



# **The right to strike in the public services**

## **Slovak Republic**



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#### **Notes**

This factsheet reflects the situation in June 2021. It was elaborated by Evdokia Maria Liakopoulou (independent expert), updated by Stefan Clauwaert (ETUC) and Diana Balanescu (independent expert), and reviewed by EPSU/ETUI. It was also sent to EPSU affiliates in Slovakia for comment.

## 1. Legal basis

### International level

The Slovak Republic has ratified:

#### UN instruments<sup>1</sup>

**International Covenant on Economic, Social and Cultural Rights**  
(ICESCR, Article 8) (ratification on 28 May 1993)<sup>2</sup>  
**International Covenant on Civil and Political Rights (ICCPR, Article 22)**  
(ratification on 28 May 1993)<sup>3</sup>

#### ILO instruments<sup>4</sup>

**Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise**  
(ratification on 1 January 1993)  
**Convention No. 98 concerning the Right to Organise and to Bargain Collectively**  
(ratification on 1 January 1993)  
**Convention No. 151 concerning Labour Relations (Public Service)**  
(ratification on 22 February 2010)  
**Convention No. 154 concerning the Promotion of Collective Bargaining**  
(ratification on 17 September 2009)<sup>5</sup>

### European level

The Slovak Republic has ratified:

**Article 11 (the right to freedom of assembly and association) of the European Convention on Human Rights**  
(ratification on 18 March 1992 and entry into force on 1 January 1993)<sup>6</sup>  
**European Social Charter**  
(ratification on 22 June 1998) (in a declaration contained in the instrument of ratification, deposited on 22 June 1998, the Slovak Republic considered itself bound *inter alia* by Articles 5 and 6);<sup>7</sup>  
**European Social Charter (Revised)**  
(ratification on 23 April 2009) (in a declaration contained in the instrument of ratification, deposited on 23 April 2009, the Slovak Republic considered itself bound *inter alia* by Articles 5 and 6);<sup>8</sup>  
  
The Slovak Republic has signed, but not yet ratified the **Additional Protocol to the European Social Charter Providing for a System of Collective Complaints**  
(signature on 18 November 1999)<sup>9</sup>

## National level

### The Constitution of the Slovak Republic

- Article 37(3): ‘The activity of trade union organisations and the founding and operation of other associations protecting economic and social interests can be restricted by law, if such measure is necessary in a democratic society to protect the security of the state, public order, or the rights and freedoms of others.’
- Article 37(4): ‘The right to strike is guaranteed. The conditions shall be laid down by law. Judges, prosecutors, members of the armed forces and armed corps, and members and employees of the fire and rescue brigades do not have this right.’
- Article 54: ‘The law may restrict the right of judges and prosecutors to engage in entrepreneurial and other business activity and the right listed under Article 29(2); the right of employees of state administration bodies and territorial self-administration bodies in designated functions listed under Article 37(4); and the rights of members of armed forces and armed corps listed under Articles 27 and 28, if these are related to the execution of their duties. The law may restrict the right to strike for persons in professions that are vital for the protection of life and health.’

### Applicable laws

- Act on Collective Bargaining No. 2/1991, particularly Sections 11 and 12 (proceedings before an intermediary), Section 13 (proceedings before an arbitrator), Section 16 (definition of a strike), Section 17 (declaration of a strike, prior notification), Section 20 (categories of employees prohibited from carrying out a strike) and Section 23 (liability for damage);
- Other provisions for civil liability: Civil Code, particularly Section 420 and subsequent provisions; Labour Code, particularly Sections 177 to 209; and Commercial Code, particularly Section 373 and subsequent provisions.
- **Collective agreements:** company agreements can include peace obligation clauses if agreed to by the contracting parties. Internal mechanisms/rules for conflict resolution can be agreed in collective agreements to prevent conflicts. In multiemployer collective agreements, bilateral parity committees are usually established to deal with disputes.<sup>10</sup>
- The case law is not very extensive.

## **2. Who has the right to call a strike?**

According to the Collective Bargaining Act (No. 2/1991), the right to call a strike lies exclusively in the hands of trade unions and cannot be initiated (even if the outcome would subsequently concern all employees) through another representative body such as the works councils or employee representatives. The decision to carry out a strike must be taken by secret ballot.

In particular, Section 17(1) provides that, at company level, a strike is declared and decided by the respective trade union body. As regards disputes relating to the conclusion of a higher-degree collective agreement, Section 17(2) states that the decision rests with the respective superior trade union body. In both cases, the decision to strike should be taken if the strike is approved by the absolute majority of the employees who are participating in the strike ballot, provided that at least an absolute majority of the employees concerned are present.

### 3. Definition of strike

The Labour Code of Slovakia<sup>11</sup> states that employees and employers have the right to bargain collectively; in cases of conflicts of interest, employees have the right to strike, and employers have the right to impose a lockout.

The Collective Bargaining Act defines a strike as *a partial or complete interruption of work by employees*<sup>12</sup> in connection with the exercise of economic and social rights. Strikes may be called as part of collective disputes, defined as disputes regarding the conclusion of a collective agreement and disputes regarding fulfilment of the obligations of a collective agreement, not giving rise to claims by individual employees.<sup>13</sup> A strike is admissible in connection with a dispute over the conclusion of a collective agreement in cases where the parties have failed to conclude a collective agreement even after proceedings before a mediator and have not asked an arbitrator to settle the dispute. As it stands, a strike is not admissible in a dispute over fulfilment of the obligations arising out of a collective agreement.<sup>14</sup>

The Supreme Court, in dealing with the case of a strike deemed to be unlawful in which the plaintiff asked the Court to declare the illegality of the strike owing to a lack of conformity with the Collective Bargaining Act, held that the right to strike is constitutionally guaranteed. Therefore, the absence of a law that would set the conditions for the exercise of this right outside the collective bargaining cannot call into question the existence and implementation of the constitutional right to strike.<sup>15</sup> A strike is therefore allowed outside the collective bargaining context.<sup>16</sup>

A work stoppage is the most common form of industrial action in Slovakia; other forms of strike action are rare:

- **Solidarity strikes**, defined as a strike in support of requirements of employees on strike in a dispute over the conclusion of another collective agreement,<sup>17</sup> are permitted only if the strike which is being supported meets certain conditions. In particular, the workers receiving the support must themselves be involved in a dispute over the conclusion of a collective agreement; and the employer's side in the strike being supported must be able to influence the course or outcome of the primary dispute.<sup>18</sup>
- **Warning strikes** of up to two hours' duration may be organised in Slovakia.<sup>19</sup>
- **Picketing** is legitimate only in so far as it takes the form of moral persuasion. Employees must not be threatened with any kind of disciplinary action nor be prevented from entering or exiting the workplace.<sup>20</sup>
- **Occupation of premises:** adequate and safe access to the workplace must be guaranteed.<sup>21</sup>
- While the Constitution does not expressly mention the right of employers to impose a **lockout**, the Collective Bargaining Act provides that lockouts may be declared as a last resort to resolve a dispute over the conclusion of a collective agreement, after mediation proceedings and if the parties to the dispute have not initiated arbitration.<sup>22</sup> A lockout is defined as the partial or complete cessation of work by the employer.<sup>23</sup>

#### 4. Who may participate in a strike?

The Constitution of the Slovak Republic guarantees the right to strike for every Slovak citizen. The principle of voluntary participation in a strike regardless of trade union membership is upheld.<sup>24</sup> An employee may not be prevented from participating in or forced to participate in a strike.<sup>25</sup> However, participation in a strike is not exempt from **restrictions** if such measures are necessary to **protect national security, public order** or the **rights and freedoms of others**.<sup>26</sup>

**Essential activities and essential services** are those activities and services whose interruption or stoppage may endanger the life and health of employees or other persons and cause damage to machinery, equipment and apparatus, the nature and purpose of which do not allow their operation to be interrupted or stopped during a strike.<sup>27</sup> A trade union must provide the employer with the information relating to the strike which may assist to introduce work plans at least two days before the commencement of the strike to ensure essential services during the strike.<sup>28</sup>

Under international law, the 'essential services' in the strict sense of the term have been defined by the ILO as those services 'the interruption of which would endanger the life, personal safety or health of the whole or part of the population'.<sup>29</sup>

##### Public sector

A distinctive feature of public-sector employment regulation is a split between the civil (or state) service coupled with the public sector with primarily, but not exclusively, distinct working conditions (e.g. higher-level civil servants in the central government and specialised institutions) on the one hand, and regular employees in territorial administration (local government), state owned enterprises, healthcare and education on the other.<sup>30</sup>

A regulatory package supported by Labour Code regulations and consisting of the Act on the Civil Service (No. 312/2001) and the Act on the Public Service (No. 313/2001), together with an ethical code of conduct for public servants, governs public-sector employment relations in Slovakia.<sup>31</sup>

##### Restrictions

Because of the specific nature of work in these sectors, restrictions on the right to strike apply to certain categories of **civil servants** and employees where a strike by such individuals could pose a threat to the public interest, national security and/or public health:

- The Constitution prohibits strikes for **judges, prosecutors, members of the armed forces and armed corps, firefighters, and employees working in the field of air traffic control and safety**,<sup>32</sup> as well as civil servants in offices specified by law and those working in areas directly involving the **protection of life and health**.<sup>33</sup>

The Collective Bargaining Act (No. 2/1991) furthermore defines as illegal strikes carried out by the following categories of personnel in certain situations:

- (a) employees of healthcare or social care establishments in situations where a strike could endanger the life or health of citizens;
- (b) employees operating nuclear power plant equipment, equipment with fissile material or crude oil/gas pipeline facilities;
- (c) employees involved in telecommunications and the supply of public water, if their participation endangers the life or health of citizens
- (d) employees working in regions stricken by a natural disaster where emergency measures have been proclaimed by the competent state bodies;
- (e) civil employees appointed as superiors and civil servants discharging service duties directly related to the protection of life and health, where their participation in a strike could endanger the life or health of the population.

The Act also specifies that a strike is illegal if a state of military alert has been declared by the Government and emergency measures have been introduced.<sup>34</sup>

- **Minimum services:** There is no clear definition in law of what constitutes minimum services; however, the Government has proposed that it might consider introducing a variation on the minimum service concept.<sup>35</sup>

The **Collective Bargaining Act** (No. 2/1991) provides that employees performing work in securing activities related to essential services, namely the protection of equipment against damage, loss, destruction or misuse and the operation of equipment whose character or purpose so demands with respect to the safety and protection of health, or to the possibility of damage occurring to such equipment, must be made available and must follow the instructions of the employer.<sup>36</sup>

A trade union must provide the employer with the information relating to the strike which may assist to introduce work plans at least two days before the commencement of the strike to ensure essential services during the strike (Collective Bargaining Act (No. 2/1991), Article 17(9)).<sup>37</sup>



## 5. Procedural requirements

**Exhaustion of all possible means of negotiation and dispute resolution:** There are no separate procedures for disputes over rights and interests. Both disputes regarding rights arising from existing agreements and disputes concerning interests over the conclusion of a new collective agreement must pass through mediation. For all other disputes involving employees in public administration, the same procedures for dispute resolution are used as in the private sector, i.e. conciliation/mediation, arbitration and strike/lockout.<sup>38</sup>

- In the event of a **deadlock in collective bargaining**, mediation is compulsory before a strike can be called. The parties may agree on an intermediary from a list drawn up by the Ministry of Labour with a view to resolving the dispute. Proceedings before an intermediary begin on the day of receipt of the mediation request.
- In the event of **failure to agree on an intermediary**, the intermediary is appointed at the request of either of the parties. Such a request, in a dispute regarding the conclusion of a collective agreement, may not be submitted until at least 60 days have passed since the submission by one of the bargaining parties of a written proposal to conclude a new collective agreement and open negotiations.<sup>39</sup>
- The parties must specify the matters to be dealt with, and they are required to produce all relevant documents. The parties and the mediator are obliged to cooperate with each other.<sup>40</sup>
- The **mediator** prepares a written record of the proposed settlement within 15 days of the date of receipt of the parties' request or the date of appointment by the Ministry, and the parties are required to endorse or reject the proposed settlement, after verifying its accuracy, without delay.<sup>41</sup>
- **Mediation** is deemed to have failed if the dispute is not settled within 30 days of the request to resolve the dispute through an intermediary or the decision appointing an intermediary, unless a longer period has been agreed by the parties.<sup>42</sup>
- If **mediation fails**, the parties may appoint another mediator or jointly request that the same mediator propose a final solution, which can easily become an arbitration award, or proceed with the next stage of the dispute: arbitration or industrial action.<sup>43</sup>
- **Arbitration** is an additional step in the process of collective dispute resolution. The parties may agree to request arbitration proceedings, and these commence on the date of acceptance of that request by the arbitrator. If the parties fail to reach agreement on the appointment of an arbitrator, the Ministry, at the request of either of the contractual parties and if the dispute concerns the interpretation of an existing agreement or the conclusion of a collective agreement where strike action is forbidden owing to the nature of the work involved (e.g. in the civil and public services), may appoint one.<sup>44</sup>

- The **arbitrator** may not be connected to either of the parties, and this function cannot be performed by a person who acted as a mediator in the previous stage of the dispute. The arbitrator has 15 days to deliver a decision to the parties, and the decision has the status of an agreement concluded by the parties.<sup>45</sup> It is interesting to note that the arbitrator's award is binding only if the labour dispute deals with the conclusion of a collective agreement.<sup>46</sup>

**Ultima ratio principle:** Strike action should be taken as a last resort and may be called only if all other options for settling the industrial dispute have failed. Provided a collective agreement has not been concluded even after proceedings before the intermediary and the contractual parties have not requested a solution to the dispute through an arbitrator, a strike may be declared as an 'extreme means' in a dispute over the conclusion of a collective agreement.<sup>47</sup>

**Approval by means of a ballot:** A strike must be approved by an absolute majority of the employees taking part in the ballot and covered by the collective agreement, provided that an absolute majority of all employees concerned participate in the ballot. The strike ballot procedure may be regulated by a strike order issued by the respective trade union. As trade unions represent all workers in a given sector, all employees, and not only union members, may participate in the vote required to authorise a trade union to call a strike.<sup>48</sup> Workers who are not allowed to strike may not take part in the ballot and are not counted among the number of workers concerned.<sup>49</sup>

**Advance notice:** The trade union body declaring a strike must notify the employer in writing at least three working days in advance, specifying when the strike will commence, the reasons for and objectives of the strike, and the list of the names of the representatives of the trade union body authorised to represent the striking workers.<sup>50</sup>

**Peace obligation:** A strike must not violate the peace obligation. In Slovakia, the legitimate goal of a strike is the conclusion of a collective agreement. A strike is unlawful if it has been declared or continues after the commencement of arbitration proceedings and/or after the conclusion of a collective agreement.<sup>51</sup>

**Essential services:** At least two working days before the commencement of a strike, the trade union must provide the employer with any information relating to the strike of which it is aware and which will enable the employer to introduce work schedules that will ensure the continuation of essential activities and essential services during the strike.<sup>52</sup>

**Cooperation during the strike:** It is the duty of the respective trade union to cooperate with the employer for the duration of the strike with a view to ensuring the protection of any equipment against damage, loss, destruction or misuse and to ensuring the continuation of essential activities and the operation of equipment whose character or purpose so demands with respect to the safety and protection of health, or to the possibility of damage occurring to such equipment.<sup>53</sup>

## 6. Legal consequences of participating in a strike

### Participation in a lawful strike

**Suspension of the employment contract:** Participation in a lawful strike is regarded as an excused absence from work and does not entitle the employer to sever the employment relationship, e.g. for breach of professional conduct.<sup>54</sup>

**Wages and benefits:** Striking workers are not entitled to wages, compensation or sickness insurance benefits; however, for pension insurance purposes, participation in a lawful strike is considered as the performance of work. Striking workers must also pay their own health insurance contributions for each day of the strike in question. If the trade union organising the strike has the means to cover health insurance premiums for strike participants, it may do so.<sup>55</sup> In the event of a lawful lockout, employees are entitled to receive 50% of their average wage.<sup>56</sup>

**Recruitment of strike breakers:** During a strike, an employer may not hire substitute workers to replace striking workers.<sup>57</sup> Furthermore, employers are obliged to ensure that employees not participating in a strike may carry out their work. If this is not possible, wage claims of these employees are settled in accordance with the Labour Code.<sup>58</sup>

**No liability** arises for **damage** caused exclusively by the stoppage of work due to a strike.<sup>59</sup>

### Participation in an unlawful strike

**Breach of the duty to provide work:** Participation in a strike which has been declared illegal by court decision is considered to be unauthorised absence from work.<sup>60</sup>

**Disciplinary sanctions and termination of the employment relationship:** Ordinary workers taking part in unlawful strikes can be subject to standard forms of liability provided for in labour law, such as disciplinary sanctions or dismissal.<sup>61</sup>

**Court proceedings:** An employer, employers' organisation or prosecutor may lodge an application to declare a strike illegal with the regional court situated in the same district as the respective trade union against which the proposal is directed. However the application does not have suspensive effect in relation to the strike.<sup>62</sup>

### Civil liability:

- In accordance with the Civil Code (Section 420 and subsequent provisions), a participant in a strike is liable to the employer, or an employer is liable to the participant, for any damage caused by an event occurring during a strike.
- Damages arising during the performance of 'minimum services' are determined in accordance with the ordinary rules on employee liability laid down by the Labour Code (Sections 177 to 209).<sup>63</sup> Section 186 of the Labour Code provides that, under this regime, an employee who is held accountable for damages is obliged to

compensate the employer for the damages, and this in financial means, if he/she does not remove the damage by restoring the damaged property to its previous state, and if the employer so demands.

- For damages due to failure to cooperate as required with the employer in securing the protection of any equipment during a strike, the trade union whose body declared the strike may be held liable under the Commercial Code (Section 373 and subsequent provisions). This may also give rise to liability for an individual employee who refuses to cooperate.<sup>64</sup> Section 373 of the Commercial Code states that 'Whoever breaches an obligation arising from a certain contractual relationship shall compensate the damage thus caused, unless it is proven that the said breach was caused by the circumstances excluding responsibility.' Section 378 of the Commercial Code provides for the payment of financial compensation for such damage or restitution of the damaged property to its former state if the entitled party so requests and if it is possible in practice.
- A trade union may also be held liable for damages caused to the employer by the unlawful strike.<sup>65</sup>

**Criminal liability:** An employee taking part in an illegal strike may not be held criminally liable for this act. However, if he/she violates other criminal laws (e.g. by damaging the employer's property), participation in the strike does not provide an exemption from criminal charges.<sup>66</sup>

## 7. Case law of international/European bodies

### United Nations International Covenant on Economic, Social and Cultural Rights

In its **Concluding observations** on the second periodic report of Slovakia on the implementation of the ICESCR adopted on 18 May 2012<sup>67</sup>, the Committee on Economic, Social and Cultural Rights (CESCR) considered that:

“17. The Committee is concerned by the excessive legal restrictions applying to the right of certain categories of civil servants to strike (art. 8).

The Committee recommends that the State party revise its legislation in order to permit those categories of civil servants to exercise their right to strike more fully, in particular Act No. 2 of 1991.”

The third periodic report submitted by Slovakia on 30 June 2017<sup>68</sup> indicated as follows in relation to the implementation of Article 8 of the ICESCR:

“Collective bargaining, the right to strike

53. The Constitution of the Slovak Republic in Article 37, Paragraph 4, and the Chart of Fundamental Rights and Freedoms (Constitutional Law 23/1991) in Article 27, Paragraph 4 provide for the right to strike as one of the social rights of citizens. Law 2/1991 on Collective Bargaining provides for basic issues related to the right to strike and the right to collective bargaining (...).

55. Under Article 54 of the Constitution of the Slovak Republic, the right to strike of persons whose professions are absolutely necessary for the protection of life and health is limited by the provision of § 20 of the Law on Collective Bargaining. Strike legislation compared to the second report of the Slovak Republic has not changed.”

In its **Concluding observations** on the third periodic report of Slovakia on the implementation of the ICESCR adopted on 18 October 2019<sup>69</sup>, the CESCR has not expressed any views and has not made any recommendation in relation to the implementation of Article 8 of the ICESCR.

### International Labour Organisation

#### Committee on Freedom of Association (CFA):

There are no recent decisions of the CFA on the right to strike.<sup>70</sup>

Previous cases regarding restrictions on the right to strike:

Case No. 2094 – Report No. 326 and Report No. 327, *the Trade Union Association of Railwaymen v the Government of Slovakia*<sup>71</sup>

The complainant organisation alleged violation of the freedom of association deriving from legislative restrictions on the right to strike, as well intimidation and violation of trade union rights within the Railways Company of the Slovak Republic (ZSR).

In particular, the applicants alleged that the provisions of the Collective Bargaining Act

(No. 2/1991) actually prevented the workers from truly exercising their right to strike, since it was required that more than half of all the employees covered by the collective agreement had to agree before calling the strike and, more importantly, the union had to submit to the employer a list of the names of workers who would be participating in the strike, thus exposing these workers to intimidation, discrimination and even eventual dismissal.

The Government proposed amendments to the Act, in particular with regard to Section 17(1), which originally provided that the vote for a strike needed the support of more than half of the workers covered by the collective agreement, and Section 17(5), which required the trade union to provide the employer with a list of the names of the striking workers. According to the new Section 17(1), a strike must be approved by the absolute majority of workers participating in the strike ballot, which is in conformity with the principles of freedom of association. According to the Government, the amendments to Section 17 reflected a compromise reached after consultations and negotiations with the social partners.

While the complainant organisation declared that its proposal to amend the Act was rejected in March 2000, which led to the lodging of the complaint in July 2000, according to the Government, such consultations did take place in early 2001, resulting in the compromise on the draft amendments which had to be submitted to the Slovak Parliament at the end of May 2001. This was later acknowledged by the complainant organisation in a communication in July 2001.

With regard to requests made to trade unions to provide the employer with a **list of the names of representatives** of the respective trade union authorised to represent participants in the strike, as provided for in new Section 17(8) of the Act, the Government explained that the purpose of this provision is to identify who will represent the participants in the strike and with whom the negotiations will take place concerning questions related to the strike such as a negotiated minimum service in essential services, etc. The Government insisted that this provision does not constitute discrimination against trade union representatives and recalled that protection against all acts of anti-union discrimination against trade union officials is provided by the Labour Code.

While acknowledging that this provision is an improvement, since the trade union was previously required to provide a list of all participants in the strike, the Committee nevertheless considered that the practical implementation of the provision could lead to discrimination and **reprisals against the trade union representatives** listed. The Committee recalled that protection against all acts of anti-union discrimination is particularly desirable in the case of trade union officials in order for them to be able to perform their trade union duties in full independence. In addition, the Committee insisted on the fact that the occupational and economic interests which workers defend through the exercise of the right to strike do not only concern better working conditions or collective claims of an occupational nature, but also the seeking of solutions to economic and social policy questions and problems facing the undertaking which are of direct concern to the workers. Therefore, the Committee requested the Government to take full account of these principles in the drafting of the amendments to Section 17 in order to bring its legislation into full conformity with the principles of freedom of association.

## **Committee of Experts on the Application of Conventions and Recommendations (CEACR)**

No recent observations/direct requests were adopted by the CEACR on the implementation of ILO Convention 87 in relation to the Slovak Republic.

At earlier occasions the following was raised by the CEACR:

- **Approval of a strike by ballot:** In its Observations and Direct Requests on the application of Convention No. 87, the Committee recalled that the Collective Bargaining Act required the vote of half the workers in the enterprise to whom the agreement at enterprise level applies or the vote of half the workers to whom the higher level collective agreement applies in order for a strike to be called. It emphasised that, if a member State deems it appropriate to establish in its legislation provisions which require a vote by workers before a strike can be held, it should ensure that account is taken only of the votes cast, and that the required majority is fixed at a reasonable level.

The Government indicated that the Act on Collective Bargaining, as amended in 2001, provides that a trade union may decide to hold a strike upon the approval of an absolute majority of the workers participating in the strike ballot, provided that at least an absolute majority of the workers in the bargaining unit participate in the strike ballot.

The Committee noted that the amended disposition of the Act on Collective Bargaining is compatible with Article 3 of the Convention.<sup>72</sup>

- **Suspension of social insurance rights:** In its Direct Request, the Committee took note of the comments by the Confederation of Trade Unions of the Slovak Republic (CTUSR) that participation in a strike is considered as an interruption of work for social insurance purposes which means a loss on employees' claim to a more favourable calculation of their pensions in cases of early retirement.

The Government indicated that the relevant provisions of Law No. 461/2003 on Social Insurance, as amended in 2004, stipulate that employees' participation in a strike does not suspend their entitlement to social insurance (sickness insurance, pension insurance and unemployment insurance).<sup>73</sup>

## **Council of Europe**

### **Collective Complaints under Article 6(4) of the Revised European Social Charter**

To date, the Slovak Republic has signed, but not yet ratified the Additional Protocol to the European Social Charter Providing for a System of Collective Complaints.<sup>74</sup>

## **ECSR Conclusions**

### **Restrictions on the right to strike of certain categories of employees:**

The ECSR concluded that the situation in the Slovak Republic was **not in conformity with Article 6(4)** of the Charter on the ground that the restrictions on the right to strike for

certain categories of employees (employees of healthcare or social care facilities; employees operating nuclear power plant facilities, facilities with fissile material and oil or gas pipeline facilities; judges, prosecutors and air traffic controllers; members of the fire brigade, members of rescue teams set up under special regulations; and employees working in telecommunications operations) do not comply with the conditions provided by Article G of the Charter (Conclusions 2014).<sup>75</sup>

In its **Conclusions 2018**, the ECSR noted that there has been no change to the situation and therefore it reiterated its previous conclusion of non-conformity.<sup>76</sup>

The ECSR also referred to its general question regarding the right of members of **the police** to strike.<sup>77</sup>

The Committee concluded that the situation in the Slovak Republic was **not in conformity with Article 6(4) of the Charter** on the ground that the right to strike for a large number of state/public sector employees is prohibited and the restrictions go beyond the limits permitted by Article G of the Charter (Conclusions 2018).



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## Notes

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- 3 Czechoslovakia signed and ratified the Convention on 7 October 1968 and 23 December 1975, respectively, with reservations and declarations: The Czechoslovak Socialist Republic declares that the provisions of Article 48, paragraph 1, of the International Covenant on Civil and Political Rights are in contradiction with the principle that all States have the right to become parties to multilateral treaties governing matters of general interest, available at: United Nations, Treaty Series (Vol. 999), p. 283: <https://treaties.un.org/doc/Publication/UNTS/Volume%20999/v999.pdf>.
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- 8 Status of ratifications of the Revised European Social Charter: [https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/163/signatures?p\\_auth=iPYjkVEL](https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/163/signatures?p_auth=iPYjkVEL) (accessed on 23 June 2021); see also ESC, Country profile: Slovak Republic (<https://www.coe.int/en/web/european-social-charter/slovak-republic>); see also ETUI Report 105, p. 83.
- 9 Status of ratifications of the Additional Protocol to the European Social Charter Providing for a System of Collective Complaints: [http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/158/signatures?p\\_auth=F3KSQtYr](http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/158/signatures?p_auth=F3KSQtYr) (accessed on 23 June 2021).
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- 41 Section 12(1) of the Collective Bargaining Act (No. 2/1991); and Unterschütz, J., *Strike and Remedies for Unlawful Strikes*, op. cit., p. 326.
- 42 Section 12(3) of the Collective Bargaining Act (No. 2/1991).
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