



**Slovak Republic
(Slovakia)**

**Act No. 103/2007, Collection of Laws
on Tripartite Consultations at the National Level
and on Amending and Supplementing Certain Acts (Tripartite Act)**

dated 9 February 2007

The National Council of the Slovak Republic has resolved on the following Act:

Article I

§ 1

Purpose of the Act

The purpose of this Act is to support effective social dialogue at the national level, among the state and employers and employees (hereinafter referred to as, “social partners”) through their respective representatives, as a democratic mean toward resolving economic and social development, development of employment and securing of social peace.

§ 2

Subject-Matter of the Enactment

This Act regulates tripartite consultations at the national level among the state and the social partners who, through their representatives, mutually bargain and negotiate principal issues in the field of economic and social development and development of employment in order to reach the agreement on such issues, and the establishment, structure and principles of activities of the Economic and Social Council of the Slovak Republic.

§ 3

Representatives of the State, Employers’ Representatives
and Employees’ Representatives

(1) For the purposes of this Act the representative of the state is the Government of the Slovak Republic (hereinafter referred to as „the Government“).

(2) For the purposes of this Act, employers' representatives are representatives appointed by representative associations of employers.¹⁾ The representative association of employers is the association of employers which associates employers within several sectors of the economy or having competence in at least five regions, jointly employing at least 100 000 employees in an employment relationship or in a similar labour relation.

(3) For the purposes of this Act, employees' representatives are representative associations of trade unions.¹⁾ The representative association of trade unions is the association of trade unions which associates employees in an employment relationship or in a similar labour relation within several sectors economy with at least 100 000 employees who are trade unions members.

(4) Employers' representatives and employees' representatives shall submit proof of their representativeness pursuant to Paragraphs 2 and 3 by request of representatives of the government or of the social partner having expressed doubt of their representativeness; repeated expression, by representatives of the government or of the social partner, of doubt of representativeness proven as above is admissible only after lapse of 12 months from recognition of the representativeness. Employers' representatives submit proof of their representativeness by presenting a list of associated employers, which comprises the corporate name (name and surname), identification number, registered office (residence) and the number of employees. Employees' representatives submit proof of their representativeness by presenting a list of trade union organisations, which comprises the number of employees who are trade union members.

(5) Representativeness determination dispute pursuant to Paragraphs 2 and 3 shall be resolved by an arbitrator agreed by the social partners. Should the social partners fail to agree on the arbitrator, the latter shall be appointed by the Ministry of Labour, Social Affairs and Family of the Slovak Republic from among the list of arbitrators constructed pursuant to separate regulation.²⁾

(6) The arbitrator is entitled to remuneration and to compensation of the arbitration costs. Payment of the remuneration and of compensation of the cost of arbitration shall proceed similarly to the payment of remuneration and compensation of arbitration costs pursuant to separate regulation.³⁾

¹⁾ § 9a and § 16 of Act No. 83/1990, Collection of Laws (hereinafter referred to as "Coll.") on the Association of Citizens, as amended by Act No. 300/1990, Coll.

²⁾ § 10a, Paragraph 9 of Act No. 2/1991, Coll. on Collective Bargaining, as amended by Act No. 209/2001, Coll.

³⁾ § 13, Paragraph 7 of Act No. 2/1991, Coll. on Collective Bargaining, as amended by National Council of the Slovak Republic Act No. 54/1996, Coll.

Decree of the Ministry of Finance of the Slovak Republic No. 179/1991, Coll. by which Stipulating the Amount of Remuneration of the Intermediary and the Arbitrator, the Amount of Charge Payable for Provision of a Copy of the Higher Degree Collective Agreement, and the Amount and Mode of Reimbursement of the Costs of Proceedings before the Arbitrator as amended by later regulations.

§ 4

The Economic and Social Council of the Slovak Republic

(1) The Economic and Social Council of the Slovak Republic (hereinafter referred to as “Council”) is established with its site in Bratislava.

(2) The Council is a consulting and concerting body of the Government and of the social partners at the national level.

(3) The Council

- a) Concerts standpoints and recommendations in the field of economic and social development and of the development of employment,
- b) Concludes agreements in the field of economic and social development and of the development of employment,
- c) Concerts standpoints and recommendations in the field of the state budget,
- d) Concerts standpoints to proposals of generally binding legal regulations applying to important interests of employees and employers, mainly to economic, social, working and wage conditions, conditions of employment and business conditions,
- e) Supports all forms of collective bargaining,
- f) Establishes its advisory bodies,
- g) Approves the Standing Orders of the Council.

(4) The sponsor who is the state, the employers’ representative or the employees’ representative submits materials for discussion in the Council within deadlines and by methods specified in the Standing Orders.

§ 5

Structure of the Council

The Council has 21 members. It comprises seven representatives appointed by the Government, seven representatives appointed by representative employers’ associations and seven representatives appointed by representative associations of trade unions (hereinafter referred to as “Council member”). The number of Council members representing the representative employers’ associations shall be determined proportionally to the number of employed employees. The number of Council members representing the representative associations of trade unions shall be determined proportionally to the number of associated employees who are trade union members.

§ 6

Council Bodies

The Council has the following bodies:

- a) Plenary Session,

b) Presidium.

§ 7
Plenary Session

(1) The plenary session is the supreme consulting and concerting body of the Council. The plenary session consists of members of the Council.

(2) The plenary session negotiates principal issues applying to the fields specified in § 4, Paragraph 3, letters a) through d).

(3) The plenary session is convened as required, in at least quarterly intervals.

(4) The plenary session is convened and chaired by the President of the Council, or by his appointed Vice-President of the Council.

(5) Council members may invite to the plenary session experts on the individual points of the agenda.

(6) The plenary session has the capacity to discuss and adopt conclusions at its session in the presence of at least four Council members who are Government members, at least four Council members who are employers' representatives and at least four Council members who are employees' representatives.

(7) The conclusions of discussion of the plenary session comprise agreements, standpoints and recommendations included in the material submitted to the respective body for continuing discussion of, or decision on the issue. In the case of compliant standpoints on the submitted material the conclusion of the plenary session is a joint standpoint. In the case of conflicting standpoints on the submitted material the conclusions of discussion of the plenary session comprise the standpoint of the Government and the respective standpoint of each social partner.

§ 8
The Presidium

(1) The Presidium consists of members of the Council, comprising the

- a) President of the Council, appointed by the Government from among members of the Government,
- b) Vice-President of the Council, appointed by the representative employers' association,
- c) Vice-President of the Council, appointed by the representative association of trade unions,
- d) Member of the Presidium appointed by the Government from among state secretaries,
- e) Member of the Presidium appointed by the representative employers' association, and
- f) Member of the Presidium appointed by the representative association of trade unions.

(2) When the employers' representatives are represented in the Council by several representative associations of employers, the Vice-President of the Council pursuant to Paragraph 1, letter b) is the representative of the employers' association which associates of employers with the largest number of employees, and the member of the Presidium pursuant to Paragraph 1, letter e) is the representative of the employers' association which associates of employers with the second largest number of employees, unless decided differently by the simple majority of votes of all Council members representing employers.

(3) When the employees' representatives are represented in the Council by several representative associations of trade unions, the Vice-Chairman of the Council pursuant to Paragraph 1, letter c) is the representative of association of the trade unions which associates the largest number of employees who are trade union members, and the member of the Presidium pursuant to Paragraph 1, letter f) is the representative of association of the trade unions which associates the second largest number of employees who are trade union members, unless decided differently by the simple majority of votes of all Council members representing employees.

(4) Membership of the Presidium cannot be executed by proxy.

(5) The President of the Council

- a) Manages the Council's activities,
- b) Convenes and chairs over the plenary session,
- c) Convenes and chairs over session of the Presidium,
- d) Informs the Government about conclusions of Council bodies.

§ 9

Competence of the Presidium

(1) The Presidium negotiates

- a) Principal items linked to the preparation of the plenary session and issues resulting from conclusions of the plenary session,
- b) Items as commissioned by the plenary session.

(2) The Presidium decides, when requested by a representative of the Government or at least by one of the social partners, about convocation of an extraordinary plenary session.

§ 10

Advisory Bodies

The Council establishes its advisory bodies on the individual fields of its activities, comprising experts appointed by representatives of the Government and of the

social partners. The method of activities of the advisory bodies shall be regulated by the Standing Orders of Council.

§ 11 The Secretariat

The Secretariat secures the Council's activities from material, organisational and administrative aspects. The Secretariat is managed by the Secretary, appointed and recalled by the President of the Council by proposal of the Presidium.

§ 12 Financial Security of the Council

- (1) Activities of the Council are financially secured from state budget sources.
- (2) Expenditures of members of the Council bodies arising in connection with their participation in discussions in Council bodies shall be covered by the social partner represented by them.

Article II

Act No. 575/2001, Coll. on the Organisation of Activities of the Government and on the Organisation of Central State Administration, as amended by Act No. 143/2002, Coll., Act No. 411/2002, Coll., Act No. 465/2002, Coll., Act No. 139/2003, Coll., Act No. 453/2003, Coll., Act No. 523/2003, Coll., Act No. 215/2004, Coll., Act No. 351/2004, Coll., Act No. 405/2004, Coll., Act No. 585/2004, Coll., Act No. 654/2004, Coll., Act No. 78/2005, Coll., Act No. 172/2005, Coll., Act No. 474/2005, Coll., Act No. 231/2006, Coll. and Act No. 678/2006, Coll. shall be amended and supplemented as follows below:

▲
1. § 1 shall be supplemented with § 1a, worded as follows:

▲
„§ 1a

▲
Government meetings are held in closed session. This does not prejudice the duty of the Government to publish the texts of materials pursuant to separate regulation.¹⁾“.

▲
The footnote 1 shall be worded as follows:

▲
„¹⁾ § 5, Paragraph 4 of Act No. 211/2000, Coll. on Free access to Information and on amending and supplementing Certain Acts (Freedom of Information Act).“.

▲
The recent footnote 1 shall be designated footnote 1a.

▲
2. In § 2, Paragraph 3 the comma following the words „Economic Council of the Government of the Slovak Republic“ shall be deleted, and the words „Council of Economic Partnership and Social Partnership of the Slovak Republic“ shall be omitted.

Article III

Act No. 2/1991, Coll. on Collective Bargaining, as amended by Act No. 519/1991, Coll., National Council of the Slovak Republic Act No. 54/1996, Coll., Act No. 209/2001, Coll., Act No. 551/2003, Coll., Act No. 553/2003, Coll. and Act No. 585/2004, Coll. shall be amended as follows below:

▲
In § 7, Paragraph 1 the comma following the word „concluded “ shall be deleted, and the words „but only if that employer agreed to extension of collective agreement of a higher degree“ shall be omitted.

Article IV

This Act shall take effect on 1 April 2007.

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Translation:

Ministry of Labour, Social Affairs and Family of the Slovak Republic - Department for
Affairs of European Union and International-Law Relations,
Bratislava
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Preklad:

Ministerstvo práce, sociálnych vecí a rodiny SR – odbor záležitostí Európskej únie
a medzinárodnoprávných vzťahov
Bratislava
30. marca 2007