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European Monitoring Centre on Change

Slovakia: Obligation to consider alternatives to collective dismissals

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Slovakia

Phase:

Management

Type: Obligation to consider alternatives to collective dismissals

Last modified: 22 September, 2019

Native name: **Zákonník práce**

English name: **Labour code**

Article

73

Description

According to [Act No. 311/2001 Coll. of the labour code](#), at least one month before the start of collective dismissal, consultations with the employee representative or the affected employees need to be held with the aim of reaching an agreement. Employers should attempt to minimise redundancies, try to redeploy the affected employees within other workplaces at the organisation and reduce the negative impact of the collective redundancy (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). Then the employer has to submit in written the outcomes of consultations with the employee representatives on measures to mitigate the unfavourable impact of collective dismissal on employees to the competent employment office of the headquarters of [Employment, Social Affairs and Family](#) (ÚPSVaR). During the available time to the start of dismissals, the employment office should look for ways of employing the redundant employees elsewhere, and ways of employing the redundant employees after retraining.

Comments

There is no particular obligation for the employers to seek 'effective' measures which will be able to avoid the negative aspects of the restructuring process. It is not easy for the employer to adopt some alternatives to redundancies because the employer is constrained by his/her financial situation and in some cases (e.g. redeployment at other workplaces) the employer needs consent of the employee concerned. In many cases of restructuring, it is not particularly common for the employer to adopt any additional measures with the aim of reducing the number of redundancies.

Cost covered by

Employer

Involved actors other than national government

Public employment service
Trade union
Works council
Other

Involvement others

Affected employees if there are no employee representatives at the employer.

Thresholds





Company size by number of employees:

21

Number of affected employees:

10

Sources

-  DG Employment, Social Affairs and Equal Opportunities/Héra (2011), Selected companies' legal obligations regarding restructuring
-  Ius Laboris (2009), Collective Redundancies Guide, Ius Laboris, Brussels
-  [EMCC: Legal framework of restructuring](#)
-  Ministry of Labour, Social Affairs and Family of the Slovak Republic (MPSVR SR) (Labour Code)

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