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PART TEN

COLLECTIVE LABOR RELATIONS

[...]

The right to transnational information and to negotiate

§ 241

(1)

The right of employees of an employer operating in the territory of the Member States of the European Union and the European Economic Area (hereinafter "Member State") and a group of employers operating in the territory of the Member States to transnational information and consultation shall be exercised through the European Works Council or other employee information and consultation procedure. with them.

(2)

The exercise of the right to transnational information and to negotiation does not affect information and consultation according to [§ 29](#) , [73](#) , [237](#) and [§ 238](#) .

(3)

If a special regulation so provides, this law shall apply to the exercise of the right to transnational information and to negotiation in a European company and in a European cooperative society.

§ 241a

(1)

For the purposes of exercising the right to transnational information and to negotiate

a)

an employer operating in the territory of the Member States is an employer which employs at least 1 000 employees in the Member States and at least 150 employees in each of at least two Member States,

b)

the group of employers is the managing employer and the employers controlled by him,

c)

an employer group operating in the territory of the Member States is a group of employers which together employ at least 1 000 employees in Member States, of which at least two employers of the group of employers operate in two different Member States and of which at least one employer of the group of employers employs at least 150 employees in one Member State and at least one other employer of the employers' group employs at least 150 employees in another Member State,

d)

Employee representatives at the employer or an employer's organizational unit with a registered office or place of business (hereinafter referred to as the "registered office") in the Slovak Republic are employee representatives pursuant to [§ 230](#) and [233](#) , a member of a special negotiating body, a member of the European Works Council and an employee representative and discussions with them,

e)

central management is the central management of the employer operating in the territory of the Member States or the central management of the managing employer in the case of a group of employers operating in the territory of the Member States; if the central management is not established in a Member State, the central management shall be deemed to be the representative of the central management in the Member State appointed if necessary and, if no such representative is appointed, the management of the employer's or employer's group shall be considered as central management, who employ the largest number of employees in any of the Member States,

- f) a special negotiating body is a body set up in accordance with [§ 244](#) with the aim of negotiating with the central management on the establishment of a European Works Council or on the introduction of another procedure for informing and consulting employees,
- g) the European Works Council is a board set up under [§ 245 or § 246](#) for the purpose of informing and consulting employees,
- h) information is the provision of information by employers to employees' representatives so that they can become acquainted with their content and assess them; the information shall be provided at such time, in such a manner and with such content as to enable the employees' representatives to assess in detail the possible consequences of the information provided and, if necessary, to prepare for consultation with the competent authority of the employer. Member States,
- i) negotiation is a dialogue and exchange of views between central management or another appropriate level of management and the employees' representatives at a time, in such a manner and with such content as to enable the employees' representatives to comment on the proposed measures to be discussed within a reasonable time, which may be taken into account in the decision-making process of an employer operating in the territory of the Member States or of a group of employers operating in the territory of the Member States, without prejudice to management responsibilities,
- j) transnational issues are questions concerning an employer operating in the territory of the Member States or a group of employers operating in the territory of the Member States as a whole or at least two employers or organizational units of an employer or group of employers located in two different Member States.
- (2) For the purposes of this Act, a managing employer is an employer who may exercise decisive influence over a controlled employer or controlled employers of a group of employers, in particular because of ownership, property and financial participation or the rules governing it.
- (3) The managing employer is, unless it is proven otherwise, always the employer who, in relation to the controlled employer, directly or indirectly
- a) owns a majority of the share capital of that employer,
- b) controls a majority of the voting rights attaching to the share capital of that employer; or
- c) it may appoint more than half of the members of that employer's administrative, management or supervisory body.
- (4) For the purposes of paragraph 3 (a) (b) and (c) the rights of the managing employer to vote or appoint include the rights of each employer under his control and the rights of any person or body acting in his own name but on behalf of the managing employer or any other employer under his control.
- (5) Decisive influence is not expected solely because of the performance of the function of interim administrator, insolvency administrator, liquidator or other official in the event of termination, liquidation, insolvency, suspension of payments, settlement or similar procedure.

(6)
The employer is not considered to be the managing employer in relation to the employer in which it participates, if it is a company referred to in Art. 3 par. 5 letter (a) or (c) of Council Regulation (EC) No [139/2004](#) of 20 January 2004 on the control of concentrations between undertakings.

(7)
The law of the Member State by which the employer is governed is decisive in determining whether the employer is the managing employer. If the employer is governed by the law of a Member State other than the Member State in which the employer's representative is established or, in the absence of such a representative, the law of the Member State in which the employer's establishment is established; employer of the group of employers employing the largest number of employees in any of the Member States.

(8)
If, due to a conflict of laws, one or more of the criteria under paragraph 3 are met by two or more employers from a group of employers, the employer who fulfills the criterion under paragraph 3 (a) shall be deemed to be the managing employer. (c) unless it is demonstrated that another employer is able to exercise decisive influence.

(9)
For the purposes of paragraph 1 (a) (a) and (c) the minimum number of employees established shall be based on the average number of employees, including part-time employees, who have been employed by an employer operating in the territory of the Member States or a group of employers operating in the territory of the Member States during the previous two years.

§ 242

(1)
The obligation to provide transnational information and negotiate under this Act applies to

- a) an employer operating in the territory of the Member States and an employer of a group of employers operating in the territory of the Member States, which has its registered office in the Slovak Republic,
- b) the organizational unit of the employer operating in the territory of the Member States or the employer of a group of employers operating in the territory of the Member States, which has its registered office in the Slovak Republic,
- c) the central management of an employer operating in the territory of the Member States or an employer of a group of employers operating in the territory of the Member States, which has its registered office in the Slovak Republic.

(2)
Agreement according to [§ 245 par. 1](#) or [§ 245a par. 1](#) may provide that the scope, powers and competences of the European Works Council and the scope of other procedures for informing and consulting employees shall also apply to an organization of an employer established in the territory of the Member States established outside the Member States and an employer territory of the Member States which has its registered office outside the territories of the Member States.

§ 243

(1)
In order to exercise the right to transnational information and to negotiate, under the conditions laid down in this Act, a European Works Council shall be set up for each employer operating in the territory of the Member States and in each group of employers operating in the territory of the Member States.

informing and consulting employees' representatives or directly with them so that the possibility of effective decision-making by an employer operating in the territory of the Member States or a group of employers operating in the territory of the Member States is maintained.

(2)
Where a group of employers operating in the territory of the Member States includes one or more employers operating in the territory of the Member States or groups of employers operating in the territory of the Member States, the European Works Council shall be set up at the level of the group of employers operating in the territory of the Member States. [1](#) does not provide otherwise. This is without prejudice to the provisions of paragraph 1.

(3)
The appropriate level at which information and consultation between management and employee representatives will take place will be determined on the basis of the subject matter of the information and discussion.

(4)
Information and consultation is limited to transnational issues. To that end, the powers of the European Works Council and the scope of other procedures for informing and consulting employees must be different from those of employees' representatives at national level.

§ 243a

Conditions for setting up a European Works Council or introducing another procedure for informing and consulting employees

(1)
Central management shall be responsible for creating the conditions and providing the means necessary to set up a European Works Council or to establish another procedure for informing and consulting employees with an employer operating in the territory of the Member States or a group of employers operating in the territory of the Member States.

(2)
The management of each employer belonging to a group of employers operating in the territory of the Member States and the central management shall obtain and provide the parties concerned, if they so request, with the information necessary to determine whether a European Works Council can be set up or other employee information and consultation procedure established. with them, and begin negotiations under [§ 244](#). In particular, it concerns information concerning the structure of the employer or group of employers and their employees, including information concerning the number of employees pursuant to [§ 241a par. 1 letter a\)](#) and [c\)](#), in order to determine whether the employer whose employees perform the work is an employer operating in the territory of the Member States or belong to a group of employers operating in the territory of the Member States.

(3)
The central management shall, unless the parties concerned agree otherwise, pay reasonable costs for

a)
the establishment and operation of a special negotiating body, a European Works Council, a select committee or another procedure for informing and consulting employees,

b)
the organization of meetings, interpretation, travel and accommodation of members of the special negotiating body, members of the European Works Council, members of the select committee or employees' representatives providing for other information and consultation procedures and at least one invited expert.

§ 244

Special negotiating body

- (1)
Central management shall, on its own initiative or at the written request of at least 100 employees with at least two employers or at least two organizational units of the employer or employers in at least two different Member States or at the written request of their representatives, enter into negotiations to establish a European Works Council or the procedure for informing and consulting employees.
- (2)
For the purposes of the negotiations referred to in paragraph 1, a special negotiating body shall be set up to negotiate on behalf of employees the establishment of a European Works Council or the introduction of another procedure for informing and consulting employees.
- (3)
The members of the special negotiating body shall be the employees of an employer operating in the territory of the Member States or of a group of employers operating in the territory of the Member States. The members of the special negotiating body shall be elected or appointed in proportion to the number of employees employed in each Member State by an employer operating in the territory of the Member States or a group of employers operating in the territory of the Member States. represents 10% of the total number of employees in all Member States or a certain fraction of this share.
- (4)
The members of the special negotiating body are appointed and removed from among the employees of employers or organizational units of employers employed in the Slovak Republic as employees employed in the Slovak Republic. If the employer or the employer's organizational unit does not have employee representatives, the employees directly elect the members of the special negotiating body. If the employees' representatives do not agree, the employees' representatives who represent the largest number of employees employed in the Slovak Republic will decide. The distribution of votes shall be determined in proportion to the number of employees represented.
- (5)
The special negotiating body shall inform the central management and the employers concerned of its composition. The central management shall inform the relevant recognized European employers' and workers' organizations with which the European Commission discusses matters under Art. 154 of the Treaty on the Functioning of the European Union on the composition of the special negotiating body and the opening of negotiations.
- (6)
The central management and the special negotiating body are obliged to negotiate and cooperate with regard to their mutual rights and obligations in order to reach an agreement pursuant to [§ 245 para. 1](#) or [§ 245a par. 1](#).
- (7)
The central management for the purpose of concluding the agreement according to [§ 245 par. 1](#) or [§ 245a par. 1](#) shall convene a meeting with the special negotiating body and inform the employers concerned thereof in an appropriate manner.
- (8)
The central management and the special negotiating body may agree not to enter into an agreement pursuant to [§ 245 para. 1](#), but that the European Works Council will be governed by [§ 246 to 248](#).
- (9)
The special negotiating body shall have the right to meet without central management before and after each meeting with the central management. The special negotiating body may, for the purpose of negotiating, request the assistance of experts, including representatives of the relevant recognized European employees' organizations referred to in paragraph 5, who may, at the request of the special

negotiating body, participate in advising negotiations on the establishment of a European Works Council. name.

(10)

The costs of setting up and operating the special negotiating body and negotiating shall be borne by the central management so that the special negotiating body can perform its role adequately.

(11)

The special negotiating body shall adopt its conclusions by an absolute majority of its members, with the participation of an absolute majority of the members. For the purpose of concluding an agreement according to [§ 245 par. 1](#) or [§ 245a par. 1](#), the special negotiating body shall decide by a simple majority of all members. The special negotiating body may decide, by at least a two-thirds majority of all members, not to start negotiations on the conclusion of an agreement pursuant to [§ 245 para. 1](#) or [§ 245a par. 1](#) or that the negotiations already started will end. If a decision is taken pursuant to the third sentence, [Sections 246 to 248](#) shall not apply.

(12)

If the parties concerned do not agree on a shorter period, a new request to convene a special negotiating body may be submitted no earlier than two years after the date of the decision referred to in the third sentence of paragraph 11.

§ 245

Agreement on the establishment of a European Works Council

(1)

The agreement establishing the European Works Council between the central management and the special negotiating body must be concluded in writing and must contain in particular:

- a) identification of all employers and the employer's organizational units to which it applies,
- b) the composition of the European Works Council, the number of its members, the length of its term of office and the distribution of posts, which shall, as far as possible, take into account the need for a balanced representation of employees according to their activities, categories and sex,
- c) the roles, rights and obligations of the European Works Council, the procedure for informing and negotiating the European Works Council,
- d) the method of linking between information and consultation at transnational level and information and consultation with employees' representatives at national level,
- e) venue, number and duration of European Works Council meetings,
- f) the composition, method of appointment, tasks and rules of procedure of the select committee, if necessary,
- g) the financial and material resources to be allocated to the European Works Council,
- h) the date of entry into force of the agreement and the period for which it was concluded,
- i) the conditions under which the agreement may be amended, supplemented or terminated,

j)
the cases in which the agreement should be renegotiated and the procedure for concluding it, including, if necessary, a change in the structure of an employer operating in the territory of the Member States or a group of employers operating in the territory of the Member States.

(2)
If an agreement is concluded pursuant to paragraph 1, [Sections 246 to 248](#) shall not apply, unless otherwise agreed.

(3)
The European Works Council may be extended to include employees' representatives of an employer or group of employers from other Member States, if agreed by the central management and a special negotiating body.

§ 245a

Agreement on the introduction of a different procedure for informing and consulting employees

(1)
The central management and the special negotiating body may agree to set up one or more procedures for informing and consulting employees instead of the European Works Council. This agreement must be in writing and must contain in particular:

a)
the definition of transnational issues concerning important interests of employees which must be the subject of information and discussion,

b)
the manner and security of the right of employees' representatives to jointly discuss the information communicated to them,

c)
the method of linking between information and consultation at transnational level and information and consultation with employees' representatives at national level,

d)
information and consultation procedures if decisions on significant organizational changes are envisaged.

(2)
If an agreement is concluded pursuant to paragraph 1, [Sections 246 to 248](#) shall not apply, unless otherwise agreed.

§ 246

European Works Council established by law

(1)
The European Works Council shall be established by law if

a)
this shall be agreed between the central management and the special negotiating body,

b)
the central management refuses to start negotiations or does not start negotiations on the establishment of a European Works Council or on the introduction of another procedure for informing and consulting employees within six months of submitting an application pursuant to [§ 244 para. 1](#) or

c)

the central management and the special negotiating body within three years from the submission of the application pursuant to [§ 244 par. 1 have](#) not concluded an agreement pursuant to [§ 245 par. 1](#) or [§ 245a par. 1](#) and the special negotiating body did not decide on the termination of negotiations pursuant to [§ 244 par. 11](#) .

(2)
If a European Works Council is appointed in accordance with paragraph 1, [§ 247 and 248 shall apply](#) ; in such a case, [Sections 245 and 245a](#) shall not apply .

§ 247

Composition of the European Works Council established by law

(1)
The members of the European Works Council shall be employees of an employer operating in the territory of the Member States or of a group of employers operating in the territory of the Member States. The members of the European Works Council shall be elected or appointed in proportion to the number of employees employed by an employer operating in the territory of the Member States or by a group of employers operating in the territory of the Member States in each Member State. represents 10% of the total number of employees in all Member States or a certain fraction of this share.

(2)
The members of the European Works Council are appointed and removed from among the employees of employers or organizational units of employers employed in the Slovak Republic as employees employed in the Slovak Republic. If the employer or the employer's organizational unit does not have employees' representatives, the employees directly elect the members of the European Works Council. If the employees' representatives do not agree, the employees' representatives who represent the largest number of employees employed in the Slovak Republic will decide. The distribution of votes shall be determined in proportion to the number of employees represented.

(3)
The European Works Council shall inform its central management and any other appropriate level of management of its composition. The central management shall inform the employers' and employees' representatives of the composition of the European Works Council, or of the employees directly, if the employer does not have employees' representatives.

(4)
The European Works Council shall elect a select committee of not more than five members from among its members for the purpose of coordinating its activities. The Select Committee shall adopt its rules of procedure. The select committee must be in place to carry out its activities on a regular basis.

(5)
After four years from its appointment, the European Works Council shall assess whether it will negotiate with the central management the conclusion of an agreement pursuant to [§ 245 para. 1](#) or [§ 245a par. 1](#) or whether it will continue as a European Works Council established by law. If a decision is taken to open negotiations, the European Works Council will have the status of a special negotiating body.

(6)
The European Works Council and the select committee may request the assistance of experts if necessary for the performance of their tasks.

§ 248

Informing and consulting the European Works Council established by law

(1)
The central management shall inform the European Works Council in particular of the organizational structure, economic and financial situation of the employer operating in the territory of the Member States and the group of employers operating in the territory of the Member States and the expected development of their activities, production and sales.

(2)
The central management shall inform and discuss the European Works Council in particular

a)
the state and expected development of employment,
b)
the state of investments, significant changes in the organization, introduction of new working methods or production processes,

c)
transfers of the employer or its part, merger, amalgamation, division, change of the legal form of the employer, restriction of activity, dissolution or termination of the employer or its significant parts, relocation of production,

d)
Collective redundancies.

(3)
Negotiations shall be conducted in such a way as to enable the employees' representatives to meet with the central management and, if the employees' representatives express an opinion, to obtain a reasoned reply from the central management.

(4)
The European Works Council shall have the right to meet with the central management once a year to be informed on the basis of a report prepared by the central management and to discuss the business results and expected developments of an employer operating in the Member States or a group of employers operating in the Member States; the employers concerned shall also be informed in an appropriate manner.

(5)
If exceptional circumstances arise or if decisions are taken that substantially affect the interests of employees, the select committee or, if no select committee is set up, the European Works Council shall have the right to information. In such cases, the select committee or, if a select committee is not set up, the European Works Council shall, if it so requests, have the right to meet with the central management or other appropriate level of management of an employer operating in the territory of the Member States or a group of employers operating in the territory of the Member States. , which has its own decision - making power to discuss this information.

(6)
Exceptional circumstances or decisions which substantially affect the interests of employees are, in particular:

a)
dissolution, termination or transfer of the employer or part thereof,

b)
Collective redundancies.

(7)

Members of the European Works Council who have been elected or appointed as employers' employees or employer bodies directly concerned by exceptional circumstances or decisions substantially affecting the interests of employees pursuant to paragraphs 5 shall also have the right to attend meetings with the select committee referred to in paragraph 5. a 6.

(8)

The meeting for information and consultation under paragraphs 5 and 7 shall be held on the basis of a report prepared by the central management or other appropriate level of management of the employer operating in the territory of the Member States or group of employers operating in the territory of the Member States without undue delay; an opinion may be delivered at the end of the meeting or within a reasonable time after the meeting.

(9)

The European Works Council and the select committee shall have the right to meet without the presence of the relevant management before meeting the central management.

§ 249

Informing the representatives of the employer's employees in the Slovak Republic and the method of interconnection between the supranational and national level

(1)

The special negotiating body, the European Works Council or the employees' representatives ensuring a different procedure of informing and discussing employees shall inform the employees' representatives at the employer or in the employer's organizational unit based in the Slovak Republic or if the employer does not have employees' representatives, all employees about the content and result. information and consultation.

(2)

The methods of interconnection between information and negotiation at the supranational level and information and negotiation at the national level shall be defined in the agreement pursuant to [§ 245 para. 1](#) or [§ 245a par. 1](#). If these modalities are not defined in the agreement and a decision is to be taken that would lead to substantial changes in the organization of work or employment relations, the central management must, in addition to informing and discussing with the European Works Council, inform employees' representatives at national level, or directly to the employees, if the employer does not have employee representatives, and to discuss this information with them.

§ 249a

Information protection

(1)

The central management based in the territory of the Slovak Republic is not obliged to provide such information, the provision of which would, for objective reasons, seriously endanger the activities of the employers concerned or would be detrimental to them. If the central management designates any information as information pursuant to the first sentence, the parties concerned may apply to the court to determine that the information which the central management refused to provide is not information pursuant to the first sentence.

(2)

Members of the special negotiating body, members of the European Works Council, employees' representatives providing for other procedures for informing and consulting employees and experts assisting them shall not be authorized to provide information which has been expressly provided to them in confidence during or after their term of office. . This obligation applies regardless of where these persons are currently located.

§ 250

Protection of the members of the special negotiating body, the members of the European Works Council and the employees' representatives providing for a different procedure for informing and consulting employees

(1)
[Section 240](#) shall apply mutatis mutandis to members of a special bargaining body, members of the European Works Council and employees' representatives ensuring another procedure of informing and discussing employees with the employer or an employer's organizational unit based in the territory of the Slovak Republic in the performance of their function .

(2)
Members of the special negotiating body and members of the European Works Council shall receive remuneration training to the extent necessary for the performance of their duties as employee representative.

(3)
Members of the special negotiating body, members of the European Works Council and employees' representatives providing for other procedures for informing and consulting employees shall, in the performance of their duties, have the means to collectively represent the interests of employees of an employer in the Member States or a group of employers exercising the right to transnational information and to hear, and to that end they shall be granted the capacity to be parties to legal proceedings.

(4)
Meetings of the special negotiating body and meetings of the European Works Council shall be convened, as far as possible, in such a way that their members or their alternates who are members of the crew of a seagoing ship may attend. If a member of the special negotiating body or a member of the European Works Council or an alternate who is a member of the crew of a seagoing ship is unable to attend a meeting, the use of information and communication technologies shall be considered, where possible.

§ 250a

Procedure for changing the structure of the employer

(1)
If the structure of an employer operating in the territory of the Member States or a group of employers operating in the territory of the Member States changes significantly, in particular as a result of a merger, amalgamation or division, the European Works Council or European Works Councils must adapt to these changes. Adaptation shall be governed by the provisions of the agreement or agreements establishing a European Works Council, unless the parties agree otherwise.

(2)
If the existing agreement establishing the European Works Council in the cases referred to in paragraph 1 does not contain the necessary provisions to adapt to changes or in the event of a conflict between the provisions of two or more applicable agreements establishing the European Works Council, the central management shall start on its own initiative or employees of at least two employers or in the organizational units of the employer in at least two different Member States or, at the written request of their representatives, negotiations pursuant to [§ 244](#) .

(3)
The members of the special negotiating body are, together with the members elected or appointed pursuant to [§ 244 para. 3](#) and at least three members of the European Works Council or each of the European Works Councils.

(4)
During the negotiations pursuant to [§ 244, the](#) European Works Council or European Works Councils shall continue to operate in accordance with the conditions adapted by agreement between the members of the European Works Council or European Works Councils and the central management.

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