

Committee on the Application of Standards

Date: 14 May 2025

Governments appearing on the preliminary list of individual cases have the opportunity, if they so wish, to supply on a purely voluntary basis, written information before 19 May 2025.

► Information on the application of ratified Conventions supplied by governments on the preliminary list of individual cases

Slovakia (ratification: 1997)

Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)

The Government has provided the following written information.

The Amendment to the Act No. 103/2007 Coll. on Tripartite Consultations at the National Level and on Amendments and Supplements to Certain Acts (the Tripartite Act) was approved with effect from 1 March 2021 and entailed a partial reform of the composition and some aspects of the activities of the Economic and Social Council of the Slovak Republic (hereinafter referred to as the Tripartite Council), which is an advisory body of the Government where tripartite consultations at the national level between the State and the social partners are held.

Article 1, paragraph 1 of the Convention, states that "In this Convention, the term 'representative organisations' means the most representative organisations of employers and workers enjoying the right to freedom of association".

Article 1 of the Convention does not specify in detail how to determine national criteria of representativeness, nor does the Tripartite Consultation (Activities of the International Labour Organisation) Recommendation, 1976 (No. 152). The Convention does not use the singular but the plural, namely that representative organizations are the most representative organizations. This is a group of organizations that exist within a State, defined on the basis of objective criteria (qualitative, quantitative or a combination of these, for example in relation to the number of members, sectoral activity, and so on).

In this regard, the Government states the following:

1. Plurality of subjects and refutation of the argument about pro-government unions

The Government rejects the statement that it holds that there must be parity between the number of actors on the employers' side and on the trade union side. This does not result from the law, nor does it result from the current reality, nor does it result from the interest in joining the Tripartite Council on the part of other entities.

Until 28 February 2021, there were four employers' entities on the employers' side in the Tripartite Council and only one on the trade union side. At present, there are two entities on the trade union side. At least three other employers' entities have sought to join the Tripartite Council in recent years, but none of them met the criteria for joining. Apart from the new member, Joint Trade Unions of Slovakia (SOS) on the trade union side, no other trade union has applied to join the Tripartite Council in recent years.

The Government considers that the Convention does not imply that a ratifying State has to set a quantitative criterion on the number of members/number of employees as a condition for joining the Tripartite Council. Nor does it result from the Convention that a ratifying State cannot change these criteria in the light of a change in the situation. The only criterion that has to be followed is that it is the most representative association and, therefore, that some selection is made.

From this, the Government, for example, deduces that a ratifying State should not set criteria so that anyone who asks can join the Tripartite Council. In this respect, the legislation of the Slovak Republic provides for a quantitative criterion of the number of members/number of employees. If the number of members on one side is less than three, the Tripartite Council is also open to the next member/members with the highest number of members/employees. However, the legislation also limits the quantitative number of members of the Tripartite Council.

In the same way, the ratifying State should not set the criteria in such a way that, for example, the government could hand-pick which of the entities meeting the criteria are to be invited to the Tripartite Council. In this respect, the Slovak Republic has set transparent criteria.

The Government considers that a reasonable degree of plurality (such as coverage of other relevant actors) is necessary in social dialogue, as indicated by the plural formulation of Article 1 of the Convention. That view guided the 2021 reform, consistent with the Convention's plural wording. The Government considers that such plurality means enriching the views in the debate.

At the same time, such a change was also influenced by changes on the side of social partners – the establishment of the Association of Industrial Unions and Transport (APZD) and SOS, which are entities that primarily associate employers and workers in the industrial sector (for example automotive), which is one of the most important sectors in the Slovak Republic.

The Confederation of Trade Unions of the Slovak Republic (KOZ SR) suggests that the newly established unions will be controlled by the Government. Such a claim has no basis in fact, nor has it been proven to be true by 2025. The SOS, which joined the Tripartite Council in 2021, is active in important industrial entities such as Volkswagen Bratislava (where it became the largest worker representative after its creation), Jaguar Land Rover Slovakia, Ikea, DHL, Arriva and other relevant entities. It is therefore unjustified to assume that the largest trade union in one of the most important companies in the Slovak Republic, which managed to take over the majority of the members of the original trade union in this company after its establishment in 2017, is a pro-government trade union. This organization is also involved in the conclusion of higher-level collective agreements (sectoral collective agreements).

In this context, it should be added that since 1990, the monopoly to speak for the workers has been held at the Tripartite Council level by the KOZ SR (into which the so-called Revolutionary Trade Unions of the pre-1989 era, which were the exclusive trade unions during the socialist period from 1948 onwards, have been transformed). It is only understandable that over the course of more than 30 years, new associations may emerge, similarly to those on the

employers' side, to represent employees, including at the Tripartite Council level. The fact that a plurality is also emerging on the trade union side, even at the Tripartite Council level, cannot be seen as an attack on the KOZ SR, and it certainly cannot be seen as the installation of pro-government unions at the Tripartite Council level. Nor has this been demonstrated in the context of the positions that this body has been presenting to the Tripartite Council since 2021, namely that in most cases they have been identical to those of the KOZ SR. Moreover, this organization does not have 1,000 members.

2. Gradual change of criteria in relation to the change of reality

Until the entry into force of the amendment to the Tripartite Act, in other words until 28 February 2021, the representativeness of trade union associations was based on the fulfilment of the criterion of 100,000 members and, in the case of employers' associations, 100,000 workers employed.

However, the Government draws attention to the fact that under the preceding Tripartite Act (No. 106/1999 Coll. on Economic and Social Partnership), the criterion for joining the Tripartite Council was set at a higher value. On the part of worker representatives – “at least 10 per cent organisation of members in relation to the total number of employees in the Slovak Republic” (the total number of employees in the Slovak Republic is around 2,000,000, so the criterion was 200,000).

For employers – “associates employers who together employ at least 10 per cent of the total number of employees in the economy”, therefore also 200,000. At the time, only KOZ SR and the Association of Employers' Unions and Associations of the Slovak Republic (AZZZ SR) represented workers and employers respectively at the Tripartite Council level.

Due to the formation of another employers' association, the Republic Union of Employers (RÚZ) at that time (some of its members split from AZZZ SR), the criteria for joining the Tripartite Council were reconsidered and the Act No. 103/2007 Coll. lowered this threshold. In 2018, the APZD also joined the Tripartite Council on the employer side in order to better represent the interests of industry.

Changes to the Act on the Tripartite Council have been adopted in the past to: (a) ensure that the Tripartite Council as such was maintained; and (b) to ensure that the largest entities remained in it, and not just one entity (that is, at that time, AZZZ SR on the employers' side). These changes consisted in the relaxation of the criterion of the number of members/employees in 2007 and were adapted to the reality of the decline in representativeness.

In this respect, Slovak law provides for two situations at present:

- “unlimited” number of entities above 100,000 members/100,000 employees

(note: there are about 2,000,000 employees in the Slovak Republic, and therefore the criterion set for joining the Tripartite Council – 100,000 members or 100,000 employees – means, in percentage terms, 5 per cent coverage. Already such a criterion of 5 per cent may be considered a low value in some countries, since in some countries even 80 per cent of employees are associated. Such a criterion must therefore be seen in the national context in relation to national conditions).

- the possibility to add members if the number of entities on one side is less than three (namely the number of entities with up to 100,000 members or up to 100,000 employees is not limited) – the maximum possible addition is only up to three entities. In other words, if

fewer than three entities qualify on one side, additional entities below that threshold may join – up to a maximum of three in total.

Considering the first quantitative criterion of representativeness set in this way – 5 per cent coverage (lowered from the original 10 per cent threshold before 2007), it is obvious that there is a problem with representativeness as such in the Slovak Republic, also due to the low union organization on the part of the workers.

The already-mentioned change in the law effective from 1 March 2021 (the second quantitative criterion of representativeness) reflects the reality of unionization in 2021. The original employers' federation has split into three entities (AZZZ SR, APZD, RÚZ) over the last 20 years, and a competitor to the local government representative, the Association of Towns and Municipalities of Slovakia (ZMOS) has emerged in the form of the Union of Cities and the Association of Municipalities and Self-governing Regions (SK8). In addition to the original trade union, a new trade union SOS (which also took over the members of the original trade union) was created. On the one hand, this increases the diversity of views of the Tripartite Council members, as the entities have a different structure of their members (representing different sectors such as industry and public administration). On the other hand, however, the number of employees employed by the members of the association is also decreasing, and so is the ability of these entities to meet the conditions for joining the Tripartite Council at the level of 100,000 members (100,000 employees). An indication that meeting the original criteria could cause problems for some members is also given by the attitude of the members of the Tripartite Council (except for the KOZ SR) to maintain the status quo, that is, to keep the amended legislation in force as it is.

Given that the law also lays down other conditions for joining the Tripartite Council, for instance, a trade union must bring together trade unions that bring together workers from several sectors of the economy; it cannot be assumed that a fictitious trade union would join the Tripartite Council. There is also a third traditional trade union at the confederation level in the Slovak Republic, established in 1993 the Independent Christian Trade Unions of Slovakia (NKOS), which has not yet applied to join the Tripartite Council.

3. Pro rata distribution of seats

In terms of the number of seats on each side of the Tripartite Council, the law states that employers have seven seats, trade unions have seven seats and the State has seven seats. Each of these seven seats are divided on the basis of the number of declared members (number of declared employees). Thus, it is not the same number of seats for an entity regardless of its "strength". The minimum representation for an entity that is a member of the Tripartite Council is one seat. Considering the originally declared numbers, the strongest entity in the Tripartite Council is the KOZ SR with six representatives, SOS with one (both KOZ and SOS on the trade union side), AZZZ SR has three, RÚZ has two, APZD has one and ZMOS has one (all four entities on the employer side). This distribution of forces does not appear to weaken the position of the KOZ.

If, hypothetically, an entity that does not have 100,000 members were to join the Tripartite Council on the trade union side, its representation would be at least one representative, but the KOZ SR would still hold five seats and would therefore still be the strongest actor in the Tripartite Council.

4. The employers' side and the workers' side are not obliged to give a unified position

At present, each member of the Tripartite Council presents its own position at the Tripartite Council meetings, and neither a unified position for the employers (AZZZ SR, APZD, RÚZ, ZMOS) nor a unified position for the trade unions (KOZ SR, SOS) is required. The KOZ SR is therefore under no obligation to align its position with another trade union. The existence of plurality on the trade union side in no way affects the freedom of the KOZ SR to express its own position.

5. International comparison

In this context, we draw attention, for example, to the situation in France, where the criterion of 8 per cent of the votes in the elections must be met in order to act at the national level, while five entities on the trade union side qualified for such a percentage. In the Slovak Republic, at the national level, there can be a maximum of three entities (if the first and second criteria are combined), whereas in reality there are only two entities on the trade union side at the national level.

6. Reasons for retaining the legislation after the change of government in 2023

The reasons why the Slovak Republic did not return to the original legislation after the change of government in 2023 are linked to the changed reality regarding the development of the membership base of the individual associations and the activities of other associations that are not in the Tripartite Council.

In March 2025, at the initiative of the KOZ SR, a meeting was held at the Ministry of Labour, Social Affairs and Family of the Slovak Republic at the level of the State Secretary with representatives of the Tripartite Council regarding the return of the legislation to its original state. All entities except the KOZ SR are in favour of maintaining the status quo, that is, the current situation. The return to the status quo ante is therefore solely the initiative of the KOZ SR. It is therefore not a topic of interest to the majority of the Tripartite Council members. European Union-funded projects are also linked to the Tripartite Council membership, and so there would be problems and questions about the continued funding of these entities in these projects if they ceased to be members of the Tripartite Council.

7. Impact of the amended legislation on the complainant

There has been no negative impact in the Slovak Republic associated with the change of the legislation in 2021, namely any reduction in social dialogue. First of all, the KOZ SR, with six members in the Tripartite Council, is by far the strongest member of the Tripartite Council. The KOZ SR freely expresses its views on the documents submitted for discussion. There is also, in a large number of cases, agreement between the positions of the KOZ SR and the SOS on the proposals submitted for discussion, including in the case of criticism of the Government. Thus, the SOS does not fulfil the role of a pro-government trade union. Similarly, no third party has entered the Tripartite Council on the trade union side. The Government is currently aware only of requests to join the Tripartite Council from employers' entities.

The Government, through the Ministry of Labour, Social Affairs and Family of the Slovak Republic, contributes by law (article 159 of the Labour Code) to the so-called inspection activities of trade unions in the field of occupational safety and health, namely the activities of trade union inspectors of occupational safety and health. Any trade union at the confederation level can apply for a contribution, regardless of its membership in the Tripartite Council. From 2021, there is an overall increase in the contribution from €728,380 to €837,818 in 2024, and

for the KOZ SR specifically, an increase from €700,036 to €777,818 in 2024. In comparison, the SOS received a contribution of €40,000 in 2024 and the third entity, NKOS, €20,000.

The Government through the Ministry of Labour, Social Affairs and Family of the Slovak Republic also supports the analytical capacities of the KOZ SR within the framework of national projects (such as Alliance of Sectoral Councils – anticipating trends and needs of the labour market; Development of Professional Capacities of Social Partners; Support for the Quality of Social Dialogue; Age Management). In recent years, a total of more than €13 million has been allocated to the KOZ SR for the analytical capacities of trade unions and their experts (as a side-note, when put in the context of the national perspective – the average monthly wage in 2024 was €1,524, the average hourly wage of an employee was €8.75, the cost of employer's contributions over and above the gross wage was 36.2 per cent, that is, the total hourly cost of labour – approximately €11.92/hour).

The Government draws attention to the fact that in the case of the Slovak Republic, it is a founding member of the ILO (part of the former Czechoslovakia), a member of the European Union with a high level of protection of social dialogue, a functioning social dialogue and Tripartite Council mechanism (in 2024 it met nine times, in 2025 by 5 May 2025 it has already met five times), and with 76 ratified ILO Conventions.

By 2025, neither the negative impact of this change on the functioning of the Tripartite Council, nor the claim of pro-government unions has been demonstrated. We view the labelling of a competitor in the field of employee representation – who has also secured positions in major companies in the Slovak Republic – as a non-representative entity as an unfounded attempt to spread domestic disputes, which stem mainly from problems on the side of one social partner, to the international level; likewise, we consider it an unjustified accusation that the Government caused the fragmentation of trade unions, while the Government merely reflected the changed reality by adjusting the balance within the Tripartite Council. If the Government had not changed the representativeness criteria over time, for example, in 2007, it is possible that a number of entities would now be in an unrepresentative position from the Government's point of view, and possibly the Tripartite Council would not even exist. These issues cannot therefore be immutable and must follow developments over time and changing realities in society.

In the context of these reasonings and explanations of the national context, the Government considers that it has not violated the Convention. On the contrary, it has proceeded on the basis of the changed reality of association in the Slovak Republic. In doing so, it has encouraged a greater plurality of views.