



Central European  
Labour Studies  
Institute

# Bargaining for working conditions and social rights of migrant workers in Central and Eastern European countries (BARMIG)

A circular illustration in a light red, sketchy style depicts a crowd of people, possibly migrants, standing behind a railing or fence. The figures are rendered with simple lines and shading, suggesting a sense of movement and gathering.

National Report Slovakia

Paulína Pokorná

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# Content



Introduction	4
Economic / labour market outlook	5
Migration statistics	8
Secondary literature related to labour migration	17
Media analysis	24
Regulation	27
Sectoral characteristics: the view of the social partners	33
The overall findings of the sectoral interviews	34
Sector: Metal – automotive	39
Sector: Services	46
Sector: Construction	49
Sector: Healthcare	53
Sector: Platform	58
Conclusion	62
Recommendations	64
References	66
Appendix	68

# List of figures



Figure 1: Development of GDP and Rate of registered unemployment in Slovakia 2010 – 2021	5
Figure 2: GDP by the production method at constant prices	6
Figure 3: Number of valid residence permits for foreigners	8
Figure 4: Number of valid residence permits for third country nationals	8
Figure 5: Purpose of temporary residence	9
Figure 6: Number of valid residence permits for third country nationals 2021	10
Figure 7: Total number of issued work permits in 2012 – 2021	12
Figure 8: Total number of work permits issued during the COVID-19 pandemic – January 2020 – June 2021	13
Figure 9: TOP 10 countries according number of workers (permits)	13
Figure 10: Share of all NON EU citizens in %, 2019	14
Figure 11: Number of illegal employment of persons from third countries	15
Figure 12: Forecast of the total additional need of labour in the period 2020 – 2025 in the Slovak Republic in sectors of the economy (only the sectors with the highest additional need are shown) – The value represents the number of people	16
Figure 13: Daily and media channels	25
Figure 14: Keywords	25
Figure 15: Interview overview	34

# Introduction



The report is prepared within the Bargaining for working conditions and social rights of migrant workers in Central East European countries (BARMIG) project. The report assesses the role of established industrial relations institutions in addressing the increased presence of migrant workers in domestic labour markets, and analyses how, with what capacities, trade unions and employer organisations in Slovakia respond to these changes and challenges.

The research activities are aimed at identifying similarities and differences in migration between five sectors – metal-automotive, services, construction, healthcare and platform. More specific objectives are to map the potential for political influence of trade unions and employers' organizations in the areas of migration policy, protection and representation of migrant workers' interests, fair employment and equal rights and integration for migrant workers, including through collective bargaining.

In order to develop this perspective, the report provides a brief economic and labour market overview and outlook, and in its first and second parts provides up-to-date statistical data with critical discussion. The third part focuses on a review of secondary sources and the fourth on expert interviews. The report contains 20 in-depth semi-structured anonymised interviews conducted between February 2021 and September 2021. The structure of interviewees includes social partners at national and sectoral level, employers, professionals, recruitment agencies and intermediaries. The report concludes with policy recommendations.

# Economic / labour market outlook

Slovakia has experienced strong growth since joining the EU in 2004. The Slovak economy is closely linked – mainly through exports of manufactured goods – to the German economy, where 23% of its supplies end up. And while the economy has been mainly supported by automotive production, economic growth finally passed its cyclical peak in 2018 and the global downturn hit almost all similarly export-oriented economies.

Figure 1: Development of GDP and Rate of registered unemployment in Slovakia 2010 – 2021

	2021 (prediction)	2020	2019	2018	2017	2016	2015	2014	2013	2012	2011	2010
GDP (year-on-year change in %)	3,5	-4,8	2,4	3,9	3	2,1	4,8	2,8	0,7	1,9	2,9	5,7
Rate of registered unemployment (%)	7	7,6	4,9	5	5,9	8,8	10,6	12,3	13,5	14,4	13,6	12,5

Source: National Bank of Slovakia [https://www.nbs.sk/\\_img/Documents/\\_Publikacie/OstatnePublik/ukazovatele.pdf](https://www.nbs.sk/_img/Documents/_Publikacie/OstatnePublik/ukazovatele.pdf) and [https://www.nbs.sk/\\_img/Documents/\\_Publikacie/PREDIK/2020/protected/P3Q-2020.pdf](https://www.nbs.sk/_img/Documents/_Publikacie/PREDIK/2020/protected/P3Q-2020.pdf) and [https://www.nbs.sk/\\_img/Documents/\\_Publikacie/ekonomicky\\_menovyy\\_vyvoj/2021/protected/emv\\_jesen-2021.pdf](https://www.nbs.sk/_img/Documents/_Publikacie/ekonomicky_menovyy_vyvoj/2021/protected/emv_jesen-2021.pdf) and [https://www.nbs.sk/\\_img/Documents/\\_komentare/2021/1231\\_rk\\_nez\\_20210420\\_final.pdf](https://www.nbs.sk/_img/Documents/_komentare/2021/1231_rk_nez_20210420_final.pdf) and [http://datacube.statistics.sk/#!/view/sk/VBD\\_SK\\_WIN/pr3108r/v\\_pr3108rr\\_00\\_00\\_00\\_sk](http://datacube.statistics.sk/#!/view/sk/VBD_SK_WIN/pr3108r/v_pr3108rr_00_00_00_sk)

Although the table does not show a direct correlation between GDP and unemployment rates, especially in the period from 2000 to 2015, employment development has been positively influenced by the impact of foreign investment, the gradual adoption of active labour market measures by the state or the European Union, and the gradual reforms of the social system from 2003 to the present. The structure of the national economy confirms that Slovakia is clearly an industrially oriented country. This is also confirmed by the employment rates in the various sectors (Železník, 2009).

Figure 2: GDP by the production method at constant prices

	2020	2019	2018	2017	2016	2015	2014	2013	2012	2011	2010
Agriculture, forestry and fishing (A)	1 726,01	1 654,99	2 027,64	1 790,42	1 906,74	1 755,93	2 097,45	1 580,63	1 291,36	1 312,93	1 116,34
Industry in total (B-E)	18 971,08	22 153,92	20 085,45	18 463,91	18 545,08	18 777,76	17 256,37	14 780,02	15 082,92	15 116,31	14 355,91
of which: Manufacturing (C)	15 756,60	18 767,28	17 480,48	15 645,78	15 485,84	15 663,61	13 920,20	11 588,34	11 705,07	11 670,02	11 222,68
Construction (F)	4 717,09	5 110,85	6 098,55	6 069,92	5 622,46	5 640,38	5 331,88	5 086,99	5 922,69	5 423,47	5 550,90
Wholesale and retail trade; repair of motor vehicles; transportation and storage; accommodation and food service activities (G-I)	14 286,12	15 154,28	14 305,47	14 187,20	13 480,42	14 053,17	13 963,64	13 297,61	14 093,21	14 494,09	13 944,02
Information and communication (J)	4 097,83	4 065,77	3 925,81	3 911,04	3 821,23	3 455,07	3 256,69	3 497,14	3 661,13	3 148,98	3 148,64
Financial and insurance activities (K)	2 285,55	2 329,06	2 298,02	2 188,09	2 297,01	2 351,93	2 214,72	2 001,42	1 846,09	1 868,13	1 768,75
Real estate activities (L)	8 198,85	7 881,98	7 679,91	7 399,90	7 136,29	6 191,87	6 102,84	8 543,15	7 151,21	6 720,21	6 536,77
Professional, scientific and technical activities; administrative and support service activities (M-N)	7 532,14	7 020,93	8 066,40	7 950,36	7 600,29	7 296,63	6 408,18	6 043,90	5 808,64	5 379,60	5 464,45
Public administration and defence; compulsory social security; education; human health and social work activities (O-Q)	12 022,09	11 516,04	10 986,92	10 681,72	10 407,62	9 472,31	9 217,95	9 699,57	9 427,94	9 444,29	9 929,41
Arts, entertainment and recreation, repair of household goods and other services (R-U)	2 110,57	2 755,92	2 421,19	2 448,08	2 569,77	2 911,71	2 695,03	2 672,48	2 733,67	2 618,19	2 583,10

Source: [http://datacube.statistics.sk/#!/view/sk/VBD\\_SK\\_WIN/nu1048rs/v\\_nu1048rs\\_00\\_00\\_00\\_sk](http://datacube.statistics.sk/#!/view/sk/VBD_SK_WIN/nu1048rs/v_nu1048rs_00_00_00_sk)

The Statistical Office of the Slovak Republic, as a source of information on the national economy, provides cumulative data. For example, accommodation and catering is included in the section together with wholesale and retail trade, repair of motor vehicles and motor-cycles, transport and storage.

Looking at the economic activity of the sectors through gross value added (GDP)<sup>1</sup>, the manufacturing segment sovereignly generated the most value in 2019. This is followed by services. The construction sector also ranks higher, followed by the healthcare sector, which is comparable to agriculture, forestry and fishing, for example.

The increase in job vacancies, labour shortages in the EU and Slovakia, negative demographic developments in EU countries (including Slovakia) and positive economic growth are the main causes of labour shortages and further increases in job vacancies in recent years. This has resulted in a strong need to employ foreign nationals. This need has been increasing over the last 10 years, when the unemployment rate in Slovakia started to decrease significantly. Prior to the COVID-19 pandemic (first half of 2020), there were almost 6 times more foreign nationals working in the Slovak Republic (about 76,000) than in 2003, and by the time of the COVID outbreak, this was only on an upward trend.

The crisis triggered by the coronavirus pandemic will affect the development of the Slovak economy and labour market in the coming years. Almost immediately at the beginning of the crisis, the government adopted restrictive measures to protect the labour market. Labour authorities significantly restricted the issuance of employment permits, as a result of which the arrival of foreign workers was significantly negatively affected. More on the impact of these restrictive measures is presented in later sections of this report.

Another significant consequence of the COVID-19 pandemic with a direct impact on employment is the scarcity of raw materials, production inputs/components such as chip shortages in the automotive and electronics industries and disruptions in global logistics networks. This impact of the pandemic is expected to persist in 2022 and 2023 (EM01SK23022021, EM02SK26022021, EM05SK12042021 and EM07SK12042021).

The labour market situation should start to improve once the pandemic measures and lockdowns are over and supply networks stabilise. However, the slowdown in economic activity will also imply a slowdown in employment growth in the coming months. However, despite rising unemployment rates, sectors such as industry and services continue to report a shortage of skilled labour (National Bank of Slovakia, 2021).

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1 [http://datacube.statistics.sk/#!/view/sk/VBD\\_SK\\_WIN/nu1056rs/v\\_nu1056rs\\_00\\_00\\_00\\_sk](http://datacube.statistics.sk/#!/view/sk/VBD_SK_WIN/nu1056rs/v_nu1056rs_00_00_00_sk)



# Migration statistics

Various government institutions are responsible for collecting migration data. The Migration Office of the Ministry of the Interior of the Slovak Republic or the Bureau of Border and Foreigners Police of the Presidium of the Police Corps regularly publish information on temporary and permanent residence permits, including their purpose, on a monthly and annual basis. The Central Office of Labour, Social Affairs and Family also monitors data on permits issued, but only for employment purposes. The Statistical Office of the Slovak Republic also provides data on the basis of its own methodology. For the purposes of this report, all data was drawn not only on national but also on international statistics.

## Migration

As noted in the Economic Survey, migration has been strongly influenced by unemployment rates and labour demand. This situation is also confirmed by data on general migration in Slovakia according to the Bureau of Border and Foreigners Police of the Presidium of the Police Corps.

Figure 3: Number of valid residence permits for foreigners

Nationality Type	2021 (to 30.6.)	2020	2019	2018	2017	2016	2015	2014	2013	2012	2011	2010
Third country nationals	97 020	90 806	85 827	65 381	50 395	41 232	35 261	29 171	26 157	25 019	5 276	4 905
EU nationals	55 882	59 206	57 248	55 883	54 056	52 015	49 526	47 544	45 492	42 858	4 788	4 630
TOTAL	152 902	150 012	143 075	121 264	104 451	93 247	84 787	76 715	71 649	67 877	10 064	9 535

Source: Statistical overview of legal and illegal migration in the Slovak Republic published by the Bureau of Border and Foreigners Police of the Presidium of the Police Corps <https://www.minv.sk/?rocnky>

The fastest growth in the number of migrants is visible especially since 2016. During the COVID-19 pandemic, the growing trend slowed down. Data below show that also the number of residence permits has increased significantly over the last 10 years, by almost 20 times. According to the law, 3 types of residence permits are allowed<sup>2</sup>: temporary, permanent and tolerated stay.

2 <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2011/404/20210101>

Figure 4: Number of valid residence permits for third country nationals

Type of residence	2021 (to 30.6.)	2020	2019	2018	2017	2016	2015	2014	2013	2012	2011	2010
Temporary residence	72 356	69 978	66 964	48 316	34 570	26 590	21 089	16 642	14 561	14 080	3 865	3 764
Permanent residence	24 603	20 775	18 812	17 050	15 589	14 347	13 270	12 297	11 342	10 681	1 247	923
Tolerated residence	61	53	51	15	236	295	902	232	254	258	164	218
TOTAL	97 020	90 806	85 827	65 381	50 395	41 232	35 261	29 171	26 157	25 019	5 276	4 905

Source: Statistical overview of legal and illegal migration in the Slovak Republic published by the Bureau of Border and Foreigners Police of the Presidium of the Police Corps <https://www.minv.sk/?rocenky>

Permanent residence entitles foreigners to long-term residence in the territory of the Slovak Republic and to travel abroad and back. It is a more stable type of permit, which is granted to foreigners for a longer period of time than temporary residence, but under stricter conditions, such as existing family ties with a citizen of the Slovak Republic. In most areas of life, foreigners with permanent residence have the same rights and obligations as citizens of the Slovak Republic, including free access to employment, health care, social affairs and public life.

A third-country national who plans to work, do business or study in the territory of the Slovak Republic, for example, may be granted a temporary residence permit (after fulfilling the conditions laid down by law and on the basis of an application). A closer look shows an obvious increase in work and business permits. Unfortunately, data wasn't available for this purpose for the whole period under review, but only from 2014 onwards. Tolerated residence is granted to found children, victims of crime and exploited persons.

For the purposes of this national report, the temporary residence, which is usually granted to workers from third countries, is important.

Figure 5: Purpose of temporary residence

Purpose of temporary residence	2021 (on 30.6.)	2020	2019	2018	2017	2016	2015	2014	2013	2012	2011	2010
Employment	21 943	24 216	26 196	15 387	9 283	7 955	2 876	2 484	N/A	N/A	N/A	N/A
Business	21 458	16 401	11 901	10 921	7 272	3 485	3 625	2 395	N/A	N/A	N/A	N/A
Slovak living abroad	10 926	11 228	11 856	8 062	6 910	6 111	6 405	5 798	N/A	N/A	N/A	N/A
Family reunion	9 648	9 354	8 965	7 672	6 112	4 879	4 884	3 522	N/A	N/A	N/A	N/A
Study	7 443	7 773	6 910	5 102	3 924	3 141	2 349	1 631	N/A	N/A	N/A	N/A
Specific activity –Sport	355	429	506	513	450	428	313	208	N/A	N/A	N/A	N/A
Subsidiary protection	139	123	150	159	177	165	230	245	N/A	N/A	N/A	N/A

Specific activity-Volunteering	79	80	108	140	118	108	129	107	N/A	N/A	N/A	N/A
Specific activity – Lecturing	77	73	76	76	81	90	70	70	N/A	N/A	N/A	N/A
Research and development	66	61	57	45	67	72	-	-	N/A	N/A	N/A	N/A
Other purposes of temporary residence	222	240	239	239	176	156	208	182	N/A	N/A	N/A	N/A
<b>TOTAL</b>	<b>72 356</b>	<b>69 978</b>	<b>66 964</b>	<b>48 316</b>	<b>34 570</b>	<b>26 590</b>	<b>21 089</b>	<b>16 642</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>

Source: Statistical overview of legal and illegal migration in the Slovak Republic published by the Bureau of Border and Foreigners Police of the Presidium of the Police Corps <https://www.minv.sk/?rocenky>

In the case of temporary residence, it is clear that the number of work and business permits has been increasing significantly since 2016. This is a reflection of the acute demand for labour by companies. The year 2018 shows, in particular, the effectiveness of the changes in the law and the simplification of the access of foreigners to the labour market.

As mentioned in the previous section, in the immediate aftermath of the start of the COVID-19 pandemic in 2020, there was a strong protection of the labour market – limiting the issuance of work permits or not extending existing ones. The absolute number of these has been reduced. But in parallel, and as confirmed by an interview with an expert from the Ministry of the Interior (EX01SK26032021), the number of permits for the purpose of doing business started to increase. It is clear that other, possibly illegal, possibilities of employing third-country nationals are being exploited, either by the employees themselves or under pressure from employers.

For the sake of completeness, it is necessary to look at the current composition of foreigners by nationality. In general, Ukrainians have the largest share of third-country nationals. The next countries are Serbia and Vietnam.

Figure 6: Number of valid residence permits for third country nationals 2021

Nationality	to 30.6.2021			
	total number of residence permits	of this		
		temporary	permanent	tolerated
<b>Ukraine</b>	45 374	38 687	6 685	2
<b>Serbia</b>	15 645	14 666	979	
<b>Vietnam</b>	7 069	5 103	1 966	
<b>Russia</b>	5 756	2 923	2 831	2
<b>United Kingdom</b>	2 802	-	2 802	
<b>China</b>	2 678	810	1 868	
<b>Northern Macedonia</b>	1 687	1 016	671	

<b>Republic of Korea</b>	1 445	789	656	
<b>Iran</b>	1 163	908	255	
<b>USA</b>	1 020	339	681	
<b>India</b>	1 006	797	209	
<b>Bosnia and Herzegovina</b>	906	755	151	
<b>Georgia</b>	811	754	57	
<b>Turkey</b>	796	453	343	
<b>Belarus</b>	653	419	234	
<b>Kazakhstan</b>	626	462	164	
<b>Thailand</b>	494	258	236	
<b>Israel</b>	383	290	93	
<b>Syria</b>	381	204	174	3
<b>Egypt</b>	367	114	253	
<b>other nationalities</b>	5 958	2 609	3 295	54
<b>TOTAL</b>	<b>97 020</b>	<b>72 356</b>	<b>24 603</b>	<b>61</b>

Source: Statistics of Bureau of Border and Foreigners Police of the Presidium of the Police Corps [https://www.minv.sk/swift\\_data/source/policia/hranicna\\_a\\_cudzinecka\\_policia/rocniky/rok\\_2021/2021-I.polrok-UHCP-SK.pdf](https://www.minv.sk/swift_data/source/policia/hranicna_a_cudzinecka_policia/rocniky/rok_2021/2021-I.polrok-UHCP-SK.pdf)

The data presented so far comes from the statistics of Presidium of the Bureau of Border and Foreigners Police of the Presidium of the Police Corps. The data presented below are monitored by the Ministry of Labour, Social Affairs and Family of the Slovak Republic. The Ministry or its subordinate body – the Central Office of Labour, Social Affairs and Family of the Slovak Republic – is responsible for issuing employment permits. Several schemes for the employment of third-country nationals can be identified (standard scheme, abbreviated scheme based on the shortage occupation list, schemes for highly skilled positions including blue cards and seasonal employment).

The standard process means that the competent labour office will assess the current labour market situation in relation to the opinion on the application for an employment permit. If the labour office registers suitable jobseekers, it will not approve the permit and vice versa.

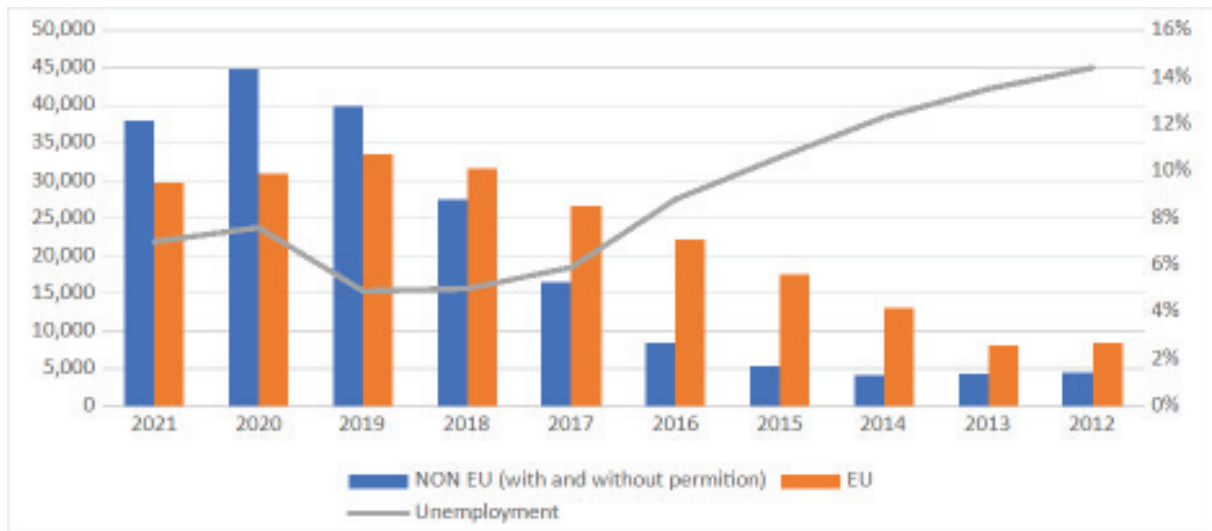
The simplified process applies to positions with a shortage of suitable domestic candidates. Under the conditions laid down by law, the Labour, Social Affairs and Family Office publishes a list of the positions concerned on a quarterly basis by district. Despite the fact that the position is on this list, the Labour Office must give its administrative approval to the foreigner's residence application.

Thus, the number of work permits is also affected by legislation. Interviews conducted after confronting the data revealed the following: Permits are issued with the approval/disapproval of the locally competent labour office. If the position is included in the shortage occupation list, the permit is issued automatically. If the list did not exist, the number of permits would probably be lower (IO01SK16032021).

While the Bureau of Border and Foreigners Police of the Presidium of the Police Corps tracks data on the actual number of valid permits, the Ministry of Labour, Social Affairs and Family

of the Slovak Republic tracks statistics on permits issued in a given year. This causes differences between the statistics tracked by the two ministries.

Figure 7: Total number of issued work permits in 2012 – 2021

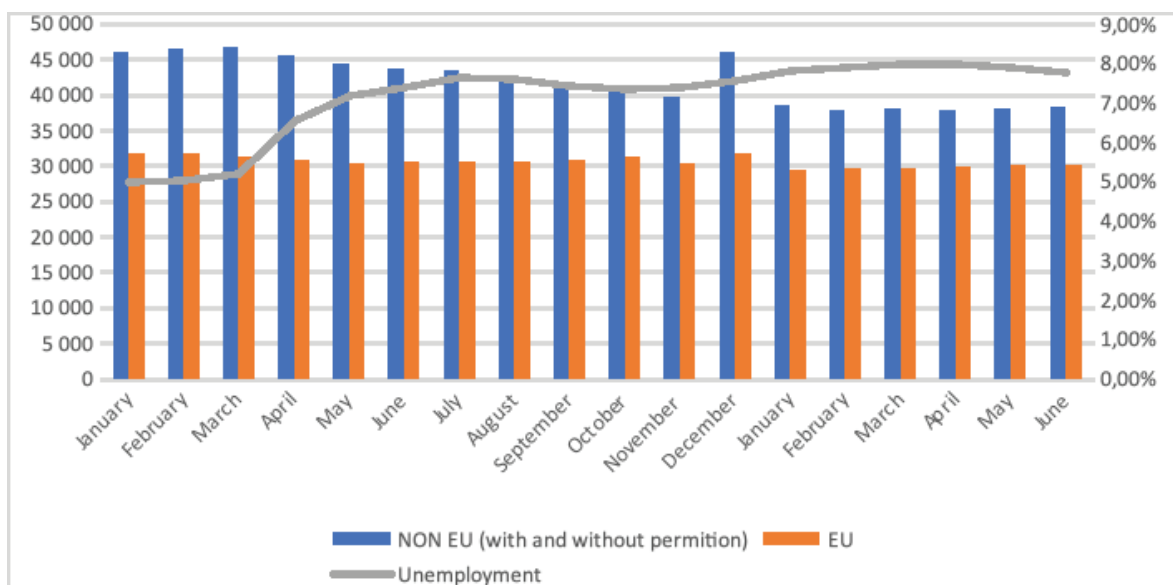


Source: own processing on the basis of data from the Central Office of Labour, Social Affairs and the Family, [https://www.upsvr.gov.sk/statistiky/zamestnavanie-cudzincov-statistiky.html?page\\_id=10803](https://www.upsvr.gov.sk/statistiky/zamestnavanie-cudzincov-statistiky.html?page_id=10803)

The table above reflects the numbers of foreigners and the trend in the unemployment rate. If the unemployment rate decreases, the number of work permits granted to third-country nationals increases. These figures also confirm the significant increase in the number of employed third-country nationals in the recent period. The COVID-19 pandemic has increased the level of labour market protection and reduced the number of employment permits. The above-mentioned approach of labour offices was confirmed at the same time by several sources on the basis of interviews (I001SK16032021, EX02SK29042021).

The declining trend of granted work permits disrupted the month of December 2020. The reason was mainly the larger number of existing permits, which it is used to expire this month.

Figure 8: Total number of work permits issued during the COVID-19 pandemic – January 2020 – June 2021 Source:



own processing on the basis of data from the Central Office of Labour, Social Affairs and the Family [https://www.upsvr.gov.sk/statistiky/zamestnavanie-cudzincov-statistiky.html?page\\_id=10803](https://www.upsvr.gov.sk/statistiky/zamestnavanie-cudzincov-statistiky.html?page_id=10803)

Data from the Central Office of Labour, Social Affairs and Family also confirm that Ukrainians and Serbs are the predominant nationalities on the basis of issued employment permits.

Figure 9: TOP 10 countries according number of workers (permits)

Country of origin	EU / NON EU	Average number in 2020 (January – December)	Total share in %	Average number in 2021 (January – June)	Total share in %
<b>Ukraine</b>	NON EU	22 076	32%	18 648	28%
<b>Serbia</b>	NON EU	12 743	18%	9 839	15%
<b>Romania</b>	EU	8 120	12%	7 360	11%
<b>Czech republic</b>	EU	5 945	9%	5 945	9%
<b>Hungary</b>	EU	5 250	8%	5 059	7%
<b>Poland</b>	EU	2 431	4%	2 486	4%
<b>Bulgaria</b>	EU	2 280	3%	2 445	4%
<b>Italy</b>	EU	1 262	2%	1 263	2%
<b>Vietnam</b>	NON EU	1 083	2%	907	1%
<b>Croatia</b>	EU	1 070	2%	1 305	2%

Source: own processing on the basis of data from the Central Office of Labour, Social Affairs and the Family [https://www.upsvr.gov.sk/statistiky/zamestnavanie-cudzincov-statistiky.html?page\\_id=10803](https://www.upsvr.gov.sk/statistiky/zamestnavanie-cudzincov-statistiky.html?page_id=10803)

The main reason for hiring foreign labour is the lack of Slovak workers willing and/or able to work. In 2019, foreigners were mainly hired for less skilled positions, mostly in manufacturing, or positions with lower wages. Unfortunately, more detailed information on job positions is not available.

Figure 10: Share of all NON EU citizens in %, 2019

Country NON EU	Share of all NON EU citizens in % in 2019
Plant and machine operators, and assemblers	57%
Skilled workers and crafters	15%
Support staff and unskilled workers	10%
Service and trade workers	6%

Source: own processing on the basis of data from the Central Office of Labour, Social Affairs and the Family [https://www.upsvr.gov.sk/statistiky/zamestnavanie-cudzincov-statistiky.html?page\\_id=10803](https://www.upsvr.gov.sk/statistiky/zamestnavanie-cudzincov-statistiky.html?page_id=10803)

## Illegal employment

Control of illegal employment of foreigners is carried out by up to 3 entities: the National Labour Inspectorate, the Central Office of Labour, Social Affairs and Family and the Bureau of Border and Foreigners Police of the Presidium of the Police Corps. The data are available in the annual reports “Informative report on the survey and fight against illegal work and illegal employment”. In 2020, the number of inspections decreased for two reasons. The first

was a reduction in the activities of inspectors due to pandemic regulations (restriction of personal contact). The second reason is based on legislation that automatically extended the validity of temporary permits for up to 2 months after the end of a pandemic (emergency) situation. This legislation is therefore still in force today (note: the emergency situation started on 16.3.2020 and will remain in force until revoked by the government). Two interview subjects pointed out the temporary interruption of control activities (EX01SK26032021, EX02SK29042021).

Illegal employment is employment by a legal person or natural person – entrepreneur who uses dependent labour:

- of a person and does not have an employment relationship with him/her,
- a person who has an employment contract and is not registered in the social security system,
- a third-country national and the conditions for his/her employment are not fulfilled (work permit),
- a third-country national residing in the territory of the Slovak Republic in violation of the regulations governing residence permits and asylum seekers.

Among the four reasons for illegal employment, all were equally represented in 2020, with the exception of the situation where the third-country national was staying illegally in the territory of the Slovak Republic and working at the same time. This was caused by pandemic legislation that liberalised the conditions of residence in Slovakia and automatically extended expiring permits (EX04SK22062021). Based on the checks on illegal employment in 2020, this reason was the least represented.

Figure 11: Number of illegal employment of persons from third countries

	2016	2017	2018	2019	2020
<b>Number of illegally employed persons (all reasons)</b>	2 924	3 384	2 751	1 791	1 641
<b>The conditions for the employment of a third-country national are not met</b>	42	338	759	481	498
<b>A third-country national is staying in the territory of the Slovak Republic illegally</b>	27	288	238	7	44

Source: Informative report on the search for and abolition of illegal work and illegal employment in 2020 <https://www.ip.gov.sk/nelegalne-zamestnavanie-2/>

Data on the number of persons inspected by size of employer are also available in the framework of statistics on illegal work and illegal employment. It can be seen from these data that inspections targeting illegal employment go much more frequently to the smallest employers and, conversely, the largest employers are the least inspected. More than half of the individuals inspected in 2020 were inspected at entities with nine or fewer employees.

## Labour market trends

The data prepared by the National Labour Market Forecasting Project II point to a mismatch between the needs of the labour market and education (employability of secondary and higher education graduates). Graduates will cover at most three quarters of the total additional labour force needs by 2025. Up to 70% of job opportunities will be created in middle and junior positions<sup>3</sup>.

Industry and trade will also dominate the future labour market needs in the Slovak Republic. Despite the expected decline in the workforce in 2020, additional need is expected to increase in all major occupational classes by 2025. The greatest demand will be for specialists, service and trade workers, and operators and assemblers of machinery and equipment.

**Figure 12:** Forecast of the total additional need of labour in the period 2020 – 2025 in the Slovak Republic in sectors of the economy (only the sectors with the highest additional need are shown) – The value represents the number of people



C – Industry; G – Wholesale and retail; Q – Health and social assistance; F – Construction; O – Public administration and defence; N – Administrative and support services; H – Transport and logistics; P – Education; M – Expert, scientific and technical activities; A – Agriculture, forestry and fishing; I – Accommodation and food services; J – Information and telecommunication

Based on the sectoral analyses, it can be predicted that the sectors analysed in this report are at the forefront of the labour shortage.

## Discussion

In every respect, the number of third-country nationals has been steadily increasing since 2012. The biggest increase is evident in temporary residence with a work or business permit. As the unemployment rate has fallen, the number of permits granted has also increased. There is an obvious direct correlation between unemployment rates. According to employers, the pandemic situation is only temporary and the social partners, including the state, expect a rapid return to a pre-pandemic situation.

The difficulty of working with statistical data is perceived. General data is provided by the Statistical Office of the Slovak Republic. Specific data on migration are more appropriately drawn from the relevant authorities (the Central Office of Labour, Social Affairs and Family, the National Labour Inspectorate and Bureau of Border and Foreigners Police of the Presid-

<sup>3</sup> <https://www.trendyprace.sk/sk/trendy-trhu-prace/sk-trendy/nesulad>



ium of the Police Corps). These are available in excel spreadsheets or wordsheets and have to be extracted manually. There is a noticeable lack in the electronic and information systems available to the public. The interviews also included a discussion on computerisation – the only authority that confirmed the release of funds from the state budget for computerisation was the Ministry of the Interior, under which the Bureau of Border and Foreigners Police of the Presidium of the Police Corps falls) for the purpose of applying for residence permits. Other offices *are unlikely to undergo substantial digitisation in the future*, as the interviewees said (EX01SK26032021, EX02SK29042021, EX04SK22062021).

A more comprehensive overview, but only of permits issued, is provided by data from the Bureau of Border and Foreigners Police of the Presidium of the Police Corps. These statistics are more suitable for further research.

The International Organisation for Migration (IOM) addressed the topic of analytical data on labour market needs in the context of the preparation of the Labour Mobility Scheme, following a request from the Ministry of Labour, Social Affairs and Family of the Slovak Republic. In structured interviews, they also confirmed the main thesis of this national report:

The labour market needs analysis describes the supply-demand relations on the Slovak labour market and provides a picture of the labour market research methodology. The current structure of foreign workers shows that they are employed in the segment of less complex occupations (SK-ISCO 8 and 9), which is mainly due to the lack of representativeness of the data entering into the assessment of the labour market situation and the creation of the list of occupations with labour shortages. The data include only job vacancies and numbers of jobseekers reported to the database of labour offices. This results in an increased inflow of foreign workers in occupations with less dynamic employment changes (i.e. occupations with low or even declining expansion demand). These incomplete indicators also produce a Labor Shortage Occupation List that ultimately does not reflect the real need for more skilled permits and only reflects the need for occupations in manufacturing. The relatively low share of foreign workers in skilled occupations indicates, among other things, that Slovakia is lagging behind in the international competition for professionals. (I001SK16032021). The labour mobility scheme is not yet official.

Thus, the statistical data confirm the state's real responses to employment developments. However, they suggest other systemic flaws, which are confirmed by the guided interviews and media analysis. These are the incoherence of the education system, the failure of active labour market measures and, probably, the inadequacy of control mechanisms. The question of the impact of the welfare system is controversial.

# Secondary literature related to labour migration



The literature review presents a look at relevant literature and research sources from 2007 to the present.

## Studies by (local) migration specialists

A suitably focused and informative document is the research of the International Organization for Migration (IOM) compiled by their expert group. The document discusses migrants' experiences of violence and exploitation in public spaces, domestic violence and workplace violence (Blažek et al. 2013). Despite relatively dynamic growth, Slovakia has one of the lowest numbers of migrants from third countries in the EU. Most migrants come to Slovakia from Eastern and South-Eastern Europe (Ukraine, Serbia, Russia) and East and South-East Asia (Vietnam, China, South Korea). They come mainly for work, with a male predominance in terms of gender. The ties and networks of migrants in Slovakia are mainly based on informal relationships.

The European Migration Network (EMN) is also intensively involved in migration and integration in Slovakia. In cooperation with the International Organization for Migration (IOM), they have produced another useful document – Meeting Labour Demand through Migration in Slovakia (Domonkos et al. 2010). The study reports on the migration policy of the Slovak Republic with an emphasis on the issue of meeting labour demand through migrants from third countries. The document characterizes the strategies, policies and legislation of the Slovak Republic, as well as summarizes and analyses labour market statistics with respect to migration to the Slovak Republic. The publication discusses the current trend of economic recession in Slovakia and the world, how the migration policy of the Slovak Republic has not reacted more intensively to the negative economic developments on the labour market. This can be explained by the relatively small number of foreigners in Slovakia, whose presence does not have a major impact on their economic and social stability. The changes introduced over time have not worsened the position of foreigners; on the contrary, the rules have been slightly liberalised in some areas. The public debate on the possibilities of meeting labour market needs through migrants, as well as organising their return to their

country of origin, is marked by low public interest in the subject. The document confirms the fact that the current legislation regulating economic migration in Slovakia does not yet contain institutions that would support the satisfaction of the demand for labour in the Slovak Republic with resources from abroad.

It is evident that there are few experts on foreign migration in Slovakia. Nevertheless, it is possible to identify more significant and long-term activities of Boris Divinský, who has also worked as an external collaborator of the SFPA Research Centre, is a researcher at the Slovak Academy of Sciences and has cooperated with the Institute of Employment (a state organisation established by the Ministry of Labour, Social Affairs and Family of the Slovak Republic). He has been involved in several projects with the European Migration Network.

As an expert, he has defined the critical areas of migration in Slovakia, formulated the basic theses and clearly stated the need to adopt the concept of national integration and migration policy (Divinský, 2007, pp. 61-64):

- It is high time to accept the migration doctrine of the Slovak Republic by the central state authorities as a primary prerequisite for further improvement of migration management in the country. At the same time, it is necessary to determine the role of immigration in the overall economic, social, demographic, cultural and security development of Slovakia.
- It should be decided politically and professionally which immigration components will be most preferred in the country – migration for work, migration for family reunification, asylum migration, migration for study, combating illegal migration, naturalisation of foreign nationals, resettlement of Slovaks living abroad or repatriation of emigrants from Slovakia. From general point of view and experience, labour immigration in combination with comprehensive integration of immigrants with permanent residence permits and their eventual naturalisation is more preferred.
- It is necessary to initiate a broader debate on the Slovak political scene on the various aspects and impacts of migration with the intention of stimulating interest in this topic on the part of politicians.

The main reason why Slovakia has started to address labour immigration is the current demographic trends and their wide-ranging implications. Virtually no study and research provide any demographic data. According to Eurostat's demographic forecast, the population of Slovakia will decrease from 5.432 million after 2020 to 4.859 million in 2050, and this quantitative decline will be accompanied by an (undesirable) change in the structure of the population and another phenomenon – the ageing of the population (Juhászová, Kollár, 2013). According to United Nations projections, by 2050 the population of the Slovak Republic should become the 11th oldest in the world (Mihály and Divinský, 2011).

One of the ways to compensate for this demographic shortfall may be labour from abroad. In 2050, the population aged 0-14 and 65+ per 100 inhabitants aged 15-64 is expected to increase from 37.5 to 72.9, i.e., almost double. In this target year, there will be almost 134 economically inactive persons per 100 economically active persons (Bolčeková, 2014). However, experts agree that population ageing and labour shortages can only be addressed through a combination of several policies, in particular population and family policies, internal labour mobilisation policies and migration policies (Domonkos, 2010, p. 16). Let us add that, according to the opinion of several experts: a modern national migration policy can thus create conditions for matching supply and demand on the international open labour market of the Slovak Republic (Mihály and Divinský, 2011, p. 15).

Another study, “Ways of acquiring citizenship in EU Member States by third-country nationals (2019)”, provides an overview of current trends, the legislative and policy framework, as well as the experiences of 24 Member States and Norway in acquiring third-country nationals. The material has been compiled by the EMN (European Migration Network) and its focal point, the International Organisation for Migration (IOM). It describes how national policies in this area have evolved over the last five years, what the criteria and processes are for acquiring citizenship, how long the process of acquiring citizenship can take and what the costs are, what kind of support EU Member States provide to foreigners who want citizenship. The document also conveys the perception of citizenship acquisition in relation to the integration of migrants into the host society. The study also provides information on the impact of COVID-19 on the processing of citizenship applications. Based on the material, it can be concluded that the numbers of naturalized foreigners in the Slovak Republic have remained stable at a relatively low level over the last 5 years. Acquisition of Slovak citizenship is not a priority topic of parliamentary, media or public debates.

## Economic and sectoral assessment of migrant employment

The Migration Policy of the Slovak Republic with a view to 2025, as a strategic national document on labour migration, emphasises the need to actively support the admission of economic migrants and their employment in accordance with the needs of the national economy and labour market. It emphasises the implementation of various measures aimed at carrying out regular analyses of the needs of the national economy. The material, approved by the Slovak Government in September 2021, also aims to link migration policy to the worsening demographic prospects of the Slovak Republic and includes the topic of integration. The objectives of the migration policy therefore focus on:

- creating favourable conditions for labour mobility as one of the solutions to the unfavourable demographic development in Slovakia in a legal and controlled way,
- ensuring that the needs of the Slovak economy are compatible with the requirements of social cohesion,

- creating new forms and instruments of return policy for the reintegration of Slovak citizens coming from abroad,
- ensuring conditions for the successful integration of foreigners into Slovak society,
- effective management and control of migration flows,
- preventing illegal migration in countries of origin through effective forms and instruments of humanitarian and development aid,
- emphasis on ensuring the granting of international protection in accordance with the law.

The text of the new migration policy is still subject to the legislative process<sup>4</sup>. It is an important continuation of the migration policy with a view to 2020<sup>5</sup>.

Until 2020, there was a similar strategic document, the Slovak Integration Policy<sup>6</sup>. The strategy has now expired and its objectives are not being assessed. Integration issues and individual objectives and measures have become part of the unified Migration Policy of the Slovak Republic until 2025.

The Integration Policy set out priority areas and measures through individual measures for the different actors of the integration policy. At the same time, it foresaw the elaboration of integration policy objectives into action plans.

The strategy focuses on measures at both national and regional level:

- develop own regional integration concepts at the level of the local government region in the territory of the local government region,
- promoting the active participation and involvement of foreigners in regional life, including participation in local elected bodies,
- to continuously map the activities of support institutions in individual regions of Slovakia by self-government units. Ensure that migrants are informed about the region's services through an updated multilingual directory,
- overall support for migrants' access to rental housing,
- support the provision of space in public service broadcasting for programmes related to the topic of migration and integration, support the involvement of communities or associations of foreigners/new minorities in such broadcasts, including adequate financial support,
- promote professional dialogue on integration at different levels,
- helping to break down social barriers and prejudices through intercultural education and discussions for employers, the public and civil servants,

4 <https://www.slov-lex.sk/legislativne-procesy/SK/LP/2020/385>

5 <https://www.minv.sk/?zamer-migracnej-politiky-slovenskej-republiky>

6 <https://www.employment.gov.sk/files/slovensky/uvod/informacie-cudzinci/integracna-politika.pdf>

- promote self-sufficiency of foreigners ensuring access to and employment in the labour market, thereby also ensuring their access to public health insurance and access to health services, etc.

A recent document that partly concerns labour migration and integration of foreign workers is the Recovery and Resilience Plan of the Slovak Republic. The Recovery and Resilience Plan is a national document drawn up on the basis of the Regulation of the European Parliament and of the Council of 12 February 2021 establishing the Recovery and Resilience Support Mechanism 2021/241. It focuses on a number of sectors and areas, including the green economy, education, science, research and digitalisation. It addresses the risks associated with automation and ageing populations, encourages the arrival of foreign experts and the creation of a fast-track scheme for highly skilled non-EU workers, including reducing the administrative burden of securing residency for them and their families or facilitating their integration. In this context, the creation of a socio-cultural orientation programme for them and their families is proposed. The Recovery and Resilience Plan is linked to a large amount of funding from the European NextGenerationEU fund<sup>7</sup>.

## Specialists in labour market integration

The next EMN synthesis report “Labour Market Integration of Third Country Nationals in EU Member States – Contribution of the Slovak Republic” was prepared on the basis of national contributions from 25 countries. These national contributions were largely based on theoretical analysis of existing legislation and policy documents, reports, academic literature, internet sources and reports and information from national authorities.

The paper is divided into three key sections, namely integration policies, with a focus on labour market integration policies; state approaches and examples of action; and examples of action implemented by the private sector. It also offers examples of promising measures identified from existing evaluations or from stakeholder feedback.

In particular, the material describes key areas of importance for migration in Slovakia. From an external perspective, it can be said that Slovakia is taking the necessary steps in the field of labour migration, such as national strategies, employer involvement in the issue and efforts to set up training. However, the implementation of these measures is very slow in Slovakia. It is clear, however, that Slovakia has not cooperated on this material, and therefore it does not contain enough data about us. Nevertheless, the recommendations in the document correspond to the situation in Slovakia and can be inspiring for governmental authorities as well.

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<sup>7</sup> <https://www.planobnovy.sk/kompletny-plan-obnovy/veda-vyskum-inovacie/>

## Literature on the role of industrial relations and social dialogue

Slovakia is implementing a national project to expand the professional capacities of the social partners in the country. The project is funded by the European Social Fund under the title Promotion of Quality Social Dialogue (PKSD). The social partners at national level use these resources to elaborate their expert opinions and analyses. For example, the analysis developed by the research group Republican Union of Employers focuses on the topic of employment of foreigners and the needs of the sectors (Republican Union of Employers, 2019). It is indisputable that the labour market in Slovakia will have to replace a large part of its own workforce with migrants. The management of migration policy aims to maintain and raise the high standard of living of Slovak citizens, especially the elderly, for whom it will be necessary to ensure sufficient pension benefits. Migration policy will be needed as a key factor in addressing labour market shortages. At the same time, it is necessary to work with the long-term unemployed, to focus on marginalised groups and their employment in the labour market, to bring solutions to stabilise the demographic curve of the population of the Slovak Republic and, above all, to reassess the employment of the 65+ age group in the labour market. It will be necessary to ensure the conditions that enable these people to work. Based on the research carried out as part of this analysis, it can be seen that there are significant differences between foreigners entering the Slovak labour market. In the case of third-country nationals, there can be observed a significant increase in the number of citizens of Ukraine and Serbia who find employment on the Slovak labour market. The increase has been particularly noticeable since 2014.

Another analysis (Bakošová et al 2019) provides an overview of the challenges from the perspective of the Ministry of Labour, Social Affairs and Family of the Slovak Republic for the migration of foreigners. It is gratifying that this state body is aware of the same challenges as employers' and employees' representatives. However, the government's progress is slow, or the inspiration of its own materials is not visible in its actions.

The document proposes the following measures:

- Drawing up a strategic document on a national integration policy, particularly for third-country workers,
- the renewal of the integration and immigration policy of the Slovak Republic,
- efficient processes and procedures for granting work and residence permits and other related procedures,
- implement the newly established State integration policy for third-country workers in the legal standards,
- increase the availability of information for migrants,
- strengthen the staff and institutional background for the agenda of integration of working foreigners, especially at the level of the police and labour offices, but also at

the level of municipalities,

- increase the qualifications of civil servants specialising in the implementation of the new national strategy,
- provoke a public debate on the issue of labour migration, the forthcoming state strategy and the actual circumstances and impacts,
- systematically suppress hate speech by politicians and the media against migrant workers and, on the contrary, promote the dissemination of objective and verified data in order to prevent the dissemination of misinformation and intimidation of the public with untruths or fabricated half-truths,
- matching the needs of the labour market with the education system in the Slovak Republic.



# Media analysis

## Objectives

Migration is a social issue that resonates strongly in Slovakia. This issue directly and indirectly affects the whole society. Strong political pressure and political nationalism has meant that employers' representatives, employee representatives and employers have only been able to present their views through the media. In particular, the media analysis was prepared on the assumption that it should represent the views of all parties, including the government, social partners, local authorities, government regulations, companies and employees.

## Media sources

The dominant political parties have long been active on the Slovak political scene. They are mostly more conservative, pro-social, but also populist groups. The composition of political parties has also influenced the composition of the media, which is mostly conservative/central or liberal. Slovakia has a minimum of media that are purely left-wing and that do not have elements of conspiratorial views. A substantial part is represented by media focusing on economy and economic topics, which is put more to the right.

For the purposes of this media analysis, were used the following daily and e-media channels:

Figure 13: Daily and media channels

Country / media affiliation	Left	(left/ liberal)	Liberal	(Conservative)	Right	Other weekly or additional media text that you know and consider important from other sources
SK	No	No	aktuality.sk, sme.sk, dennikn.sk,	hnonline.sk	trend.sk	

## Keywords

For automatic search and filtering of relevant articles from e-media channels on the topic of migration, 4 keywords in English and in the equivalent Slovak language were used:

Figure 14: Keywords

	1	2	3	4
English	Guestworker, migrant worker	Labour migration, Economic migration	Ukrainian-Serbian-Bosnian worker	Foreign workforce
Slovak	migranti, zahraniční zamestnanci	pracovná migrácia, ekonomická migrácia	ukrajinský- srbský- bosniansky pracovník	zahraničná pracovná sila

## Methods

Keywords were sequentially inserted into each browser of the selected media source. Data from each occurrence were transferred to an excel file as follows: media name, text title, text body, source, and keyword.

The implementation phase showed the need for keyword matching in the Slovak equivalents. However, they have to correspond to the English content. For example, it was assumed that the first keyword guestworker/migrant worker, would work in translation as migrants, foreign workers, but it was more appropriate to use foreigners/foreigners. In addition, was used the Slovakian/Slovakian phrase to provide a really appropriate focus for our queries.

During the media gathering process, only those links directly related to migration were selected. Approximately 10% of the articles were excluded in this selection. Thus, a total of 103 articles were analysed for the period from January 2016 to December 2020. Twenty entries were provided by aktuality.sk, 37 entries by hnonline.sk, 45 entries by sme.sk and 1 entry by trend.sk.

The output thus processed was sent for further analysis.

## Results

The initial expectation that the articles aim to present the attitudes and needs of employers and specialists on the labour market was confirmed. Most of the articles call for a broad discussion of migration, the opening of the labour market, the shortage of workers, the ageing of the population, the burdensome administration and the underestimation of the state authorities, especially the Bureau of Border and Foreigners Police of the Presidium of the Police Corps.

The articles are comparable in content and ideology, regardless of media source, which corresponds to the discussion of the political polarization of the media at the beginning of this sub-article.



# Regulation

## National social dialogue

The primary legal framework for how employers' associations and trade unions can influence economic and social policy is set out in Act No 130/2007 Coll. on tripartite consultations at national level and on amending and supplementing certain acts (hereinafter referred to as the 'Tripartite Act').

The purpose of this Act is to promote effective social dialogue at national level between the State and employers and employees, through its representatives, as a democratic instrument for addressing economic and social development, developing employment and ensuring social peace.

The Act further provides for tripartite consultations at the national level between the State and the social partners, who, through their representatives, negotiate and discuss with each other on major issues of economic and social development and employment development with a view to reaching agreement on these issues. This Act also regulates the establishment, composition and principles of operation of the Economic and Social Council of the Slovak Republic (hereinafter referred to as "ESC SR").

The ESC SR consists of three parties:

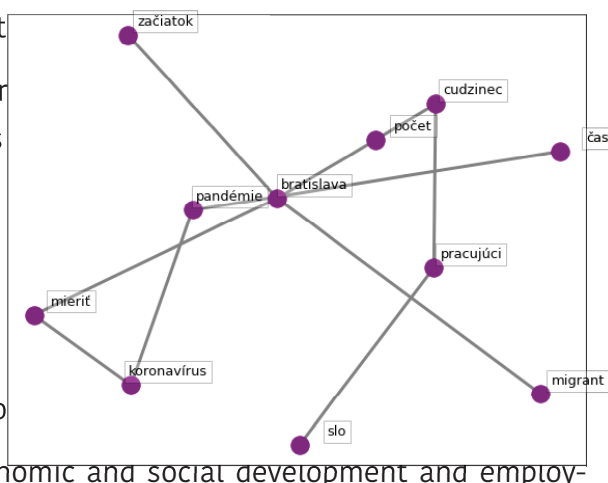
- the State represented by the Government,
- the employers, represented by employers' representatives, and
- employees, represented by employee representatives.

The ESC SR has 21 members, each party delegat

There is a large difference in the number of repr and employees in the ESC SR. While employers tions in the ESC SR, employees are represented 2021 there was only one. As practice shows, this can also cripple the function of the ESC SR.

The activities of the ESC are focused on:

- agreeing views and recommendations on eco
- concluding agreements in the field of economic and social development and employ- ment development,



- agreeing views and recommendations on the national budget,
- approving of opinions on proposals for general binding legislation concerning important interests of employees and employers, in particular economic, social, working and wage conditions, employment and business conditions,
- represents all forms of collective bargaining.

The ESC SR meets as needed, several times a year. The meetings discuss current legislative changes, the economic situation and current demands of the social partners (e.g., currently anti-pandemic measures), and it is possible to put forward your own proposals for solutions. However, in the case of employers' and employees' proposals, there is no obligation to address this. It is an official declaration that such a problem exists, but there is no guarantee that the government will address it. This is the case, for example, with the current restrictions on the employment of foreigners as a result of COVID-19, but the government is not diligently acting on this. However, in the case of the acute labour shortage since 2016, the ESC SR has been one of the platforms where the issue has been addressed and discussed. Comparing the performance of ESC and individual lobbying, individual lobbying has been more successful.

Migration legislation is an important part of the national social dialogue. Employers' representatives take positions mainly on procedural matters concerning residence and work permits.

In contrast, employee representatives are more concerned with the social aspect of the employment of third-country nationals. Foreign workers also have access to trade union structures at company level. Although trade unions are not opposed to the liberalisation of legal frameworks, they stress the need for companies to give preference to the employment of domestic workers. They also point to the need to make active labour market measures more effective in view of the high proportion of long-term unemployed and the higher unemployment rate of graduates. For them, prevention and elimination of exploitation is important.

The issue of migration and employment of foreigners in the ESC SR resonated especially in 2018, when the pressure of employers to change the legislative conditions peaked. This process was successfully completed by the amendment of Act No. 404/2011 Coll. on the residence of foreigners and Act No. 5/2004 Coll. on employment services and established the so-called list of shortage occupations. The existence of this list means simplified conditions for the employment of foreigners. The list is based on the shortage of suitable job applicants at the labour offices, but is also the result of negotiations with the social partners (in particular with employers' representatives).

Tripartite employers' associations use the legal basis (ESC SR or individual lobbying) to communicate and influence the government. However, they also have a mandate to negotiate conditions for employers or employees. It should be added, however, that in the case of

purely political decisions, social dialogue is only a formal aspect and the position of employers' and employees' representatives is not very binding on the government.

Moreover, there are ways in which social dialogue can be effectively circumvented. Negotiations in the ESC SR on draft laws take place before a draft law is submitted to the government for discussion and for debate in the National Assembly. Unpopular changes or changes that the social partners in the ESC SR do not support can be implemented at later legislative stages – e.g., by inserting amendments to the law in question during the deliberations of the National Council of the Slovak Republic. There is no such social dialogue anymore and the representatives of employers and employees have no possibility to amend or reject the amendment. The second option is the bills submitted by MPs. These are also not legally subject to negotiation by the ESC SR. In Slovakia, there are thus 2 instruments that directly allow bypassing the national social dialogue and are very often used. The above has also been challenged by employers' and employees' representatives before the International Labour Organisation – ILO. The answer is not yet known.

Another significant change in the field of national social dialogue was the change in the composition of the ESC SR in 2021. According to the previous version of the law, only organisations representing more than 100 000 employees could become members. However, following the change in the law, the first criterion was that employers' representatives could be represented by at least 3 organisations and employees' representatives by at least 3 organisations. However, organisations representing more than 100 000 employees have priority access. Employees are given more priority. At present, there are up to 4 organisations in Slovakia on the employee representatives' side that meet the criteria and therefore their number has not changed after the change in the law. However, there was only one organisation on the employee representatives' side and so an organisation representing a smaller number of employees could now also apply to join the ESC. In August 2021, only one employee representative expressed interest in joining. Thus, there are already 2 in the ESC SR. The Minister of Labour, who proposed and enforced the change in the law, speaks about increasing the level of social dialogue in Slovakia. However, so far, the only trade union organisation (Confederation of Trade Unions of the Slovak Republic) is not very much identified with this idea.

## Sectoral and enterprise collective bargaining

The tripartite representatives of employees and employers at national level are listed above. Collective bargaining at enterprise level involves lower-level employers' associations and trade unions, which are, normally, sectorally oriented. The Association of Electrotechnical Industry of the Slovak Republic is such an example. In many cases, smaller employers' unions also participate in the national social dialogue through membership of a larger employers' union (for the Union of the Electrical Industry of the Slovak Republic, this is membership of The Federation of Slovak Industrial and Transport Associations).

Collective bargaining exists at enterprise level between enterprises and the lower trade union body, but also at sectoral level. At sectoral level, it is a collective agreement of a higher grade and working conditions are negotiated by the employers' association with the higher trade union. Until 2021, these sectoral terms and conditions applied automatically to all employers in a given sector – even those who were not signatories to this higher tier collective agreement. It was in this year that the legislation changed significantly and the higher-level collective agreements apply only to signatory organisations, i.e., the so-called extension of these collective agreements was abolished. This move is condemned by the trade unions, while the employers rather welcome it. There are no collective agreements at national level in Slovakia. In general, collective bargaining in Slovakia is on a downward trend. In 2000, 50% of employees were covered in total, but in 2017 this figure was only 25%<sup>8</sup>. Sectoral coverage is unknown.

Conditions of employment of foreigners are not a separate part of collective agreements. Slovak legislation obliges employers to treat all employees (citizens and foreigners) equally, therefore there is no need to negotiate special working conditions for foreigners.

Both a higher-level collective agreement and an individual enterprise agreement may apply in an enterprise. However, the higher-level collective agreement takes precedence. In contrast to higher-level collective agreements, company collective agreements offer more specific arrangements for working conditions. The content of such collective agreements also applies to non-unionised employees, foreigners and agency workers. The existence of collective agreements and the supervision of the trade union thus ensure the necessary social protection for all employees of the undertaking. However, it does not apply to employees of service providers (and disguised agency employment) or to illegally employed persons (posted workers, workers without a contract of employment). Illegal and unregulated employment is investigated individually by the supervisory authorities on the basis of their own findings, complaints from employees and employee representatives. This is discussed further in the sections on sectoral characteristics later in this report.

## Legal regulation

The following legislation deals with the topic of migration: Act No. 404/2011 Coll. on the Residence of Foreigners and Act No. 5/2004 Coll. on Employment Services. The Act on Residence of Foreigners defines the status, competence, obligations, deadlines and conditions for issuing residence permits in the territory of Slovakia in relation to all participants in these procedures. The Employment Services Act defines the status, competence, obligations, deadlines and conditions for issuing employment permits.

The legal regulation is strict. In general, the process of employing foreigners is considered administratively demanding, lengthy and highly protective of the Slovak labour market.

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8 OECD <https://stats.oecd.org/Index.aspx?DataSetCode=CBC>

Several schemes for the employment of third-country nationals can be identified (standard scheme, abbreviated scheme based on a shortage occupation list, schemes for highly skilled positions including blue cards and seasonal employment). From interviews and media analysis it is possible to identify several legislative shortcomings in the employment regimes of foreigners.

Disadvantages of standard schemes: The scheme takes into account the labour market situation. The way in which the labour offices assess the labour market situation is not defined by law or published methodology. The Central Office of Labour, Social Affairs and Family gives approval for employment only after the start of the residence permit process. It is therefore unknown at the time of the application for residence whether an employment permit will be granted at all. This leads to uncertainty for migrants and employers as to whether the costs and time invested in the process will be successful or not.

Shortcomings of short-term work schemes: Positive developments in the labour market and considerable pressure from employers, sectoral and national workers' representatives have resulted in a slight liberalisation of legislation in 2018. Shortage occupation lists have been introduced, with shorter licensing timescales. The list is particularly specific to SK-ISCO positions at classification levels 7 and 8. The social partners point out that the lists should also clearly reflect labour market forecasts. Even if a position is on the list, the residency process still requires the issuance of an employment permit by the labour office.

Shortcomings of the regime for highly skilled occupations: Slovakia has transposed the European Directive on Blue Cards. The salary of the recruited employee must reach at least 1.5 times the average monthly salary in the sector. This threshold is considered high, the process itself lengthy and costly. There is very little, if any, interest in blue cards. The process of recognition of qualifications is considered complex. For example, in the health sector (one of the regulated professions), candidates must also pass an equivalence (nostrification) examination. However, these are time-consuming and the difficulty of the examinations is very high. If potential candidates do not pass the exams, the qualification will not be recognised. This leads to a phenomenon known as 'brain waste' – foreigners from third countries doing lower-skilled jobs despite having obtained qualifications abroad. There is a lack of more bilateral agreements with schools in the countries of interest.

Recruiting Slovak workers is a priority for all social partners. The legal employment of citizens from third countries is a costly and time-consuming process. Employers undergo this process because they currently have no choice but to provide stable and qualified employees. The Labour Code's condition of "equal pay for equal work" together with the ancillary costs (permits, courses, doctors, time, recruitment, accommodation, travel) clearly make foreign workers too expensive. Only illegal practices can reduce these costs.



# Sectoral characteristics: the view of the social partners



The data collection took the form of in-depth structured interviews and focused on the individual views of employers and employee representatives on labour shortages, the overall system of employment of foreigners, experiences with foreign workers, systemic barriers and views on optimising legislation and efficiency of processes.

In the research part, several participants were approached for the structural discussion: employers, employees, NGOs, social partners (employers' representatives, employees' representatives), experts – individuals (the Ministry of Labour, Social Affairs and Family of the Slovak Republic, the Office of Border and Foreign Police of the Presidium of the Police Corps and the National Labour Inspectorate) and intermediaries (employment agencies).

The Association of the Electrical Industry of the Slovak Republic conducted a total of 20 interviews with entities in the following sectors: automotive, services, construction, health and platform work. The interviews covered several sectors at the same time.

Figure 15: Interview overview

Entities	number of interviewed entities	covered sector
Employer or a representative of an employer organizations	10	metal-automotive, construction, services, healthcare, platform
Trade union representative	2	metal-automotive, services, healthcare
Experts	4	metal-automotive, construction, services, healthcare, platform
Civil or other intermediary support organization	1	metal-automotive, construction, services, healthcare, platform
Worker or worker activist	1	Platform
Recruiter, temp agency representative	2	metal-automotive, services, healthcare
<b>Total</b>	<b>20</b>	

Each of the sectoral analyses is divided into 6 parts:

- organisational capabilities – characteristics of the sector and its capacity/capability to deal with negotiating terms and conditions for the employment of foreign workers
- interpretation of the situation – the most common situations in the sector with an impact on the conditions of employment of foreign workers
- regulation – perception of the sector towards existing regulations on the employment of foreign workers
- strategies and practices – the way the sector responds to the negotiation of terms and conditions for the employment of foreign workers
- social dialogue and collective bargaining – the capacity of social dialogue and collective bargaining in the sector to negotiate conditions for the employment of foreign workers
- recommendations – proposal of measures applicable to the sector

Following the sectoral analyses and interviews, it is possible to define a number of common features and situations which seem to be relevant for the employment of foreign workers and the social partners.

Specialised agencies/NGOs and private intermediaries provided an independent and cross-sectional view of migration developments in Slovakia. The best organisational capacities in the field of migration are reported by employers (running their own specialised positions or even entire departments), specialised organisations/NGOs (having research capacities, academics and specialists) and intermediary agencies (migration is their core business, legal departments and strong administrative coverage). What they have in common is mainly that their staff are dedicated to this specific agenda and can thus deal with migration in its entirety – both on the theoretical side but also in the implementation of the process on a practical level.

Employers' representatives and employees' representatives have less staff capacity. There is a noticeable capacity gap between national and sectoral representatives. The national representatives are mainly involved in the legislative process and law-making, for which they also have a higher number of staff and experts. Sectoral representatives, however, mainly accumulate input directly from application practice. The representatives also tend to make use of the professional capacities of the organisations they associate. Employee representatives also oversee the equality of third-country workers in collective agreements.

The value of the interviews varied in content. The discussion focused on the participants' engagement with the issue of employment of foreign nationals, their views on the need for employment of foreign nationals, the opportunities and constraints of the sector, their ability to influence processes, their interpretation of the situation and the possibilities for improvement.

The contributions of independent experts, agencies and NGOs can be considered the most relevant and satisfactory. They offered an uninfluenced view of the situation and perspective. They had a good overview of employment in other European countries.

Further, sectoral interviews generally show:

- Slovakia has established several channels for employing foreign workers. Employment conditions for foreigners are the same in all non-EU countries, there is no possibility of fast-track entry for citizens of a particular country of origin.
- Citizens from countries that do not need a visa to enter the Schengen area have easier entry and the possibility to look for a job. In addition to the application for temporary residence, which is in most cases a condition for entering the labour market, the foreigner must without exception show a promise of employment or a concluded employment contract from a specific employer.
- The entry of foreign workers is complicated in particular by the lack of information in a foreign language on the websites of Slovak embassies; in the case of visa countries, the staff capacity of Slovak embassies is low and the possibility to start working is only possible by obtaining a temporary residence permit. There are only a few specific exceptions when a foreign worker can start working immediately upon arrival in Slovakia.
- It is specific to the construction sector that employers often prefer foreign workers from non-EU/EEA countries with a trade licence and are not interested in entering into an employment relationship. Foreign seasonal workers are also registered in this sector.
- The largest number of non-EU/EEA foreigners are employed in the manufacturing sector and it is the flexibility of the work permit and quick entry into the labour market that would help both foreign workers and employers. A non-EU/EEA foreigner can currently be employed immediately after applying for a temporary residence permit for 6 calendar weeks, but only if they are employed in a shortage occupation, so called 'shortage occupation'. According to 2018 data, seasonal workers were most often employed in the manufacturing sector. The available data also shows that workers from Serbia and Ukraine mainly work in this sector.
- As in the construction sector, many foreign workers from non-EU/EEA countries are not employed in accordance with the applicable labour legislation, but perform activities on the basis of a trade licence.
- Employing a non-EU/EEA foreign worker in the healthcare sector is not easy. Slovakia has a shortage of health professionals, with only a small number of foreigners working in the health sector. For most health professions, it is a regulated profession where recognition of professional qualifications takes several months and is complicated by disproportionately high fees for additional examinations compared to neighbouring countries, non-transparency and different testing methods, lack of common standards for exam-

ination boards, difficult information on preparatory training seminars, language courses for health professionals and dates of language exams.

- Platforms are not a generic concept, the selection of these data is complicated, and the companies belong to the IT sector or to the transport or taxi sector from a statistical point of view. From the point of view of experts, this sector does not exist and can be only track information from employers or associations.

## The overall findings of the sectoral interviews

### Integration

The experience of these partners/experts shows that the shortage of skilled labour is mainly due to the complexities of employment such as: unclear and non-transparent legislative conditions, language barrier for foreign workers, unattractive blue card for foreign workers. These conditions are also difficult for foreign workers.

Foreigners from third countries who come on the basis of a work permit must have a work contract. If an employment permit is not required, agreements can also be concluded for the performance of work outside the employment relationship. Employment contracts are significantly more prevalent. There are no active national instruments in the field of integration. Employers, intermediaries, agencies or non-profit organisations take on the integration role. Migrants report poor language skills of officials and lack of clarity about their duties. Many companies support the entry of foreigners by reimbursing them for the costs of applying for residency, informing them about the whole process and the mandatory documentation, paying for accommodation and transport, taking over communication with the authorities or providing interpretation. Especially in large organisations, this agenda is handled by dedicated staff.

The most important strategic document adopted in the field of labour migration, including integration into the Slovak Republic, is the Strategy for Labour Mobility of Foreigners until 2020 with a view to 2030<sup>9</sup>. However, the document has been implemented very little, if at all. The most recent document, which also partly concerns labour migration and integration of foreign workers, is the Recovery and Resilience Plan of the Slovak Republic. It focuses on a number of sectors and areas, including the green economy, education, science, research and digitalisation. This document addresses the risks associated with automation and an ageing population and supports the arrival of foreign experts and the creation of a fast-track scheme for highly skilled workers from outside the EU, including reducing the administrative burden of securing residency for them and their families. It also proposes a smaller

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<sup>9</sup> Stratégia pracovnej mobility cudzincov v SR, 2018, Dlhodobé opatrenia, <https://rokovania.gov.sk/download.dat?id=8A2432145C5943FAA7774BEEBFA4465F-A055B23C55662CE743BF6DB80530A080>

pool of measures to facilitate their integration. In this context, it proposes the creation of a socio-cultural orientation programme. A recovery and resilience plan has been approved but will be implemented gradually over the coming years.

Another interesting input was offered by the IOM team of experts. They also carried out an online questionnaire survey focusing on non-EU foreigners, which was completed by a total of 479 foreigners from 56 countries. As many as 56.8% of the participants reported that they did not work in the field they were studying. Foreign workers working outside their department may experience 'brain waste' – their skills are not being used either in the destination country or in the country of origin. A positive for the Slovak labour market may be that foreign workers are willing to work in lower-skilled jobs. As part of the evaluation of the immigration process in the Slovak Republic, the survey participants highlighted in particular the experience with interpreters, with arranging residence for family members (family reunification) and the experience with recognition of educational qualifications. The worst rated were finding a doctor in the Slovak Republic, experience with employment agencies, communication with state authorities and the length of the immigration process.

Even after several years of living in the Slovak Republic, foreigners are still faced with a high level of bureaucratization of processes and lack of information in foreign languages, problems with finding doctors, (in)acceptance by the majority population (not only because of language but also because of the cultural barrier). Participants reported that during their stay in the Slovak Republic they also encountered structural discrimination, especially when arranging residence for themselves and their family, but also in practical matters related to placing children in kindergartens, finding a doctor or arranging parking for housing.

This research on a sample of foreigners confirmed the findings from the interviews with the participants.

It appears that the integration of foreigners is very low and the necessary tools are lacking. It can be argued that their absence points towards the fact that the employment of foreigners is not perceived by the state as strategic and their presence as important or beneficial.

## Intermediaries and employment agencies

Employment agencies and intermediaries play an important role. Agencies can only assign foreigners on a temporary basis to positions that are on the shortage occupation list. Otherwise, temporary assignments from third countries are prohibited. This rule is circumvented by acting as a service provider rather than as an agency. This causes wage dumping of employees and circumvention of the rule of comparable working and wage conditions for employees laid down in the Labour Code. It is referred to as disguised temporary/agency employment. It can be observed in almost every sector, especially industry, services and construction.

Due to the rigidity of the migration legislation, foreigners enter the territory of Slovakia by posting from another EU country with a more liberal policy (Poland, Hungary). It is also implemented by employment agencies. There are a number of cases where the foreigner was not registered for the social security system in the sending country or in Slovakia. The use of agency employment is more typical for the “blue collar” positions. The number of cases of this illegal proceeding is decreasing.

Intermediary agencies offer excellent knowledge of migration processes. They provide advice and arrange the whole process on behalf of their client. This guarantees the desired legal employment of foreigners. This type of advice and service is in demand for White Collar positions, but is also applicable for Blue Collar positions. This way of employing foreigners is equally confirmed in industry, services and construction.

Employers use this type of service for a variety of reasons, most often because the shortage of workers is so acute that they are willing to undergo such unregulated employment of foreigners, aware of the resulting risks – fines from the National Labour Inspectorate and expulsion of workers from Slovakia. Second. A less probable reason is the lack of knowledge of the legal regulation, when the employer cannot assess the legality of the procedure of such a pseudo agency in a relevant way. Discussions with placement agencies and employment agencies show that if companies are not in a time crunch or do not have a predetermined interest in underpaying foreign employees, they prefer the legal way of employment and establish contracts with “clean” and experienced agencies. For many of them, it is the knowledge of legal practices and developed procedures that have even become a competitive advantage protecting the interest of their clients. The boom of agencies that have built their core business on third-country employees can be seen especially after the large and well-publicised cases in 2017 and 2018.

More on this type of agency employment is discussed in the individual sector analyses and interviews later in this report.

## The grey economy

Another negative phenomenon causing wage dumping of foreign workers is the so-called grey economy. An employee has a properly concluded employment contract but with the lowest possible basic wage allowed by law. The rest of the wage is provided to the employee unofficially in cash. This cash money is not recognised as regular income and neither the employee nor the employer pays social security contributions and taxes on it. It is a fact that the informal economy is developed mainly in the case of domestic employees, but it is also realised in the case of foreign workers. The provision of part of the wage in hand also has an additional social dimension for the employee’s future. As a result of lower social and health contributions, in the event of sickness, unemployment or retirement, the employee receives lower social benefits than he or she would be entitled to on full official earnings. However,

these effects are dissuasive and negative only for foreign workers who remain permanently in Slovakia. However, this phenomenon can also be classified as an inappropriate practice.

This is also a phenomenon that occurs in employers without established company collective bargaining. The existence of such collective bargaining increases the chances that employee representatives will draw the employer's attention to inappropriate remuneration and demand redress or turn to the supervisory authorities.

The informal economy is particularly typical of sectors with a national average wage close to the minimum wage – such as services, catering, tourism, etc.

## Brain waste

This topic touches on the arrival of workers from abroad to Slovakia, but also on the outflow of qualified Slovaks abroad, where Slovakia ranks at the top in the EU. This connection was pointed out in several interviews conducted in this report. However, from the point of view of workers from third countries, the impact of regulation for higher skilled positions and the difficulty of recognising qualifications obtained mainly outside the EU is noticeable. Recognition or non-recognition of qualifications results in even a skilled worker from a third country performing a less skilled or unskilled position in Slovakia. The greatest barriers to the recognition of qualifications are manifested in the so-called regulated professions, where foreign workers have to pass nostrification exams in addition to the recognition of the diploma or degree itself. The procedural complexity often results in the foreigner's qualifications not being recognised and working in a lower level job.

Sectors such as health, construction but also research and development are the most affected. More on the topic in the sectoral interviews later in this report.

## National social dialogue

Representative representatives of employers and employees are members of the consultative and deliberative body of the Government of the Slovak Republic – the Economic and Social Council of the Slovak Republic (Tripartite), where they present their comments on the adopted draft laws. Migration legislation is an important part of the national social dialogue. However, it is mainly of interest to employers, who are mainly concerned with procedural matters concerning residence and employment permits.

In contrast, employee representatives are more concerned with the social aspect of the employment of third-country nationals. Foreign employees are also given access to their structures. Although trade unions do not oppose the liberalisation of legal frameworks, they stress the need for companies to give preference to the employment of domestic workers. They also point to the need to make active labour market measures more effective, given the high proportion of long-term unemployed and the higher rate of graduate unemployment. Preventing and eliminating exploitation is important to them.

## Collective bargaining

Collective bargaining takes place at both sectoral and company level. The automotive industry and the health sector are traditional well covered by the trade unions. There is also strong representation in the construction and services sectors. Platforms are not considered as a separate sector. Sectoral collective bargaining is covered by higher-level collective agreements. These are characterised by the negotiation of framework conditions for employees. In 2021, the scope of higher-level Collective Agreements has been limited and their conclusion is no longer automatically extended to all enterprises operating in a given sector, but only to those who sign it. Employee representatives consider this move to undermine collective bargaining.

Rather, company collective agreements offer more specific adjustments to working conditions. The content of such collective agreements also applies to non-unionised employees, foreigners and agency workers. The existence of collective agreements and the supervision of a trade union thus ensure the necessary social protection for all employees of an undertaking. It does not, however, apply to employees of service providers (disguised agency employment) or to illegally employed persons (seconded workers, unauthorised workers). However, these are examined individually by the supervisory authorities on the basis of their own findings and suggestions from the social partners.

## Capacities of the social partners

The professional capacities of the social partners are modest. The sectoral social partners usually do not have experts and specialists on the subject. The national social partners are better off. Operational programmes and national projects, which finance the salaries of such experts, are also used to strengthen the expert capacities of the social partners. There is a diversification of tasks between sectoral and national social partners. The sectoral ones concentrate on researching the issues of their members and their current or application problems. Expertise, advocacy and media coverage is transferred through the membership to the national partners.

In the context of the COVID-19 pandemic, the role of the social partners has become fully apparent. Employers' representatives acted as an information channel on the anti-pandemic measures being introduced towards employers, analysed the impacts and communicated the needs of companies towards the government. Employee representatives, on the other hand, contributed to maintaining employment and negotiated remuneration for employees in times of tough lockdowns. They defended rights of medical staff and highlighted worsening conditions (overtime or inability to take leave).



## Sector: Metal – automotive

### Organizational capacities

5 targeted interviews were conducted in this sector: 2 employers, 1 employers' organisation representative and 2 trade unions. In addition, the sector included a discussion with an expert from the Central Office of Labour, Social Affairs and Family, the National Labour Inspectorate, the Bureau of Border and Foreigners Police of the Presidium of the Police Corps, 1 NGO and 2 representatives of placement/employment agencies.

The Association of the Electrotechnical Industry of the Slovak Republic is a sectoral association and supplier for the metal – automotive industry. It is also part of the comment procedures on draft laws. It brings together employers in the sector. It is part of many national projects, including the development of sectoral strategies. The Association works closely with trade unions in the automotive and metalworking sectors. These collaborations have been used in interviews.

The metal – automotive sector is one of the industries that is the largest employer in Slovakia (employing up to 23% of the working age population in 2020) and is also the largest employer of foreigners. Statistics on foreigners are kept by SK-ISCO positions and it is not possible to determine the exact number. The information was taken from the document Information on the evaluation of the implementation of the National Employment Strategy of the Slovak Republic until 2020<sup>10</sup>.

Employers' representatives have set up specialised working groups composed of representatives of major companies. These groups then negotiate and publicise the needs of the sector. They also have experts in the field of employment of foreigners who perform cumulative positions and focus on other areas of labour law in addition to the migration agenda (EM01SK23022021). Similarly, there are employee representatives (TU02SK21092021).

Employers are characterised by their own experts on the employment of foreigners. The largest companies even have entire specialised departments (EM02SK26022021). They also use recruitment and consultancy agencies to employ foreigners (RT01SK15032021, RT02SK02042021). The complexity of the legislation also needs legal support and employers and even placement agencies outsource the agenda to their own lawyers or law firms.

The sector (both large and small companies) is very well covered by employers' representatives – the Association of the Automotive Industry of the Slovak Republic, the Association of the Electrical Industry of the Slovak Republic, the Association of Mechanical Engineering of the Slovak Republic, the Association of Aluminium Processors in Slovakia, the Association of Mechanical and Electrical Engineering Industry, the Industrial Innovation Cluster, the Association of Industrial, Research and Development Organisations, etc... Currently the Con-

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<sup>10</sup> [https://hsr.rokovania.sk/222692021%E2%80%9393m\\_opva/](https://hsr.rokovania.sk/222692021%E2%80%9393m_opva/)

federation of Trade Unions of the Slovak Republic and the Joint Trade Unions of the Slovak Republic have the largest trade union representation in Slovakia. Foreigners are treated in the same way as other employees of the organisation and are allowed to join trade union structures and are also covered by collective bargaining (TU02SK21092021).

The sector is also the subject of research by experts on the employment of foreigners.

The need for foreign labour is also supported by sectoral councils (including the sectors surveyed). They have been created in line with the EU project Sector-Driven Innovation and this is the second such project implemented in Slovakia. The project identifies the strategy and needs of all sectors of the Slovak economy, including Metal – automotive. The aim of this and other similar activities is to link education and labour market needs, also in line with the Recovery and Resilience Plan of the Slovak Republic, with a particular focus on strengthening the skills of school graduates for the needs of work practice<sup>11</sup>. Sector strategies define the staffing needs and in particular the additional needs of the sector. Data could thus effectively support the need for change in migration policy as well. However, this requires strong political will and the use of data more broadly (RT01SK15032021). More on data is discussed in the first chapter of this report.

## Interpretation of the situation

The sector is exposed to labour shortages in skilled and production positions, specialists and researchers. The sector has reported staff shortages with a gradual decline in the unemployment rate since 2016. This resulted in a change in legislation in 2018 and the adoption of Government Resolution No. 589 of 13 December 2017 “on the draft basis of measures for removing barriers to the sustainable development of the automotive industry in Slovakia”<sup>12</sup> (EM01SK23022021). The document covers the need to analyze the innovation potential of the automotive industry and the establishment of a government advisory body – the Government Council for Employment Development, retraining of job seekers, addressing the change of the education system for the needs of the automotive industry and ensuring a sufficient supply of skilled labour.

Foreigners from third countries who come on the basis of an employment permit must have an employment contract. If an employment permit is not required, agreements may also be concluded for the performance of work outside the employment relationship. For this reason, full-time and fixed-term contracts predominate. Temporary assignment of foreigners has not been allowed in Slovakia for a long time (EX04SK22062021). This has led to an increase in illegal employment of foreigners (EX01SK26032021, EX04SK22062021). Only since 2018 is such temporary employment possible, but only for positions with a shortage of candidates and in regions with an unemployment rate below 5%.

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11 <https://www.employment.gov.sk/files/slovensky/praca-zamestnanost/podpora-zamestnanosti/sri/uvodna-sprava-final-21.5.2019.pdf>

12 <https://www.zapsr.sk/uznesenie-vlady-slovenskej-republiky-c-589-2017/>

In addition to long-term employment, seasonal employment is also typical.

The state itself takes the view that companies want foreigners because they cost less money. Employers' representatives confirm that employing foreigners is more expensive (on average it is 1.3 times the personal cost of a domestic employee) (EM01SK23022021). If employing a foreigner is less costly for the company, it means that it does not provide him/her with the same salary as a domestic employee, thus directly violating the provisions of the Code (EX04SK22062021).

Employing foreigners is seen by the company as a "must have", not a "nice to have" (EM01SK23022021). Employers and employer representatives state that the reason for the shortage of candidates is an inconsistent education system that does not produce enough graduates for the automotive industry.

However, this pattern is repeated for other sectors of this report. Schools that provide education with no correlation to the labour market. The Ministry of Labour, Social Affairs and Family of the Slovak Republic and the Ministry of Education, Science, Research and Sport of the Slovak Republic are also aware of this. The way graduates are employed in the field is monitored by the project "Following the trail of a graduate" and the data is not favourable (EX02SK29042021). The project is based on the first society-wide demand for relevant information on the employment of graduates of secondary and higher education institutions, which would lead to a rationalisation of decision-making of all actors in the labour market and in the formal education system and contribute significantly to the elimination of existing labour market disparities<sup>13</sup>. The website shows that there are only 4 secondary driving schools in Slovakia that are involved in dual education. Although only 1/3 of the graduates (about 120) end up working in the automotive industry and others will work in another sector (wholesale, another type of industry, logistics or administration). Employment in agencies is very important for the metal – automotive sector, as well as for the others featured in this report. These types of agencies are commonly used for recruitment, temporary assignment, placement of suitable candidates from Slovakia or abroad (from countries from/outside the EU). Many employers work with at least one agency. Agencies are mainly interested in long-term and regular cooperation, whereby agencies establish relationships in the country of origin of the employees (RT01SK15032021, RT02SK02042021). However, agency employment is a source of illegal work. There are still companies presenting themselves as service providers, but in reality they are unauthorised employment agencies. This is considered illegal employment and fines are imposed on the companies themselves who have used an illegal employee from this quasi-agency. Nevertheless, firms risk illegal employment because they are exposed to an extreme need to find employees (EX01SK26032021, EX04SK22062021). What is striking is the fact that employers use such pseudo employment agencies in spite of this. Either their situation with workers is so acute that they knowingly take this risk in order to maintain production or they do so out of genuine ignorance of migration processes, i.e.

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13 <https://www.uplatnenie.sk/o-projekte/>

ignorance of the law. However, it is the former reason that is more likely to prevail, even in conjunction with the wage dumping of these workers (EX04SK22062021). The first cases started to be registered around 2016 and it has been occurring to a lesser extent practically until today. Unions have likewise long perceived an increase in foreign workers. In the organisations in which they operate, they oversee compliance with working conditions – equal treatment, remuneration and the exercise of labour law rights (TU02SK15032021). Protection of compliance with working conditions is worse in organisations in which unions do not operate. In general, however, this protection and coverage is high in industry compared to other sectors (TU01SK15032021). Trade unions do not significantly hinder the employment of foreigners. They strongly urge firms to hire domestic workers and cooperate with the state's efforts to reduce the long-term unemployed. They also point out that if companies are willing to incur increased costs to attract foreign labor, they could also use that money to increase the wages of domestic applicants (TU02SK15032021). However, employers disagree with this view. Industry is not a sector that pays wages close to the minimum wage (EM02SK26022021). The shortage of workers is due to an insufficiently skilled workforce (EM01SK23022021).

## Regulation

In both the media analysis and in conducting interviews for this report, all interviewees indicated that there are a number of issues: Complex administration, lengthy procedure, uncertainty in approving work permits (whether the labour office will give approval), lack of foreign police staff, lack of information systems and sending letters (papers) between offices, strong protection of the labour market against the entry of foreign workers, hoaxes about the conditions of employment of foreigners (foreigners cause wage dumping, which is practically impossible in legal employment), cities and municipalities are afraid of foreigners settling in (local fear of an increase in crime).

Compliance with and monitoring of legislative rules is also difficult for foreigners. This is mainly due to the lack of information available in the language of foreigners or in English, the existence of a number of exceptions, the language barrier at the offices, the many administrative obligations and the different procedures of the different offices (IO01SK16032021). The IOM's experience in providing advice to employers shows that legislation in this area is also challenging for employers themselves, who so often cannot themselves be a source of relevant information for foreigners (IO01SK16032021).

Despite the existence of strategic documents in the Slovak Republic that identify specific measures in the field of migration and integration, there is currently no specific document or strategy focused exclusively on integration measures for foreign workers from non-EU/EEA countries in the workplace. There is no other specific strategy for the European Union with regard to foreigners from non-EU countries on the labour market. There is also a lack of an office that would institutionally cover the above-mentioned topics in the field of integration and would participate in their coordination and implementation.

## Strategies and practices

Currently, the biggest challenge is predictability in the employment of third-country nationals. Since the start of the Covid-19 crisis, the issuance of work permits has been suspended and even the renewal of existing permits is problematic. This was an immediate political decision without any discussion and without social dialogue in the Economic and Social Council. We are thus dependent on the will of political leaders (EM01SK23022021).

Employers' unions are rallying and increasing pressure on government officials to soften their decision to restrict the entry of foreigners into the labour market (EM01SK23022021). The main reason for the government's decision is the increase in the unemployment rate, which has reached its highest level of 7.57% (up from 4.96% before the crisis), thus creating the need to increase labour market protection. During the first and second waves of COVID-19, redundancies were made in the service sector (catering, hotels and retail), transport and construction. These employees are not targeted by the automotive sector and are not employable (EM02SK26022).

COVID-19 thus only confirmed the need for legislative changes to avoid disruption of migration systems based on political will alone. It appears that the worsening unemployment percentage was the sole source for the political decision to restrict the entry of foreign workers into Slovakia without considering other labour market attributes (RT01SK15032021).

The above information was also consulted with the Ministry of Labour, Social Affairs and Family of the Slovak Republic. The Ministry is aware of the pressure from social partners and companies, the shortage of workers in key sectors and the mismatch between the labour market and education. A cross-cutting document Strategic Priorities for Employment Development in the Slovak Republic with a view to 2030 is currently being prepared. It defines the key challenges and needs of the labour market in Slovakia. As a result, ministerial strategies and new national projects will be developed. However, the adoption of action plans and the implementation of measures to reflect the current labour market needs at a given time is very slow and comes too late. Changes proposed by the state without consulting the social partners or incorporating their views are simply not incorporated into the strategy. Only minor changes are adopted, which are often insufficient for practice, unsystematic and only add to the complexity or opacity of the process. Migration policy deserves the adoption of a comprehensive strategy and, at the same time, its full implementation, not just the selection of a small number of measures. Thus, it is not necessary to make only minor legislative amendments or to launch a proper so-called 'major amendment', even though this could easily mean amending several pieces of legislation (EM01SK23022021).

## Social dialogue and collective bargaining

Metal – automotive industry is the most important industry in Slovakia and has always determined the need for migration. It is very well covered by social dialogue (it is a leader in

this area) and has a strong influence on the development of legislation in Slovakia. The role of these partners is therefore important.

The attitudes of employee representatives and employer representatives towards the employment of foreigners appear to be comparable on the basis of the discussions. Employers' representatives, who are also the main actors in the negotiations with the government, are more concerned with this issue and their interest is more on the legislative and procedural level. As already mentioned in the report, employee representatives oversee compliance with working conditions, which must be the same for Slovaks and foreigners.

The Association of the Electrotechnical Industry of the Slovak Republic belongs to the metal – automotive sector. It is part of collective bargaining – higher-level collective agreements for the electrotechnical sector. These sectoral collective agreements do not contain significant provisions on the employment of foreigners. This rule also applies to the mechanical engineering sector, under which the metal-automotive sector also falls.

However, the employers, employers' representatives and employee representatives interviewed reported a strong influence of political will on the realization of migration and integration policy measures. Discussions are very challenging, although they are ongoing, their conclusions are not reflected in government policy (EM01SK23022021). There is thus a feeling that the state does not take into account the views of these social partners and only formally fulfils its role in the social dialogue, while there are also instruments in place to circumvent the social dialogue – e.g., by tabling parliamentary and amending proposals that are not included in the social dialogue (EM01SK23022021).

## Recommendations

The issue of regulating the employment of migrant workers from third countries is very important. The participants consider the overall change in the state's approach to the employment of foreigners to be very important. The processes are very lengthy, bureaucratic and the outcome is unclear. Unfortunately, employers do not have confidence in the decisions of labour offices. Companies do not feel that the authorities want to help them, but only create barriers.

Employers point to the need to change the methodological approach to creating the list of shortage occupations, which is based on historical data and not on the needs of the sector and future trends. It is necessary to open up the labour market, to establish bilateral relations with the origin of workers, to develop higher strategies in the field of migration and integration.

The interviews resulted in the following recommendations:

- make legislative and methodological adjustments (e.g., introduce a comprehensive assessment of the labour market situation, identify key positions that are subject to

shortened schemes and fast track schemes will be introduced, operate blue cards for highly skilled professionals, shorten, simplify and administratively limit all schemes for the employment of foreigners),

- meet the needs of the labor market through close cooperation between ministries (e.g., joint action by the Ministry of Labor, social affairs and family and the Ministry of Education, Science, Research and Sport in identifying the necessary fields of study),
- prepare draft laws in cooperation with employee and employer representatives (e.g., the Recovery and Resilience Plan was prepared without the participation of the social partners),
- in the case of significant legislative changes, do not use parliamentary proposals but normal legislative procedures, including the social partners,
- rethink the communication strategy on migration in Slovakia – political will, not expertise and national strategies, decides the rules on migration,
- Increase financial support and continue to implement programmes to support the employment of at-risk jobseekers (long-term unemployed, disabled, graduates, mothers/fathers after parental leave),
- implement guided retraining courses for jobseekers in line with the economic strategy and introduce lifelong learning,
- align labour market needs with the education system,
- increase integration support for foreigners (create contact centres, language courses, facilitate permit renewal, promote rental housing, etc.),
- Ensure the interconnection of the information systems of all participants in the procedure for obtaining a residence permit,
- make the publication of the methodology for granting work permits compulsory, thus eliminating the individualized approach of the labour office,
- strengthen the protection of foreigners and provide them with the possibility of legal employment in Slovakia (prevention of exploitation).

## Sector: Services

### Organisational capacities

4 targeted interviews were conducted in this sector: 1 employer, 1 employer organisation representative and 2 trade unions. In addition, the sector included a discussion with an expert from the Central Office of Labour, Social Affairs and Family, the National Labour Inspectorate, the Bureau of Border and Foreigners Police of the Presidium of the Police Corps and an NGO.

The service sector is probably the second largest employer in Slovakia (employing up to 18% of the working age population in 2020). The nature of the activities carried out does not allow for large-scale employment of foreigners as in industry.

In HORECA and retail, the sector is heavily covered by employers' representatives (Association of Hotels and Restaurants, Modern Benefits Association, Alliance of Slovak Gastronomy, Association of Tourism, Association of Commerce of the Slovak Republic, etc.). The role of the representatives was particularly prominent during the COVID crisis, when, as the most affected sector, it had to mobilise and obtain state financial support. Employers were, and still are, most often compulsorily closed when the situation with COVID-19 worsened. The issue of employment of foreigners is addressed by employee representatives only in a minority, it is not their main interest.

Companies deal with the employment of foreigners independently. They have their own experts and make extensive use of specialized agencies.

Especially in the case of large retail companies, there are employee representatives. Collective agreements (company and above) are concluded in the sector – Confederation of Trade Unions of the Slovak Republic or Joint Trade Unions of the Slovak Republic. The SME sector is much less involved.

### Interpretation of the situation

The sector is facing labour shortages. This is mainly due to low wages, high staff turnover and low candidate interest (EM08SK13042021).

The grey economy is quite common in this sector, where part of the wages is paid legally and part of the wages are paid illegally, so called in hand/cash outside the social and tax system (I001SK16032021). The sector is further characterised by a low average wage, which is only around 65-70% of the national average wage, which leads to employee volatility and increased employee turnover<sup>14</sup>. This is not helped by working non-standard hours (EX02SK29042021). The services are also a frequent source of undeclared work – without a properly concluded employment contract, or so-called 'trial work' is practised. Probation-

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14 [https://www.ip.gov.sk/wp-content/uploads/2021/04/Spr%C3%A1va-o-stave-ochrany-pr%C3%A1ce-za-rok-2020\\_tabu%C4%BEk.pdf](https://www.ip.gov.sk/wp-content/uploads/2021/04/Spr%C3%A1va-o-stave-ochrany-pr%C3%A1ce-za-rok-2020_tabu%C4%BEk.pdf)



ary work means that the employee works 1-3 shifts and only when he/she has proved himself/herself during these shifts does he/she enter into an employment contract with the employer, which is illegal. These are the sectors defined by the SK NACE G and I code in the annual report of the National Labour Inspectorate. The informal economy is typical of restaurants and hotels. Less so in retail and internet shops (EX04SK22062021).

The most common way of employing foreigners is contracting foreigners with existing permits or for seasonal work. Employment of foreigners without work permits is also common. For the sector, language skills in Slovak are important as they come into contact with customers. If they do not know the language to any level they can only do jobs without customer interaction, such as kitchen helpers or cleaners (EM08SK13042021). In the case of industry, language skills are provided by e.g., a shift supervisor who speaks Slovak and the language of his/her subordinates.

In the context of COVID-19, the service sector (especially catering and hotels) is facing an acute shortage of staff. Redundant workers have been employed in other sectors or are not interested in returning (EM08SK13042021). This is confirmed by the statistics on the number of job vacancies, where the sector advertises the highest number of vacancies ever<sup>15</sup>. This sector can be expected to deal with the effects of COVID-19 for approximately 2 years.

The trade unions are aware of the recruitment and retention problem in this sector and are not preventing the arrival of foreign workers. They consider compliance with legal employment as well as remuneration to be important. In particular, they consider the main reason for the shortage of employees to be the wage assessment, which they consider to be very low compared to the average wage in Slovakia, and they are particularly aware of the impact of the grey economy. The help to the sector is to increase the minimum wage, thus regularising as much of the employees' wages as possible, to increase inspections by labour inspectorates in such risky sectors, to raise awareness among employees about the impact of the grey economy on their future (TU02SK21092021).

This sector is prone to violations of working time conditions. It is common to work nights, weekends and holidays. The trade unions will support proposals to restrict opening hours, e.g., on Sundays, in service establishments, as is common abroad, and call for an adequate increase in bonuses for working at such non-standard hours (TU02SK21092021).

This sector has also been exposed to labour shortages for a long time, also due to low interest in the required fields of study. Employers work closely with secondary schools on compulsory apprenticeships for pupils or operate a dual education system. Such links are already in place with foreign countries, e.g., with Ukrainian secondary schools (EM08SK13042021).

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15 <https://firma.profesia.sk/blizsi-pohlad-na-rok-2020-na-trhu-prace-pocet-ponuk-nepresiahol-200-tisic-sa-stalo-naposledy-v-roku-2014/>

## Regulation

The biggest problem in the sector is the aforementioned illegal work and the grey economy. However, employers' representatives are changing the reputation of the sector and professionalizing towards the government. Many employers are beginning to realise the competitive advantage of employing legally and providing full wages on a labour contract. As a result, employees are more likely to choose an employer from job offers who practices maximum legality. The fact that the underground economy still exists is due to 2 factors. Employees in the grey economy can realistically earn a higher wage in net pay, which is still a benefit for them in the short term, especially if they have various executions. Secondly, the higher the personnel costs such an establishment has, the higher the prices for its services, which in a competitive environment means an upfront lost battle and loss of customers (EM08SK13042021).

Employee representatives eliminate problems in wage policy and “clean/legal” employment, and also point to the need to adopt government policies to combat foreclosures – financial education or support the establishment of counselling services.

Foreign workers also come here on temporary residence permits for employment purposes. Preference is given to long-term permits but also to seasonal work. During the COVID crisis, the labour market restricted the extension of work permits and limited the arrival of new foreigners. In 2020, the number of business permits increased and foreign workers switched to trade licenses. In its report, the Bureau of Border and Foreigners Police of the Presidium of the Police Corps confirmed a significant increase of foreign entrepreneurs in Slovakia (EX01SK26032021). Statistics by sector are missing, but have been confirmed for the service and especially construction sectors<sup>16</sup>.

## Strategies and practices

The main strategy of the sector is mainly to limit the gray economy. It is clear from the interviews that mainly domestic and smaller companies tend to break the law (tax and social). International and network companies are changing their strategy and operating transparently. Employees also respond and prefer an organization that operates legally. The sector is significantly establishing cooperation with secondary schools. Employers hire employees during their studies to ensure a sufficient number of employees. Employees prefer reputable employers.

Competent inspection authorities are also aware of the way in which the sector operates and controls focus on high-risk companies. Companies invest in the employer's brand.

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16 [https://www.minv.sk/swift\\_data/source/policia/hranicna\\_a\\_cudzinecka\\_policia/rocenky/rok\\_2020/2020-rocenka-UHCP-SK\\_revid.pdf](https://www.minv.sk/swift_data/source/policia/hranicna_a_cudzinecka_policia/rocenky/rok_2020/2020-rocenka-UHCP-SK_revid.pdf)

## Social dialogue and collective bargaining

At the beginning of the talks, it was assumed that the sector was not covered by collective bargaining. However, several employers' associations and trade unions were identified in the market. Particularly during the crisis, COVID developed significant activity. However, the sector is not fully established in the higher social dialogue associations. Legislation is not being developed with their active participation. Overall, the service sector is not significantly active at national level.

Surprisingly, a number of enterprise collective agreements and higher-level agreements were found<sup>17</sup>. The contracts do not specifically address the employment of foreigners in the same way as the other sectors in this report.

## Recommendations

The sector's main recommendation should be:

- reduce the informal economy – it is clear from the interviews that domestic and smaller firms in particular tend to break laws (tax and social),
- multinational and network companies change their strategy and operate transparently – employees also respond and prefer an organization that operates legally,
- invest in the employer brand – particularly abusive employer behaviour towards employees as well as poor quality service delivery is a topic of discussion on social media,
- the sector is engaging strongly with secondary schools. Employers are recruiting employees already during their studies to ensure sufficient staff. Employees prefer reputable employers,
- competent inspection bodies are also familiar with the way the sector operates and inspections target high-risk companies,
- increase trade union representation and make the sector more proactive in social dialogue at national level.

## Sector: Construction

### Organizational capacities

2 targeted interviews were conducted in this sector: 1 employer and 1 employer organisation representative. In addition, the sector included a discussion with an expert from the Central Office of Labour, Social Affairs and Family, the National Labour Inspectorate, the Bureau of

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<sup>17</sup> <https://www.employment.gov.sk/sk/praca-zamestnanost/vztah-zamestnanca-zamestnavateľa/kolektívne-pracovnoprávne-vztahy/kolektívne-zmluvy/zoznam-kolektívnych-zmluv-vyššieho-stupňa/obchod-cestovný-ruch.html>

Border and Foreigners Police of the Presidium of the Police Corps and an NGO.

The Association of the Electrotechnical Industry of the Slovak Republic is a member of the Association of Industrial Unions and Transport. It also includes the Association of Construction Entrepreneurs of Slovakia, which actively participates in the field of employment of foreigners of this higher association.

The construction industry employed up to 7.5% of the working age population in 2020 and is a significant employer of foreigners. Statistics on foreigners are kept by SK-ISCO positions and it is not possible to determine the exact number in the sector. The information is taken from the document Information on the evaluation of the implementation of the National Employment Strategy of the Slovak Republic until 2020<sup>18</sup>.

Employers' representatives communicate with the membership and represent their needs in the social dialogue. They contribute significantly to the preparation of legislative proposals in this area. Employers' representatives include the Association of Construction Entrepreneurs of Slovakia, the Slovak Chamber of Civil Engineers, the Slovak Association of Civil Engineers, the Society of Architects of Slovakia, the Slovak Chamber of Commerce, the Slovak Trade Association and others.

Large companies (over 250+) are characterised by their own experts in the employment of foreigners. Among the frequently filled positions in this sector are tradesmen/artisans.

Large companies are usually covered by collective bargaining. Discussion was with the trade union, the Confederation of Trade Unions of the Slovak Republic, which has limited coverage of this sector. This sector is covered by a higher level representative collective agreement<sup>19</sup>.

The sector is also typically the subject of research by experts on the employment of foreigners.

The need for foreign labour is also supported by sector councils (including the sectors this national report has selected). They are set up in line with the EU's Sector-Driven Innovation project. They identify the strategy and needs of the sector. The strategies are currently being updated. The aim of the project is to link education and labour market needs in line with the Recovery and Resilience Plan of the Slovak Republic, with a particular focus on strengthening the skills of school leavers for the needs of the labour market. In the development of sector strategies, the sector's need for skilled workers is defined and space is created to strengthen migration.

## Interpretation of the situation

The sector is characterised by high seasonality. The work of employees (except for operational staff) is temporary and project-based. The sector faces a shortage of skilled workers and, as in the other studied sectors, appears to have an inconsistent training system (EM05SK12042021).

<sup>18</sup> [https://hsr.rokovania.sk/222692021%E2%80%93m\\_opva/](https://hsr.rokovania.sk/222692021%E2%80%93m_opva/)

<sup>19</sup> <https://www.employment.gov.sk/files/slovensky/praca-zamestnanost/zamestnanec-zamestnavatel/kolektivne-pracovnopravne-vztahy/kolektivne-zmluvy/zoznam-kolektivnych-zmluv-vyssiho-stupna/kzvs-na-roky-2012-2015-medz-ioz-a-zsps.pdf>

One of the typical forms of employment is self-employment – trade licenses. The State is planning a reform in the recognition of education (IO01SK16032021). At present, it is envisaged that the state will allow recognition of qualifications even without formal education – on the basis of declared experience. Employers in the sector do not agree with this approach due to concerns about the reduction of knowledge and skills of potential workers (EM05SK12042021).

There is a high proportion of foreign nationals in the sector. It is difficult to define this number. These are both core and trade employees. During the pandemic, the labour authorities reduced the number of work permits and third-country nationals started to make greater use of business permits (EX01SK26032021). The authorities may assess the use of business as circumventing the Labour Code – employees are de facto performing dependent work and should have a work contract and have employment as the purpose of their stay (EX04SK22062021).

In Slovakia, the share of craftsmen – bricklayer, carpenter, plumber, tiler, etc. – is constantly decreasing. There is little interest in the study fields. Companies use all possibilities to compensate for the lack of qualified employees by applying the grey economy, illegal employment and employment of foreigners without employment permits or with an inappropriate type of purpose for temporary residence. Firms are thus willing to take risks if the state imposes legislative barriers and fails to address systemic flaws in education (EM05SK12042021). This has also been confirmed by the Bureau of Border and Foreigners Police of the Presidium of the Police Corps or the National Labour Inspectorate.

In addition to the use of residence permits for business purposes, agency employment through pseudo-agencies, which are not licensed and provide a service instead of work, is also a significant part of the problem (RT01SK15032021). Thus, these are not official employment agencies, but rather temporary assignment of employees, including through the secondment of employees from other countries that have a more liberal migration policy than Slovakia. This is classified as illegal employment (EX04SK22062021). Employers are aware of the non-compliance with the law, but state that otherwise they would not be able to fulfil their obligations and the state will not address the labour shortage situation (EM05SK12042021).

In this sector is also perceived the same problem as in the case of services – the informal economy. Payment of employees' wages outside the social system and taxes (EX04SK22062021).

Trade unions focus on compliance with employment conditions and OSH in particular (TU01SK15032021, TU02SK21092021). The application of illegal practices (for both foreign and domestic workers) is considered a serious circumvention of the law and the workers' representatives refuse to tolerate it. The competent authorities draw attention to the violations, but the situation is not improving. On the contrary, they perceive a worsening of

conditions, especially for seasonal workers (TU02SK21092021). The most frequent violations are perceived in the SME segment, but large companies are no exception. Equally negative for them are the informal economy and relatively low average wages.

Covid 19 brought a new aspect – rising input prices, which threaten public procurement in particular. This concerns large (also state) contracts, which, at contracted prices, a company cannot execute without financial loss. This directly threatens jobs, firms exposed to fines for non-performance, which can lead to optimisation of personnel costs (EM05SK12042021). Trade unions point to this threat and recommend opening up contracts to avoid worsening the position of employees and termination of employment (TU02SK21092021). Rising material prices will be compounded by unprecedented increases in energy and fuels at the end of 2021.

## Regulation

The sector is challenging to control compliance with the rules – in particular, third-country workers are employed on short-term work permits, seasonal employment and, most importantly, on trade licenses. Illegal employment is frequent.

Employers do not provide employees with employment benefits as in the industrial sector. These include the provision of accommodation, transport allowances, guaranteed wage conditions.

Legislation is needed to ensure that third-country workers, especially in the case of self-employed workers, have the required qualifications and experience to carry out their activities and that they have sufficient language skills. Recognition of qualifications is problematic. There are no bilateral agreements with countries of origin (Ukraine, Serbia) on the recognition of qualifications.

Trade unions call for increased controls to detect illegal work (including by foreigners) and strict control of financial and tax evasion (grey economy).

## Strategies and practices

The employment of workers from third countries is unfortunately essential for the construction sector (IO01SK16032021). However, it is important to educate foreign workers so that they have access to information on legal practices and the state takes a relevant interest in addressing the migration crisis (EM05SK12042021). They also consider it essential that the state responds and communicates with the sectors on the issue of employment of foreigners. If a company does not employ employees from third countries, it is not affected from a competitive point of view if it has enough Slovak employees (EM05SK12042021). It is necessary for the state to realise that employing employees from third countries is in many cases more expensive for the entrepreneur than employing domestic employees. The position of the sector is similar to that of the service sector. Both sectors declare low average wages.

According to the trade unions, the construction sector should maximise the use of jobseekers for unskilled jobs (TU01SK15032021). The unions do not question the need for foreign power, but only on the assumption that the full potential of the labour market in Slovakia is being exploited and do not think that this is happening (TU02SK21092021).

## Social dialogue and collective bargaining

In the construction sector, a higher-level sectoral collective agreement between the Union of Construction Entrepreneurs of Slovakia and the Integrated Trade Union is concluded within the framework of social dialogue. Equal conditions for domestic and foreign workers are being discussed. No other special conditions of employment of foreigners shall be negotiated. The construction industry is precisely the sector where, due to non-compliance with the law, foreign labour becomes cheaper than domestic workers. And this motivates companies to prefer employees from Ukraine over Slovaks. Trade unions have limited possibilities to protect freelance workers, illegal workers and employment with pseudo recruitment agencies and strongly draw attention to the situation (TU02SK21092021).

## Recommendations

The sector is facing acute staff shortages. Other shortcomings in the sector were the lower employment rate of third-country nationals, in particular in terms of pay, the informal economy and illegal employment. The sector needs to address shortcomings at national level.

Concrete measures in the area of employment of foreigners are not being finalised by the Department itself. They leave the issue to communities such as employers' associations.

## Sector: Healthcare

### Organizational capacities

5 targeted interviews were conducted in this sector: 3 employers, 2 trade unions. In addition, the sector was part of a discussion with an expert from the Central Office of Labour, Social Affairs and Family, the National Labour Inspectorate, the Bureau of Border and Foreigners Police of the Presidium of the Police Corps and the National Centre for Health Information.

In 2020, the health sector employed 7% of the working age population. The information comes from the evaluation of the implementation of the National Employment Strategy of the Slovak Republic until 2020<sup>20</sup>.

It is difficult to find cumulative information in the sector. Indirectly, the International Association of Physicians in Slovakia was contacted in the preparation of this report. In 2019,

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20 [https://hsr.rokovania.sk/222692021%E2%80%93m\\_opva/](https://hsr.rokovania.sk/222692021%E2%80%93m_opva/)

only 879 foreign doctors (467 of them from Ukraine), 351 dentists (155 from Ukraine) and 26 nurses were registered in professional chambers.

According to statistics from the National Centre for Health Information, up to a quarter of doctors and one in three dentists in Slovakia are over 60 years old<sup>21</sup>. While the number of doctors has been growing slightly in recent years, the number of nurses has been declining for a long time.

Media analysis has confirmed the diversity of statistics concerning the number of missing staff: The audit also showed different data and sources in determining the number of missing staff, for example in the documents for 2018 and 2019. “According to the national auditors, reliable data is a key element for the strategic management of the company. This condition also applies to the correct determination of the number of freshmen in secondary medical schools,” the SAO explained<sup>22</sup>. The economic part of this report works with a total number of absentees of up to 38,000 employees in the health sector by 2025.

The sector is heavily represented by employers’ representatives (Association of Transport Health Service, Association of Slovak Hospitals, Association of Polyclinics and Health Facilities, Association of Secondary Medical Schools, Association of Private Doctors of the Slovak Republic, Association of Polyclinics and Health Facilities of the Slovak Republic). health insurers, Association of Outpatient Providers). These employers’ representatives unite the Association of Employers’ Unions and Associations of the Slovak Republic.

Employers’ representatives have established specialised working groups composed of their member organisations. Employment of foreigners is part of their focus.

Companies are characterised by their own experts in the employment of foreigners. They also use recruitment and consultancy companies to employ foreigners. Healthcare positions are classified as regulated occupations. Recognition of professional qualifications is required.

The sector is very well covered by employee representatives (Slovak Health and Social Services Trade Union, Slovak Chamber of Nurses and Midwives, Medical Trade Union). These trade unions unite the Confederation of Trade Unions, a higher tripartite organisation. It falls under the public administration of the country and is also covered by this social dialogue (Ministry of Health).

The sector’s statistics are also poorly covered by the social partners.

## Interpretation of the situation

Healthcare is the 5th sector in the number of job openings. It is characterised by the requirement for highly qualified employees. There is a particular interest in job offers from Ukraine (EM03SK30032021).

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21 [http://www.nczisk.sk/Statisticke\\_vystupy/Tematicke\\_statisticke\\_vystupy/Pracovnici\\_zdravotnictve/Pages/default.aspx](http://www.nczisk.sk/Statisticke_vystupy/Tematicke_statisticke_vystupy/Pracovnici_zdravotnictve/Pages/default.aspx)

22 <https://www.teraz.sk/slovensko/nku-pacienti-pocituju-nedostatok-ses/569739-clanok.html>



The most in-demand occupations are: doctor, dentist, pharmacist, nurse and midwife. They are classified as regulated occupations and require secondary or higher vocational education. The process starts with the recognition of educational and professional qualifications (nostrification) and the subsequent passing of a professional examination.

In particular, private companies report a high professional demand for examinations. A low percentage of applicants from third countries pass the tests (EM03SK30032021). This significantly reduces the possibility of foreign workers coming. Although there is a long-standing shortage of health workers, the state has not proposed any concrete strategy to reverse this situation. The situation with COVID-19 has all escalated, but there is still no solution on the table (EM06SK12042021).

At the same time, however, interviewees also confirmed the increase of foreigners in the health sector. However, due to the problematic recognition of qualifications, they are mainly doing auxiliary work. The destination countries of third-country workers are other EU countries – in particular Germany or Austria. In addition, Slovakia faces another problem – the outflow of our health professionals abroad (EM03SK30032021)

The situation is also complicated by the recruitment methods abroad. Recruitment is not a mass recruitment process; the subject of the process are mostly individuals or small groups of employees. This is a marked difference from the industrial sector, where recruitment is easier and more interesting for intermediaries, because of the relatively low qualifications required (RT01SK15032021).

COVID-19 The situation in the health sector is escalating. The first and second waves of the pandemic prevented staff from taking leave and were associated with a high number of overtime hours. The third wave of the coronavirus exacerbated health staff fatigue. The unions openly took sides, rejecting the disproportionate imposition of overtime and calling for a solution to the situation in the health service (TU02SK21092021). In particular, the Ministry of Labour has in recent days declared a change in the conditions for the arrival of employees from third countries for medical positions. The conclusion of collective agreements for the next period was also problematic. The trade unions have demanded a significant increase in wages for health workers, while the state has refused to increase them. An agreement was finally reached on a 4% increase, to which the health workers responded with a series of protests. The government offered to pay them a one-off bonus, a totally un-systematic and short-sighted move for the situation in the health sector (EM03SK30032021).

The number of health workers also affects education. There is almost twice as much interest in studying at vocational schools and colleges as there is capacity in schools (EX03SK19052021). However, schools themselves are often limited by technical equipment and its obsolescence due to low school funding. This situation has been repeatedly highlighted in the past by employers and social partners. Even if the number of students in secondary and higher education were to increase, this would take 4-5 years at the earliest and 10 years

for doctors with compulsory certification.

At present, there is no other way out but to open Slovak health care to foreign workers (IO01SK16032021). If a high average age of health workers is already prevailing, an inevitable intergenerational replacement can be expected (EX03SK19052021).

## Regulation

Employing a non-EU/EEA foreign worker in the healthcare sector is not easy and although Slovakia has a shortage of healthcare workers, only a small number of foreigners work in the healthcare sector. For most health professions, it is a regulated profession where recognition of professional qualifications takes several months and is complicated by disproportionately high fees for taking additional examinations compared to the neighbouring countries, non-transparency and different testing methods, lack of common standards for board examinations, opaque preparatory training seminars, language courses for health professionals and language exam dates (IO01SK16032021, RT01SK15032021, RT02SK02042021, EM03SK30032021).

The other side of the case is the recognition of documentation. Bilateral agreements on recognition of qualifications between Slovakia and e.g., Ukraine (IO01SK16032021).

## Strategies and practices

Employers are working to change the recognition of education and reduce the conditions of regulated permits. They are also looking for solutions to reduce the outflow of health professionals abroad.

What is striking is the fact that the government itself cites the problem of staff shortages, having promised in 2018 to adopt a strategy and address the situation immediately. However, this has not happened to date, with virtually no relevant changes made in this regard. In addition, both employee and employer representatives jointly claim that the Ministry of Health does not communicate with them at all on this issue. They are asking the Ministry of Health for a joint meeting, which the Government is not responding to. Currently, the situation is also of interest to the media, which regularly reports on protests by health workers in various cities in Slovakia. However, the government is advocating the adoption of the so-called national visas, which should facilitate the arrival of highly qualified workers. However, here again it is shown that this is legislation that the government has prepared and adopted on its own, without the cooperation of any of the parties concerned. The aim of both workers' and employers' representatives is the need for the government to communicate its intentions in advance and to implement them only after discussions with the professional public.

## Social dialogue and collective bargaining

Social dialogue in the health sector is provided by both public and private health care providers. A significant part of the social dialogue is covered by the State on its behalf. Private providers are represented by a number of employer and employee representatives.

Collective agreements are in place but, as in other sectors, there are no specific provisions on the employment of foreigners<sup>23</sup>.

Both trade unionists and employers agree on the significant shortage of staff and the need for a strategic approach to health care. They also call for increased funding, improvement of the technical condition of health facilities (TU01SK15032021, TU02SK21092021, EM03SK30032021, EM06SK12042021, IO01SK16032021).

Employers are more important in addressing the legislative level and demand a change in the system, including simplification of access for third-country health professionals to Slovakia. Trade unions emphasize the improvement of working conditions for health workers and, particularly in the context of the COVID-19 pandemic, call for respect for the scope of overtime work and the use of holidays.

The financial situation in Western European countries is naturally better than in Slovakia. It offers higher financial remuneration and a better working environment. Following the liberalisation of the labour market, there has been a significant outflow of the young and middle generation of Slovak health professionals abroad. The primary objective of political efforts should be to retain Slovak health workers and attract them back from EU countries. Positive incentives for health workers, such as the allowance for starting work in Slovakia, the 13th salary for 5 years or a progressive notice period, could be a solution to this problem (TU02SK21092021).

## Recommendations

Especially in the area of health, it is important for the Slovak Republic to take measures to:

- increase the attractiveness of the environment for foreign health workers from non-EU countries,
- simplify the recognition of professional qualifications<sup>24</sup>,
- reduce the outflow of health professionals abroad by making working conditions more attractive,
- increase the number of medical graduates,
- increase the number of medical school graduates and improve the material and technological equipment of schools,

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23 <https://www.health.gov.sk/Clanok?kolektivna-zmluva-2019>

24 <https://www.minedu.sk/recognition-of-completed-foreign-education-on-pursuit-of-regulated-profession-in-the-slovak-republic/>

- increase the financing of education and health facilities and hospitals (improve the equipment and technical condition of buildings),
- adopt and effectively implement health strategies, including migration and integration policies,
- take measures in the health sector only after consultation with the professional community.

## Sector: Platform

### Organizational capacities

In this sector, 3 targeted interviews were conducted: employer representative, employer and employee. In addition, the sector included a discussion with an expert from the Central Office of Labour, Social Affairs and Family, the National Labour Inspectorate, the Bureau of Border and Foreigners Police of the Presidium of the Police Corps and other intermediary support non-governmental organizations (NGOs).

The discussions did not provide a comprehensive view of the employment of foreigners in the Ministry.

The concept of platform is not known in Slovakia and it is difficult to obtain relevant data. Platforms are not formally defined in the country's economy. Depending on the focus of the firms, they can be classified in the information technology or transport sectors. The share of employment cannot be identified.

There are no employer or employee representatives registered in this sector.

Firms do not focus on employing foreigners and do not have the capacity to do so. There are foreign workers in their structure, but their employment can be defined as casual. At the time of hiring, they had a residence and work permit or a business license.

### Interpretation of the situation

Platforms can be divided into several groups – transport of people, transport of goods, sale of goods, delivery of services, etc.

The topic of platforms abroad is topical and alive despite the fact that in Slovakia it is little heard of. At the heart of the issue is the question of the classification of persons in relation to these platforms under the heading 'employee' or 'sole trader'. There is no doubt that both are specific and carry with them a number of different rights and obligations, which is why it is important, and sometimes crucial, for these companies to maintain the correct legal status.

In Slovakia, the Uber case resonated earlier in terms of the conflict with taxi companies and a court case from 3 years ago in which it was decided that the Uber service must comply with the same conditions that apply to ordinary taxi companies (EM04SK11042021). And it was this quarrel between the taxi companies and the platform that led to the change in the legislation. Put simply, if a person does not have a taxi license, they must be in the employment of the entity that owns it. Interviewees confirmed that even this change did not clarify this situation.

While abroad the courts decide on platforms at the initiative of employees' representatives, in Slovakia the issue is relatively stagnant. These foreign decisions are also inconsistent. The UK and the Netherlands have confirmed that this is dependent work (governed by the Labour law), e.g., France has opted for independent service – self-employment (EX-04SK22062021).

This 'quasi' sector is not actively involved in the employment of foreigners. Interviews show that this sector does not have clear conditions of employment (EX02SK29042021). Employees at the company's headquarters work on either a main employment contract or an agreement for work performed outside the employment relationship. Drivers and couriers are employed on agreements, but also on trade licenses or have to have their own taxi licenses. This causes a problem when labour inspectors carry out inspections (EX04SK22062021). When dealing with the Central Office of Labour, Social Affairs and Family, they perceive the circumvention of legal employment through trade licenses. There is no uniform methodology for assessing these cases and inspections are carried out on a case-by-case basis.

The interviews confirm that the social partners have a shortage of staff involved in the employment of foreigners in the sector. The number of foreign workers reportedly does not exceed the number of domestic workers; rather, it can be said to be at a relatively low level and is disorganized. After a deeper discussion, cases of illegal employment of third country nationals and cooperation with employment agencies abroad were confirmed (WK-01SK09042021).

## Regulation

It is no longer possible to provide a driver for passenger transport only on a trade license. Since 1.4.2019 there have been changes in the Road Transport Act and a taxi driver can work as follows:

- on the basis of an employment contract concluded with the taxi operator,
- on the basis of an agreement for work outside the employment relationship concluded with the taxi operator,
- on the basis of a commercial contract ('trade'), but here it is necessary to have already obtained a permit from the transport authority – a taxi license.

Other forms of platforms are regulated in accordance with the Commercial Code, the Civil Code or the Trade Licensing Act.

However, with regard to the employment of foreigners, the absence of a sectoral definition does not restrict access to employment for third-country nationals. Any employer can apply for the employment of foreigners, and the positions generated by the sector are part of the abbreviated processes (list of occupations with shortage of employees) (EX02SK29042021). Inspections by the labour inspectorates assess compliance with the law on a case-by-case basis. As self-employment as well as employment are commonplace, various decisions of inspectors are not excluded (IO01SK16032021).

## Strategies and practices

In order to better control and monitor the sector, it needs to be defined (EX02SK29042021). Employers take advantage of the current legislative situation and use all possibilities to recruit workers – on employment contracts or self-employed. It is important to note that when it comes to the form of the employment relationship, they always assess the parameters of cooperation in advance and only then choose the form. However, due to the shortage of drivers in particular, they also have to adapt to the preferences of the candidates (EM09SK25052021).

Despite the employers' claims that they are acting in a fully legal manner, the supervisory authorities view the situation less positively. As noted, the number of such breaches of legal employment in the platform sector cannot be quantified (EX04SK22062021).

However, an interview with a platform worker revealed a different perspective. The employee was working under a taxi concession. He was interested in switching jobs but was not allowed to do so. On the contrary, there is a declared pressure from the organization to move employees from employment to trades or to set up concessions (WK01SK09042021).

## Social dialogue and collective bargaining

This sector is not covered by social dialogue and collective bargaining.

## Recommendations

These recommendations can be defined in the platform sector:

- coverage in the field of labour relations is adequate given the absence of the sector – existing court decisions abroad confirm that states are able to provide protection and legislation to the sector, these court proceedings are based on union submissions,
- defining platforms as a new sector – platforms have long been discussed at EU level and it is clear that this is a new type of sector that countries should address at nation-

al level. The EU P2B Regulation<sup>25</sup> introduces new rules into the relationship between online platforms and commercial users to promote fairness and transparency for commercial users and to address unfair contract clauses and commercial practices,

- effective controls by inspection authorities – the issue of platforms is not included in the general methodologies of the competent authorities; interviews revealed a different approach to labour inspectors,
- regulation of employment of foreigners – interviews also confirmed a shortage of employees (drivers) and companies use both legal and illegal methods – also in this sector an increased number of resident permits for the purpose of business can be foreseen.

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25 <https://www.dentons.com/en/insights/alerts/2020/november/6/the-p2b-regulation-new-eu-rules-for-platform-providers>

# Conclusion



One of the main challenges facing the Slovak Republic in this area is the dynamically changing situation on the labour market accompanied by economic growth. With the unemployment rate in the Slovak Republic falling, the most significant component of legal migration to Slovakia is migration for work, business and study. Another factor accelerating the year-on-year growth of labour migration is the persistent labour shortage coupled with an increase in the number of job vacancies.

Although the number of legally employed non-EU/EEA nationals in the Slovak Republic has increased more than fivefold since 2014, labour migration and labour market integration programmes are currently not implemented in the Slovak Republic and the measures adopted only partially reflect the situation. The topic of integration is not defined as a political priority in terms of the priorities of the Government of the Slovak Republic.

At the level of labour market integration measures, most activities in the SR are implemented through project-funded activities of NGOs or through ad-hoc adaptation programmes for employees within the private sector.

Current trends and developments in the field of labour migration since 2017 point to the need to establish labour migration programmes and to harmonise the selection criteria for the admission of foreigners into managed economic migration with a focus on shortage occupations. There is also a lack of definition and explanation of the potential of labour migration for the development of the Slovak economy. However, in the current situation of growing demand for labour associated with labour migration, the Slovak Republic faces challenges/risks that may have a negative impact on the countries of origin, Slovakia, as well as on the migrants themselves.

The social partners play a key role in this. Successful integration of foreign workers starts with their ethical recruitment, access to grievance mechanisms, gender (non)discrimination, wage protection, etc. Employers play an important role in the whole integration process and can greatly facilitate it for the foreign worker by accompanying them. In the process with appropriate measures (providing him/her with a Slovak language course, helping him/her to secure accommodation, finding a suitable GP, etc.). In accommodation matters, they can set up appropriate communication with municipal officials, arrange leisure activities, etc. Trade unions can also work hard to disseminate relevant information to foreign workers in languages they understand, e.g., on OSH, to provide them with advice and support on labour law issues.



Current challenges/risks in the area of labour migration include:

- The existence or increase of illegal employment, which may negatively affect workers' rights (including migrant workers' conditions of employment);
- an increase in xenophobic attitudes and discrimination, especially if migrants are perceived to have a negative impact on employment and living conditions;
- unethical practices in the recruitment process, which can lead to an increase in cases of exploitation or trafficking;
- deteriorating working conditions in specific sectors;
- pressure on local infrastructure state offices, leading to increasing social tensions;
- the administrative complexity of procedures and formalities related to the integration process in Slovakia (such as residence, health insurance, family reunification, housing, etc.);
- labour market vulnerabilities and barriers;
- lack of availability of appropriate socio-cultural orientation and Slovak language courses.

# Recommendations



On the basis of the interviews conducted and in cooperation with the International Organization for Migration, it is possible to define several levels of recommendations:

The social partners pointed to the need to use transparent tools of the legislative procedure. They call for a reassessment of the use of parliamentary proposals and amendments in the social and labour fields, which are not compulsorily included in the social dialogue.

## Migration policy

- Reduce the administrative burden on public authorities, foreign workers and employers,
- speeding up processes and faster entry of foreign workers into the labour market,
- systematic, transparent and predictable decision-making by public authorities,
- simplification of the system and merging all procedures into a harmonious whole,
- active participation and taking into account the views of the social partners in the development of legislation and integration instruments,
- strengthening bilateral cooperation with the countries of origin of foreign workers,
- digitisation of data collection and evaluation – employers' needs, sectors, regions and positions,
- labour market forecasting – critical sectors and positions that will face long-term staff shortages.

## Integration policy

- Improve access to information for foreigners, e. g. through a single online platform,
- set up a communication strategy to inform the public positively about migration,
- strengthen the Slovak embassies in the countries of origin of foreign workers,
- provide integration/contact points in areas with a higher number of foreigners,
- adopt integration tools and an integration policy.

## Support for social partners

- Ensure long-term support from the State or national projects to expand the professional capacities of the social partners in the future,

- avoid circumventing social dialogue by means of legislative procedures which do not require comments (parliamentary proposals, amendments tabled at a later stage),
- involve the social partners in the preparation of legislation at the drafting stage and maximise the adoption of measures proposed by them.

### **Recommendations for brief policies**

- A complete overhaul of the legal framework, a streamlining of the conditions for granting employment permits, the introduction of labour market forecasts by sector and region, thereby preventing illegal and unregulated employment.
- Actively involve and take into account the views of the social partners in the development of legislation instruments, to make the decision of the state and the authorities more transparent and use only standard legislative processes.
- Adopt integration tools and an integration policy to raise the awareness of foreign workers about illegal practices.
- Ensure continued support for the professional capacities of the social partners through state or national projects.

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# Appendix

## Interview codes used in the national administration

<b>Codes</b>	<b>Name or type of organization</b>	<b>Interviewee category</b>	<b>Sector</b>
EM01SK23022021	Association of the Automotive Industry of the Slovak Republic	Representative of an employer organizations	metal-automotive
EM02SK26022021	Stellantis (PSA Peugeot Slovakia)	Employer	metal-automotive
EM03SK30032021	Network of private healthcare providers with nationwide operations	Employer	healthcare
EM04SK11042021	Taxi Association	Representative of an employer organizations	platform
EM05SK12042021	Association of Construction Entrepreneurs of Slovakia	Representative of an employer organizations	construction
EM06SK12042021	The State Hospital	Employer	healthcare
EM07SK12042021	Multinational leader in the construction industry and PPP projects	Employer	construction
EM08SK13042021	Association of hotels and restaurants	Representative of an employer organizations	services
EM09SK25052021	Platform in the field of delivery of goods and people	Employer	platform
EM10SK25052021	HRQ SK	Employer	metal-automotive/services/healthcare
TU01SK15032021	Common trade unions of Slovakia	Trade union representative	metal-automotive, healthcare
TU02SK21092021	Confederation of Trade Unions of the Slovak Republic	Trade union representative	metal-automotive/services/healthcare
EX01SK26032021	Expert from the Bureau of Border and Foreigners Police of the Presidium of the Police Corps	Expert	all
EX02SK29042021	Expert from the Central Office of Labour, Social Affairs and Family	Expert	all
EX03SK19052021	Expert from the National Centre for Health Information	Expert	healthcare
EX04SK22062021	Expert from the National Labour Inspectorate	Expert	all
IO01SK16032021	International Organization for Migration (IOM)	Civil or other intermediary support organization	all
WK01SK09042021	zamestnanec platformy pre rozvoz jedál	Worker	platform
RT01SK15032021	ProRelocation s.r.o.	Recruiter, temp agency representative	metal-automotive/services/healthcare
RT02SK02042021	WestBridge Innovative s.r.o.	Recruiter, temp agency representative	metal-automotive/services/healthcare

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