



Striving for an inclusive labour market in Slovakia

Positive actions and reasonable accommodation to facilitate hiring and employment of persons with disabilities involving employers and employer initiatives

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Positive actions and reasonable accommodation to facilitate hiring and employment of persons with disabilities involving employers and employer initiatives

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1 Executive summary

1.1 Support and incentives directed at employers to promote the employment of persons with disabilities, including guides on good practice, websites and advice services

In Slovakia, the prohibition of discrimination in employment on the grounds of disability and provisions on the reasonable accommodation duty have been set out in equal treatment legislation since 2004. This duty shall be applied in both the recruitment and career development of persons with disabilities. In assessing whether an accommodation is reasonable, the potential benefits for a person with disabilities shall be considered, as well as the financial burden on the employer. A disability employment quota has been in force since 1995. Besides that, there are reduced mandatory health and social contributions for employers employing persons with disabilities, as well as for the employees with disabilities themselves. For employers, health contributions for an employee with disabilities are reduced by half compared with non-disabled employees. There are also some measures for employers to support the employment of people with disabilities, mostly in the form of financial allowances rather than advice. These include an allowance to set up a sheltered workshop / sheltered workplace (workplace adaptation allowance), and a work assistant allowance.

Besides that, there have been some NGO and business initiatives to promote the employment of people with disabilities, such as Helping with Heart,¹ a support programme for companies implementing pilot projects focusing on the employment of people with disabilities, which is run by Profesia,² the largest job portal in the country. Within this programme, guides have been produced for employers, as well as guidance for job-seekers with disabilities and their families.

Meeting the quota by directly employing persons with disabilities rather than by paying the levy has been more and more common, although the economic inactivity rate of persons with disabilities remains high. The public administration has not implemented any nationwide awareness-raising initiatives or awards to promote the employment of persons with disabilities, nor have there been any campaigns featuring public administration bodies as employers of persons with disabilities.

1.2 Support and partnerships available to employers to assist them in making reasonable accommodations

Within the public employment services, no logistical support or advice on ensuring reasonable accommodations has been available. Labour offices mainly provide employers with information on the available allowances to support the employment of persons with disabilities.

The employment of persons with disabilities has not gained much attention in trade unions, and mutual cooperation in addressing individual cases is often based on informal networks.³ Advice and job coaching to people with disabilities and their

¹ Helping with Heart, 'O čom je Výpomoc so srdcom' (About Helping with Heart), <https://www.sosrdcom.sk/>.

² Profesia, 'Who we are', <https://firma.profesia.sk/en/>.

³ Profesia, 'Who we are', <https://firma.profesia.sk/en/>.

potential employers, including advice on reasonable accommodations, has been provided by supported employment agencies and the Institute of Vocational Rehabilitation.

However, there is low availability of these services, as the public employment services do not contract out the provision of individualised services for persons with disabilities to the agencies.

1.3 Illustrative examples of good employer practice for providing reasonable accommodations for persons with disabilities

There are only a few guides focusing on reasonable accommodation in the employment of persons with disabilities. The Slovak National Centre for Human Rights issued a guide on the application of the principle of equal treatment in the employment of persons with disabilities.⁴ A guide for employers considering employing a person with disabilities was issued under the Helping with Heart programme.⁵ It includes questions that can be asked at job interviews with persons with various types of disabilities.

There are several bodies which monitor the application of the Labour Code in practice and human rights observance in Slovakia: the National Labour Inspectorate, the Slovak National Centre for Human Rights and the Commissioner for Persons with Disabilities. Although they do not particularly focus on advice for employers in the provision of reasonable accommodation, some cases which they have been dealing with are relevant in this area.

In general, the most important measure to ensure equal treatment in career development is the prohibition of discrimination under Act No. 365/2004 Coll. (the Anti-discrimination Act), as amended.⁶ Persons who consider that their rights in this regard have not been respected may bring their case to the court. Other than this, no good practices have been shared or advice provided to ensure reasonable accommodations in employment.

1.4 Recommendations

Recruitment and Hiring

Recruitment seems especially challenging when it comes to the equal treatment of persons with disabilities, as employers do not have to provide a reason why a job-seeker was not accepted. Persons with multiple disadvantage, such as young graduates with disabilities, may be at particular risk of not being treated equally in recruitment. It is therefore recommended to establish and strengthen advice services

⁴ Daňková, B. (2021), *Dodržiavanie zásady rovnakého zaobchádzania pri zamestnávaní osôb so zdravotným postihnutím* (Application of the principle of equal treatment in employment of persons with disabilities), Bratislava, Slovak National Centre for Human Rights, <http://www.snslp.sk/wp-content/uploads/prirucka-zamestnavanie-ZTP.pdf>.

⁵ Helping with Heart, 'O čom je Výpomoc so srdcom' (About Helping with Heart), <https://www.sosrdcom.sk/>.

⁶ Act No. 365/2004 Coll. on equal treatment in certain areas and protection against discrimination (the Anti-discrimination Act) (*Zákon č. 365/2004 Z.z. o rovnakom zaobchádzaní v niektorých oblastiach a o ochrane pred diskrimináciou (Antidiskriminačný zákon)*), <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2004/365/>.

for employers and persons with disabilities, with a focus on reasonable accommodations.

Initial employment

In the absence of workplace adaptation allowance for job trials, and given the low availability of job coaching, workplace adaptations should be put in place, and job coaching should be made more available to people with disabilities and their employers.

Retention and Career Development

Common guidelines should be developed for the equal treatment of persons with disabilities in job retention and career development. In the area of job retention, potential implementation gaps in implementing the provisions to protect persons whose health status has changed should be addressed to guard against job loss, by monitoring compliance with these provisions.

2 Support and incentives directed at employers to promote the employment of persons with disabilities, including guides on good practice, websites and advice services

2.1 Employment quotas

Slovakia has had quite a long experience with employment quota – since 1995. According to the current legislation, Act No. 5/2004 Coll. on Employment Services,⁷ employers with more than 20 employees have an obligation to meet a 3.2 % employment quota of employees with disabilities. If an employer employs a person with severe disabilities (who has reduced work capacity by more than 70 %) based on a disability assessment performed by the Social Insurance Agency in accordance with Act No. 461/2003 Coll. on Social Insurance, this employee counts as three persons with disabilities. The quota of 3.2 % employees with disabilities is the same for both public sector and private sector employers – in fact, according to the legislation, the only criterion for the employment quota is the number of employees, as has already been mentioned. Employers not meeting the employment quota may perform this obligation either by contracting out the provision of certain products or services to sheltered workshops or self-employed persons with disabilities, or by paying a levy of 0.9 times the total labour costs (calculated from the monthly national average wage) for each employee with disabilities who is missing. A combination of these options (e.g. outsourcing certain goods/services to a sheltered workshop and paying the levy) is also possible. Over the last few years, the share of employers who meet the quota by directly employing persons with disabilities has been increasing, from 57.3 % in 2012 to 66.8 % in 2016, and 73.2 % in 2020. At the same time, the share of employers who pay the levy has been decreasing over time, from 11.1 % in 2012 to 7.0 % in 2016 and 4.9 % in 2020.⁸ The decrease of the share of employers who pay the levy has taken place despite the fact that the total number of employers to whom disability employment quota applies has slightly risen from 11 261 in 2016 to 11 571 in 2020.⁹

As the number of employers paying the levy has been decreasing, so has been the sum collected via the levy, from EUR 5 956 535 in 2010 to EUR 2 250 630 in 2016 and EUR 1 679 552 in 2020.¹⁰ The income raised through the levy goes to the general budget.

Compliance with the quota is reviewed by each of 46 offices of labour, social affairs and family across the country. If an employer does not comply with the quota, the office issues a decision on the duty of the employer to pay the levy in order to meet the quota. No extra sanctions exist to enforce compliance with the quota. However, non-compliance with the quota is very rare – in 2014, only three employers did not comply, and in 2020 none. Concerning the analyses of the quota system in Slovakia, a paper was prepared in 2015 to discuss some options for institutional change in collecting the

⁷ Act No. 5/2004 Col. L. on Employment Services, as amended (*Zákon č. 5/2004 Z. z. o službách zamestnanosti v znení neskorších predpisov*), <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2004/5/>.

⁸ Central Office of Labour, Social Affairs and Family of the Slovak Republic, information obtained on request.

⁹ Central Office of Labour, Social Affairs and Family, information obtained on request.

¹⁰ Ministry of Labour, Social Affairs and Family, *Annual Report for 2020 (Záverečný účet za rok 2020)*, <https://www.employment.gov.sk/sk/ministerstvo/vyročne-spravy-uctovne-uzavierky-ministerstva/rok-2020/>.

levy and distributing it back to support for the employment of people with disabilities rather than the general budget.¹¹ However, the existing mechanism has not been revised, as the sum collected via the levy has been decreasing. It also seems that meeting the quota by directly employing persons with disabilities has been more and more common, although the economic inactivity rate of persons with disabilities remains high – 79 % in 2019, according to the Labour Force Survey.¹² It should therefore be considered whether the current quota system in Slovakia has the potential to create new job opportunities for persons with disabilities or should be updated, perhaps by increasing the quota.

2.2 Tax relief / reduced social security contributions / wage subsidies for employers employing persons with disabilities

In Slovakia, employers employing persons with disabilities are not eligible for tax relief. However, there are reduced mandatory health and social contributions for employers employing persons with disabilities, as well as for employees with disabilities themselves. For employers, health contributions for an employee with disabilities are reduced by half compared with non-disabled employees.¹³ Similarly, according to Act No. 461/2003 Coll. on Social Insurance,¹⁴ employers do not pay an unemployment levy within the social insurance scheme for employees who have reduced work capacity by more than 70 % (i.e. they receive full disability pension). Besides that, employers do not pay sickness insurance within social insurance for those persons receiving either old-age or disability pension who work under a so-called job performance agreement (*dohoda o vykonaní práce*), which is not a regular labour contract, but is limited for maximum of 350 hours of work a year. In practice, these are part-time jobs, often performed for few hours a week. So far, the impact of these support measures on job opportunities for persons with disabilities has not been analysed – neither by employers or trade unions, nor by academic or research institutes; nor has this issue been raised by DPOs, for instance in the National Disability Programme 2021-2030.¹⁵ Rather, much more attention has been paid to the lack of support services, including job coaching at the workplace for persons with disabilities, which may also be important for employers considering employing a person with a severe disability.

Concerning wage subsidies, there are four allowances of this kind: the allowance to retain employees with disabilities at work, the work assistant allowance, the allowance to set up a sheltered workshop/workplace, and the allowance to partially cover the operating expenses of a sheltered workshop or workplace. The allowance to retain employees with disabilities at work may cover mandatory levy-related costs paid by the employer. The maximum level of funding per employee with disabilities equals the

¹¹ Ondrušová, D. and Kešelová, D. (2015), Support for the employment of persons with disabilities by using the finances from the levy for non-compliance with the disability employment quota (*Podpora zamestnávania osôb so zdravotným postihnutím s využitím prostriedkov z odvodu za neplnenie povinného podielu zamestnávania občanov so zdravotným postihnutím*), Bratislava, EPIC.

¹² EDE Country Report on European Semester 2021/2022.

¹³ Act No. 580/2004 Coll. on Health Insurance, as amended (*Zákon č. 580/2004 Z. z. o zdravotnom poistení v znení neskorších predpisov*), <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2004/580/>.

¹⁴ Act No. 461/2003 Coll. on Social Insurance, as amended (*Zákon č. 461/2003 Z. z. o sociálnom poistení v znení neskorších predpisov*), <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2003/461/>.

¹⁵ Ministry of Labour, Social Affairs and Family (2021), *Národný program rozvoja životných podmienok osôb so zdravotným postihnutím na roky 2021-2030* (National Disability Programme 2021-2030), <https://www.employment.gov.sk/sk/rodina-socialna-pomoc/tazke-zdravotne-postihnutie/kontaktne-miesto-prava-osob-so-zdravotnym-postihnutim/>.

levies calculated at 60 % of the national monthly average wage. The allowance can be provided to employers in the open labour market, provided that at least 25 % of their employees are persons with disabilities. Sheltered workshops are not eligible for this allowance. However, the requirement of a minimum share of 25 % employees with disabilities means that the number of recipients has been low – in 2020, the allowance was only provided to maintain 24 workplaces.¹⁶

The allowance to cover expenses related to a work assistant is aimed at ensuring work assistance for employees with disabilities by some of their colleagues for both work-related and non-work-related activities during their work. Work assistance may include filling in printed (not electronic) documents for a blind person, accompanying a person for lunch during their break and assistance for hard-of-hearing persons in communicating with other colleagues. The allowance is provided on a monthly basis to employers in the open labour market, as well as to those with a status of sheltered workshop / sheltered workplace, and its level is between 41 % and 70 % of total labour costs, based on the average wage in Slovakia.

With regard to the two remaining allowances, it is to be noted that, in Slovakia, sheltered employment does not refer to what is typically thought to be segregated sheltered employment, focusing on the production of goods or preparation for the transition to another employer in the open labour market.¹⁷ In accordance with Act No. 5/2004 Col. on Employment Services, a sheltered workshop is a working arrangement in which at least 50 % of all employees are those with disabilities. A sheltered workplace, on the other hand, is typically an arrangement with only one employee with disability. The employer is allowed to set up more than one sheltered workplace, unless the total share of persons with disabilities reaches the required level for a sheltered workshop. As a result, almost one half of sheltered workshops have no more than five employees, of whom three are persons with disabilities.¹⁸ Sheltered workplaces are (by name and by legal requirement) still a part of sheltered employment, even though, of all employees, only one is a person with disabilities. Having a status of sheltered workshop or workplace is the only way for employers to be eligible for an allowance for workplace adaptations – that is, an allowance to set up a sheltered workshop or workplace. The allowance to partially cover the operating expenses of a sheltered workshop or workplace is hence a kind of a wage subsidy. It may be used to cover levies paid by an employer for persons with disabilities, expenses related to utilities and rent, the transportation of materials and products from the workshop, and other administrative expenses. There were 8 814 workplaces supported via this allowance

¹⁶ Ministry of Labour, Social Affairs and Family (2021), *Report on the Social Situation of the Population in the Slovak Republic in 2020*, https://www.employment.gov.sk/files/slovensky/ministerstvo/analyticke-centrum/2020/sprava_o_soc_situacii_obyvatelstva_sr_2019.pdf.

¹⁷ For more details on the characteristics of sheltered employment, see Council of Europe, Committee of Ministers, Recommendation No. R (92) 6 of the Committee of Ministers to Member States on a Coherent Policy for Persons with Disabilities, adopted on 9 April 1992 at the 474th meeting of the Ministers' Deputies.

¹⁸ Central Office of Labour, Social Affairs and Family, *Zoznam chránených dielní a chránených pracovísk* (List of sheltered workshops and sheltered workplaces), https://www.upsvr.gov.sk/sluzby-zamestnanosti/nastroje-aktivnych-opatreni-trhu-prace/podpora-zamestnavania-obcanov-so-zdravotnym-postihnutim/55-chranena-dielna-a-chranene-pracovisko.html?page_id=13312.

in 2020.¹⁹ The allowance to cover the operating expenses of a sheltered workshop or workplace can be provided for an unlimited time period. As a consequence, the biggest share of total expenses to support the employment of people with disabilities via this allowance has been spent to sustain existing workplaces rather than to create new ones (80.9 % in 2020).²⁰ Concerning the analyses of the effectiveness of these allowances, the most significant in terms of the involvement of all relevant stakeholders was the one carried out in 2017 in response to the recommendation of the UN Committee on the Rights of Persons with Disabilities to prepare an action plan on the transition from sheltered workshops to employing people with disabilities in the open labour market.²¹ The proposal in the action plan contained several measures to define employment in the open labour market and sheltered workshops more specifically, based also on the minimum number of employees with disabilities. However, the proposal has only been accepted as an expert recommendation, without being adopted at the political level. Therefore, its measures have not been implemented.

2.3 Reasonable accommodation

The Slovak Constitution (Act No. 460/1992 Coll., as amended) guarantees, in Article 38, the general right of persons with disabilities to protection in vocational training, employment and labour relations by creating reasonable working conditions. Among the fundamental principles of the Labour Code (Act No. 311/2001 Coll., as amended) is the principle of equal treatment in labour relations.²² Article 1 specifies that 'Everyone has the right to employment and a free choice of work, fair and friendly working conditions and protection against unemployment. These rights belong to persons without limitations; direct or indirect discrimination on the ground of (...) unfavourable health status or disability (...)'. Section 158 establishes some obligations on employers, including to create reasonable working conditions for employees with disabilities to perform and retain their jobs (including conditions for gaining or increasing necessary qualifications). Details on how to exercise these rights are laid down in specific laws. The most important of these is Act No. 5/2004 Coll. on Employment Services, as amended,²³ which serves as a framework for providing employment services to jobseekers, including jobseekers with disabilities, and employees at sheltered workshops and workplaces. The Act on Employment Services states the right to access employment in Section 14 under the principle of equal treatment. The prohibition of discrimination 'against somebody on the grounds of (...) disability (...)' is also explicitly set out in this act.

¹⁹ Ministry of Labour, Social Affairs and Family, *Report on the Social Situation of the Population in the Slovak Republic in 2020*, https://www.employment.gov.sk/files/slovensky/ministerstvo/analyticke-centrum/2020/sprava_o_soc_situacii_obyvatelstva_sr_2019.pdf.

²⁰ Ministry of Labour, Social Affairs and Family, *Report on the Social Situation of the Population in the Slovak Republic in 2020*, https://www.employment.gov.sk/files/slovensky/ministerstvo/analyticke-centrum/2020/sprava_o_soc_situacii_obyvatelstva_sr_2019.pdf.

²¹ Ondrušová, D., Kešelová, D. and Repková, K. (2017), *Návrh akčného plánu prechodu z chránených dielní k zamestnávaniu osôb so zdravotným postihnutím na otvorenom trhu práce* (Proposed Action Plan on transition from sheltered workshops to employment of Persons with Disabilities in the open labour market), Bratislava, Institute for Labour and Family Research, http://www.ceit.sk/IVPR/images/IVPR/vyskum/2017/Keselova/apozp_2017.pdf.

²² Labour Code (Act No. 311/2001 Coll., as amended (*Zákonník práce č. 311/2001 Z. z. v znení neskorších predpisov*), <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2001/311/>.

²³ Act on Employment Services, as amended, <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2004/5/>.

Act No. 365/2004 Coll. (the Anti-discrimination Act), as amended,²⁴ sets out a reasonable accommodation duty in employment. In particular, the act states that compliance with the principle of equal treatment also includes the adoption of measures to prevent discrimination, i.e. a failure to provide reasonable accommodation constitutes discrimination under the law. The principle of equal treatment shall be applied at all stages of the employment of persons with disabilities, including recruitment, career development, remuneration, training programmes and dismissal. In assessing whether an accommodation is reasonable, potential benefits for a person with disabilities shall be considered, as well as the financial burden on the employer. Furthermore, in Section 8, the act regulates so-called 'admissible unequal / different/ distinct treatment', relating specifically to persons with disabilities in the field of employment. If the nature of the job requires special abilities or special conditions for performing it, the distinct treatment is not considered discrimination on the grounds of disability.

2.4 Other relevant actions targeted at employers

The public administration has not implemented any nationwide awareness-raising initiatives or awards to promote the employment of persons with disabilities, nor have there been campaigns presenting public administration bodies as employers of persons with disabilities. Awareness-raising has been carried out by businesses and the NGO sector (for more details, see Section 2.6 of this report).

Besides that, in Act No. 112/2018 Coll. on the Social Economy and Social Enterprises,²⁵ a placement allowance for integrative social enterprises was set out. This can be provided to the social enterprise if any disadvantaged employee (including persons with disabilities) makes a transition to a job in the open labour market before having completed two years of work at the social enterprise. In such cases, a monthly subsidy can be paid to the enterprise for up to 12 months, provided that the employee has retained the job in the open labour market. The amount of this subsidy varies from 5 % of the average national wage during the first to third month to 35 % of the average wage during the tenth to twelfth month. Although only two enterprises were paid the placement subsidy by the end of 2020,²⁶ with the growing number of social enterprises, this may be a promising practice in helping people with disabilities to make the transition to the open labour market.

²⁴ Anti-discrimination Act, <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2004/365/>.

²⁵ Act No. 112/2018 Coll. L. on the Social Economy and Social Enterprises, as amended (*Zákon č. 112/2018 Z. z. o sociálnej ekonomike a o sociálnych podnikoch v znení neskorších predpisov*), <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2018/112/20180501.html>.

²⁶ Ministry of Labour, Social Affairs and Family, *Report on the Social Situation of the Population in the Slovak Republic in 2020*, https://www.employment.gov.sk/files/slovensky/ministerstvo/analyticke-centrum/2020/sprava_o_soc_situacii_obyvatelstva_sr_2019.pdf.

2.5 Examples of good practice

A placement allowance for integrative social enterprises, as mentioned in Section 2.4 of this report, can be considered an example of good practice in its aim, which is to compensate social enterprise for the loss of a good employee transferring to another employer in the open labour market. It may be the case that social enterprises and sheltered workshops need to keep the most productive employees with disabilities to maintain competitive goods and services in the business environment, rather than helping them to find a job in the open labour market. Furthermore, the sum of the allowance would increase in several phases over 12 months if the employee who has transferred to the open labour market is able to stay at the new workplace.

2.6 Good practice guides, websites and advice services directed at employers

The Agency of Supported Employment in Bratislava organises annually the Radnička Market. The employers employing persons with disabilities can sell their products and build networks and partnerships. The market also aims at increasing awareness amongst employers who have an obligation of disability employment quota on either employing persons with disabilities, or buying products from the employers present at the market rather than paying the levy. This has been a well-known event to promote the employment of persons with disabilities at the city centre. The market is accompanied by seminars and a cultural performance (for more details on this event, see section 3.2 of this report).²⁷

Since employers can claim for various allowances for the employment of persons with disabilities at labour offices, the Central Office of Labour, Social Affairs and Family has made information available on its website about each of these allowances, including on eligibility criteria and how to claim.²⁸ Usually, this information is in a form of extracts from the relevant legislation.

Besides that, there have been some NGO and business initiatives to promote the employment of persons with disabilities, such as Helping with Heart,²⁹ a support programme for companies implementing pilot projects focusing on the employment of persons with disabilities, which is run by Profesia,³⁰ the largest job portal in the country. Within this programme, guides have been produced for employers, as well as guidance for job-seekers with disabilities and their families. The guide for employers briefly introduces:

- a legislative framework for supporting the employment of persons with disabilities, both for employers employing more than 20 employees (who are subject to disability quota) and for those with less than 20 employees;
- advice for HR officers on job interviews with persons with disabilities and on accessible job environments;

²⁷ Radnička market (*Radničkine trhy*), <https://inkluzia.sk/radnickine-trhy/>.

²⁸ Central Office of Labour, Social Affairs and Family, *Podpora zamestnávania občanov so zdravotným postihnutím* (Support of employment of persons with disabilities), https://www.upsvr.gov.sk/sluzby-zamestnanosti/nastroje-aktivnych-opatreni-na-trhu-prace/podpora-zamestnavania-obcanov-so-zdravotnym-postihnutim.html?page_id=13317.

²⁹ Helping with Heart, 'O čom je Výpomoc so srdcom' (About Helping with Heart), <https://www.sosrdcom.sk/>.

³⁰ Profesia, 'Who we are', <https://firma.profesia.sk/en/>.

- good-practice examples of employers who have employed persons with disabilities.³¹ Although the brochure itself contains rather basic information on reasonable accommodation, the program as such offers useful guidance to employers as well as job-seekers with disabilities. Its value added is that it has been implemented by the largest job-portal, which is well known to employers, as well as job-seekers.

³¹ *Výpomoc so srdcom* (Helping with Heart) (April 2021), *Príručka pre zamestnávateľov: praktické rady k zamestnávaniu osôb so zdravotným postihnutím* (Guide for employers: practical advice for employment of persons with disabilities), <https://www.sosrdcom.sk/uzitocne-informacie>.

3 Support and partnerships available to employers to assist them in making reasonable accommodations

3.1 Support available to employers for making reasonable accommodation

Within the public employment services, no logistical support or advice in ensuring reasonable accommodations has been available. Labour offices provide employers with information on the available allowances to support the employment of persons with disabilities. Sometimes the offices promote activities with this focus on their own initiative.³² However, this advice does not typically include information on how job interviews or workplaces could be adapted. Such advice or guidance can be provided by supported employment agencies, as they are called – non-public providers of supported employment for persons with disabilities and the long-term unemployed. As set out in the Act on Employment Services,³³ these agencies provide career advice, assistance in finding a job and job mentoring to persons with disabilities, as well as advice on providing workplace adaptations to employers. However, there is limited availability of these services, as the public employment services do not contract out the provision of individualised services for persons with disabilities to the agencies (especially if these were economically inactive rather than job-seekers registered at the office) – nor are placement payments for these agencies set out. This unpredictability has an impact on planning activities. As a result, the number of agencies has been constantly decreasing. While 56 organisations were registered as eligible to act as supported employment agencies in December 2017, there were only 21 such organisations by December 2021.³⁴ The European Commission Country Report for Slovakia³⁵ has also raised this issue in 2020, stating that individualised advice remains limited. Cooperation between public employment services and social services for the groups furthest away from the labour market is weak.³⁶ Despite that, there are a few examples of good practice, as mentioned in Section 3.2 of this report.

Concerning financial support, the most significant measure is the allowance to set up a sheltered workshop or sheltered workplace, which is meant to cover workplace adaptation costs. However, to be eligible for this allowance, an employer first has to gain the status of a sheltered workshop or workplace. For more details on this allowance, see Section 2.2 of this report.

³² Central Office of Labour, Social Affairs and Family (May 2021), *Vyhodnotenie uplatňovania aktívnych opatrení na trhu práce za rok 2020* (Evaluation of implementation of active labour market measures in 2020), https://www.upsvr.gov.sk/statistiky/aktivne-opatrenia-tp-statistiky/aktivne-opatrenia-trhu-prace-2020.html?page_id=1097224.

³³ Act on Employment Services, as amended, <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2004/5/>.

³⁴ Central Office of Labour, Social Affairs and Family, Zoznam APZ (List of supported employment agencies (APZs)), https://www.upsvr.gov.sk/sluzby-zamestnanosti/nestatne-sluzby-zamestnanosti/agentury-podporovaneho-zamestnavania.html?page_id=13042.

³⁵ European Commission, 2020 European Semester – Country Reports, https://ec.europa.eu/info/publications/2020-european-semester-country-reports_sk.

³⁶ European Commission, 2020 European Semester – Country Reports, https://ec.europa.eu/info/publications/2020-european-semester-country-reports_sk.

3.2 Partnerships to assist employers to make reasonable accommodations

Recent research by CELSI showed that Slovakia currently lacks systematic cooperation between social dialogue actors; there is also a shortage of both patient organisations and public employment services or non-public service in supporting persons with disabilities to enter the labour market.³⁷ Employment of persons with disabilities has not gained much attention in trade unions, and mutual cooperation in addressing individual cases is often based on informal networks.³⁸ Despite that, there are some examples of good practice.

Supported employment agency

The first supported employment agency in Slovakia was set up in 1999 in Bratislava. This agency has been providing advice to persons with disabilities as well as their employers. It has set up Café Radnička, in which persons with disabilities have been trained for the transition to the open labour market. So far, 55 persons have transferred to another employer, and the agency has assisted employers in setting out suitable working conditions for these persons (e.g. working part time).³⁹ The agency also organises an annual market, in which employers of persons with disabilities can sell their products and build networks and partnerships, with the additional aim of increasing awareness among those employers who have a disability employment quota obligation, either to employ persons with disabilities or to buy products from other employers present at the market, rather than paying the levy (for more details on disability employment quota, see Section 2.1 of this report).⁴⁰ Among the latest developments, the agency has been involved via the Union of Supported employment,⁴¹ the umbrella association of supported employment agencies, in the deinstitutionalisation of social services. This has been done via a national project funded by the European Social Fund, with the aim of providing advice to managers of larger residential care facilities in preparation of their transformation plans, with a focus on the employment of their clients.⁴²

Support transition into the labour market

Two other projects focus on building partnerships with employers to support the transition of young graduates with intellectual and other disabilities into the labour market. One of them is the social enterprise Bivio, which is situated in Bratislava and employs young people in its hotel, restaurant and laundry to prepare them for the transition to the open labour market.⁴³ The other project, the 'From school to Life' transitional programme, has been implemented in the region of Banská Bystrica. Its

³⁷ Holubová, B., Kahancová, M., Kováčová, L., Mýtna Kureková, L., Sedláková, M., Šumichrast, A. and Torp, S. (2021), 'I want to work, who can help me? Strengthening the cooperation between policy makers and the non-profit sector in return to work of persons with health conditions', *CELSI Policy Brief*, No. 15, https://www.celsi.sk/media/datasource/Policy_brief_-_general_in_English_V3BDjbf.pdf.

³⁸ Holubová et al., 'I want to work, who can help me?', https://www.celsi.sk/media/datasource/Policy_brief_-_general_in_English_V3BDjbf.pdf.

³⁹ O. z. Inklúzia, 'O nás' (About us), <https://inkluzia.sk/>.

⁴⁰ Inklúzia, 'Radnička market' (*Radničkine trhy*), <https://inkluzia.sk/radničkine-trhy/>.

⁴¹ Slovak Union of Supported Employment (*Slovenská únia podporovaného zamestnávania*), <https://www.supz.sk/>.

⁴² 'Národný projekt Deinštitucionalizácia zariadení sociálnych služieb: podpora transformačných tímov – o projekte' ('National project: Deinstitutionalisation of social care facilities – Support of transformational teams – about the project'), <https://npdi.gov.sk/o-projekte/index.html?csrt=11017724779150884210>.

⁴³ Bivio, 'About us', <https://bivio.sk/en/about-us/>.

aim is to support young graduates with disabilities at apprentice schools in finding a job in the open labour market. In this context, the Alternatíva centre of independent living, the NGO implementing the project, contacts potential employers to create job opportunities for these young people.⁴⁴

Advice and job coaching

Finally, the Institute of Vocational Rehabilitation – an organisation established by the Ministry of Labour, Social Affairs and Family – provides advice and job coaching to persons with disabilities and their potential employers, including advice on reasonable accommodations.⁴⁵

⁴⁴ Alternatíva, – *Tranzitný program* (Alternative – Transition Programme), <https://www.euroguidance.sk/nckp/alternativa/>.

⁴⁵ Institute of Vocational Rehabilitation for Persons with Disabilities (*Inštitút pre pracovnú rehabilitáciu občanov so zdravotným postihnutím*), <https://iprba.sk/centrum-socialnej-a-pracovnej-rehabilitacie-cspr-uvod/>.

4 Illustrative examples of good employer practice for providing reasonable accommodations for persons with disabilities

4.1 Good practice guides for employers regarding reasonable accommodation

There are only a few guides covering reasonable accommodations in the employment of persons with disabilities. The Slovak National Centre for Human Rights⁴⁶ has issued a guide summarising legal requirements for all stages of the employment of persons with disabilities at the international and national levels.⁴⁷ This guide also contains four cases addressed by the centre or by the Commissioner for Persons with Disabilities, in which discrimination on grounds of disability was identified, the aim being to help prevent other employers from taking discriminatory actions. These real cases represent different stages of employment – recruitment, workplace adaptation, transfer to another job due to changed health status, and dismissal – and they cover different types of disability.

As mentioned in Section 2.6 of this report, a guide for employers considering employing a person with disabilities was issued as part of the Helping with Heart programme,⁴⁸ run by Profesia.⁴⁹ This guide briefly introduces:

- a legislative framework for supporting the employment of people with disabilities;
- advice for HR officers on job interviews with persons with disabilities and on accessible job environments;
- good-practice examples of employers who have employed persons with disabilities.⁵⁰

4.2 Any other sources of information regarding good practice for employers regarding reasonable accommodation

There are several bodies which monitor the application of the Labour Code in practice and human rights observance in Slovakia. The National Labour Inspectorate monitors working conditions, including the provision of free consultations to employers.⁵¹ However, it does not specifically focus on reasonable accommodations for persons with disabilities at work. In its latest annual report, the equal treatment of persons with disabilities was not covered.⁵² As an equality body, the Slovak National Centre for Human Rights also monitors observance of the principle of equal treatment, including through legal assistance to victims of discrimination.⁵³ However, it does not specifically focus on offering employers advice on reasonable accommodations.

⁴⁶ Slovak National Centre for Human Rights, <http://ennhri.org/our-members/slovakia/>.

⁴⁷ Daňková, B. (2021), *Dodržiavanie zásady rovnakého zaobchádzania pri zamestnávaní osôb so zdravotným postihnutím* (Application of the principle of equal treatment in employment of persons with disabilities), Bratislava, Slovak National Centre for Human Rights, <http://www.snslp.sk/wp-content/uploads/prirucka-zamestnavanie-ZTP.pdf>.

⁴⁸ Helping with Heart, 'O čom je Výpomoc so srdcom' (About Helping with Heart), <https://www.sosrdcom.sk/>.

⁴⁹ Profesia, 'Who we are', <https://firma.profesia.sk/en/>.

⁵⁰ Helping with Heart, Guide for employers, <https://www.sosrdcom.sk/uzitocne-informacie>.

⁵¹ National Labour Inspectorate, 'Scope of labour inspection', <https://www.ip.gov.sk/scope-of-labour-inspection/>.

⁵² National Labour Inspectorate (2021), *Správa o stave ochrany práce za rok 2020* (Report on the state of working conditions for 2020), <https://www.ip.gov.sk/spravy-o-cinnosti/?ip=nip>.

⁵³ Slovak National Centre for Human Rights, <http://ennhri.org/our-members/slovakia/>.

The Commissioner for Persons with Disabilities does not directly collect good-practice examples in the area of employment. Rather, she deals with complaints in this area. For instance, in 2020, she was contacted to examine whether a person was being treated unequally due to disability during a probation period. In her findings, she concluded that, since the employer did not have to give reasons for a dismissal during a probation period, the protection of persons with disabilities against a dismissal on grounds of disability is insufficient.⁵⁴ However, no proposals to amend the Labour Code or strengthen reasonable accommodation advice were made in that case to address this state of affairs.

4.3 Examples of individual reasonable accommodations which reveal good practice

There is no collection of good-practice examples of reasonable accommodations in employing persons with disabilities. The few stories that have been shared usually point to the changes in the life of a person with disabilities after getting a job, as well as describing the feelings of their colleagues, who might have had some fear or prejudice at the beginning, but in the end perceive having a colleague with disabilities as a positive experience.⁵⁵ However, in the case of persons with autism, the importance of having a job coach to assist them in securing and maintaining a job was highlighted.⁵⁶

⁵⁴ Commissioner for Persons with disabilities, '*Radost' osôb so zdravotným postihnutím z nového zamestnania často trvá iba niekoľko týždňov*' (For persons with disabilities, the joy of a new job often only lasts a few weeks), <https://www.komisarprezdravotnepostihnutych.sk/Pribehy/Radost-osob-so-zdravotnym-postihnutim-z-noveho-zam>.

⁵⁵ Such examples have been mentioned, including in the Guide for employers by Helping with Heart – see <https://www.sosrdcom.sk/uzitocne-informacie>.

⁵⁶ SPOSA, '*Autisti v práci*' (Autism at work), 22 March 2018, <https://www.youtube.com/watch?v=JvSUKkGshD4>.

5 Recommendations and guidance regarding good practice and reasonable accommodation

5.1 Recommendations regarding good practice and reasonable accommodation in recruitment and hiring

Some recommendations for the recruitment process are included in the guide for employers issued by Helping with Heart. Importantly, these touch on the question whether it is in accordance with equal treatment legislation to ask about disability and its consequences on job performance during the interview. The recommendation is to have an open discussion on these issues, and examples of potential questions are given – for instance, on how a job-seeker can move around the building, or how he/she can read documents.⁵⁷

Despite this, recruitment seems especially challenging in terms of equal treatment of persons with disabilities, as employers do not have to provide a reason why a job-seeker was not accepted. This may be especially challenging for persons with multiple disadvantage, such as young graduates with disabilities. It is therefore recommended to establish and strengthen advice services for employers and persons with disabilities, with a focus on reasonable accommodations.

5.2 Recommendations regarding good practice and reasonable accommodation in initial employment

Two types of reasonable accommodations can be identified in this context: workplace adaptations and job coaching. In Slovakia, workplace adaptations are covered through the allowance to set up a sheltered workshop or workplace (for more details, see Section 2.2 of this report). However, they are not available for job trials or for persons working for less than 20 hours a week. The availability of job coaching has been even more limited due to the missing funding mechanism for these services provided by supported employment agencies (for more details, see Section 3.1 of this report). In this context, workplace adaptations, job coaching and job trials should be made more available to people with disabilities and their employers.

5.3 Recommendations regarding good practice and reasonable accommodation in promotion and career development

Alongside recruitment and job retention, the most important measure to ensure equal treatment in career development is the prohibition of discrimination under Act No. 365/2004 Coll. (the Anti-discrimination Act), as amended.⁵⁸ Persons who consider that their rights in this regard were not respected may bring their case to court. Other than this, no good practices have been shared or advice provided to ensure reasonable accommodations in career development. Therefore, common guidelines should be developed for the equal treatment of persons with disabilities in job retention and career development, and an advice body should be set up to guide employers in the promotion of reasonable accommodations for persons with disabilities.

⁵⁷ Helping with Heart, Guide for employers, <https://www.sosrdcom.sk/uzitocne-informacie>.

⁵⁸ Anti-discrimination Act, <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2004/365/>.

5.4 Recommendations regarding good practice and reasonable accommodation in retention, i.e. enabling people to stay in work if they develop an impairment or their impairment changes

According to the legislation, employers have a duty to transfer employees whose health status has changed to another position, rather than giving them their notice. As set out in Section 55 of the Labour Code: ‘An employer shall be obliged to transfer an employee to a different post if a medical opinion states that the employee’s health condition has caused the long-term loss of his/her ability to perform his/her previous work or if he/she can no longer perform such work as a result of an occupational illness or the risk of such an illness, or if he/she has already received the maximum permitted level of exposure in the workplace as determined by a decision of a competent public health body’.⁵⁹

Compliance with this requirement has not been specifically monitored yet, however. The National Labour Inspectorate found that, between January 2017 and June 2021, this provision had been broken in nine cases.⁶⁰ Potential implementation gaps in implementing the provisions to protect persons whose health status has changed from losing their jobs should therefore be addressed by monitoring compliance with the legislation.

⁵⁹ Labour Code, as amended, <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2001/311/>.

⁶⁰ Ondrušová, D. and Repková, K. (2021), *Návrh funkčného systému pracovnej rehabilitácie a rekvalifikácie* (Proposal for a functioning system of vocational rehabilitation and re-qualification), Bratislava, Institute for Labour and Family Research, <https://ivpr.gov.sk/navrh-funkcneho-systemu-pracovnej-rehabilitacie-a-rekvalifikacie-zaverecna-sprava-darina-ondrusova-kvetoslava-repkova-2021/>.

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