



**Labour Inspection Act**  
**Slovak Republic - Slovakia**

**Collection of Laws**

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**Full Wording**

**Content of the LI Act – Act No 125/2006 Coll. - Full wording (2012) – Act No 48/2012 Coll.**

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## 48

### THE CHAIRMAN OF THE NATIONAL COUNCIL OF THE SLOVAK REPUBLIC

hereby publishes

**the full wording of the Act No 125/2006 Coll. on Labor Inspection and on amendment and supplement of the Act No 82/2005 Coll. on Illegal Work and Illegal Employment and on amendment and supplement of other acts, as amended by the Act No 309/2007 Coll., by the Act No 462/2007 Coll., by the Act No 555/2007 Coll. by the Act No 400/2009 Coll., by the Act No 52/2010 Coll. by the Act No 67/2010 Coll., by the Act No 182/2011 Coll. by the Act No 223/2011 Coll., by the Act No 254/2011 Coll., by the Act No 257/2011 Coll., by the Act No 469/2011 Coll., and by the Act No 512/2011 Coll.**

## ACT

### **on Labor Inspection and on amendment and supplement of the Act No 82/2005 Coll. on Illegal Work and Illegal Employment and on amendment and supplement of other acts**

The National Council of the Slovak Republic has adopted the following Act:

#### Article 1 Purpose of the Act

This Act

- a) regulates labor inspection that is used to enforce the protection of employees at work and the performance of state administration in the area of labor inspection,
- b) determines the scope of powers of state administration bodies in the area of labor inspection and their scope of powers when performing supervision under a special law<sup>1</sup> (hereinafter referred to as the “supervision”),
- c) determines the rights and duties of labor inspector and duties of natural person and legal entity.

#### Article 2 Scope of Labor Inspection

<sup>1</sup> Art. 30 of the Act No 264/1999 Coll. on Technical Requirements on Products and on Conformity Assessment and on amendment and supplement of other acts as amended by the Act No 436/2001 Coll. Act No 182/2011 Coll. on Labeling of Energy-Related Products and on amendment and supplement of other acts. Art 17(1) of the Act No 254/2011 Coll. on Transportable Pressure Devices and on amendment and supplement of other acts.

(1) Labor inspection is

- a) supervision over adherence to
  1. labor law regulations<sup>2</sup> regulating labor law relations, including, in particular, the establishing, change, and termination thereof, wages conditions and working conditions of employees, including working conditions of women, adolescents, homeworking employees, disabled persons and persons below the age of 15 years, and collective bargaining,
  2. legal regulations regulating state employment relations,<sup>2a</sup>
  3. legal regulations and other regulations aimed at guaranteeing occupational safety and health protection<sup>3</sup> including regulations regulating working environment factors,
  4. legal regulations regulating the ban on illegal work and illegal employment,
  5. duties implied by collective agreements,
  6. a special regulation<sup>3a</sup> by the employer in the scope of the obligation of the employer to conclude an employer contract and to pay and deduct contributions to supplementary pension insurance for employees performing works classified as class three or class four by bodies of state administration in the area of public health care under a special regulation<sup>3b</sup> as well as for employees performing the work of a dancing artist or a music artist performing the profession of a wind instrument player,
- b) drawing responsibility for violation of regulations specified in letter a) and for violation of duties implied by collective agreements,
- c) provision of free-of-charge advising to employers, natural persons who are entrepreneurs<sup>4</sup> and who are not employers, and to employees in the scope of basic expert information and advice on methods of adherence to the regulations specified in letter a) in the most effective manner.

(2) Labor inspection is performed

- a) at all workplaces of employers and of natural persons who are entrepreneurs but not employers, including workplaces located on private land and in households of natural persons,
- b) in all premises where homeworking employee performs the agreed work and where employee performs work under agreement on work performed outside employment relationship.<sup>6</sup>

(3) For the purposes of performance of labor inspection under paragraph 1 letter a) point 4, employers include natural person or legal entity that employ a natural person illegally.

(4) Labor inspection at the workplaces of the Ministry of Interior of the Slovak Republic, of the Police Force, of the Fire Fighting and Rescuing Corps, of the Ministry of Defense of the Slovak Republic, of the armed forces of the Slovak Republic, of the Penitentiary and Judicial Guard Units, of the Railroad Police, and of the Customs Administration of the Slovak Republic shall be performed by their labor inspection bodies.

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<sup>2</sup> E.g. the Labor Code, Act No 552/2003 Coll. on Performance of Work in Public Interest as amended, Act No 553/2003 Coll. on Remuneration of Certain Employees during Performance of Work in Public Interest and on amendment and supplement of other acts as amended.

<sup>2a</sup> Act No 400/2009 Coll. on State Service and on amendment and supplement of other acts as amended.

<sup>3</sup> Art. 39 of the Labor Code.

<sup>3a</sup> Art. 5(2), Art. 12(2), Art. 13(3), and Art. 14 of the Act No 650/2004 Coll. on Supplementary Pension Insurance and on amendment and supplement of other acts as amended.

<sup>3b</sup> Art. 31 of the Act No 355/2007 Coll. on Protection, Support, and Development of Public Health and on amendment and supplement of other acts.

<sup>4</sup> Art. 2(2) of the Commercial Code.

<sup>6</sup> Art. 52, Art. 223 to 228 of the Labor Code.

- (5) Labor inspection under this Act shall not be performed
- a) at workplaces of the Military Intelligence, of the Slovak Intelligence Services, and of the National Security Authority,
  - b) in protected premises<sup>7</sup> of the Ministry of Foreign Affairs of the Slovak Republic,
  - c) at workplaces of natural person and legal entity enjoying diplomatic privileges and immunities.<sup>8</sup>
- (6) Labor inspection is not the supervision performed by relevant authorities under special laws.<sup>9</sup>

### Article 3

#### State Administration Bodies in the Area of Labor Inspection

Unless otherwise determined by this Act (Art. 2(4)), state administration in the area of labor inspection is performed by state administration bodies including the Ministry of Labor, Social Affairs and Family of the Slovak Republic, the National Labor Inspectorate and labor inspectorates.

### Article 4

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

The Ministry of Labor, Social Affairs and Family of the Slovak Republic (hereinafter referred to as the “ministry”)

- a) provides for the creation and implementation of the state labor protection policy,
- b) prepares concept materials, program materials, and proposals of improvements of the situation in the area of labor protection,
- c) coordinates the activities of state administration bodies in the area of labor protection,
- d) manages and controls the National Labor Inspectorate and bears responsibility for the performance of labor inspection,
- e) is the appellate authority in cases decided by the National Labor Inspectorate in the first instance,
- f) provides for and directs the research activities in the area of occupational safety and health protection,
- g) prepares proposals of fulfillment of duties implied to the Slovak Republic by international treaties and conventions in the area of labor protection, and provides for international cooperation in collaboration with the relevant central state administration authorities,
- h) decides in doubt on whether labor inspection shall be performed at a workplace,
- i) submits, within six months following the end of a calendar year, a report on the condition of labor protection and on activities of state administration bodies in the area of labor inspection for the previous calendar year to the Government of the Slovak Republic,

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<sup>7</sup> Act No 215/2004 Coll. on Protection of Secret Information and on amendment and supplement of other acts as amended.

<sup>8</sup> Regulation of the Minister of Foreign Affairs No 157/1964 Coll. on the Vienna Convention on Diplomatic Relations. Regulation of the Minister of Foreign Affairs No 32/1969 Coll. on the Vienna Convention in Consular Relations.

<sup>9</sup> E.g. the Act of the Slovak National Council No 51/1998 Coll. on Mining Activities, Explosives, and State Mining Administration as amended, Act No 143/1998 Coll. on Civil Aviation (Aviation Act) and on amendment and supplement of other acts as amended, Act No 338/2000 Coll. on National Navigation and on amendment and supplement of other acts as amended, Act No 314/2001 Coll. on Protection from Fires as amended, Act No 541/2004 Coll. on Peaceful Use of Nuclear Energy (Nuclear Act) and on amendment and supplement of other acts as amended, Act No 355/2007 Coll. on Protection, Support, and Development of Public Health and on amendment and supplement of other acts as amended, Act No 513/2009 Coll. on Railroads and on amendment and supplement of other acts as amended.

- j) submits, once in five years, reports on enforcement of this Act and of a special law<sup>10</sup> together with opinions of representatives of employers and representatives of employees to the European Commission.

National Labor Inspectorate  
§5

(1) The National Labor Inspectorate is a state administration body seated in Košice. The National Labor Inspectorate is a budgetary organization.<sup>11</sup>

(2) The National Labor Inspectorate is managed by its director general, who is also responsible for its activities. The director general is appointed and removed by the Minister of Labor, Social Affairs and Family of the Slovak Republic.

(3) The National Labor Inspectorate establishes an accreditation committee that fulfills duties of an expert advisory body. Details about the composition of the accreditation committee and its activities shall be determined in a statute to be issued by the National Labor Inspectorate after approval by the ministry.

§6

(1) The National Labor Inspectorate

- a) manages and supervises labor inspectorates and unites and rationalizes the working methods of labor inspectors,
- b) is an appellate authority in cases decided by a labor inspectorate in the first instance,
- c) provides for operation of the information system of labor protection and its software and hardware,
- d) issues and revokes
  1. authorization to natural person and legal entity to perform safety technical services,<sup>12</sup>
  2. authorization to natural person and legal entity to perform education and training in the area of labor protection,
  3. authorizations to legal entity to verify fulfillment of conditions of security of technical devices,
  4. authorization to authorized safety technician,
- e) issues decision acknowledging professional qualifications of natural person who is citizen of member states of the European Union to perform activities for which professional qualifications are required by a special law,<sup>13</sup>
- f) provides expert guidance to training and education in the area of occupational safety and health protection,
- g) provides for education and professional training of labor inspectors,

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<sup>10</sup> E.g. the Act No 124/2006 Coll. on Occupational Safety and Health Protection and on amendment and supplement of other acts as amended, Decree of the Government of the Slovak Republic No 392/2006 Coll. on Minimum Safety and Health Requirements when Using Work Equipment, Decree of the Government of the Slovak Republic No 395/2006 Coll. on Minimum Requirements for Provision and Use of Personal Protective Equipment at Work, Decree of the Government of the Slovak Republic No 396/2006 Coll. on Minimum Safety and Health Requirements for Construction Sites.

<sup>11</sup> Act No 523/2004 Coll. on Budgetary Rules of Public Administration and on amendment and supplement of other acts as amended.

<sup>12</sup> Art. 22 of the Act No 124/2006 Coll. as amended.

<sup>13</sup> E.g. Act No 124/2006 Coll. as amended, Regulation of the Ministry of Labor, Social Affairs, and Family of the Slovak Republic No 508/2009 Coll., Establishing Details for Ensuring Occupational Safety and Health Protection when Working with Pressurized, Lifting, Electric, and Gas Technical Equipment and Establishing Technical Equipment that Is Considered Reserved Technical Equipment.

- h) organizes the performance of expert tests under Art. 11 and establishes a testing committee for this purpose,
- i) issues labor inspector cards to labor inspectors, with the specimen shown in the Annex No 1,
- j) issues special authorizations to labor inspectors to perform labor inspection at representations of the Slovak Republic, on sea ships and on river boats under the flag of the Slovak Republic located outside the territory of the Slovak Republic,
- k) proposes measures to improve the situation in the area of labor protection to the ministry,
- l) submits reports on the status of labor protection and on activities of the National Labor Inspectorate to the ministry for each calendar year within three months from the end thereof,
- m) provides citizens of the Slovak Republic and citizens of the member states of the European Union with information on working conditions under special law<sup>14</sup> in the Slovak Republic and in the member states of the European Union,
- n) cooperates with relevant bodies of the European Union and of the member states of the European Union during identification, inspection, and evaluation of working conditions under letter m) and provides them with relevant information on working conditions<sup>14</sup> in the Slovak Republic,
- o) cooperates with relevant bodies of the European Union, of the member states of the European Union, of the contracting parties to the Agreement on European Economic Area, and with relevant bodies of Switzerland in coordination and performance of supervision under special law,<sup>15</sup> responds to requests, provides the above with information and fulfills other tasks under a special law,<sup>15</sup>
- p) processes and evaluates data on work accidents for statistics purposes,
- q) provides for creation, collection, distribution, disclosing, and publishing of information in the area of labor protection,
- r) maintains a central publicly available list of natural persons and legal entities that violates the ban on illegal employment during the previous five years, including their business names, place of business of natural persons and seats of legal entities,
- s) maintains a publicly available list of the authorizations and certificates issued and revoked by the National Labor Inspectorate under a special law,
- t) participates on international collaboration in the area of labor protection,
- u) fulfills tasks under a special law.<sup>15aa</sup>

(2) When performing tasks under paragraph 1(d) and 1(e), the National Labor Inspectorate is a first instance administrative body in administrative proceeding.

(3) With the consent of the ministry, the National Labor Inspectorate establishes and closes its workplaces outside its seat.

(4) For the purposes of paragraph 1, letters e), m), and n), proceedings against states that are parties to the Agreement on the European Economic Area and against citizens of these states shall be equivalent to proceedings against member states of the European Union and its citizens.

## Article 7

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<sup>14</sup> Art 5(2 to 5) of the Labor Code.

<sup>15</sup> Act No 462/2007 Coll. on Organization of Work Time in Transportation and on amendment and supplement of the Act No 125/2006 Coll. on Labor Inspection and on amendment and supplement of the Act No 82/2005 Coll. on Illegal Work and Illegal Employment and on amendment and supplement of other acts as amended by the Act No 309/2007 Coll. as amended.

<sup>15aa</sup> Art. 5a(3) of the Act No 82/2005 Coll. on Illegal Work and Illegal Employment and on amendment and supplement of other acts as amended by the Act No 223/2011 Coll. Act No 67/2010 Coll. on Conditions of Marketing of Chemical Substances and Chemical Mixtures and on amendment and supplement of other acts (Chemical Act).

## Labor Inspectorate

(1) Labor inspectorates are state administration bodies. Labor inspectorates are budgetary organizations.<sup>11</sup> The seats and territorial districts of labor inspectorates are identical with the seats and territories of higher administrative regions. The supervision over adherence to legal regulations and other regulations aimed at ensuring occupational safety and health protection when working at nuclear facility workplaces is performed by the Nitra Labor Inspectorate in the entire territory of the Slovak Republic. The director general may, in writing, specify the labor inspectorate that shall perform tasks under paragraph 3 also within a territory of another labor inspectorate in the scope of the written authorization; in such a scope, tasks under paragraph 3 shall not be performed by the labor inspectorate in whose territory the tasks shall be performed by the labor inspectorate identified in the written authorization.

(2) The labor inspectorate shall be managed, and responsibility for its activities shall be held, by the main labor inspector, appointed by the Minister of Labor, Social Affairs, and Family of the Slovak Republic upon proposal of the director general. The office of the main labor inspector can be held by a labor inspector with at least five years of experience as a labor inspector. The main labor inspector is responsible to the director general for the activities of the labor inspectorate.

(3) The labor inspectorate

- a) provides for the performance of labor inspection in the scope determined in Article 2(1) and for the performance of supervision, including, without limitation, verifying whether labor protection requirements are met in
  1. selection, location, configuration, use, maintenance, and inspection of workplace, working environment, work tools, protective equipment, chemical factors, physical factors, biological factors, factors influencing mental work load, and social measures, and
  2. work procedures, work time, organization of labor protection and the system of management thereof,
- b) investigates the causes of work accidents resulting in death or severe damage to one's health,<sup>15a</sup> of immediate danger of serious industrial accidents, of serious industrial accidents,<sup>16</sup> safety, technical, and organizational causes of occupational diseases and dangers of occupational diseases, maintains registers thereof, and investigates the causes of other work accidents as necessary,
- c) enforces, by binding opinions, requirements to ensure occupational safety and health protection when permitting and commissioning buildings and modifications thereof that are to be used by employers and by natural persons who are entrepreneurs but not employers to perform their tasks,
- d) issues and revokes permissions to perform light works by natural persons under a special law,<sup>17</sup>
- e) revokes
  1. authorizations, certificates, and cards issued to natural persons and legal entities to perform activities under special law,<sup>13</sup>
  2. safety technician certificates, informing the legal entity that issued the certificate without delay,
- f) verifies adherence to the scopes and conditions of authorizations, certificates, and cards issued under this Act and under special law,<sup>13</sup>

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<sup>15a</sup> Art. 3(1) of the Act No 124/2006 Coll. as amended by the Act No 309/2007 Coll.

<sup>16</sup> Act No 261/2002 Coll. on Prevention of Serious Industrial Accidents and on amendment and supplement of other acts as amended.

<sup>17</sup> Art. 11(4 and 5) of the Labor Code.



- g) submits proposal to the National Labor Inspectorate to revoke authorization or certificate issued under Article 6(1)(d),
- h) participates in professional training and education of labor inspectors,
- i) decides on imposing of fines under Articles 19 and 20 and under special law,<sup>17a</sup>
- j) hears minor offences, decides on imposing fines for minor offences and on bans on activities under special law,<sup>18</sup>
- k) identifies, collects, processes, and passes over information in the area of labor inspection for the labor protection information system,
- l) submits proposals to improve labor protection to the National Labor Inspectorate,
- m) notifies discovered cases of illegal work and illegal employment, including facts found and stated in the labor inspection result protocol (hereinafter referred to as the “protocol”) to the Social Insurance Company, to the Central Office for Labor, Social Affairs, and Family, to the relevant labor, social affairs, and family authorities, to relevant tax authorities, and, in cases relating to citizens of countries that are not member states of the European Union, of other contract states of the Agreement on European Economic Area, or of the Swiss Confederation, and in cases relating to persons without nationality, also to a Police unit,
- n) issues, upon request and in order to prove fulfillment of conditions under special law,<sup>18a</sup> certificates that as of the request date, no violation of the ban on illegal employment has been discovered; such a certificate is issued within seven business days from the request date,
- o) issues, upon request of an employer or of a natural person who is an entrepreneur but not an employer, certificates that an event listed under letter b) occurred if the labor inspectorate investigated the causes of this event,
- p) issues, upon request of an employer or of a natural person who is an entrepreneur but not an employer, copies of documents provided to labor inspectorates during the investigation of the causes of the event specified under letter b) that occurred in the premises of the requestor,
- q) authorizes invited experts to prepare expert documentation in special cases if required by the nature of the performance of labor inspection,
- r) issues exceptions under a special law,<sup>18aa</sup>
- s) in the framework of market supervision, verifies the adherence to the conditions related to energy-related products under a special law,<sup>18ab</sup>
- t) decides on imposing a supplementary payment under a special law,<sup>18ac</sup>
- u) fulfills other tasks under a special law.<sup>18ad</sup>

<sup>17a</sup> Art. 37 of the Act No 462/2007 Coll. as amended by the Act No 144/2010 Coll.

<sup>18</sup> Act of the Slovak National Council No 372/1990 Coll. on Minor Offences as amended.

Art. 7 of the Act No 82/2005 Coll. as amended by the Act No 223/2011 Coll.

Art 38 of the Act No 462/2007 Coll. as amended.

<sup>18a</sup> E.g. Act No 523/2004 Coll. as amended, Act No 528/2008 Coll. on Assistance and Support Provided from the Funds of the European Community as amended.

<sup>18aa</sup> Art. 34(1)(f) of the Act No 462/2007 Coll.

<sup>18ab</sup> E.g. the Act No 182/2011 Coll., Commission Delegated Regulation (EU) No 1059/2010 of 28 September 2010 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labeling of household dishwashers (OJ EU, L 314, 30 November 2010), Commission Delegated Regulation (EU) No 1060/2010 of 28 September 2010 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labeling of household refrigerating appliances (OJ EU, L 314, 30 November 2010), Commission Delegated Regulation (EU) No 1061/2010 of 28 September 2010 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labeling of household washing machines (OJ EU, L 314, 30 November 2010), Commission Delegated Regulation (EU) No 1062/2010 of 28 September 2010 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labeling of televisions (OJ EU, L 314, 30 November 2010).

<sup>18ac</sup> Art. 7a(1)(b) of the Act No 82/2005 Coll. as amended by the Act No 223/2011 Coll..

<sup>18ad</sup> Art. 5a and Art. 7c of the Act No 82/2005 Coll. as amended by the Act No 223/2011 Coll.

Art. 5 to 7 of the Act No 293/2007 Coll. on Recognition of Professional Qualifications.

(4) The labor inspectorate is authorized to file a motion to terminate a trade license or to suspend the operation of a trade license if the employer, when operating the trade license, seriously violates law providing for occupational safety and health protection or this Act. A serious violation of law providing for occupational safety and health protection or of this Act for the purposes of terminating a trade license or suspension of the operation of the trade license<sup>18ae</sup> shall occur if the employer, during the operation of the trade license

- a) fails to provide protective equipment to ensure occupational safety and health protection according to valid law and other regulations aimed at ensuring occupational safety and health protection, or fails to provide for the operation of this protective equipment,
- b) fails, in premises under special law,<sup>18b</sup> to adopt measures to eliminate the danger to lives and health of employees, fails to adopt necessary measures to limit the potential consequences of danger to lives and health of employees, or enables access to employees that have not been duly and documentedly instructed, trained and equipped according to law and other regulations aimed at ensuring occupational safety and health protection,
- c) fails to provide necessary personal protective equipment to employees for whom this is required to protect their lives or health, or fails to maintain the equipment in an operating condition,
- d) fails to adhere to a ban imposed by a labor inspection body, or
- e) repeatedly disallows a labor inspector performing inspection to enter their premises and their workplaces.

(5) The provisions of paragraph 4, letters a), d), and e), also apply to natural person who is entrepreneur but not employer.

(6) For the purposes of terminating a trade license, the labor inspectorate informs the relevant trade licensing authority about repeated violations of ban on illegal employment.<sup>18ba</sup>

(7) Labor inspectorate is authorized to file motions to suspend activities or to cancel licenses to operate temporary employment agencies or supported employment agencies,<sup>18bb</sup> if violation of labor law regulations or regulations aimed at ensuring occupational safety and health protection is discovered.

(8) The labor inspectorate is obliged to

- a) verify, without delay, the justification of requests of trade union bodies to suspend work under a special law,<sup>18c</sup>
- b) prohibit personal exercise of expert tasks of safety technician or of authorized safety technician by natural person who is an employer and by statutory bodies of employers - legal entities, subject to conditions specified by a special law,<sup>10</sup>
- c) perform labor inspection under Article 2(1)(a) within 30 days from the delivery of the motion<sup>18ca</sup> and to inform the person who filed the motion about the results of the inspection without delay.

(9) Labor inspectorate decides on rules of occupational safety and health protection to be issued by an employer if no agreement was reached under a special law.<sup>18d</sup>

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<sup>18ae</sup> Art. 58(2)(a) of the Act No 455/1991 Coll. on Trade Licensing (Trade Act) as amended.

<sup>18b</sup> Art. 6(1)(h) of the Act No 124/2006 Coll. as amended by the Act No 309/2007 Coll.

<sup>18ba</sup> Art. 3(3) of the Act No 82/2005 Coll. as amended by the Act No 52/2010 Coll.

<sup>18bb</sup> Art 31 and 58 of the Act No 5/2004 Coll. on Employment Services and on amendment and supplement of other acts as amended.

<sup>18c</sup> Art. 149 of the Labor Code.

<sup>18ca</sup> Art. 150(2) of the Labor Code.

<sup>18d</sup> Art. 39(2) of the Labor Code.

(10) Labor inspectorate is obliged to inform law enforcement authorities about facts discovered during the performance of labor inspection if these testify that a criminal offense was committed.<sup>18e</sup>

(11) Labor inspectorate is a first instance administrative body in administrative proceeding.

(12) During the performance of labor inspection, the labor inspectorate is independent. Labor inspectorate performs labor inspection pursuant to Article 2(1)(a) using labor inspectors.

#### Article 7a Performance of Supervision

(1) Labor inspectorates supervise certain products placed on the market and in operation,<sup>18f</sup> used by the employer or by the natural person who is an entrepreneur but not an employer to perform work and having requirements for characteristics determined by special law;<sup>18g</sup> supervision shall also be used to perform inspection of characteristics of certain products using inspection of documentation, natural inspection, and need according to physical and laboratory tests. The costs related to the performance of physical and laboratory tests shall be paid by the entity placing the product on the market if the tests prove that the product fails to meet the required characteristics determined by special law.

(2) During performance of supervision, labor inspectorates reflect test protocols and certificates of conformity issued by accredited conformity assessing authorities.<sup>18h</sup>

(3) In the unavoidable scope, labor inspectorates perform supervision in the premises of the producer, authorized deputy, importer and distributor,<sup>18i</sup> and for certain products being placed on the market, also in the premises of the exhibitor at exhibitions and fairs.

#### Article 8 Silence Obligation

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<sup>18e</sup> Art. 3 of the Criminal Procedure Code.

<sup>18f</sup> Art. 2(1)(g and h) of the Act No 264/1999 Coll. as amended.

<sup>18g</sup> E.g. the Act No 529/2010 Coll. on Environmental Design and Use of Products (Ecodesign Act), Decree of the Government of the Slovak Republic No 117/2001 Coll. Determining Detailed Technical Requirements and Procedures of Conformity Assessment of Devices and Protection Systems Designed for Use in Explosive Environments as amended by the Decree of the Government of the Slovak Republic No 296/2002 Coll., Decree of the Government of the Slovak Republic No 571/2001 Coll. Determining Detailed Technical Requirements and Procedures of Conformity Assessment of Lifts as amended, Decree of the Government of the Slovak Republic No 576/2002 Coll. Determining Detailed Technical Requirements and Procedures of Conformity Assessment of Pressure Equipment and on amendment and supplement of the Decree of the Government of the Slovak Republic No 400/1999 Coll. Determining Detailed Technical Requirements for Other Restricted Products as amended as amended by the Decree of the Government of the Slovak Republic No 308/2004 Coll. Determining Detailed Technical Requirements and Procedures of Conformity Assessment of Electric Devices Used in Certain Voltage Range as amended by the Decree of the Government of the Slovak Republic No 449/2007 Coll., Decree of the Government of the Slovak Republic No 35/2008 Coll. Determining Detailed Technical Requirements and Procedures of Conformity Assessment of Personal Protective Equipment, Decree of the Government of the Slovak Republic No 436/2008 Coll. Determining Detailed Technical Requirements and Procedures of Conformity Assessment of Machinery.

<sup>18h</sup> E.g. the Act No 505/2009 Coll. on Accreditation of Conformity Assessment Bodies and on amendment and supplement of other acts, Chapter II of the Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ EU, L 218, 13 August 2008).

<sup>18i</sup> E.g. Art. 2(1)(b to e) of the Act No 264/1999 Coll. as amended, Art. 2(3 to 6) of the Regulation (EC) No 765/2008.

(1) Employee of the National Labor Inspectorate and employee of labor inspectorates is obliged to remain silent on motions to perform labor inspection, on the contents thereof and on entities submitting the motions, and to remain silent on other facts related to labor inspection that they learned during the performance of labor inspection.

(2) The obligation of employee of the National Labor Inspectorate and employee of the labor inspectorates to remain silent under paragraph 1 and the obligation to remain silent under special laws<sup>19</sup> remains valid even if the person is no longer an employee of the National Labor Inspectorate or of a labor inspectorate. These duties equally apply to invited expert, even after the termination of their activity for labor inspectorate.

(3) Employee and former employee of the National Labor Inspectorate can be released from the silence obligation for specific cases by the director general for serious reasons and in writing, unless otherwise implied by a special law<sup>7</sup>. Employee and former employee of labor inspectorate and invited expert, even after the termination of their activity for the labor inspectorate, can be released from the silence obligation for specific cases by the main labor inspector for serious reasons and in writing, unless otherwise implied by a special law.<sup>7</sup>

(4) The obligation to remain silent under paragraphs 1 and 2 does not relate to generalized information that does not allow for identification of the natural person or of the legal entity to which the information relates.

#### Article 9

##### Review of Activities of Labor Inspector

In the scope determined by a written authorization issued by the director general, employee of the National Labor Inspectorate is authorized, when reviewing activities of labor inspector, to enter into premises and to workplaces pursuant to Article 2(2) and to request information required to perform the review.

#### Article 10

##### Labor Inspector

(1) Labor inspector is state employee<sup>2a</sup> performing state services at a labor inspectorate if, after having passed the specialized theoretical and practical expert training, they obtained the special qualification requirements by successful passing of an expert test. The expert training of a state employee applying for appointment to serve as a labor inspector (hereinafter referred to as the “applicant”) lasts for one year. The content of the expert training is determined by the National labor Inspectorate.

(2) Upon proposal of a main labor inspector, labor inspector is appointed and removed by the director general. Labor inspector must not be given tasks objecting them in performing the tasks implied from the performance of labor inspection and influencing their independence and impartiality. In relation to the performance of labor inspection, labor inspector enjoy the position of public official.

(3) During the performance of labor inspection, labor inspector shall identify themselves using a labor inspector card that they must not hand over to anyone; upon request, they shall allow anyone to view it. During the performance of labor inspection, labor inspector is obliged to

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<sup>19</sup> E.g. Art. 17 of the Commercial Code, Act No 214/2004 Coll. as amended.

proceed so that the rights and legally protected interests of the entities where labor inspection is performed remain unaffected.

(4) During the performance of road inspection under a special law<sup>15</sup>, labor inspector shall identify themselves also by a service uniform provided to them by the labor inspectorate. The service uniform is clothing with specific marks, expressing the relation to the labor inspectorate. Details of the service uniform and the illustration thereof shall be defined by a generally binding law issued by the ministry.

## Article 11 Expert Test

(1) The purpose of the expert test is to test the expert knowledge of the applicant and to see whether the applicant knows, and is able to apply, legal regulations and other regulations required to perform labor inspection. The expert test includes an evaluation of the practical training performed by the main labor inspector superior to the applicant.

(2) The expert test, consisting of a written part and an oral part, is done in front of a testing committee. The testing committee consists of an odd number of members, of whom at least two are labor inspectors with labor inspector expertise of more than five years. The testing committee decides on the result of the expert test by a majority of votes of all its members. The resolution of the testing committee, done in writing, reads “passed” or “failed”. The participation of members of the testing committee in the activities of the testing committee is considered as an action in general interest for which employee is entitled to time off with compensation of salary.

(3) The National Labor Inspectorate informs the applicant about the result of the expert test in writing no later than five calendar days from the date of the expert test.

(4) The National Labor Inspectorate issues the certificate of successful passing of the expert test to applicant.

(5) If the applicant failed to meet the requirements of the expert test, the applicant is entitled to re-take the expert test. The expert test can only be re-taken once.

(6) The National Labor Inspectorate provides for re-taking the expert test on the basis of a written request by the applicant. The request to re-take the expert test must be delivered to the National Labor Inspectorate within seven calendar days from the delivery of the information about the result of the expert test.

(7) The repeated expert test shall be performed at least four weeks and no later than six weeks after the unsuccessfully taken expert test. The conditions for passing the expert test under paragraphs 1 to 4 apply to the re-taking of the expert test as well.

## Article 12 Authorities of Labor Inspector

(1) During the performance of labor inspection, labor inspector is obliged to

a) enter, freely and at any time, the premises and workplaces subject to labor inspection and to private land and communications in the unavoidable scope,

- b) perform inspection, test, investigation, and other actions aimed at discovering whether regulations specified in Art. 2(1)(a) and the duties implied from collective agreements are adhered to,
- c) require employer, natural person who is an entrepreneur but not an employer, employee, representative of employees for occupational safety and health protection, competent trade union body and works council or works trustee, in the presence of a witness or without a witness, to provide information and clarifications related to exercise of regulations specified in Art. 2(1)(a) and the duties implied from collective agreements,
- d) require the submission of documentation, records or other documents necessary to perform labor inspection, and to require copies thereof,
- e) take, for analysis, the unavoidably necessary number of samples of materials or substances that are used or being manipulated at a workplace, after notifying the employer or an employee authorized thereby,
- f) use technology to make photo documentation, video documentation, and sound recordings necessary to perform the labor inspection unless the use thereof is banned by special laws,<sup>7</sup>
- g) require natural person present at the workplace of an employer to document their identity and to explain the reason for their presence.

(2) On the basis of the results of labor inspection and depending on the seriousness of the facts discovered, the labor inspector is authorized to

- a) propose technical, organizational, and other measures necessary to improve the discovered condition,
- b) order removing the discovered defects either immediately or in periods determined by the labor inspector,
- c) order that present persons immediately leave premises with immediate danger to their safety and health,
- d) prohibit the use of working and operating premises, spaces and workplaces, machinery, machines and other technical equipment and working equipment, working procedures, substances, and the performance of activities and works that immediately endanger the safety and health of employees and of other persons present in the premises or at the workplace of the employer with knowledge of the employer,
- e) prohibit the use of a motor vehicle in cases specified by a special law,<sup>20</sup>
- f) prohibit work by pregnant women, mothers until the end of the ninth month after giving a birth, breastfeeding women, natural persons younger than 18 years of age, and other works and activities if done in contradiction to special regulations,
- g) order that the workplace or a part thereof must be kept intact until the end of investigation, or to document the condition of the workplace or of a part thereof,
- h) order performing measurements, checks, tests, and other actions required to perform a labor inspection,
- i) order publishing information under special laws<sup>21</sup> at a place usual for the employer and freely available,
- j) file a motion to start proceedings on
  1. removal of authorization, certificate, card or permit pursuant to Art. 6(1)(d) and Art. 7(3)(d and e),
  2. imposing a ban on activities pursuant to Art. 7(3)(j) and Art. 8(b).
  3. imposing a fine pursuant to Art. 7(3)(j), Art. 19, Art. 20, and special law,<sup>17a</sup>
- k) impose cash fines for minor offences under a special law.<sup>18</sup>

<sup>20</sup> Art. 34(2) of the Act No 462/2007 Coll. as amended by the Act No 313/2011 Coll.

<sup>21</sup> E.g. Art. 19(6) of the Act No 124/2006 Coll.

(3) The labor inspector shall determine an adequate period to perform measures under paragraph 2, letters a), d) to f), h), and i).

(4) Measures under paragraph 2 letters c) and g) may be notified by the labor inspector in writing; such a notification shall be recorded in the protocol.

(5) At workplaces where the life and health of the labor inspector could be in immediate and serious danger, the labor inspector may perform the inspection solely with the participation of the relevant responsible employee.

### Article 13 Labor Inspector Duties

(1) Labor inspector is obliged to

- a) inform the inspected employer or the inspected natural person who is an entrepreneur but not an employer of their presence prior to beginning the labor inspection unless such a notification would negatively influence the performance of the labor inspection,
- b) deal with comments and proposals of representatives of employees for occupational safety and health protection, submitted during the performance of the labor inspection of the inspected employer,
- c) in case of discovery of defects, inform the relevant representative of employees for occupational safety and health protection, the competent trade union body and works council or works trustee, on the results of the labor inspection.

(2) In case of discovery of defects at the inspected employer or the inspected natural person who is an entrepreneur but not an employer, the labor inspector is obliged to prepare a protocol and to discuss it with the employer or an authorized employee or with the natural person who is an entrepreneur but not an employer. When preparing the protocol, the labor inspector is obliged to reflect the statements and documents used or submitted by the inspected employer or the inspected natural person who is an entrepreneur but not an employer during the performance of the labor inspection until the discussing of the protocol.

(3) If the labor inspector fails to discover violations of duties imposed by this Act, by regulations listed in Art. 2(1)(a), and by collective agreements during the labor inspection at an inspected employer or an inspected natural person who is an entrepreneur but not an employer, the labor inspector shall prepare a record on the results of the labor inspection. The labor inspector shall prepare a record on the results of the labor inspection also if the labor inspector was not permitted to perform the labor inspection.

### Article 14 Protocol and Record on Result of Labor Inspection

(1) The protocol contains the marking of the relevant labor inspectorate, the name and surname of the labor inspector who performed the labor inspection, the identification of the inspected employer or of the inspected natural person who is an entrepreneur and not an employer, the place and time of performance of labor inspection, the purpose of labor inspection, the violations of regulations and of duties implied by collective agreements discovered, signature and statement of the employer or of an employee authorized by the employer, or of the natural person who is an entrepreneur but not an employer, to the discovered violations of regulations and of duties implied by the collective agreements and to other facts stated in the protocol, the opinion of the labor inspector to the above statement, date when prepared and date when discussed, the

signature of the labor inspector, and an imprint of the seal. In case of investigation of an event specified in Art 7(3)(b), the protocol also contains the statement of the legal entity or of the natural person concerning the facts stated in the protocol that relate to this entity or person. If a violation of the ban on illegal work or illegal employment is discovered, the protocol also contains the time then the violation of the ban on illegal work or illegal employment was discovered, and if these were documented, also the agreed salary and the period of duration of illegal work and illegal employment.

(2) In the protocol, the labor inspector proposes measures under Art. 12(2)(a), imposes measures under Art. 12(2)(b, c, g, h, and i), and imposes an obligation to the inspected employer or to the inspected natural person who is an entrepreneur but not an employer

- a) to adopt measures to remove the discovered violations of regulations and duties implied from the collective agreements, and measures to remove the causes thereof,
- b) to deliver to the labor inspectorate, in a set period, a written report on fulfillment of measures to remove the identified violations of regulations and of duties implied by collective agreements, and of the causes thereof.

(3) The labor inspector

- a) after evaluating the written statement of the inspected employer or of the inspected natural person who is an entrepreneur but not an employer, delivered in the period specified by the labor inspector, shall prepare an amendment to the protocol including this statement and the opinion of the labor inspector on this statement; the amendment to the protocol shall form a part of the protocol,
- b) shall, even without a motion, correct writing and calculation errors and other obvious misstatements in the protocol; the correction shall be notified to the inspected employer or to the inspected natural person who is an entrepreneur but not an employer.

(4) The protocol shall be considered discussed also if the employer, the employee authorized by the employer, or the natural person who is an entrepreneur but not an employer refuses to acquaint themselves with the protocol, refuses to provide written comment or to sign it; this must be stated in the protocol.

(5) The labor inspectorate shall deliver one counterpart of the protocol to the inspected employer or to the inspected natural person who is an entrepreneur but not an employer. One counterpart of the protocol on investigation of causes of work accident resulting in death or severe health damage, occupational disease or risk of occupational disease, shall be delivered by the labor inspectorate also to the employee who suffered this work accident, in whom the occupational disease developed, or who is in risk of the occupational disease; if the employee died as a result of a work accident, one counterpart of the protocol investigating the causes of the work accident shall be delivered by the labor inspectorate to a close person<sup>21a</sup> of this employee if the person asks for it.

(6) Paragraph 1 shall apply, *mutatis mutandis*, to the preparing of the record on the result of the labor inspection. One counterpart of the record on results of labor inspection shall be delivered by the labor inspectorate to the inspected employer or to the inspected natural person who is an entrepreneur but not an employer.

## Article 15 Authorities of Invited Expert and Applicant

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<sup>21a</sup> Art. 116 of the Civil Code.



- (1) In the scope of a written authorization issued by the labor inspectorate
- a) the invited expert is authorized, after previous notification to the employer or to the natural person who is an entrepreneur but not an employer, to enter, in the presence of a labor inspector, to premises and workplaces subject to labor inspection, and in the extent necessary, to enter onto private land and communications if required to perform the labor inspection,
  - b) invited expert enjoys the authorities stated in Art. 12(1)(b to f),
  - c) applicant accompanied by a labor inspector enjoys the authorities specified in Art. 12(1).
- (2) During the performance of labor inspection, invited expert and applicant shall identify themselves by written authorizations issued by a labor inspectorate.
- (3) The participation of an invited expert in the performance of a labor inspection is considered to form an action in the general interest, and the employee is authorized to time off with compensation of the salary.

## Article 16 Duties of Natural Persons and Legal Entities

- (1) In relation to labor inspector performing labor inspection, employer is obliged to
- a) provide free access to premises and to workplaces and to create conditions for undisturbed and swift performance of the labor inspection,
  - b) provide information on identified non-removable dangers that can endanger the safety and health of employees and of other natural persons,
  - c) allow taking the unavoidably necessary quantity of samples of materials or substances for analytical purposes,
  - d) permit to use technical means to make photo documentation, video documentation, and sound recordings required to perform labor inspection,
  - e) submit, upon request, but no later than at the time of identifying the natural persons present at the workplaces, documents proving employment relation, a similar work relation, or legal relation under a special law<sup>22</sup> to these persons.
- (2) Upon request, the employer is obliged to provide the labor inspectorate or the labor inspector with
- a) all documentation and information required to perform labor inspection, including original documents and technical data media,
  - b) the name of person that performs work according to the agreement on work performed outside employment relationship, the address of the place of work, the date of establishing of the labor law relation and the expected scope of work,
  - c) the name of a homeworking employee and the address of the place of performance of work.
- (3) The duties listed in paragraph 1 and in paragraph 2(a) must also be fulfilled by natural person who is an entrepreneur but not an employer.
- (4) The duties specified in paragraph 1 and 2 are the duties of employer, while the duties specified in paragraph 1 and in paragraph 2(a) are the duties of natural person who is an entrepreneur but not an employer, also in relation to the invited expert and to the applicant.

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<sup>22</sup> E.g. the Commercial Code, the Civil Code.

(5) Upon request of a labor inspectorate or of a labor inspector, natural person and legal entity is obliged to provide information required to perform the labor inspection, unless otherwise specified by a special law.<sup>7</sup>

## Article 17 Processing and Provision of Personal Data

(1) The National Labor Inspectorate and the labor inspectorate process personal data necessary for the activities of state administration bodies in the area of labor inspection in the scope under paragraph 2 as well as the identification number of social security of natural persons<sup>23</sup> without consent of the affected persons.

(2) For the purposes of performance of labor inspection, employer is obliged to provide labor inspectorate with the personal data of

- a) employees, including their names, surnames, academic titles, dates of birth, permanent residence addresses or temporary residence addresses,
- b) natural persons present to the workplace of the employer during the performance of the labor inspection and of natural persons that can provide information related to the occurrence of a work accident, of an immediate danger of serious industrial accident, of a serious industrial accident, of an occupational disease and of the risk of an occupational disease in the scope under letter a) under a special law,<sup>24</sup>
- c) employees that are necessary to document the adherence to the specified working conditions and the conditions of employment, including, without limitation, the health condition, pregnancy, care for children under 15 years of age, solitude, salary (wage) and qualification.

(3) The employer proves the personal data under paragraph 2(c) by submitting documents.

## Article 18 Coordination and Cooperation

(1) Relevant state administration bodies in the area of labor inspection performing supervision over occupational safety and health protection and the relevant state administration bodies in the area of public health care coordinate their supervising activities; for this purpose, supervisory action plans are agreed, without limitation.

(2) Relevant state administration bodies in the area of labor inspection performing supervision over occupational safety and health protection at workplaces of nuclear facilities and the Nuclear Regulatory Authority of the Slovak Republic performing state supervision over nuclear safety coordinate their supervisory activities.

(3) The Statistics Office of the Slovak Republic is obliged to provide the National Labor Inspectorate and the labor inspectorate with free-of-charge electronic access to the registry of economic entities.

(4) State administration bodies in the area of labor inspection cooperate, when performing their activities, with other state administration bodies, with municipalities, organizations of employees, organizations of employers, with public institutions and with other natural persons and legal entities. State administration bodies, municipalities, and public institutions provide, when

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<sup>23</sup> Art. 235 of the Act No 461/2003 Coll. on Social Insurance as amended.

<sup>24</sup> Art. 17 of the Act No 124/2006 Coll. as amended.

requested by the state administration bodies in the area of labor inspection, documentation and information required to perform their activities.

(5) The Police Force is obliged to provide a labor inspector, upon request of the labor inspector or upon request of the labor inspectorate, with cooperation and protection when performing labor inspection. Cooperation and protection can be requested if there is a justified expectation of risk to life or health of the labor inspector or of obstruction of performance of the labor inspection, or if the life or health of the labor inspector is in danger or the performance of the labor inspection is being obstructed.

## Article 19 Administrative Delinquencies

- (1) Unless otherwise regulated by this Act, the labor inspectorate is authorized to impose a fine
- a) to an employer for violation of obligations implied by this Act, by the regulations specified in Art. 2(1)(a) in points one to three and point six, and for violations of duties implied by collective agreements, up to the amount of EUR 100 000, and if the violation resulted in a work accident causing death or severe damage to one's health, at least EUR 33 000,
  - b) to natural person who is an entrepreneur but not an employer, for violation of obligations implied by this Act and by regulations specified in Article 2(1)(a) point three, in the amounts under letter a),
  - c) to managing employees and statutory bodies under a special law,<sup>25</sup> who, in their fault, violated the obligations imposed by the regulations listed in Article 2(1)(a), duties implied by collective agreements, have ordered such violations or secreted facts important to perform labor inspection, up to the amount of four times their average monthly salary.
- (2) The labor inspectorate shall impose a fine
- a) to an employer or a natural person for
    1. breach of ban on illegal employment from EUR 2000 to EUR 200 000,
    2. performance of activities without authorization, certificate, card or permit, if authorization, certificate, card or permit issued by the National Labor Inspectorate, labor inspectorate, a natural person or a legal entity under a special law<sup>25a</sup> is required to perform the activity, in the range from EUR 300 to EUR 33 000,
  - b) to an employer or a natural person who is an entrepreneur but not an employer, for
    1. serious violation of obligation implied by regulations specified in Art. 2(1)(a) from EUR 1000 to EUR 200 000,
    2. failure to adhere to an obligation imposed by a measure under Art. 12(2)(b to i) from EUR 300 to EUR 100 000.
- (3) Serious violation of obligations imposed by regulations specified in Article 2(1)(a) is
- a) failure to adhere to conditions determined to working time and break at work when performing work classified by a state administration body in the area of public health care as class three or class four under a special law,<sup>3b</sup>
  - b) failure to adhere to conditions determined to work of pregnant women, mothers until the end of the ninth month after the birth, breastfeeding women, adolescents and disabled employees,
  - c) failure to provide a protective equipment or a safety equipment to provide for the ensuring of occupational safety and health protection, or failure to ensure that the protective equipment or the safety equipment operates,

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<sup>25</sup> E.g. the Act of the Slovak National Council No 369/1990 Coll. on Municipal Structure as amended, Act No 302/2001 Coll. on Self-Administration of Higher Territorial Units (Self-Administering Regions Act) as amended.

<sup>25a</sup> Act No 124/2006 Coll. as amended.

- d) failure to adopt measures in premises under a special law<sup>18b</sup> to avoid endangering lives and health of employees, failure to perform necessary measures in these premises to limit the potential consequences of danger to lives and health, or enabling employees without duly and documentable instruction, training and equipment according to law and other regulations ensuring occupational safety and health protection to access these premises,
- e) failure to provide necessary effective personal protective working equipment, or failure to keep these operational.

(4) The fine under paragraphs 1 and 2 can be imposed within two years from the date of discussing the protocol, however, no later than three years from the day on which the obligation was violated.

(5) The fine under paragraphs 1 and 2 cannot be imposed to a person on whom a fine, or another property sanction, was already effectively imposed by another authority under special law for the same violation of regulations specified in Article 2(1)(a) and of duties implied by collective agreements; this does not apply if the fine was a cash fine.

(6) When imposing fines under paragraphs 1 and 2, labor inspectorate reflect the preventive effect of fines, and when determining the amount of the fine, considers

- a) seriousness of the discovered violation of obligations and the seriousness of the results thereof,
- b) number of employees of the employer and risks occurring in the activities of the employer,
- c) number of illegally employed natural persons in case of fines under paragraph 2(b),
- d) whether the discovered violation of obligation is a result of an ineffective system of labor protection management of the employer, or if it is an isolated occurrence of a defect,
- e) repeated discovery of the same defect.

(7) By imposing a fine onto a managing employee, the responsibility of the employer for the same violation of obligation implied by this Act and by special law remains untouched.

(8) The revenue from fines is an income of the state budget.

#### Article 20 Order Fines

(1) Employees of an employer and persons authorized to make legal actions on behalf of a employer or natural person who is entrepreneur but not employer, who failed to fulfill duties under Article 16 in the defined period, failed to report a work accident resulting in death or severe damage to one's health without delay, an immediate danger of a serious industrial accident or a serious industrial accident under a special law<sup>24</sup> to the relevant labor inspectorate, and those obstructing the performance of labor inspection, can be ordered to pay an order fine in the amount ranging from EUR 65 up to EUR 650, even repeatedly if they fail to fulfill their duty even in the newly determined period. The labor inspectorate can order the payment of an order fine within one year from the day on which the obligation failed to be paid.

(2) Natural person present to the workplace of an employer that obstruct the performance of labor inspection can be ordered by the labor inspectorate to pay an order fine ranging from EUR 65 up to EUR 650.

(3) The revenue from order fines is an income of the state budget.

## Common and Transitional Provisions

### Article 21

- (1) The costs connected to performance of measures ordered by the labor inspectorate shall be borne by the employer or by the natural person who is an entrepreneur but not an employer. No compensation is provided for taken samples of materials or substances and for copies of documents required for the labor inspectorate to perform labor inspection.
- (2) Documents that are important for the performance of labor inspection shall be delivered to employer or to natural person who is an entrepreneurs but not an employer as personal delivery. Personal delivery is governed by general regulations on administrative proceedings.<sup>26</sup>
- (3) The proceedings under Article 4(e), Article 6(1)(b, d, and e), Article 7(3)(d, e, i, and t), paragraph 8(b) and paragraph 9, Article 12(2)(d to f), Article 19 and Article 20 shall be governed by general regulations on administrative proceedings<sup>26</sup> unless otherwise specified in this Act. General regulations about administrative proceedings do not apply to the issue of authorizations, certificates, and permits under this Act.
- (4) If required by the urgency of the situation, the prohibition under Article 12(2)(d to f) can be notified orally; a written decision on the prohibition shall be delivered without delay. A decision about a prohibition notified orally can be appealed against within three days from the date of delivery of the written wording of this decision. The appeal has no deferral effect. The appellate authority shall decide on the appeal without delay.
- (5) The performance of labor inspection under this Act leaves control authority of other bodies under special laws<sup>27</sup> untouched.

### Article 22

- (1) Conditions under Article 7(2) shall be considered fulfilled by main labor inspector appointed prior to 01 July 2006.
- (2) Whenever generally binding laws use the term state expert supervision in the area of occupational safety and health protection performed under previous regulations, this term shall mean the labor inspection.
- (3) Proceedings initiated prior to 01 July 2006 shall be governed by the previous regulations.

#### Article 22a

Transitional Provision Effective from 01 March 2010

Proceedings initiated prior to 01 March 2010 that were not effectively ended shall continue according to the provisions effective prior to 28 February 2010.

#### Article 22b

Transitional Provision Effective from 01 January 2012

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<sup>26</sup> Act No 71/1967 Coll. on Administrative Proceedings (Administrative Procedure Code) as amended.

<sup>27</sup> E.g. the Act of the Slovak National Council No 51/1998 Coll. as amended, Act No 314/2001 Coll. as amended, Act No 5/2004 Coll. as amended, Act No 355/2007 Coll. as amended.

Proceedings initiated prior to 01 January 2012 that were not effectively ended shall continue according to the provisions effective prior to 31 December 2011.

### Article 23

This Act transposes the legally binding acts of the European Union listed in the Annex No 2.

### Article 24 Repealing Provision

The Act No 95/2000 Coll. on Labor Inspection and on amendment and supplement of certain acts as amended by the Act No 231/2000 Coll. Act No 121/2004 Coll., Act No 215/2004 Coll., Act No 541/2004 Coll., Act No 82/2005 Coll., and Act No 479/2005 Coll. shall be repealed.

### Effect

This Act became effective on 01 July 2006.

Act No 309/2007 Coll. on amendment and supplement of the Act No 124/2006 Coll. on Occupational Safety and Health Protection and on amendment and supplement of other acts and on amendment and supplement of other acts became effective on 01 September 2007, excluding Part II that became effective on 01 January 2008, and Part V that became effective on the publishing date.

Act No 462/2007 Coll. on Organization of Work Time in Transportation and on amendment and supplement of the Act No 125/2006 Coll. on Labor Inspection and on amendment and supplement of the Act No 82/2005 Coll. on Illegal Work and Illegal Employment and on amendment and supplement of other acts as amended by the Act No 309/2007 Coll. became effective on 01 November 2007, excluding Article 38(1)(c), point 1 in Part I that became effective on 01 January 2008, Art. 12(2 to 4) in Part I that became effective on 01 July 2008, and Art. 36(2)(e) in Part I that became effective on 01 January 2009.

Act No 555/2007 Coll. on amendment and supplement of the Act No 461/2003 Coll. on Social Insurance as amended and on amendment and supplement other acts became effective on 01 January 2008, excluding points one hundred and eighteen, one hundred and twenty-six, one hundred and twenty-nine, one hundred and thirty, one hundred and forty-eight, and Art. 293an(1) in point one hundred and fifty-seven in Part I and excluding Part VII that became effective on the publishing date.

Act No 400/2009 Coll. on State Service and on amendment and supplement other acts became effective on 01 November 2009, excluding Part I, Art. 84(1)(a) point two that became effective on 01 July 2010.

Act No 52/2010 Coll. on amendment and supplement of the Act No 5/2004 Coll. on Employment Services and on amendment and supplement of other acts as amended an on amendment and supplement of other acts became effective on 01 March 2010, excluding Part III that became effective on 01 September 2010.

Act No 67/2010 Coll. on Conditions of Marketing of Chemical Substances and Chemical Mixtures and on amendment and supplement of other acts (Chemical Act) became effective on 01 April 2010, excluding Parts II and IV that became effective on the publishing date and Art. 3

in Part I that became effective on 01 December 2010 and Art. 4 in Part I that becomes effective on 01 June 2015.

Act No 182/2011 Coll. on Labeling of Energy-Related Products and on amendment and supplement of other acts became effective on 20 July 2011, excluding Part I Art. 3(1)(e, f, h, and i) that became effective on 31 July 2011.

Act No 223/2011 Coll. on amendment and supplement of the Act No 82/2005 Coll. on Illegal Work and Illegal Employment and on amendment and supplement of other acts as amended and on amendment and supplement of other acts became effective on 20 July 2011.

Act No 254/2011 Coll. on Transportable Pressure Equipment and on amendment and supplement of other acts became effective on 01 September 2011.

Act No 257/2011 Coll. on amendment and supplement of the Act No 311/2001 Coll. the Labor Code as amended and on amendment and supplement of other acts became effective on 01 September 2011, excluding point eighty-two in Part I and points one and four in Part VI that became effective on 01 January 2012.


Act No 469/2011 Coll. on amendment and supplement of the Act No 125/2006 Coll. on Labor Inspection and on amendment and supplement of the Act No 82/2005 Coll. on Illegal Work and Illegal Employment and on amendment and supplement of other acts as amended became effective on 01 January 2012, excluding Part I, point sixteen, Art. 10(4) that becomes effective on 01 July 2012.

Act No 512/2011 Coll. on amendment of the Act No 578/2004 Coll. on Health Care Providers, Health Care Workers, Professional Associations in Health Care and on amendment and supplement of other acts as amended and on amendment and supplement of other acts became effective on 01 January 2012, excluding Part IV that became effective on 30 December 2011, and excluding Part I, Art. 80a that becomes effective on 01 July 2012.

Chairman of the National Council of the Slovak Republic s. m.

**Annex No 1  
to the Act No 125/2006 Coll.**

**SAMPLE LABOR INSPECTOR CARD**

<div style="text-align: center;"> <b>NÁRODNÝ INŠPEKTORÁT PRÁCE</b></div> <hr/> <div style="text-align: center;"><b>PREUKAZ INŠPEKTORA PRÁCE</b></div> <div style="display: flex; justify-content: space-between; align-items: flex-start; padding: 10px;"><div style="border: 1px solid black; width: 150px; height: 100px; display: flex; align-items: center; justify-content: center;">Foto 3 x 3,5</div><div style="width: 300px;"><hr/><p>Evid. číslo</p><hr/><p>Meno a priezvisko</p><hr/><p>Vlastnoručný podpis</p></div></div> <div style="display: flex; justify-content: space-between; align-items: flex-end; padding: 10px;"><p>V Košiciach _____</p><p>Podpis generálneho riaditeľa _____</p></div> <p style="font-size: small; margin-top: 10px;">Podľa zákona NR SR č. 125/2006 Z. z. o inšpekcii práce a o zmene a doplnení zákona č. 82/2005 Z. z. o nelegálnej práci a nelegálnom zamestnaní a o zmene a doplnení niektorých zákonov (ďalej len „zákon o inšpekcii práce“) inšpektor práce sa pri výkone inšpekcie práce preukazuje týmto preukazom. Preukaz platí pre celé územie Slovenskej republiky.</p> <p style="text-align: center;"><b>Oprávnenia inšpektora práce</b></p> <p>Inšpektor práce je pri výkone inšpekcie práce oprávnený najmä:</p> <ul style="list-style-type: none"><li>- vstupovať voľne a kedykoľvek do priestorov a na pracoviská podliehajúce inšpekcii práce a v nevyhnutnom rozsahu na súkromné pozemky a komunikácie,</li><li>- vykonávať dozor, vydávať príslušné rozhodnutia, požadovať preukázanie totožnosti fyzickej osoby nachádzajúcej sa na pracovisku a podať návrh na začatie konania o uložení pokuty a ukladať blokové pokuty.</li></ul> <p>Inšpekcia práce sa vykonáva:</p> <ul style="list-style-type: none"><li>- na všetkých pracoviskách zamestnávateľov a fyzických osôb, ktoré sú podnikateľmi a nie sú zamestnávateľmi, vrátane pracovísk nachádzajúcich sa na súkromných pozemkoch a v obydliach fyzických osôb,</li><li>- vo všetkých priestoroch, v ktorých domácky zamestnanec vykonáva dohodnutú prácu a v ktorých zamestnanec vykonáva dohodnutú prácu podľa dohody o prácach vykonávaných mimo pracovného pomeru.</li></ul>	<div style="text-align: center;"><b>NATIONAL LABOR INSPECTORATE</b></div> <div style="text-align: center;"><b>LABOR INSPECTOR CARD</b></div> <div style="display: flex; justify-content: space-between; align-items: flex-start; padding: 10px;"><div style="border: 1px solid black; width: 150px; height: 100px; display: flex; align-items: center; justify-content: center;">Photo 3 x 3,5</div><div style="width: 300px;"><hr/><p>Evidence number</p><hr/><p>Name and surname</p><hr/><p>Sign manual</p></div></div> <div style="display: flex; justify-content: space-between; align-items: flex-end; padding: 10px;"><p>In Košice _____</p><p>Signature of director general _____</p></div> <p style="font-size: small; margin-top: 10px;">According to the Act No 125/2006 Coll. on Labor Inspection and on amendment and supplement of the Act No 82/2005 Coll. on Illegal Work and Illegal Employment and on amendment and supplement of other acts (hereinafter referred to as the “act on labour inspection”) during the performance of labor inspection <b>the labor inspector</b> shall identify themselves using this <b>card</b>. The card is valid for the entire territory of the Slovak Republic.</p> <p style="text-align: center;"><b>Authorities of Labor Inspector</b></p> <p>During the performance of labor inspection, labor inspector is obliged to</p> <ul style="list-style-type: none"><li>- enter, freely and at any time, the premises and workplaces subject to labor inspection and to private land and communications in the unavoidable scope,</li><li>- perform supervision, issue relevant decisions, require natural person present at the workplace to document their identity and start proceeding on imposing a fine and impose cash fines.</li></ul> <p>Labor inspection is performed</p> <ul style="list-style-type: none"><li>- at all workplaces of employers and of natural persons who are entrepreneurs but not employers, including workplaces located on private land and in households of natural persons,</li><li>- in all premises where homeworking employee performs the agreed work and where employee performs work under agreement on work performed outside employment relationship.</li></ul>
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**LIST OF TRANSPOSED LEGALLY BINDING ACTS OF THE EUROPEAN UNION**

2. Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (Special edition of the OJ EU, Chapter 5, Volume 2; OJ EU, L 18, 21 January 1997).
3. Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (Special edition of the OJ EU, Chapter 5, Volume 1; OJ EC, L 183, 29 June 1989) as amended by the Directive 2007/30/EC of the European Parliament and of the Council of 20 June 2007 (OJ EU, L 165, 27 June 2007).
4. Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals (OJ EU, L 168, 30 June 2009).
5. Directive 2010/30/EU of the European Parliament and of the Council of 19 May 2010 on the indication by labelling and standard product information of the consumption of energy and other resources by energy-related products (reviewed wording) (OJ EU, L 153/1, 18 June 2010).