approved and implemented by the Office. Activities and events related to the provision of placement services, information and advisory services and professional consultancy may be part of the education and preparation for the labour market designed for the jobseeker and the person interested in employment, which are provide by the service supplier of the education and preparation for the labour market.

(4) The Office may provide a contribution toward education and preparation for the labour market of the jobseeker amounting up to 100% of the cost of the first education activity, up to 75% of the cost of the second education activity and up to 50% of the cost for every further education activity during two years from the day of entry in the fist education activity by the jobseeker, on the basis of an agreement in writing concluded between the Office and the jobseeker.

(5) The Office shall provide a contribution of up to 100% of the costs also for

- a) Any education activity, pursuant to § 44(2), second sentence,
- b) Any further education activity pursuant to paragraph 4, if within three months of its completion the jobseeker is removed from the register of job seekers by a reason,



pursuant to § 36(1)(a) and (b); the Office shall reimburse the jobseeker for the difference up to 100%, which the jobseeker has paid the service supplier for the education and preparation for the labour market.

(6) The Office may provide a contribution toward education and preparation of the person interested in employment for the labour market, amounting up to 100% of the cost per one education activity in the course of two years during which he has been registered as a person interested in employment, on the basis of an agreement in writing concluded between the Office and the person interested in employment.

(7) The Office shall reimburse the jobseeker, who is provided education and preparation for the labour market, the cost of board, accommodation and the travel expenses from the place of permanent residence, or the place of temporary residence to the place of education and preparation for the labour market, and back, pursuant to a special regulation.<sup>21</sup> The jobseeker can be provided reimbursement, pursuant to the first sentence, also by the service supplier of education and preparation for the labour market, where that has been part of the agreement, pursuant to paragraph 13.

(8) The Office shall reimburse the cost of board, accommodation and the travel expenses from the place of permanent residence, or the place of temporary residence to the place of education and preparation for the labour market, and back, pursuant to a special regulation,<sup>21</sup> also to a person interested in employment, who is provided education and preparation for the labour market by the Office, where the person is a parent caring for a child before commencement of compulsory schooling, or where the person is older than 50 years. The person interested in employment can be provided reimbursement, pursuant to the first sentence, also by the service supplier of education and preparation for the labour market, where that has been part of the agreement, pursuant to paragraph 13.

(9) The Office shall reimburse the service supplier of education and preparation for the labour market the contributions, pursuant to paragraphs 4 to 8, on the basis of an agreement concluded in writing. The service supplier of education and preparation for the labour market shall be paid the difference up to 100% of the contribution, pursuant to paragraph 4, for the second education activity and every further activity, by the jobseeker. The service supplier of education and preparation for the labour market shall be paid the difference up to 100% of the contribution, pursuant to paragraph 6, per one education activity, by the person interested in employment.

(10) The Office may provide a contribution for services for families with children to a jobseeker and a person interested in employment that participate in education and preparation for the labour market and who are parents caring for a child before commencement of compulsory schooling, or persons, pursuant to a special regulation<sup>45</sup>, who care for a child before commencement of compulsory schooling, where these persons apply for the contribution in writing.

(11) For the purposes of this Act the contribution covering the price of services supplied to the family with children pursuant to paragraph 10 is defined as payment of parts of the documented expenses covering the stay of the child in a pre-school establishment, or payment of parts of documented expenses covering care for the child provided by a natural person authorised to perform such activities<sup>11</sup>.

(12) The agreement on education and preparation for the labour market concluded between the Office and the jobseeker, or the Office and the person interested in employment, shall include

- a) Professional orientation of the education and preparation for the labour market and the method of its acquisition,
- b) Location of realisation of the education and preparation for the labour market,
- c) Duration of the education and preparation for the labour market, including the dates of its commencement and completion, method, range and conditions of reimbursement by the Office of the contribution for education and training for the labour market of the jobseeker and the person interested in employment,
- d) Rights and obligations of participants of the education and preparation for the labour market,
- e) Details of reimbursement of the costs of boarding and accommodation, and the travel expenses from the location of permanent residence or temporary residence to the location of provision of education and preparation for the labour market and back, to the jobseeker and person interested in employment, who is a parent caring for a child before commencement of compulsory schooling, or a person, pursuant to a special regulation<sup>45</sup>, caring for a child before commencement of compulsory schooling, or a person older than 50 years of age; the method and date of reimbursement, if the Office provides reimbursement of these costs,
- f) Commitment of the person interested in employment to refund to the Office the costs reimbursed by the latter for his/her education and preparation for the labour market, if he/she terminates education and preparation before the agreed date without noteworthy reasons, pursuant to paragraph 14,
- g) Other requisites agreed.

(13) The agreement concluded between the Office and the service supplier of education and preparation for the labour market shall include

- a) The name and address of the educating facility,
- b) The location of provision of education and preparation for the labour market,
- c) Duration of education and preparation for the labour market, including the date of commencement and completion thereof,
- d) The method of testing the knowledge acquired by completion of education and preparation for the labour market,
- e) The price offer per one participant,
- f) The number of jobseekers and the number of person interested in employment for whom education and preparation for the labour market is ensured by the Office,
- g) The total price offer that the Office shall reimburse, pursuant to paragraphs 4, 6 to 8,
- h) The method and date of reimbursement of the total price offer, pursuant to paragraphs 4, 6 to 8,
- i) The method and date of reimbursement of the cost, pursuant to paragraphs 7 and 8, if the reimbursement of the cost is agreed between the Office and the service supplier of education and preparation for the labour market,
- j) Other requisites agreed.

(14) The job seeker and the person interested in employment may, for serious reasons of health, familial reasons and personal reasons appearing in the course of education and preparation for the labour market, interrupt the education and preparation for the labour market; the noteworthiness of reasons shall be evaluated by the Office.

(15) Selection of the service supplier for education and preparation for the labour market of the job seeker and of the person interested in employment shall proceed pursuant to a special regulation<sup>19</sup>.

#### **§ 47**

#### **Education and Preparation for the Labour Market of Employee**

(1) For the purposes of this Act, education and preparation for the labour market of employee shall be executed by the employer in the interests of continuing occupational assertion of his employees, in the form of providing for general education and preparation of employees for the labour market, and of specific education and preparation of employees for the labour market.

(2) For the purposes of this Act, general education and preparation of the employee for the labour market is defined as theoretical or practical preparation providing for knowledge and professional skills, which are widely utilisable at other employers and which contribute to the improved employability of the employee.

(3) For the purposes of this Act, specific education and preparation of the employee for the labour market is defined as theoretical or practical preparation providing for knowledge and professional skills utilisable only at the current employer, which are only partially utilisable at other employers.

(4) Education and preparation courses for the labour market are held during working time, and deemed obstacles to work on the side of the participating employee, entitling to compensatory wage in the sum corresponding to his/her average monthly earnings. Education and preparation for the labour market are held out of working time only when it is unavoidable from organisational viewpoints.

(5) The Office may, on the basis of a written agreement, grant contributions to the employer for the employee's education and preparation for the labour market up to 90 % of the justified costs of the employee's education and preparation for the labour market, if upon their completion the employer continues employing him/her for at least twelve months, or when the employee's education and preparation for the labour market is being organised within measures toward precluding or restricting collective redundancy.

(6) The justified costs of the employee's education and preparation for the labour market, documented by the employer, are defined as follows

- a) Compensation of the wage of employees participating in the education and preparation for the labour market pursuant to a special regulation<sup>46</sup>,
- b) Reimbursement of travel expenses of employees participating in the education and preparation for the labour market pursuant to a special regulation<sup>21</sup>, and
- c) Other expenses of the employer, arising in direct connection with organising the education of his employees, and their preparation for the labour market.

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<sup>46</sup> § 140(3) of Act No. 311/2001 Coll., as amended by Act 210/2003 Coll.

(7) The agreement concluded pursuant to paragraph 5 on contributions payable to the employer for his employees' education and preparation for the labour market shall show in particular

- a) Orientation of the courses providing education and preparation for the labour market,
- b) Duration of the education and preparation for the labour market, including dates of their commencement and conclusion of the courses,
- c) Calculation of justified costs per participant,
- d) Sum of justified costs to be reimbursed,
- e) Conditions of reimbursing the justified costs,
- f) Conditions of return of the reimbursed justified costs in case of failure to fulfil the conditions of the agreement.

(8) Except for the employer whom the Office provides contribution pursuant to paragraph 9, the employer receiving a contribution from the Office, pursuant to paragraph 5, amounting to more than 50% of the eligible cost shall be obliged to carry out the selection of the service supplier of education and preparation for the labour market through a commercial public tender, pursuant to a special regulation.<sup>46a</sup>

(9) Where an employer is provided contribution by the Office, pursuant to paragraph 5, amounting to more than 50% of the eligible cost, and the overall sum is SKK 1,000,000 and more, the employer shall be obliged to use, for the selection of the service supplier of education and preparation for the labour market, procedures, pursuant to a special regulation<sup>19</sup>.

(10) The procedure, pursuant to paragraphs 8 and 9, shall also apply to the selection of the service supplier of education and preparation for the labour market designed for the employees of an employer, who received contributions for education of the workers accepted to newly created jobs within the individual State aid provided to investors, pursuant to § 54(2)(e).

(11) The employer may organise the employees' education and preparation for the labour market on his own or through a service supplier of education and preparation for the labour market, with the exception pursuant to paragraphs 8 to 10.

#### **§ 48**

Deleted by the Act No. 191/2004 Coll. as of 15 April 2004.

#### **§ 49**

##### **Contribution for Self-Employment**

*(Príspevok na samostatnú zárobkovú činnosť)*

(1) For the purposes of this Act, self-employment is an activity, which is carried out or operated by a self-employed person, pursuant to § 5.

(2) The contribution for self-employment may be granted by written request of the job seeker who has been on file for a specified period in the register of job seekers, providing

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<sup>46a</sup> § 281 to § 288 of the Commercial Code.

that he/she will commence, and continue performing self-employing activities for at least two years. The contribution for self-employment may be granted to cover expenses in link with self-employing activities (hereinafter referred to as “contribution”). No contribution shall be granted to the job seeker who is a disabled citizen pursuant to § 9(1)(a) and for whose employing a contribution is paid pursuant to § 57 and § 60.

(3) The contribution may be granted up to 100 % of the sum corresponding to 24 times the minimum price of work, as in force to the end of the calendar month preceding the calendar month of disbursement of the contribution.

(4) For the purposes of this Act the minimum price of work is defined as the sum of the minimum wage, and the advances of the health insurance premiums, social insurance premiums as well as of contribution to their old-age pension savings, payable by the employer,

(5) The sum of the contribution depends on the type of the region that is entitled to receive state aid pursuant to a special regulation<sup>48</sup>, on membership of the job seeker of a group of disadvantaged job seekers pursuant to § 8, and on the average of unemployment rate in the relevant district.

(6) The contribution shall be granted by the Office of territorial competence at the place of creation of the self-employment job.

(7) The Office concludes a written agreement with the job seeker for granting the contribution. The agreement on the contribution shall show in particular

- a) Type of self-employment activity,
- b) Maximum sum of the contribution,
- c) Method of payment of the contribution,
- d) Date of commencement of the operation or performance of self-employment,
- e) Method of return of the contribution or parts thereof in case of non-fulfilment of agreed conditions,
- f) Commitment of the job seeker to notify the Office on any change of the agreed conditions within 30 calendar days at most.

(8) Concluding the agreement on the contribution pursuant to paragraph 7 shall be contingent upon completion, by the job seeker, of preparatory courses organised by the Office for his/her self-employment operation or performance, and upon submission of a business plan by the job seeker, including the estimated costs of commencing the operation or performance of his/her self-employment activities. The particulars of the business plan are determined in an internal regulation issued by the Centre.

(9) The citizen having terminated the operation or performance of self-employment before lapse of two years shall return the proportional part of the contribution falling on the period when self-employment had not been operated or performed within three calendar months from the termination, unless a different period was agreed with the Office and he/she can be included into the register of job-seekers since the day following after laps of two years since the start of operation or performance the self-employment. Return of the contribution is not required, when the operation or performance of self-employment is

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<sup>48</sup> Act No. 231/1999 Coll. on state aid, as amended by later regulations.

terminated for reasons of decease, or for reasons of health assessed pursuant to § 19. The Citizen having terminated the operation or performance of self-employment before laps of two years due to reasons of health can be included into the register of job-seekers since the day following after termination of operation or performance the self-employment.

## § 50

### **Contribution for Employing a Disadvantaged Job Seeker**

*(Príspevok na zamestnávanie znevýhodneného uchádzača o zamestnanie)*

(1) The contribution for employing a disadvantaged job seeker who has been registered in the register of job seekers for the specified duration may be granted to the employer employing the disadvantaged job seeker in a generated job (hereinafter referred to as “contribution”). The contribution shall be provided in monthly intervals, covering up to 100 % of the price of work per disadvantaged job seeker accepted by the employer in a generated job, but not exceeding the amount of the total price of labour calculated from the average gross monthly wage of an employee in the Slovak Republic’s economy for the previous calendar year. No contribution shall be granted for employing an disadvantaged job seeker who is a disabled citizen pursuant to § 9(1)(a) and for whose employing was granted a contribution pursuant to § 56 and § 60.

(2) For the purposes of provision of the contribution, as disadvantaged jobseeker shall also be regarded a jobseeker who

- a) Is in receipt of a benefit in material need, and the contributions, pursuant to a special regulation<sup>49</sup>, for a minimum of 12 months,
- b) Has carried out activation activity, pursuant to § 52, during a minimum of 6 months over the past 12 months from his or her registration as a jobseeker,
- c) Has carried out graduate practice during the recent registration as a jobseeker, or
- d) Is a citizen, who after reassessment of his or her long-term unfavourable health state, or after examination of the duration of invalidity for entitlement to invalidity pension, pursuant to a special regulation<sup>49a</sup>, has ceased to be a citizen with disability, pursuant to § 9(1).

(3) The employer shall be obliged to maintain the job in respect of which a contribution is provided, for a minimum of two years. For a creation of a job in an employer shall be regarded the increase in the number of job opportunities, comprising on average a total increase of the number of his employees for 12 calendar months, as compared with the same period of the preceding year. Where the number of jobs has not increased, pursuant to the preceding sentence, the employer shall be obliged to demonstrate that the increase has not taken place in consequence of liquidation of jobs by reason of employees’ redundancy.<sup>49b</sup>

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<sup>49</sup> Act No. 599/2003 Coll. on assistance in material need and on amendment of certain acts, as amended by later regulations.

<sup>49a</sup> § 71 and § 263 of the Act No. 461/2003 Coll.

<sup>49b</sup> Commission Regulation (EC) No. 2204/2002 of 12 December 2002 on the application of Articles 87 and 88 of the EC Treaty to State aid for employment (OJ L 337, 13.12.2002, p. 3-14).

(4) For the purposes of this Act the total price of work is defined as the sum of the wage and the advance of insurance premiums for health insurance, social insurance premiums and the contribution to old-age pension savings payable by the employer.

(5) The contribution, by written request of the employer, shall be provided by the Office of territorial competence at the place of creation of the self-employment job.

(6) The contribution shall be provided in the maximum duration of 24 months from conclusion of the written agreement on the provision of the contribution pursuant to paragraph 8.

(7) The sum and duration of the contribution depends on the type of the region that is entitled to receive state assistance pursuant to a special regulation<sup>48</sup>, on the undertaking of the employer to continuously employ for at least 12 months the employee for whom the contribution had been granted, and on the average rate of unemployment in the relevant district.

(8) The Office concludes a written agreement with the employer on granting the contribution. The agreement on granting the contribution shall comprise mainly the following particulars

- a) Number and professional structure of the jobs,
- b) Maximum amount of the total price of work for every disadvantaged jobseeker accepted,
- c) The method of the provision of the contribution,
- d) The obligation of the Office to provide the contribution to the employer monthly, no later than within 30 calendar days of the day the documents have been submitted by the employer,
- e) The obligation of the employer to submit employment contracts of the employees until the determined date, and no later than within 30 calendar days, to notify the Office of every termination of employment relationship, and
- f) Other requisites agreed.

## **§ 51**

### **Contribution for the Graduate Practice**

*(Príspevok na vykonávanie absolventskej praxe)*

(1) For the purposes of this Act, graduate practice is defined as the acquisition, by the graduate of a school, of professional skills and practical experience at an employer corresponding to the attained level of the graduate's education. Under conditions stipulated by this law, as graduate practice can be regarded also the acquisition or deepening of professional skills or practical experience by job seekers up to 25 years of age that will extend their career options on the labour market.

(2) For the purposes of this provision, as school graduate shall be regarded, in addition to the graduate of a school, subject to § 8(1)(a), every job seeker aged up to 25 years, regardless of whether he has completed systematic vocational preparation, or whether he / has obtained a regular paid employment.

(3) Graduate practice shall be executed on the basis of a written agreement on the graduate practice concluded between the Office and the graduate who has been filed for a specified period in the register of job seekers, and by written agreement concluded between the Office and the employer.

(4) Graduate practice shall be executed for 6 months at most, without an option of extension, in the duration of 20 hours per week. Repeatedly, a jobseeker can start to execute graduate practice after the lapse of 12 months at the earliest of completion of the previous graduate practice. The employer shall determine on the beginning of the working time and its schedule. Upon completion of the graduate practice, the employer shall issue the graduate a certificate of completion of the graduate practice.

(5) The Office shall, during graduate practice, grant a lump-sum contribution in the monthly amount 1 700 SKK to the graduate in order to cover his/her unavoidable personal expenses in link with the execution of graduate practice. In addition, the Office shall grant compensation of the accident insurance premium to the graduate during his/her execution of the graduate practice, if the graduate has concluded the accident insurance contract pursuant to paragraph 8(g).

(6) While on graduate practice, the graduate shall be entitled to time off in the duration of ten working days. Such claim shall not arise to the graduate earlier than two months from commencing the graduate practice.

(7) In addition to time off in the duration of ten working days the employer shall excuse absence of the graduate from executing graduate practice, when caused by his/her temporary incapacity to work or by attending to a seek family member.

(8) The agreement concluded pursuant to paragraph 3 between the Office and the graduate shall comprise in particular

- a) Commitment of the Office to provide for execution of graduate practice with the agreed employer for the graduate,
- b) Commitment of the graduate to execute graduate practice with the employer agreed by the Office,
- c) Commencement and duration of executing graduate practice,
- d) Type of work performed while on graduate practice,
- e) Commitment of the graduate to comply, while on graduate practice, with generally binding legal regulations, internal rules of the employer and regulations of occupational safety and health protection that he/she had been provably familiarized with,
- f) Commitment of the graduate to reimburse the Office for damage caused by his/her wilful acts to the employer,
- g) Commitment of the graduate to conclude the accident insurance contract during his/her execution of graduate practice,
- h) Commitment of the Office to pay the lump-sum contribution pursuant to paragraph 5 to the graduate within ten days from lapse of the relevant calendar month.

(9) The agreement concluded pursuant to paragraph 3 between the Office and the employer shall mainly comprise in particular

- a) Commitment of the employer to establish conditions for the execution of graduate practice to the graduate,



- b) Type of work during the execution of graduate practice,
- c) Commitment of the employer to provably familiarize the graduate with generally binding legal regulations, internal rules of the employer and regulations of occupational safety and health protection while on graduate practice,
- d) Commitment of the employer to keep attendance records of the graduate and to submit them to the Office in monthly intervals within ten days from lapse of the relevant calendar month,
- e) Commitment of the employer to notify the Office on the graduate's failure to execute graduate practice, and on premature termination of the execution of graduate practice within two working days at latest,
- f) Commitment of the employer to enable to the Office's charged employee to control the fulfilling of this agreement,
- g) Commitment of the employer not to decrease the number of jobs by reason of accepting a jobseeker to execute the graduate practice

## § 52

### **Contribution for Activation Activity**

*(Príspevok na aktivačnú činnosť)*

(1) For the purposes of this Act, activation activity is defined as the support of maintaining the working habits of the job seeker. Activation activity shall be executed in the duration of at least ten hours per week and 40 hours per month, except for the month in which the activation activity began.

(2) Activation activity may be performed in the form of minor communal services performed for a municipality and organised by the latter, or of voluntary works organised by a legal person or by a natural person specified in paragraph 5.

(3) For the purposes of this Act, communal services for a municipality organised by the latter is defined as a form of activation activity of the job seeker, executed by performing work designed to improve the economic conditions, social conditions, cultural conditions and environmental conditions of the municipality population.

(4) In order to facilitate the organisation of minor communal services for the municipality pursuant to paragraph 3, the Office shall, in monthly intervals, submit to the municipality the following data of the job seekers permanently residing in the municipality

- a) Name, surname and date of birth,
- b) Street, municipality or municipal district of the permanent residence,
- c) The attained level of education, acquired professional skills or type of recently performed work,
- d) Duration of registration in the register of job seekers,
- e) Information, whether or not he/she is a recipient of material need benefit<sup>49</sup>.

(5) For the purposes of this Act, voluntary works are defined as a form of activation activity of the job seeker, executed by performing general beneficiary activities at a legal person or natural person who is a

- a) Budgetary organisation and a contributory organisation providing social services<sup>50</sup>,

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<sup>50</sup> Act No. 195/1998 Coll., as amended by later regulations.

- b) Social services facility<sup>50</sup>,
- c) Church or religious community recognized by the state<sup>51</sup> and organisation established thereby<sup>52</sup>,
- d) The Slovak Red Cross,
- e) The Institute for Occupational Rehabilitation of Citizens with Altered Work Capacity in Bratislava,
- f) The Rehabilitation Centre for Citizens with Visual Impairment in Levoča,
- g) Facility established pursuant to § 12(h),
- h) School<sup>39</sup> and a schooling facility<sup>53</sup>,
- i) Health care facility<sup>54</sup>,
- j) Budget organisation and a contributory organisation in the field of culture<sup>55</sup>,
- k) Nongovernmental organisation, mainly
  1. Civic association<sup>56</sup>, which performs public beneficial activity,
  2. Non-profit organisation providing general beneficiary services<sup>57</sup>,
  3. Foundation<sup>58</sup>, performing public beneficial activity,
  4. Non-investment fund<sup>59</sup>, performing public beneficial activity.

(6) The Office shall grant to the municipality, legal person and natural person a contribution in compensation for parts of the expenses for protective work equipment, accident insurance of job seekers performing activation activities, and for part of the total price of work of the employee, organising the activation activity of the job seekers. The contribution, subject to the first sentence, may also be used to cover part of the cost of work equipment, or part of other costs relating to the activation activity; the content of other costs shall be determined by the Central Office in an internal regulation.

(7) The contribution pursuant to paragraph 6 shall be provided in the duration of the activation activity at most, based on a written agreement between the Office and the municipality, on a written agreement concluded between the Office and the legal person or natural person pursuant to paragraph 5(a) to (j), and on a written agreement concluded between the Office and the nongovernmental organisation pursuant to paragraph 5(k), in the monthly equivalent of 10 % at most of the total price of work pursuant to § 49(4) per job seeker performing activation activity.

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<sup>51</sup> Act No. 308/1991 Coll., as amended by Act No. 394/2000 Coll.

<sup>52</sup> § 6(1)(k) of Act No. 308/1991 Coll.

<sup>53</sup> National Council of the Slovak Republic Act No. 279/1993 Coll. on schooling facilities, as amended by later regulations.

<sup>54</sup> Act No. 576/2004 Coll. on health care, services related to health care provision and on amendment of certain acts, as amended by later regulations.

Act No. 578/2004 Coll. on health care providers, health care workers, health professional organizations and on amendment of certain acts, as amended by later regulations.

<sup>55</sup> Act No. 523/2004 Coll. on budgeting rules of public administration and on amendment of certain acts, as amended by later regulations.

Act No. 583/2004 Coll. on budgeting rules of territorial self-government and on amendment of certain acts, as amended by Act 611/2005 Coll..

<sup>56</sup> Act No. 83/1990 Coll., as amended by later regulations.

<sup>57</sup> Act No. 213/1997 Coll., as amended by Act No. 35/2002 Coll.

<sup>58</sup> Act No. 34/2002 Coll. on foundations and on amendment of the Civil Code, as amended by later regulations.

<sup>59</sup> Act No. 147/1997 Coll. on non-investment funds and on supplementing National Council of the Slovak Republic Act No. 207/1996 Coll.

(8) The total sum of the contribution for activation activities granted under paragraph 6 depends on the number of job seekers accepted to perform activation activity and on the number of employees organising the performance of activation activity.

(9) The contribution may be provided by the Office of territorial competence, identified on the basis of

- a) The location of the municipality,
- b) Voluntary work is carried out.

(10) The agreement concluded pursuant to paragraph 7 shall show in particular

- a) Number of job seekers accepted to perform activation activity and the duration of their activation activity and the weekly hours of the activation activity performed by one jobseeker,
- b) Type and duration of the activation activity to be performed,
- c) Total amount, date and duration of providing the contribution pursuant to paragraph 6,
- d) Number of employees, who organise activation activity to be performed by jobseekers and the weekly hours worked by one employee organising the activation activity for jobseekers,
- e) Commitment of the Office to provide the contribution, pursuant to paragraph 6, monthly, no later than within 30 calendar days of the submission of the agreed documents,
- f) Commitment of the municipality, other legal or natural person to notify the Office of any non-compliance with the duration of hours of performance of the activation activity by a jobseeker,
- g) Commitment of the municipality, other legal or natural person to notify the Office of any termination of the employment relationship, no later than within 15 calendar days, where a jobseeker from the register of job seekers has been employed for the organisation of the activation activity,
- h) Other requisites agreed.

(11) Where the Office shall not have sufficient number of suitable jobseekers for performance of the activation activity required by the municipality, authorised legal or natural person pursuant to paragraph 5, the Office shall on the basis of its application in writing to provide the district court, in the district where the Office has domicile, with the information on vacancies offer for purpose of serving the sentence of compulsory work.

(12) Where the municipality, legal or natural person, pursuant to paragraph 5, has been in breach of the agreement concluded with the Office, pursuant to paragraph 10, and the Office has abandoned the agreement for that reason, a new agreement cannot be concluded before the lapse of six months of the abandonment of the previous agreement by the Office.

(13) The Office shall conclude an agreement with the jobseeker on conditions of performance of the activation activity. The agreement on conditions of the performance of the activation activity shall include

- a) The type and weekly duration of the activation activity to be performed,
- b) The beginning and duration of the activation activity to be performed,
- c) The obligation of the Office to provide the jobseeker the activation activity,
- d) The obligation of the jobseeker to perform the activation activity provided by the Office,

- e) The obligation of the jobseeker to comply with the internal regulations and instructions of the organiser of the activation activity, and with the health and safety regulations in performing the activation activity, with which he was provably acquainted,
- f) Other requisites agreed.

### **§ 53**

#### **Contribution for commuting to work** (*Príspevok na dochádzku za prácou*)

(1) The contribution for commuting to work (hereinafter referred to as the “commuter contribution“ “*príspevok na dochádzku*”) shall be provided by the Office monthly toward reimbursement of part of the travel expenses to commute from the place of permanent residence, or from the place of temporary residence of the employee to the place of performance of employment, as given in the employment contract, and back, or reimbursement of part of the travel expenses to commute from the place of permanent residence, or from the place of temporary residence of the employee to the place of the operations or performance of self-employment gainful activity and back. The commuter contribution shall be provided to a citizen who was a disadvantaged jobseeker, pursuant to § 8(1)(a),(b),(d) to (i), maintained in the register of job seekers for at least six months, or who was a disadvantaged jobseeker, pursuant to § 8(1)(c), if they have been withdrawn from the register of jobseekers by reason pursuant to § 36(1)(a) or (b), and if they have applied for the contribution in writing. The citizen may apply for the commuter contribution no later than within six months of the entry in employment, or of the start of the operations or performance of self-employment.

(2) The commuter contribution, pursuant to paragraph 1, shall be provided to the citizen for the duration corresponding to his last registration in the register of job seekers, for maximum 12 months of his entry in employment, or of the start of the operations or performance of self-employment. The contribution, pursuant to paragraph 1, shall be provided repeatedly after the lapse of two years from the entry in the last employment, or from the last start of the operations or performance of the self-employment.

(3) The amount of commuter contribution shall be maximum SKK 2 000 per month, depending on the distance of the place of performance of employment, or place of the operations or performance of the self-employment from the place of permanent residence, or the place of temporary residence of the employee, or the self-employed person.

(4) The Office shall provide the commuter contribution within 30 calendar days of proving the duration of employment, or the duration of the operations or performance of the self-employment.

### **§ 54**

#### **Projects and Programmes**

(1) Projects prevailingly financed from sources of the European Social Fund, shall also be deemed active labour market measures, including in particular

- a) Projects designed to improve the labour market position of job seekers, approved by the Ministry and realised by the Centre; such projects are prevalingly financed from sources of the European Social Fund upon approval of the Ministry, or from other sources approved by the Ministry,
- b) Projects designed to improve the labour market position of job seekers, approved by the Centre and realised by the Office; such project are prevalingly financed from sources of the European Social Fund upon approval of the Centre,
- c) Projects designed to improve the labour market position of job seekers, approved by the Ministry and realised by the Office or by a legal person or natural person.

(2) Projects and programmes financed or co-financed from the state budget or from other sources shall also be deemed active labour market measures, including in particular

- a) Projects designed to verify new active labour market measures, approved by the Ministry and realised by the Centre; such projects are financed from the state budget upon approval by the Ministry,
- b) Projects designed to verify new labour market measures, approved by the Ministry and realised by the Centre; such projects are financed from the state budget upon approval by the Ministry,
- c) Projects and programmes designed to improve the employment situation development in the territorial boundaries of the Office in the framework of partnerships pursuant to paragraph 10, approved by the Committee and realised by partnerships established for the purpose; such projects and programmes may be co-financed from the state budget upon approval by the Ministry,
- d) Projects and programmes in support of the development of regional employment, approved by the Committee and realised by the Office, which may be co-financed from the state budget,
- e) The individual State aid for the investor, approved by the Government of the Slovak Republic, or the European Commission, on the basis of an application for the provision of State aid, pursuant to a special regulation,<sup>59a</sup> taking the form of a contribution for the creation of a new job, and a contribution for education of an employee accepted to a newly created job, provided by the Centre in the way and under the conditions, stipulated in the contract concluded between the Centre and the beneficiary of the individual State aid,
- f) Projects designed for the execution and organisation of activation activity, approved and financed by the Centre from the state budget or from other sources.
- g) Projects and programmes for supporting the growth of regional employment and increasing employability, financed from the state budget, which are approved by the Ministry and implemented by the Social Development Fund.

(3) Contributions pursuant to § 32(10)(d), § 43(7), § 46 and § 47, § 49 to § 53, § 56, § 57, § 59 and § 60 shall not be provided for projects and programmes realised pursuant to paragraph 1.

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<sup>59a</sup> Act No. 231/1999 Coll. as amended by later regulations.  
Council Regulation (EC) No. 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty (OJ L 083, 27.3.1999, p. 1-9).

## PART EIGHT

### SUPPORT OF EMPLOYMENT OF DISABLED CITIZENS

#### § 55

##### **Sheltered Workshop and Sheltered Workplace**

*(Chránená dielňa a chránené pracovisko)*

(1) Sheltered workshop and sheltered workplace are workplaces established by legal persons or natural persons and employing at least 50 % of disabled citizens pursuant to § 9(1)(a) who are unable to find an employment in the open labour market, or workplaces where disabled citizens pursuant to § 9(1)(a) undergo training, and where the conditions of work including requirements for work performance have been adapted to the state of health of the disabled citizens pursuant to § 9(1)(a). For the purposes of satisfying the condition, pursuant to the first sentence, § 63 (2) shall be adhered to. Individual job established for or adapted to the state of health of disabled citizens pursuant to § 9(1)(a) by legal persons or natural persons shall also be deemed establishment of a sheltered workplace. The sheltered workplace may be also established in the household of the disabled citizen pursuant to § 9(1)(a). The Office shall recognize the status of the sheltered workshop and sheltered workplace on the basis of a positive opinion issued by the health protection authority.<sup>60</sup>

(2) Manufacturing cooperative society of disabled citizens shall be deemed sheltered workshop or sheltered workplace, providing fulfilment of the conditions pursuant to paragraph 1.

(3) Sheltered workshop and sheltered workplace are primarily designed to enable professional assertion of disabled citizens pursuant to § 9(1)(a), to whom their employers are unable to offer suitable jobs at other workplaces. Citizens undergoing training and employees temporarily unable to carry out their recent employment due to threat of health may also work in sheltered workshops or at sheltered workplaces, if their employers are unable to offer them other suitable jobs.

(4) Legal persons or natural persons shall keep separate books on the expenses, performances and profit or loss in respect of sheltered workshop or sheltered workplace.

#### § 56

##### **Contribution for Establishing and Maintaining the Sheltered Workshop or Sheltered Workplace**

*(Príspevok na zriadenie chránenej dielne alebo chráneného pracoviska a na ich zachovanie)*

(1) The contribution for establishing a sheltered workshop or sheltered workplace shall be granted to the employer establishing the sheltered workshop or sheltered workplace and a contribution to cover additional documented expenses (hereinafter referred to as the "contribution"; "príspevok").

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<sup>60</sup> § 10(4)(a) of the Act No. 126/2006 Coll. on public health and on amendment of certain acts.

(2) The contribution per job generated in the sheltered workshop or sheltered workplace shall be granted up to 100 % of the sum corresponding to 24 times the minimum price of work pursuant to § 49(4) as in force to the end of the calendar month preceding the calendar month of disbursement of the contribution.

(3) The amount of the contribution, pursuant to paragraph 1, shall depend on the type of region eligible for the provision of the State aid, pursuant to a special regulation<sup>48</sup>, and the average rate of registered unemployment of the district.

(4) The documented additional expenses pursuant to paragraph 1 shall be expenses related to

- a) Extension of the sheltered workshop or sheltered workplace, or adjustment of their premises,
- b) Outfitting of the sheltered workshop or sheltered workplace with machines, equipment and working aids required for the performance of activities of disabled citizen pursuant to § 9(1)(a) in the sheltered workshop or sheltered workplace,
- c) Installation of machines, equipment and working aids pursuant to paragraph (b),
- d) Payments for the hire of the motor vehicle using the form of leasing during no more than three years.

(5) The contribution for covering additional expenses pursuant to paragraph 1 shall also be granted for adapting an individual workplace located outside of the sheltered workshop or sheltered workplace, to the state of health of the disabled citizen pursuant to § 9(1)(a).

(6) The Office shall provide reimbursement of additional documented expenses also separately. Where reimbursement of additional documented expenses is provided separately, its amount shall not exceed 100 % of the sum corresponding to 24 times the minimum overall price of work pursuant to § 49(4) as in force at the end of the calendar month preceding the calendar month of disbursement of the contribution.

(7) The contribution pursuant to paragraph 1 shall be granted to the employer, based on his application in writing, by the Office of territorial competence at the location of establishing the sheltered workshop or sheltered workplace; the application shall include the business plan and the calculation of estimated costs for establishing the sheltered workshop or sheltered workplace.

(8) Jobs generated with contribution granted pursuant to paragraph 1 may only be occupied by disabled citizens pursuant to § 9(1)(a). Other employees may, with prior written consent of the Office, occupy such jobs only if they are temporarily vacant, for a period not exceeding nine months and for a period not exceeding 24 months in the case of disabled citizens pursuant to § 9(1)(b).

(9) The sheltered workshop or sheltered workplace shall be established for at least three years. The legal person or natural person failing to fulfil this condition shall return, within three months at most unless a different deadline was agreed with the Office, the proportional part of the contribution, corresponding to the length of inactivity period of the sheltered workshop or sheltered workplace.

(10) The legal person or natural person shall, within 30 calendar days, notify the Office on all changes occurring at the jobs in the sheltered workshop or sheltered workplace that were established with the contribution.

(11) The legal person or natural person shall return the whole contribution granted for the respective job in case of his/her failure to meet the conditions specified in paragraphs 8 and 9.

(12) The Office shall conclude a written agreement with the employer on granting the contribution. The agreement on granting the contribution shall comprise mainly the following particulars

- a) The number, professional and qualification structure of employees who are disabled citizens pursuant to § 9(1)(a) and who were accepted in jobs established in the sheltered workshop or sheltered workplace,
- b) The number of months of employing the disabled citizens pursuant to § 9(1)(a),
- c) The sum of the contribution and methods of its disbursement,
- d) The job establishment date,
- e) Duration of operating the job,
- f) Method of, and deadline for documenting the use of the contribution,
- g) Method of return of the contribution or part thereof in case of failure to meet the agreed conditions,
- h) Commitment of the legal person or natural person to notify the Office on all changes of the agreed conditions within 30 calendar days at most.

## **§ 57**

### **Contribution for Operating or Performing Self-Employment to Disabled Citizens** *(Príspevok občanovi so zdravotným postihnutím na prevádzkovanie alebo vykonávanie samostatnej zárobkovej činnosti)*

(1) The disabled citizen pursuant to § 9(1)(a) commencing the operation or performance of self-employment in sheltered workshop or at a sheltered workplace shall, by his/her written request, be granted a contribution for reimbursement of the expenses related to self-employment and for the reimbursement of the additional documented expenses (hereinafter referred to as “the contribution”; “*príspevok*”). The application for the contribution shall include the business plan and a calculation of the estimated costs of establishing the sheltered workshop or sheltered workplace.

(2) The contribution shall be granted to the disabled citizen pursuant to § 9(1)(a), who has been filed for a specified period in the register of job seekers, who will commence, and continue without interruption for at least two years, operating or performing self-employment in a sheltered workshop or at a sheltered workplace.

(3) The contribution shall be granted up to 100 % of the sum corresponding to 24 times the minimum price of work pursuant to § 49(4) as in force to the end of the calendar month preceding the calendar month of disbursement of the contribution.

(4) The amount of the contribution, pursuant to paragraph 1, shall depend on the type of region eligible for the provision of the State aid, pursuant to a special regulation<sup>48</sup>, and the average rate of registered unemployment in the district.



(5) The additional documented expenses referred to under paragraph 1 shall be expenses related to

- a) Extension of the sheltered workshop or sheltered workplace, or adjustment of their premises for operating or performing self-employment by the disabled citizen pursuant to § 9(1)(a),
- b) Outfitting of the sheltered workshop or of the sheltered workplace with machines, equipment and working aids required for operating or performing self-employment by the disabled citizen pursuant to § 9(1)(a) in the sheltered workshop or sheltered workplace,
- c) Installation of machines, equipment and working aids pursuant to subparagraph (b),
- d) Payments for the hire of the motor vehicle using the form of leasing during no more than two years.

(6) The Office shall provide reimbursement of additional documented expenses also separately. Where reimbursement of additional documented expenses is provided separately, its amount shall not exceed 100% the sum corresponding to 24 times the minimum overall price of work pursuant to § 49(4) as in force at the end of the calendar month preceding the calendar month of disbursement of the contribution.

(7) The contribution pursuant to paragraph 1 shall be granted by the Office in whose territorial boundaries the disabled citizen pursuant to § 9(1)(a), shall commence the operation or perform self-employment in a sheltered workshop or a sheltered workplace, or the Office, in whose territorial boundaries the disabled citizen, pursuant to § 9 (1)(a), has his permanent residence.

(8) The contribution pursuant to paragraph 1 shall be granted on the condition that the disabled citizen pursuant to § 9(1)(a) would operate or perform self-employment in the sheltered workshop or at the sheltered workplace for at least two years. The disabled citizen pursuant to § 9(1)(a) terminating the operation or performance of self-employment in a sheltered workshop or at a sheltered workplace before lapse of the period of two years shall return, within three months at most unless a different deadline was agreed with the Office, the proportional part of the contribution, corresponding to the length of period when no self-employment was operated or performed in a sheltered workshop or at a sheltered workplace and he/she can be filled into the register of job-seekers from the day following after the lapse of the period of two years from commencing of the operation or performance of self-employment in a sheltered workshop or sheltered workplace. No return of the contribution pursuant to paragraph 1 shall be required from the disabled citizen pursuant to § 9(1)(a) who terminated the operation or performance of self-employment due to decease, or for health reasons as assessed pursuant to § 19. The disabled citizen pursuant to § 9(1)(a) who terminated operation or performance of self-employment in a sheltered workshop or sheltered workplace before lapse of the period of two years due to health reasons on the basis of the assessment pursuant to § 19 can be filled into the register of job-seekers from the day following after termination of operation or performance of self-employment in a sheltered workshop or sheltered workplace.

(9) The Office shall conclude a written agreement on granting the contribution with the disabled citizen pursuant to § 9(1)(a) commencing operating or performing self-employment in a sheltered workshop or at a sheltered workplace. The agreement on granting the contribution shall include in particular

- a) The type of self-employment,
- b) The sum of the contribution and method of its disbursement,
- c) The date of establishing the sheltered workplace and the date of commencing the operation or performance of self-employment,
- d) Duration of operating the job,
- e) Method and deadline for documenting the use of the contribution for reimbursement of additional documented expenses,
- f) Method of return of the contribution or part thereof in case of failure to meet the agreed conditions,
- g) Commitment of the disabled citizen pursuant to § 9(1)(a) commencing the operation or performance of self-employment in a sheltered workshop or at a sheltered workplace to notify the Office on all changes of the agreed conditions within 30 calendar days at most.

(10) The conclusion of the agreement on granting the contribution is conditional upon passing through the preparation for commencing the operation or performance of self-employment in a sheltered workshop or sheltered workplace which shall be secured by the Office to the job-seeker who is the disabled citizen pursuant to § 9(1)(a).

## § 58

### **Agency for Supported Employing** (*Agentúra podporovaného zamestnávania*)

(1) For the purposes of this Act an agency for supported employing is defined as a legal person or natural person providing disabled citizens, long-term unemployed citizens and employers with service facilitating the acquisition or retention of an employment, or facilitating the acquisition of employees from among disabled citizens and long-term unemployed citizens (hereinafter referred to as “supported employing”; “*podporované zamestnávanie*”). The agency for supported employing executes the following main activities

- a) Provision of professional consultancy aimed to support and assistance in the acquisition and retention of jobs, advisory activities in the field of labour law and finance in connection with claims of disabled citizens arising from their disability, and provision of professional consultancy to long-term unemployed citizens at acquisition and retention of jobs,
- b) Identification of abilities and professional skills of disabled citizens and long-term unemployed citizens, taking the requirements of the labour market in account,
- c) Seeking out and mediating suitable employment for disabled citizens and for long-term unemployed citizens,
- d) Provision of professional consultancy to employers in the field of acquiring employees from among disabled citizens or long-term unemployed citizens, and of resolving problems during their employment,
- e) Selection of suitable disabled citizen or suitable long-term unemployed citizens for a job, based on the employer’s requirements and claims,
- f) Provision of professional consultancy to employers modifying at adjustment of the workplace and working conditions while employing specific disabled citizen pursuant to § 9(1)(a).

(2) Activities specified in paragraph 1(a) to (f) may be executed by the agency for supported employing for the job seeker who is a disabled citizen, and for the job seeker who

is a long-term unemployed citizen, by written agreement concluded with the competent Office. The agency for supported employing may collect agreed payments from the employer for the execution of activities specified in paragraph 1(d) to (f).

(3) The selection of an agency for supported employing is subject to special regulation<sup>19</sup>.

(4) The agreement pursuant to paragraph 2 shall include in particular

- a) Type of services provided by the agency for supported employing,
- b) Number of job seekers who are disabled citizens and of job seekers who are long-term unemployed citizens, who will be provided with services by the agency for supported employing,
- c) Date of commencement of the services and date of termination of the services,
- d) Location of provision of the services,
- e) Costs of the services,
- f) Method of payment of the costs of services,
- g) Commitment of the agency for supported employing to notify any change in the numbers of job seekers who are disabled citizens and of job seekers who are long-term unemployed citizens, receiving the services,
- h) Method of documenting the costs linked to the provision of the supported employing services.

(5) The natural person having no criminal record and at least completed secondary education may execute the activities of an agency for supported employing, providing that he/she was licensed for such activities. In case of legal persons the condition of integrity and at least complete secondary education must be fulfilled by the person acting on behalf of the agency for supported employing; for the purposes of this Act, absence of the integrity shall be proven in the form of a statement of criminal records<sup>32</sup>, predated three months at most (*nie starší ako 3 mesiace*).

(6) The licence to perform the activity of an agency for supported employing shall be issued by the Centre for indefinite period. Subject to an application in writing by the agency for supported employing, the Centre will change, suspend, cancel, or issue a duplicate of the licence for the activity of an agency for supported employing. The Centre shall issue a duplicate in the case of loss, theft, or damage to the licence to perform the activity of an agency for supported employing, or in the case of loss of the document on the change, suspension, or cancellation of the licence for the performance of the activity of the agency for supported employing.

(7) The agency for supported employing, whose licence for the performance of the activity of the agency for supported employing has been cancelled on the basis of a proposal, pursuant to paragraph 15, will be issued a new license for the activity of the agency for supported employing by the Centre not before the lapse of three years from the cancellation of the preceding license to perform the activity of the agency for supported employing.

(8) The application for the licence to perform the activities of an agency for supported employing shall include in particular

- a) Name, registered office, identification number and type of economic activity of the legal person, or name, surname and permanent address of the natural person,

- b) Document in proof of the attained level of education of the natural person; for legal persons, the document in proof of the attained level of education of the individual acting on behalf of the legal person,
- c) Territorial scope of activities to be performed by the agency for supported employing.

(9) The application for the licence to execute activities of the agency for supported employing pursuant to paragraph 8 shall be accompanied with the following documents

- a) The project of activities of the agency for supported employing, including the calculation of estimated revenues and expenses,
- b) Contract for leasing or document on ownership of the applicable premises,
- c) Proof of material conditions enabling to carry out the activities of the agency for supported employing,
- d) Range of cooperating subjects, and
- e) Human resources providing for the execution of activities of the agency for supported employing.

(10) The licence to execute activities of the agency for supported employing shall include in particular

- a) Name, registered office, identification number and type of economic activity of the legal person, or name, surname and permanent address of the natural person,
- b) Type of services provided by the agency for supported employing,
- c) Territorial scope of activities of the agency for supported employing.

(11) Issuance, the change or issue of a duplicate of the licence to execute activities of the agency for supported employing is subject to a fee payable pursuant to a special regulation<sup>31</sup>.

(12) The agency for supported employing is obliged to

- a) Ensure protection of personal data pursuant to a special regulation<sup>22</sup> of the disabled citizens, long-term unemployed citizens and employers,
- b) Establish conditions for controlling its activities and provide information and documents to the controlling authorities,
- c) Submit annual reports of its activities to the Centre.

(13) The agency for supported employing, while executing its activities, must not

- a) Collect personal data of citizens which are not essential for the purposes of supported employing,
- b) Make wage deductions, except as pursuant to a special regulation<sup>36</sup> of an employee whom supported employment was mediated.

(14) The Centre, by proposal of authorities specified in paragraph 15, may suspend activities of the agency for supported employing before lapse of the period of validity of the licence until removal of faults, or cancel the licence.

(15) The following authorities may propose suspension or cancellation of the licence of the agency for supported employing

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<sup>36</sup> Act No 595/2003 Coll. on income tax, as amended by later regulations.

- a) The competent tax office upon detecting a violation of legal regulations in the field of taxes<sup>33</sup>,
- b) The competent Office upon detecting a violation of legal regulations in the field of employment services,
- c) The National Labour Inspectorate upon detecting a violation of labour law regulations and/or regulations in the field of occupational safety and health protection<sup>34</sup>, and
- d) The citizen who was aggrieved in consequence of the activities of the agency for temporary employing.

## § 59

### **Contribution for Activities of the Assistant at Work**

*(Príspevok na činnosť pracovného asistenta)*

(1) The Office shall grant to employer or to a self-employed person, who is disabled citizen, pursuant to § 9(1)(a) a contribution for activities of the assistant at work (hereinafter referred to as “contribution”).

(2) For the purposes of this Act the assistant at work is defined as the employee who provides assistance to an employee or to employees, who are disabled citizens pursuant to § 9(1)(a), in their execution of employment and personal needs during the working time, or a person who provides assistance to a self-employed person, who is a disabled citizen, pursuant to § 9(1)(a), in operating or performing self-employment.

(3) The assistant at work must have completed 18 years of age and legal capacity.

(4) The contribution shall be provided monthly, covering up to 90 % of the total price of work pursuant to § 50(4) per assistant at work, performed during the employment of an employee who is a disabled citizen, or of employees who are disabled citizens in direct care of the assistant or in the duration of, during the operation, or the execution of self-employment by a person, who is a disabled citizen, pursuant to § 9(1)(a).

(5) The contribution shall be granted by the Office in whose territorial boundaries the employer or a self-employed person, who is a disabled citizen, pursuant to § 9(1)(a), has its site or the Office in whose territorial boundaries the self-employed person has his permanent residence.

(6) The Office shall conclude a written agreement with the employer or a self-employed person, who is a disabled citizen, pursuant to § 9(1)(a) for granting the contribution. The agreement for providing the contribution shall include in particular

- a) Number of employees who are disabled citizens pursuant to § 9(1)(a) and who are in the direct care of one assistant at work,
- b) Number of assistants at work,
- c) Sum and duration of payment of the contribution,
- d) Method of payment of the contribution,
- e) Method of the contribution return or parts thereof in case of non-fulfilment of the agreed conditions.

(7) Self-employed person, who is a disabled citizen, pursuant to § 9(1)(a) shall conclude a contract<sup>60a</sup> for the provision of assistance in operating or executing self-employment with the assistant at work (hereinafter referred to as the “Contract”; “*zmluva*”). The Contract shall contain in particular

- a) Type and the extent of activities to be performed by the assistant at work,
- b) Place of the performance of activities of the assistant at work,
- c) Agreed working time,
- d) Rights and obligations of the assistant at work,
- e) Amount of pay and the way of its payment,
- f) Reasons for relinquishing the contract (*dôvody odstúpenia od zmluvy*).

(8) Self-employed person, who is a disabled citizen, pursuant to § 9 (1)(a), shall be obliged to submit an original copy of the contract, pursuant to paragraph 7, or its copy to the competent Office.

## **§ 60**

### **Contribution to Cover Operating Costs of the Sheltered Workshop or Sheltered Workplace and Employees' Transport Costs**

*(Príspevok na úhradu prevádzkových nákladov chránenej dielne alebo chráneného pracoviska a na úhradu nákladov na dopravu zamestnancov)*

(1) The contribution to cover operating costs of a sheltered workshop or sheltered workplace and employees' transport costs (hereinafter referred to as “contribution”) shall be granted to a legal person or natural person by application in writing, submitted by 31 March at latest after lapse of the relevant calendar year.

(2) Operating costs pursuant to paragraph 1 are defined as the expenses on acquiring instruments, devices, tools and protective working equipment, as well as costs arising in connection with the organisation of activities and administration of the sheltered workshop or sheltered workplace.

(3) Employees' transport costs pursuant to paragraph 1 is defined as the costs arising in connection with the employer's transport provision, to work place and back, for employees who are disabled citizens pursuant to § 9(1)(a).

(4) The contribution shall be granted by the Office of territorial competence according to the location of the sheltered workshop or sheltered workplace, and paid in the maximum value of 7 times the minimum total price of work pursuant to § 49(4) as at the end of the relevant calendar year per disabled citizen pursuant to § 9(1)(a).

(5) The Office shall provide an advance payment in respect of the contribution at maximum 50 % of the amount, pursuant to paragraph 4, per one citizen with disability, pursuant to § 9(1)(a), where the legal or natural person has applied for it in writing.

## **§ 61**

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<sup>60a</sup> § 51 and § 853 of the Civil Code.

### **Accumulation of granted contributions**

*(Kumulácia poskytnutých príspevkov)*

(1) The accumulated total of contributions granted under § 49, § 50, § 51, § 54, § 56, § 57, § 59 and § 60 shall, during the period of their provision or during the validity period of the commitment to maintain the generated job, not exceed the total price of work per job during the same period.

(2) The accumulated total of contributions granted under § 56, § 59 and § 60 for the same job over the period of three years and the accumulated total of contributions granted under § 57, § 59 and § 60 in respect of the same job over the period of two years, shall not exceed the amount of the total price of work for the same periods.

(3) If the provision of any contribution specified in paragraphs 1 and 2 exceeds the accumulated total of all provided contributions, that contribution shall be either reduced by the excess sum, or withheld.

(4) The accumulated total of contributions granted under § 32(10)(d), § 43(7), § 46, § 47, § 49 to § 52, § 56, § 57, § 59 and § 60 to an employer or to a self-employed person must not exceed the sum 15 million EUR, in the exchange rate as at the time of payment of the contribution, over the period of three years.

## **PART NINE**

### **OBLIGATIONS OF THE EMPLOYER**

#### **§ 62**

(1) The employer may acquire employees in the required number and structure by own selection, or with assistance of the Offices in the whole territory of the Slovak Republic.

(2) The employer must not publish job offers containing any restrictions and discrimination by race, colour of skin, gender, age, language, belief and religion, disability, political or other conviction, trade union activity, national or social origin, national or ethnic group affiliation, property, lineage, marital status and family status.

(3) While selecting employees, the employer must not request information related to nationality, racial or ethnic origin, political conviction, trade union membership, religion, sexual orientation, information which is in disagreement with good morals, and personal data not required for fulfilling employers' duties, as specified by special regulation<sup>22</sup>. By request of the citizen, the employer shall prove the necessity of his requirements for personal data. The criteria used in the selection of employees must guarantee equality of opportunities to all citizens.

(4) The obligations of the employer in collective redundancies are regulated by special regulation<sup>20</sup>.

#### **§ 63**

### **Obligations of the Employer in Employing Disabled Citizens**

*(Povinnosti zamestnávateľa pri zamestnávaní občanov so zdravotným postihnutím)*

- (1) The employer is obliged to
- a) Provide for suitable working conditions of disabled citizens in his employment,
  - b) Execute training and preparation for work of disabled citizens, and give special attention to increasing of their qualification while in his employment,
  - c) Maintain the register Keep records of disabled citizens pursuant to § 9(1)(a),
  - d) Employ disabled citizens pursuant to § 9(1)(a) in numbers corresponding to 3.2 % of the total number of his employees, when he employs at least 20 employees, and when there are disabled citizens pursuant to § 9(1)(a) on file in the Office's register of job seekers.
- (2) The employer employing a disabled citizen pursuant to § 9(1)(a) whose capacity to perform gainful activity is reduced by more than 70 % due to his/her long-term adverse (*nepriaznivý*) state of health shall be deemed as if employing three disabled citizens for the purpose of fulfilling his obligation to employ disabled citizens pursuant to paragraph 1(d).
- (3) For the purposes of paragraph 1(d) the total number of employees is defined as the average registered number of natural persons employed in the calendar year. Employees fulfilling tasks of the employer abroad shall not be included in the total number of employees.
- (4) Finding of number of disabled citizens pursuant to § 9(1)(a) that the employer is under obligation to employ, and the actual number of disabled citizens pursuant to § 9(1)(a) employed by the employer shall, from including 0.5, be rounded up to the next higher integer number.
- (5) The employer shall prove the compliance with the obligatory proportion of citizens with disability, pursuant to § 9(1)(a), in the total number of his employees for the foregoing calendar year, by 31 March of the following calendar year, on a form prescribed by the Centre.

## **§ 64**

### **Placement of Orders for Purposes of Fulfilling the Obligatory Proportion of Employing Disabled Citizens**

*(Zadávanie zákaziek na účely plnenia povinného podielu zamestnávania občanov so zdravotným postihnutím)*

- (1) The employer may also fulfil the obligation to employ disabled citizens pursuant to § 9(1)(a), in the obligatory proportion specified in § 63(1)(d), by placing orders suitable for the employing of such citizens, in the scope defined under paragraph 2, to be realized evidentiary by a disabled citizen, pursuant to § 9(1)(a).
- (2) For the purposes of compliance with paragraph 1, for accounting of one citizen with disability pursuant to § 9(1)(a) it is necessary to prove that the costs of wages of the citizen with disability, pursuant to § 9(1)(a), the advance payment of health insurance premiums, and social insurance premiums and the contribution for old-age pension saving, payable by the employer, are part of the price for the implemented placed order, at an amount



of three-times the minimum total price of work, in force at 1 January of the calendar year, for which the employer fulfils the obligations, pursuant to § 63(1)(d).

(3) The employer fulfilling his obligation specified in § 63(1)(d) by placement of an order pursuant to paragraph 1 is obliged to submit proof to the Office, that the costs of wages, advance premium payment, insurance premium and the contribution pursuant to paragraph 2, shall be part of the price for the implemented placed order.

## **§ 65**

### **Levies for Failure to Fulfil the Obligatory Proportion of Employing Disabled Citizens** *(Odvod za neplnenie povinného podielu zamestnávania občanov so zdravotným postihnutím)*

(1) The employer failing to meet the determined obligatory proportion of employing disabled citizens pursuant to § 9(1)(a) in the total number of his employees pursuant to § 63(1)(d) is obliged, within 31 March of the following calendar year at latest, transfer to the Office's account a levy for each disabled employee missing from the total number required to fulfil his obligatory proportion of employed disabled citizens pursuant to § 9(1)(a), in the sum equivalent to three times of the monthly minimum wage as in force to the end of the calendar month wherein the levy for failure to fulfil the obligatory proportion of employed disabled citizens pursuant to § 9(1)(a) is payable.

(2) When the Office had disabled citizens pursuant to § 9(1)(a) on file in the register of job seekers for a part of the calendar year only, the levy payable pursuant to paragraph 1 shall be reduced by the sum representing the conjunction of the monthly minimum wage as in force to the 31<sup>st</sup> March of the calendar year wherein the levy for failure to fulfil the obligatory proportion of employed disabled citizens pursuant to § 9(1)(a) is payable, of one half of the number of months wherein the Office had no disabled citizens pursuant to § 9(1)(a) on file in the register of job seekers, and of the number of disabled citizens pursuant to § 9(1)(a) missing from the total number required to fulfil the obligatory proportion under § 63(1)(d).

(3) The respective branch of the Social Insurance Agency is obliged to provide the Office with the data for purposes of assessing the employers' duties fulfilment pursuant to paragraph 1 in the scale and method specified by the Centre.

(4) Should the employer fail to fulfil his obligation pursuant to paragraphs 1 and 2, the Office shall decide about his obligation to pay the levy for failure to fulfil the obligatory proportion of employed disabled citizens pursuant to § 9(1)(a).

## **PART TEN**

### **INFORMATION SYSTEM, PUBLICATION OF DATA AND DATA PROTECTION**

#### **§ 66**

#### **Information System**

The Centre and the Office use, in their information system, mainly the classification of employments, branch-dependent classification of economic activities, classification of study and training fields, code list of territorial districts and departmental code lists used in the relevant application software.

## **§ 67**

### **Publication of Data and Data Protection**

*(Zverejňovanie údajov a ochrana údajov)*

(1) Data of citizens and of vacancies may be acquired, processed and provided only for the purposes of employment services.

(2) The Centre and the Office may provide personal data from its information system only with consent of the citizen directly concerned, or if determined in this Act or in special regulations<sup>22</sup>.

(3) The Centre and the Offices are authorised to acquire, from the information system of the Social Insurance Agency and from the information systems of its branches, the information on the recipients of unemployment benefit for the reported month, without the consent of the unemployment benefit recipient.

(4) Data of job seekers, of persons interested in employment and of vacancies shall be provided free of charge to state administration authorities, self-governing regions, the Social Insurance Agency, municipalities and courts, as well as in cases specified by special regulation. Statistical information and analyses of the labour market shall be provided free of charge to state administration authorities.

(5) The Centre and the Office shall provide statistical data about job seekers and data from their respective administrative sources to the Statistical Office of the Slovak Republic pursuant to a special regulation<sup>61</sup>.

(6) The Centre publishes statistical information on unemployment, on active labour market measures and on activation activities of job seekers in compliance with methodological instructions, issued by the Ministry; such information of the relevant month shall be published by the 20<sup>th</sup> day of the following calendar month at latest.

(7) The Office may publish statistical data of an employer only with consent of the respective employer.

(8) The Centre and the Office shall establish the necessary technical and organisational conditions required for the protection of data.

## **§ 67a**

### **Registration of receivables**

*(Evidencia pohľadávok)*

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<sup>61</sup> Act No. 540/2001 Coll. on state statistics, as amended by Act 215/2004 Coll.

(1) The Centre shall publish the list of natural and legal persons in respect of whom the Centre and the Office is recording receivables.

(2) The list of natural persons, pursuant to paragraph 1, shall include

- a) The name and surname of the natural person,
- b) The permanent or temporary residence of the natural person,
- c) The amount of receivables.

(3) The list of legal persons, pursuant to paragraph 1, shall include

- a) The trade name of the legal person,
- b) The registered office of the legal person,
- c) The amount of receivables.

(4) Consent of the natural person and the legal person to the publication of the data, pursuant to paragraphs 1 and 2, shall not be required.

## **PART ELEVEN**

### **CONTROL ACTIVITY**

#### **§ 68**

(1) The Centre and the Office shall accomplish control activity.

(2) The Centre and the Office accomplish external control activity and internal control activity pursuant to this Act and to special regulations.<sup>62</sup>

(3) External control activity is defined as the control of fulfilment of obligations arising from this Act to the participants of legal relations pursuant to § 2.

(4) In addition to powers of control bodies pursuant to special regulations,<sup>62</sup> control activities, pursuant to paragraph 3, include also the powers

- a) To enter, without any restriction and at any time, the workplaces subject to illegal work and illegal employment inspections and to enter, to a necessary extent, private lands and communications.
- b) To ask for a proof of identity of a natural person present at the workplace of the employer and explanation of reasons for his/her presence.

(5) The Centre and Office may impose a penalty between 500 SKK and 20,000 SKK to an employee of a legal person or natural person who is entrepreneur for obstructions against performance of an illegal employment inspection; the sanction may be imposed repeatedly when the obligation was not fulfilled even within a new specified period.

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<sup>62</sup> National Council of the Slovak Republic Act No. 10/1996 Coll. on control in the state administration, as amended by later regulations. Act No. 502/2001 Coll. on financial control and on the financial audit, and on amendment of certain acts, as amended by Act No. 618/2004 Coll..

(6) The Police Forces are obliged, on request of the control body, to provide the control body with cooperation and protection<sup>62a</sup> at the inspection performance; the cooperation and protection may be requested if there exists justified assumption of a threat to life or health of the person performing the inspection or obstruction of the control activity accomplishment.

(7) For the purposes of this Act, internal control activity is defined as the control of fulfilment of duties of the Centre, Offices and their established workplaces.

(8) The procedure of inspection pursuant to § 19(11) is identical with that of the therapeutic regimen observance by an insured person during his/her temporary work incapacity pursuant to a special regulation.<sup>15</sup>

**§ 68a**  
**Administrative infractions**  
*(Správne delikty)*

- (1) The Centre and Office are empowered to impose a penalty to
- a) an employer for having infringed any obligation pursuant to this Act up to the amount to 1,000,000 SKK.
  - b) a legal person or natural person who is entrepreneur for illegal employment pursuant to a special regulation<sup>18a</sup> up to the amount of 1,000,000 SKK.

(2) When imposing a penalty pursuant to paragraph 1, the Centre and Office shall take into account seriousness of detected faults and seriousness of consequences thereof.

(3) The penalty may be imposed within one year after the day when the Centre and Office have learned about the infringement of these obligations, however, within three years after the day when the infringement occurred.

(4) The penalty pursuant to paragraph 1(b) cannot be imposed when the entity subject to the inspection has already been penalised for the same infringement by another body empowered to accomplish inspections pursuant to special regulations.

(5) The penalty is considered to be the State Budget revenue.

**§ 68b**  
**Offences**  
*(Priestupky)*

(1) An offence is committed by a person who, without authorisation, provides fee charged mediation of employment.

(2) A fine of up to SKK 10 000 can be imposed for the offence, pursuant to paragraph 1.

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<sup>62a</sup> § 2(2) of the Act of the National Council of the Slovak Republic No. 171/1993 Coll. on Police forces.

- (3) The offence shall be dealt with by the Office.
- (4) A special regulation<sup>62b</sup> shall apply to the proceedings on offences.

## PART TWELVE

### COMMON, TRANSITIONAL AND FINAL PROVISIONS

#### Common provisions

#### § 69

- (1) The Ministry shall issue the generally binding legal regulation regulating
  - a) The maximum fee for services related to employment mediation pursuant to § 25(3).
  - b) The sum of the travel expenses reimbursement pursuant to § 32(10)(d),
  - c) Detailed contents, particulars of the register of job seekers, and procedure of maintaining the register of job seekers and the active forms of personal job search by the jobseeker, pursuant to § 33 to § 36,
  - d) Detailed contents, particulars of the register of persons interested in employment, and procedure of maintaining the register of persons interested in employment pursuant to § 37 to § 39,
  - e) Details of maintaining the register of vacancies and the register of employers pursuant to § 40 and § 41,
  - f) Duration of registration of the job seekers, to be used in elaborating the individual action plan in support of vocational assertion of the job seeker, determining the sum of contribution covering the travel expenses and the contribution for the services for the family with children, in link with participation of job seekers in activities within professional consultancy, and other details related to the provision of professional consultancy pursuant to § 43.
- (2) The Ministry shall issue the following particulars legal regulation regulating
  - a) The amount of contribution per one education activity for the jobseeker and the person interested in employment, depending on the kind of education activity, the amount of contribution to the jobseeker and the person interested in employment for the services for the family with children, and other details of the provision for education and preparation for the labour market of the jobseeker and the person interested in employment, pursuant to § 46,
  - b) Duration of registration of the job seeker in the register of job seekers entitling to claim the contribution, sum of the contribution depending on the affiliation of the job creation district, on the type of regions entitled to receive state aid pursuant to a special regulation, on the average unemployment rate in the relevant district and on membership of the job seeker in the group of disadvantaged job seekers pursuant to § 8, the contents of the application for the contribution and other details pursuant to § 49,
  - c) Sum of the contribution and duration of payment of the contribution, depending on the affiliation of the job creation district, on the type of regions entitled to receive state aid

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<sup>62b</sup> The Act of the Slovak National Council No. 372/1990 Coll. on offences, as amended by later regulations.

- the legal status and the subject of business of the employer, and other details, pursuant to § 50,
- d) Duration of registration of the job seeker in the register of job seekers entitling to claim the contribution for executing graduate practice pursuant to § 51,
  - e) The amount of commuter contribution, depending on the distance of the place of performance of employment, or the place of the operations or performance of self-employment from the place of permanent residence, or the place of temporary residence of the employee, or the self-employed person, the duration of registration of the jobseeker in the register of jobseekers for the purpose of provision of the contribution for movement toward work, documents for applications for the provision of contributions and other details of the provision of contributions, pursuant to § 53,
  - f) Sum of the contribution, depending on the affiliation of the district of establishing the sheltered workshop or sheltered workplace, on the type of regions entitled to receive state aid pursuant to a special regulation, the legal status and the subject of business of the employer, and other details of granting the contribution for establishing the sheltered workshop or sheltered workplace pursuant to § 56,
  - g) Duration of registration in the register of job seekers, sum of the contribution and duration of payment of the contribution depending on the affiliation of the district, on the type of regions entitled to receive state aid pursuant to a special regulation, on the average unemployment rate in the relevant district, and other details of granting the contribution to the disabled citizen for operating or performing self-employment pursuant to § 57.

## § 70

(1) Proceedings pursuant to § 12(j), (n) and (x) and § 13(1)(e) shall be subject to the general regulation on administrative proceedings<sup>63</sup>, except for § 60 to § 66 thereof.

(2) In matters where the Centre decided on remedial measures in first-instance administrative proceedings the decision-making competence belongs to the Director General of the Centre.

(3) An appeal to the following decisions shall have no dilatory effects

- a) Refusal of filing a citizen in the register of job seekers, and his/her removal from the register,
- b) The employer's obligation to pay the levy for failure to employ the obligatory proportion of disabled citizens pursuant to § 65.

(4) Derogative procedure shall be used in applying § 18(3), § 24(2) and § 27 of the general regulation of administrative proceedings<sup>63</sup>. For the purposes of this Act

- a) The requirement to notify commencement of proceedings to the participant in proceedings shall not apply,
- b) When the participant in proceedings failed to notify to the Office his/her change of permanent address, and when the efforts of substitute delivery of documents to be served personally to the participant in proceedings have failed, the date of delivery shall be deemed the last day in the three-day deposition deadline of the document also in case the addressee acquired no knowledge of such deposition,

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<sup>63</sup> Act No. 71/1967 Coll. on administrative proceedings, as amended by later regulations.

c) The last day of a deadline specified in this Act shall be deemed to be the following working day in cases when the deadline relating to an act requiring personal attendance of the participant in proceedings is a holiday.

(5) Valid decisions of the Office may be examined to examination by a court of administrative judiciary.

(6) There is legal entitlement, subject to fulfilment of the conditions specified in this Act, to the contributions granted under § 32(10)(d), § 43(7), § 46, § 49 to § 53, § 56, § 57, § 59 and § 60.

(7) There is no legal entitlement to the contributions granted under § 46, except for paragraph 7 and § 47.

(8) The jobseeker, who prior to being registered as jobseeker operated or performed self-employment activity, and who has applied for the provision of the contribution, pursuant to § 49, § 54(1)(c), § 57, § 59 and § 60 or an employer applying for a contribution pursuant to § 50, § 54(1)(c), § 56, § 59 and § 60 shall, to the date of application, submit proof of the following

- a) Compliance with their tax obligations,
- b) Compliance with their duty to pay advance payment of health insurance premiums and social insurance premiums, and the contribution for old-age pension saving,
- c) That his records show no unsatisfied claims of his employees, arising out of employment,
- d) That he is not bankrupt, in liquidation, under administration of bankrupt's estate (*ν súdom určenej správe*), or involved in other similar proceedings.
- e) The fact that they have no liabilities in respect of the Office which are past due.

(9) Accreditation pursuant to a special regulation shall not be required of the primary school providing for preparatory courses toward supplementary completion of primary education of the job seeker, or of the person interested in employment<sup>47</sup>.

(10) This Act shall transpose the legal acts specified in the Annex.

## § 71

In all generally binding legal regulations the words

- a) "Citizen with altered work capacity" (*občan so zmenenou pracovnou schopnosťou*) shall mean "disabled citizen pursuant to § 9(1)(a) of this Act",
- b) "Citizen with altered work capacity and severe disability" (*občan so zmenenou pracovnou schopnosťou s ťažším zdravotným postihnutím*) shall mean "disabled citizen pursuant to § 9(1)(a) of this Act",
- c) "Registered unemployed" shall mean "job seeker",
- d) "Register of unemployed citizens who are job seekers" shall mean "register of job seekers",
- e) "Register of employed citizens and of citizens receiving old-age pension, pension for years of service, invalidity pension for years of service who are job seekers" shall mean "register of persons interested in employment".

**§ 72**  
**Transitional Provisions**

(1) The citizen recognized as a citizen with altered work capacity, and the citizen recognized as a citizen with altered work capacity and severe disability before 1 January 2004 are deemed disabled citizens pursuant to § 9(1)(a) of this Act, until issuance of the decision by the Social Insurance Agency. A citizen with disability, pursuant to § 9(1)(a), who after reassessment of his or her long-term adverse state of health, and after examination of the duration of invalidity for the entitlement to invalidity pension, pursuant to a special regulation<sup>49a</sup>, has ceased to be a citizen with disability, pursuant to § 9(1)(a), shall, for the purposes of § 50, § 54, § 55 to § 57, § 60 and § 63 continue to be regarded as a citizen with disability, pursuant to § 9(1)(a), but no longer than until the completion of three years of the day the decision thereof by the Social Insurance Agency became valid, or three years at most, of the issue of the opinion by which the citizen was awarded a rate of decrease in capacity to perform gainful activity of 40 % and less.

(2) For the purposes of continuation of the provision of contribution, pursuant to § 50, to an employer who was provided contribution, pursuant to § 50, prior to 1 January 2006, as a citizen with disability, pursuant to § 9(1)(a), shall be regarded also a citizen who was accepted to a job created by the employer on the basis of an agreement, pursuant to § 50(8), who after reassessment of his or her long-term adverse state of health, or after examination of the duration of invalidity for the entitlement to invalidity pension, pursuant to a special regulation<sup>49a</sup>, has ceased to be a citizen with disability, pursuant to § 9(1)(a), but not longer than until completion of three years of the day the decision thereof by the Social Insurance Agency became valid, or completion of three years at most, of the issue of the opinion by which the citizen was awarded a rate of decrease in capacity to perform gainful activity of 40 % and less.

(3) For the purposes of continuation of the provision of contribution, pursuant to § 56 and § 60, to an employer who was provided the contribution, pursuant to § 56, before 1 January 2006, as a citizen with disability, pursuant to § 9(1)(a), shall be regarded also a citizen who was accepted to a job created by the employer in a sheltered workshop or a sheltered workplace, on the basis of an agreement, pursuant to § 56(12), who after reassessment of his or her long-term adverse state of health, or after examination of the duration of invalidity for the entitlement to invalidity pension, pursuant to a special regulation<sup>49a</sup>, has ceased to be a citizen with disability, pursuant to § 9(1)(a), but no longer than until the completion of three years of the day the decision thereof by the Social Insurance Agency became valid, or the completion of three years at most, of the issue of the opinion by which the citizen was awarded a rate of decrease in capacity to perform gainful activity of 40 % and less.

(4) A citizen with disability, pursuant to § 9(1)(a), who was provided a contribution, pursuant to § 57, before 1 January 2006 and who after reassessment of his or her long-term adverse state of health, or after examination of the duration of invalidity for the entitlement to invalidity pension, pursuant to a special regulation<sup>49a</sup>), has ceased to be a citizen with disability, pursuant to § 9(1)(a), shall, for the purposes of § 57, until 31 December 2005, be regarded as a citizen with disability, pursuant to § 9(1)(a), during two



years from the day of the start of the operations or performance of self-employment in a sheltered workshop or a sheltered workplace.

(5) A citizen with disability, pursuant to § 9(1)(a), who was provided a contribution, pursuant to § 57, before 1 January 2006 and who after reassessment of his or her long-term adverse state of health, or after examination of the duration of invalidity for the entitlement to invalidity pension, pursuant to a special regulation<sup>49a</sup>), has ceased to be a citizen with disability, pursuant to § 9(1)(a), until 31 December 2005, shall be suspended the provision of the contribution, pursuant to § 60, after the lapse of two years from the start of the operations or performance of self-employment in a sheltered workshop or a sheltered workplace, under the conditions, pursuant to § 60(1).

(6) For the purposes of compliance with the obligations of the employer, pursuant to § 63, as a citizen with disability, pursuant to § 9(1)(a), shall also be regarded a citizen who after reassessment of his or her long-term adverse state of health, or after examination of the duration of invalidity for the entitlement to invalidity pension, pursuant to a special regulation<sup>49a</sup>, has ceased to be a citizen with disability, pursuant to § 9(1)(a), but no longer than until the completion of three years of the day the decision thereof by the Social Insurance Agency became valid, or three years at most, of the issue of the opinion by which the citizen was awarded a rate of decrease in capacity to perform gainful activity of 40 % and less.

(7) For the purposes of the implementation of the projects, pursuant to § 54, as a citizen with disability, pursuant to § 9(1)(a), shall also be regarded a citizen who after reassessment of his or her long-term adverse state of health, or after examination of the duration of invalidity for the entitlement to invalidity pension, pursuant to a special regulation<sup>49a</sup>, has ceased to be a citizen with disability, pursuant to § 9(1)(a), but no longer than until the completion of three years of the day the decision thereof by the Social Insurance Agency became valid, or three years at most, of the issue of the opinion by which the citizen was awarded a rate of decrease in capacity to perform gainful activity of 40 % and less.

(8) The Office shall, by 31 December 2004 at latest, fulfil the obligations defined pursuant to § 43(5).

(9) In the year 2004 the contribution pursuant to § 56, § 59 and § 60 to manufacturing cooperative societies of disabled citizens associated in the Slovak Union of Manufacturing Cooperative Societies (*Slovenský zväz výrobných družstiev*) shall be provided from the national budget by written agreement concluded between the Ministry and the Slovak Union of Manufacturing Cooperative Societies.

(10) The licences for fee charged mediation of employment, issued by the National Labour Office before 1 January 2004 shall remain in force until 31 December 2005.

(11) The rights and obligations arising from agreements on granting returnable contributions in support of business projects in the field of employment concluded before 1 January 2004 by the National Labour Office and/or by Regional Labour Offices shall devolve to the Centre as of 1 January 2004.

(12) Administrative proceedings commenced before 1 January 2004 by the General Directorate of the National Labour Office, by a Regional Labour Office and by a District Labour Office shall be concluded by the Centre and by the Office from 1 January 2004.

(13) The Committee for employment issues established pursuant to recent regulations<sup>64</sup> shall be deemed the Committee for employment issues, established pursuant to this Act.

(14) Procedure pursuant to § 21 to § 23 shall apply to the employing of a citizen of a Member State of the European Union in the period from 1 February 2004 until the date of accession of the Slovak Republic to the European Union.

(15) From the date of accession of the Slovak Republic to the European Union the Centre and the Office may execute mediation of employment free of charge also from the territory of the Slovak Republic to the territories of Member States of the European Union, and from the territories of the Member States of the European Union to the territory of the Slovak Republic.

(16) From the date of accession of the Slovak Republic to the European Union the Centre and the Office may mediate employment in compliance with the law of the European Communities regulating the free movement in the framework of the European Communities.

(17) This Act shall also be applied if the agreement on granting the contribution pursuant to § 49 and § 57 had been concluded before this Act entered into force.

#### **§ 72a**

(1) For the jobseeker, who was on the register of job seekers before 1 January 2006 and for whose education and preparation for the labour market a contribution was provided before 1 January 2006 pursuant to hitherto effective regulations, the Office may provide, until 31 December 2007, only a contribution for the second education activity and for every further education activity pursuant to § 46(4).

(2) For the person interested in employment, who, before 1 January 2006, was provided a contribution for education and preparation for the labour market pursuant to hitherto effective regulations, the Office may provide the contribution, pursuant to § 46(6), only after the lapse of two years of the provision of the contribution prior to 1 January 2006.

(3) A lump sum contribution to reimburse the unavoidable expenses of the employer, associated with the execution of the graduate practice, provided on the basis of an agreement concluded with the Office in writing before 1 January 2006, shall be provided until the completion of the graduate practice agreed.

(4) The license to provide fee charged mediation of employment, the license to perform the activity of an agency for temporary employing, and the license to perform the activity of an agency for supported employing, issued or extended before 1 January 2006, shall be deemed to be a license to provide fee charged mediation of employment, the license to perform the activity of an agency for temporary employing, and the license to perform the activity of an agency for supported employing, issued for indefinite period.

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<sup>64</sup> National Council of the Slovak Republic Act No. 387/1996 Coll. on employment, as amended by later regulations.

(5) The professional consultant, who until 31 December 2005 performed professional consultancy pursuant to the regulations in force until 31 December 2005 and who does not satisfy the condition of achievement of higher education of the second level, pursuant to § 43(3), may perform the said activity until 31 December 2009, at most, and where he or she has commenced a study, by 31 December 2009, through the completion of which he or she will acquire higher education of second level, until the end of this study, but not longer than until 31 December 2012.

#### **§ 72b**

(1) For the purposes of providing the contribution pursuant to § 50 to the employer, the citizen who had been receiving invalidity pension which, as of the date of attaining the retirement age is deemed old-age pension, for three years at most from the date from which invalidity pension is deemed old-age pension, shall also be deemed a disabled citizen pursuant to § 9(1)(a).

(2) For the purposes of providing the contribution pursuant to § 56 to the employer, the citizen who had been receiving invalidity pension which, as of the date of attaining the retirement age is deemed old-age pension, for three years at most from the date from which invalidity pension is deemed old-age pension, shall also be deemed a disabled citizen pursuant to § 9(1)(a).

(3) For the purposes of providing the contribution pursuant to § 57 to the disabled citizen pursuant to § 9(1)(a), the citizen who had been receiving invalidity pension which, as of the date of attaining the retirement age is deemed old-age pension, for two years at most from the date from which invalidity pension is deemed old-age pension, shall also be deemed a disabled citizen pursuant to § 9(1)(a).

(4) For the purposes of providing the contribution pursuant to § 59 to the employer or to the self-employed person, the citizen who had been receiving invalidity pension which, as of the date of attaining the retirement age is deemed old-age pension, for three years at most from the date from which invalidity pension is deemed old-age pension, shall also be deemed an employee who is a disabled citizen pursuant to § 9(1)(a), or a self-employed person who is a disabled citizen pursuant to § 9(1)(a), to whom assistance is provided by an assistant at work.

(5) For the purposes of providing the contribution pursuant to § 60 to the legal person to cover the operating costs of the sheltered workshop or of the sheltered workplace and to cover the employees' transport costs, the citizen who had been receiving invalidity pension which, as of the date of attaining the retirement age is deemed old-age pension, for three years at most from the date from which invalidity pension is deemed old-age pension, shall also be deemed an employee who is a disabled citizen pursuant to (9)(1)(a).

(6) For the purposes of providing the contribution pursuant to §60 to the natural person to cover the operating costs of the sheltered workshop or of the sheltered workplace, the citizen who had been receiving invalidity pension which, as of the date of attaining the retirement age is deemed old-age pension, for two years at most from the date from which

invalidity pension is deemed old-age pension, shall also be deemed an employee who is a disabled citizen pursuant to § 9(1)(a).

(7) The citizen who is a disabled citizen pursuant to § 9, (1) (a) and who had been receiving invalidity pension which, as of the date of attaining the retirement age is deemed old-age pension, shall, for the purposes of Article 63 and for the purposes of placing orders pursuant to § 64, also be included in the obligatory proportion of disabled citizens pursuant to § 9(1) (a) in the total number of employees of the employer in the preceding calendar year. Procedure according to the first sentence shall apply to the whole calendar year 2006.

(8) For the purposes of realising projects pursuant to § 54 the citizen who had been receiving invalidity pension which, as of the date of attaining the retirement age is deemed old-age pension, for three years at most from the date of which invalidity pension is deemed old-age pension, shall also be deemed a disabled citizen pursuant to § 9, (1),(a).

### **§ 72c**

#### **Transitional Provisions to the Legislation in force from 1 January 2007**

Work permit is not required to the alien who, before 31 December 2006, was granted a temporary stay permit for the purpose of activities according to special programmes and who is in a labour-law relation or in a similar labour relationship, until expiry of validity of the temporary stay permit.

### **§ 73**

#### **Repeal**

The National Council of the Slovak Republic Act No. 387/1996 Coll. on employment, as amended by Act No. 70/1997 Coll., by Act No. 354/1997 Coll., by Act No. 366/1997 Coll., by Act No. 386/1997 Coll., by Act No. 394/1998 Coll., by Act No. 56/1999 Coll., by Act No. 292/1999 Coll., by Act No. 95/2000 Coll., by Act No. 241/2000 Coll., by Act No. 245/2000 Coll., by Act No. 450/2000 Coll., by Act No. 504/2001 Coll., by Act No. 505/2001 Coll., by Act No. 556/2001 Coll., by Act No. 565/2001 Coll., by Act No. 291/2002 Coll., by Act No. 328/2002 Coll., by Act No. 534/2002 Coll., by Act No. 678/2002 Coll., and by Act No. 453/2003 Coll. is hereby repealed.

#### **Entry into force**

This Act shall enter into force on 1 February 2004, except for Title I, § 72(9) and (10) which entered into force on the day of entry into force of the Accession Treaty of the Slovak Republic to the European Union.

Act No. 191/2004 Coll. amending the Act No. 472/2002 Coll. on international aid and cooperation in the administration of taxes and on amendment of the Act No. 366/1999 Coll. on income taxes as amended by later regulations and on amendment of certain acts, entered into force on 15 April 2004 except for Titles I to III which entered into force on the day of entry into force of the Accession Treaty of the Slovak Republic to the European Union.

Act No. 365/2004 Coll. on equal treatment in certain areas and protection against discrimination and on amendment of certain acts (Antidiscrimination Act), entered into force on 1 July 2004.

Act No. 585/2004 Coll. amending the Act No. 575/2001 Coll. on the organisation of activities of the Government and on the organization of central public administration as amended by later regulations and on amendment of certain acts, entered into force on 1 December 2004.

Act No. 614/2004 Coll. amending the Act No. 5/2004 Coll. on employment services and on amendment of certain acts and on amendment of the Act No. 599/2003 Coll. on assistance in material need and on amendment of certain acts, as amended by later regulations, entered into force on 25 November 2004.

Act No. 1/2005 Coll. amending the Act No. 480/2002 Coll. on the asylum and on amendment of certain acts, as amended by later regulations and on amendment of certain acts, entered into force on 1 February 2005.

Act No. 82/2005 Coll. on illegal work and illegal employment and on amendment of certain acts, entered into force on 1 April 2005, except for provisions of Title II and Title V which entered into force on 1 February 2006.

Act No. 528/2005 Coll. on service of the sentence of compulsory work and on amendment of the Act 5/2004 Coll. on employment services and on amendment of certain acts as amended by later regulations (Act on service of the sentence of compulsory work), entered into force 1 January 2006.

Act No. 573/2005 Coll. amending the Act No. 5/2004 Coll. on employment services and on amendment of certain acts as amended by later regulations and on amendment of certain acts, entered into force 1 January 2006.

Act No. 310/2006 Coll., amending the Act No. 461/2003 Coll. on social insurance, as amended by later regulations, and on amendment of certain Acts, entered into force on 1 August 2006.

Act No. 693/2006 Coll. amending the Act No. 48/2002 Coll. on stay of aliens and on amendment of certain acts, as amended by later regulations and on amendment of certain acts, entered into force 1 January 2007.

(Signature manual)

**LIST OF TRANSPOSED DIRECTIVES**

The following Directives shall be transposed by this Act:

- Council Directive No. 76/207/EEC, of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and on working conditions,
- Council Directive No. 86/613/EEC, of 11 December 1986 on the application of the principle of equal treatment between men and women engaged in an activity, including agricultural, in a self-employed capacity, and on the protection of self-employed women during pregnancy and motherhood,
- Council Directive No. 91/383/EEC, of 25 June 1991 supplementing the measures to encourage improvements in the safety and health at work of workers with a fixed-duration employment relationship or a temporary employment relationship,
- Directive No. 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision services,
- Council Directive No. 2000/78/EC, of 27 November 2000 establishing a general framework for equal treatment in employment and occupation,
- Council Directive No. 97/80/EC, of 15 December 1997 on the burden of proof in cases of discrimination based on sex,
- Council Directive No. 2000/43/EC, of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial and ethnic origin.