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Ministry of Labour, Social Affairs and Family of the Slovak Republic

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Employee

An employee is a natural person who performs dependent work for an employer in an employment relationship or, in exceptional cases, in a similar working relationship.

An employee can only be a person capable of rights and duties in relationships under the labour law.

The ability of a natural person to independently hold and exercise rights and duties in employment relationships comes into effect on the day when the natural person reaches the age of 15 (unless otherwise provided). An employer, however, may not set as the commencement of work any day before the day, on which the natural person finishes compulsory school attendance. An employee may enter into an agreement providing for liability for lost or stolen property ('dohoda o hmotnej zodpovednosti') no earlier than on the day when the employee reaches the age of 18.

The term 'employee' is defined in Section 11 of the Labour Code.

Dependent work

Dependent work is work performed:

- in a relationship where the employer is superior, and the employee is subordinate;
- personally, by the employee for the employer;
- under the employer's direction,
- on behalf of the employer,
- during working hours specified by the employer.

Dependent work may only be performed in an employment relationship or in a similar working relationship. Only **exceptionally** and under the conditions stipulated in this Act, work may also be performed in another relationship governed by the labour law.

Employment relationship is a relationship established by an employment contract. Dependent work **cannot be performed** in a relationship established by a civil or commercial contract.

Dependent work is defined in Section 1(2) of the Labour Code.

Employment contract

An employment relationship is based on a written employment contract between an employer and an employee. The employer is required to issue one written copy of the employment contract to the employee. In the employment contract, the employer and the employee shall agree on the following essentials:

- type of work for which the employee is hired and a brief description of the job;
- place of work performance (municipality, municipal district or other specification of a place);
- date of work commencement;
- conditions of remuneration, unless agreed in the collective agreement.

Working conditions can be agreed in a collective agreement. In such a case, it is sufficient to make a reference to the provisions of the collective agreement.

The agreed content of an employment contract may only be amended by agreement between the employer and the employee. The employer is obliged to execute the amendment to the employment contract in writing.

The employment relationship and employment contract are defined in the second part of the Labour Code, in Section 41.

Probationary period

The probationary period agreed in the employment contract may last **a maximum of 3 months**.

For an executive employee reporting directly to the statutory body or a member of the statutory body, or for an executive employee reporting to such an executive employee, the probationary period is **a maximum of 6 months**.

The probationary period **may not be extended**. There can be no probationary period when a fixed-term employment contract is renewed.

The probationary period is defined by Sections 42 to 45 of the Labour Code.

Fixed-term employment

A fixed-term employment relationship may be agreed for **a maximum of 2 years**.

A fixed-term employment relationship may be extended or renewed **for a period not exceeding 2 years and not more than twice**. The employment contract must expressly specify the duration of the fixed term employment.

Fixed-term employment relationship is defined by Section 48 of the Labour Code.

Other working relationship - agreement for work

Other working relationship is a relationship established by one of the agreements for work performed outside the employment relationship:

- agreement for work performance - (Section 226 of the Labour Code)
- agreement for work (activity) - (Section 228a of the Labour Code)
- agreement for part-time work by students - (Section 227 and 228 of the Labour Code)

Agreements for work performed outside the employment relationship **shall be used in exceptional cases only**. If the work meets the definition of dependent work, the employer must conclude an employment contract with the employee.

Agreements (for work performed outside the employment relationship) **may not be concluded for activities that are subject to protection under the Copyright Act No 618/2003 Coll.**

Entrepreneurship and self-employment

Entrepreneurial (business) activity ('podnikanie' in Slovak) means a continuous activity carried out by an entrepreneur in their own name, on their own responsibility and with a view to making a profit.

The term entrepreneurial activity is regulated by Section 2(1) of Act No 513/1991 Coll., the Commercial Code.

Trade (or craft, as the context requires, in Slovak 'živnosť') is a systematic activity carried out independently, in the trader's own name, on their own responsibility, with a view to making a profit and subject to the conditions laid down by the Act. The term 'trade' is defined in Section 2 of Act No 455/1991 Coll. on trade business.