



KONFEDERÁCIA ODBOROVÝCH ZVÄZOV
SLOVENSKEJ REPUBLIKY

Odborárske námestie 3, 815 70 Bratislava

CONFEDERATION
SYNDICAT
EUROPEAN
TRADE UNION



Nicolas Schmit
EU Commissioner
Jobs and Social Rights
Sent via email to:
cab-schmit-archives@ec.europa.eu

For consideration:
Maroš Šefčovič
Vice-President of the European Commission
Interinstitutional Relations and Foresight
Sent via email to:
cab-sefcovic-contact@ec.europa.eu

Bratislava, 04 November 2020
No.:145/32/2020/Haj

Re: Breach of social dialogue in Slovakia

Dear Commissioner Schmit,

Confederation of Trade Unions of the Slovak Republic (KOZ SR), which represents more than 2 million workers, is the largest trade union organisation in Slovakia and a long-standing member of social dialogue bodies not only in Slovakia, but also within the European Trade Union Confederation, with which we have been cooperating closely. It is my duty to inform you that for the first time in the history of Slovakia, the Government of the Slovak Republic has approved the State Budget Act without any prior tripartite negotiations with social partners. A draft public administration budget used to be included in the agenda of the Economic and Social Committee of the Slovak Republic before being discussed by the Government and the Parliament by 15 October of the given year. One of the reasons for such procedure is the fact that the Act on National Tripartite Consultations directly stipulates that the Economic and Social Committee of the Slovak Republic issues opinions and recommendations related to the state budget.

Unfortunately, no efforts have been made by the Minister of Labour, Social Affairs and Family, Mr Milan Krajniak, to discuss the draft budget, which is demonstrated by the fact that it was made public at a Government meeting.

In this manner, behind closed doors, the Government continues to diminish the social standards of its citizens and transfers the burden of post-pandemic recovery to the shoulders of its own people. The state budget proposes zero adjustment for wages



**KONFEDERÁCIA ODBOROVÝCH ZVÄZOV
SLOVENSKEJ REPUBLIKY**

Odborárske námestie 3, 815 70 Bratislava

**CONFEDERATION
SYNDICAT
EUROPEAN
TRADE UNION**



of public employees and employees operating in public interest. We consider this unacceptable, therefore, KOZ SR organized demonstration events, respecting all pandemic restrictions.

Dear Commissioner,

I watched your press conference which took place on 28 October 2020 in Brussels, as well as your speech in front of the European Parliament Committee for Employment and Social Affairs, where you said that collective bargaining and social dialogue should be the gold standard in all member states and social partners play a key role in negotiations on wages at national and local level.

Furthermore, I would like to point out that the quality of social dialogue is incorporated in the 8th principle of the European Pillar of Social Rights approved by all member states, including Slovakia.

Unfortunately, I must inform you that the Slovak Minister of Labour, Social Affairs and Family, Milan Krajniak, does not respect the values of social dialogue, which are values uniting and forming the European Union. From our perspective, this is a flagrant breach of law and an example of continuous diktat of the Labour Minister, which the Confederation of Trade Unions of the Slovak Republic cannot tolerate. Therefore, KOZ SR filed a motion with the General Prosecutor's Office of the Slovak Republic to launch an investigation of the Labour Minister's actions. We are convinced that the Labour Minister repeatedly breached the law and applicable rules.

Minister Krajniak has breached the Tripartite Act, the Minimum Wages Act, as well as the Rules of Procedure of the Economic and Social Committee of the Slovak Republic. For instance, through the Minimum Wages Act, he has amended the Labour Code sections related to minimum wage requirements and surcharges without any prior discussions with trade unions.

Dear Commissioner,

At its meeting of 4 November 2020, the Government of the Slovak Republic adopted amendments of the Labour Code and the Act on National Tripartite Consultations, which significantly undermine the position of trade unions in Slovakia. By means of amending the Act on National Tripartite Consultations, employee representativeness requirements have been modified. We strongly believe that this amendment serves the sole purpose of diminishing the position of KOZ SR as the most representative entity acting on behalf of workers in tripartite discussions, allowing non-representative employer associations to join tripartite negotiations.

It is discriminatory and unjust for one association to be considered representative and in compliance with a strict condition, while another association is considered to be in breach with the condition. This legal arrangement clearly serves the purpose of creating a more favourable position for certain – both employers' and employees' – associations.

The amendment to the Labour Code changes the conditions of trade union operation at a workplace and obliges all members of the trade union to be employed by



**KONFEDERÁCIA ODBOROVÝCH ZVÄZOV
SLOVENSKEJ REPUBLIKY**

Odborárske námestie 3, 815 70 Bratislava

**CONFEDERATION
SYNDICAT
EUROPEAN
TRADE UNION**



the employer, which we believe is in violation of Article 3 of ILO Convention No. 87/1948, which stipulates that employee and employer organisations have the right to set up their own statutes and rules, freely select their representatives, organize their work and develop their program.

Dear Commissioner,

Milan Krajniak, Minister of Labour, has entirely given up on social dialogue with representatives of workers and does not respect employee rights. We are convinced that ignoring legislative rules is unacceptable. The current pandemic situation does not justify the lack of respect and breach of the rules of negotiation and social dialogue.

While other European countries adopt measures to fight the pandemic based on agreement and consultations with social partners, in Slovakia, all social partners are being ignored and their opinions on economic and social mitigating measures are disregarded, although they will have direct impact on employees and employers.

Your sincerely,

Marián Magdoško
KOZ SR President