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

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## Employer

An employer is a legal entity or natural person who employs at least one natural person in an employment relationship or, if provided for by a special regulation, in a similar working relationship.

An employer may also be an organisational unit of an employer, if so provided by special regulations or statutes according to a special regulation. (If the employer is a party to the employment relationship, their organisational unit cannot take up that position and vice versa.)

Employers enter into the employment relationships in their own name and assume the responsibility arising therefrom.

The term employer is defined in Section 7(1) and (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:

- the type of work for which the employee is hired and a brief description of the job;
- the place of performance (municipality, municipal district or other specification of a place);
- the start date of work;
- the 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 refer 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.

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

### Other labour-law 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 characteristics 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.**

### Employer's obligations

Employer's obligations are regulated by a number of provisions of the Labour Code. The fundamental obligations include those before and after concluding an employment contract.

### Employer's obligations before concluding an employment contract

**Before concluding an employment contract, the employer is required** to inform the natural person:

- of their rights and obligations under the employment contract;
- of the work conditions, under which the work will be carried out;
- of the wage conditions applicable to the work to be carried out.

Section 41(10) of the Labour Code

When concluding an employment contract, the employer may not agree with the employee the basic wage component in an amount lower than the basic wage component published in the job offer pursuant to Act No 5/2004 Coll.

## Employer's obligations upon the commencement of employment

**Upon the commencement of employment, the employer is required** to make the employer aware of:

- the workplace regulations (Section 84 of the Labour Code);
- the collective agreement;
- the legal regulations applicable to the work performed by the employee and the legal and other regulations on occupational health and safety to be observed by the employee during their work, and
- the equal treatment provisions (Section 1, Section 13, Section 119a of the Labour Code, the Anti-Discrimination Act).

Section 47(2) of the Labour Code

The employer is also obliged to inform **an employee who is a minor** or their legal representative of possible risks in the work to be performed and of the measures taken in respect of occupational health and safety.

## Employer's obligations from the employment commencement date for the duration of employment

**From the employment commencement date** (the date agreed in the employment contract as the commencement date), the employer is obliged to:

- assign work to the employee in accordance with the employment contract;
- pay the employee a wage for the work performed;
- create suitable conditions for the performance of work duties; and
- comply with other terms of employment provided for by law, the collective agreement and the employment contract.

Section 47(1)(a) of the Labour Code

Each employee must be made familiar with the workplace regulations. Workplace regulations must be accessible to every employee.

## Employment of persons under 15 years of age

The law allows persons under the age of 15 to perform **light work**, which, due to its nature and extent, does not endanger their health, safety, further development or school attendance.

This includes performing or co-performing in:

- cultural performances and artistic performances,
- sporting events,
- advertising activities.

Section 11(4) and (5) of the Labour Code.

Performance of light work by persons under the age of 15 may be permitted **at the request of the employer** by the relevant labour inspectorate after consulting the relevant public health authority.

The permit shall **specify the number of hours and the conditions** under which light work may be carried out. The relevant labour inspectorate shall withdraw the permit if the conditions imposed by the permit are not complied with.