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Slovakia: Staff information and consultation on restructuring plans

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Slovakia

Phase:

Anticipation

Type: Staff information and consultation on restructuring plans

Last modified: 10 July, 2017

Native name: **Zákonník práce**

English name: **Labour Code**

Article

22, 73, 237, 238, 241

Description

In general, the employees' representatives (trade unions and works councils) are entitled to obtain information and be consulted on measures important for the future development of the company and relevant number of employees. If there are no employees' representatives, the employer must inform and consult employees directly.

Employers shall consult in appropriate time the employees' representatives on important changes concerning the employees. 'Important changes' refer to, for instance, any collective dismissal (dismissals of at least 10 employees in companies with 21-99 workers, at least 10% of staff in companies with 100-299 workers, or at least 30 employees in companies with 300 or more workers, within 30 days), the transfer of employees to another employer, the announcement of bankruptcy or a court decision about internal restructuring, organisational changes, closure, integration, merging, splitting, changing the legal form of the employer, decisions that may lead to fundamental changes in the work organisation or in terms and conditions agreed in employment contracts, important issues of company social policy, measures to improve workplace health and the working environment.

The Labour Code expressly regulates that specific information on redundancies given to the employees' representatives is to be available before collective redundancies can start. This information must include: reasons for the planned redundancies, number and composition of redundant employees and the overall workforce, period over which the redundancies should take place, and criteria for selecting employees to be made redundant. The employer should provide the reasons for the restructuring but is not obliged to justify these reasons and give reasons for the decision to dismiss employees. Employees' representatives can ask the employer to modify the plans, but the employer is not obliged to do so.

Information should be provided to the employees' representatives in appropriate time. This is usually a few weeks before the execution of the planned organisational changes, in case of insolvency within 10 days and in case of collective redundancies at least 30 days before implementation begins. The consultation process begins once the employer has decided which measures will be adopted and which employees will be dismissed.

The employer may refuse to provide information which could harm the business of the employer or may require that this information be regarded as confidential.

Comments

No information is available about discrepancies in implementation of this regulation in practice.

Cost covered by

Not applicable

Involved actors other than national government

Trade union
Works council
Other



Involvement others

Employees if there are no employees' representatives at the employer.

Thresholds

No, applicable in all circumstances

Sources

-  DG Employment, Social Affairs and Equal Opportunities/Héra (2011), Selected companies' legal obligations regarding restructuring
-  Ministry of Labour, Social affairs and Family of the Slovak Republic (MPSVR SR) (Labour Code)

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