

ACT
No. 365/2004 Coll.

of 20-th of May 2004

**on Equal Treatment in Certain Areas and Protection against Discrimination, and on
amending and supplementing certain other laws as amended (Antidiscrimination Act)**

Amendments: Finding of the Constitutional Court of Slovak Republic No. 539/2005 Coll.

Act No. 326/2007 Coll.

Act No. 570/2005 Coll.

Act No. 250/2007 Coll.

Act No. 326/2007 Coll.

Act No. 85/2008 Coll.

Act No. 384/2008 Coll.

Act No. 48/2011 Coll.

Act No. 388/2011 Coll.

Act No. 32/2013 Coll.

Act No. 307/2014 Coll.

The National Council of the Slovak Republic has agreed to enact the following Act:

Article I

§ 1

Scope

This Act provides for the application of the principle of equal treatment and lays down the means of legal protection in a case of violation of this principle.

§ 2

Basic provisions

(1) Adherence to the principle of equal treatment shall lay in the prohibition of discrimination on grounds of sex, religion or belief, race, nationality or ethnic origin, disability, age, sexual orientation, marital or family status, colour, language, political affiliation or other conviction, national or social origin, property, lineage or any other status or on grounds of reporting of crime or any other wrongdoing.

(2) While adhering to the principle of equal treatment, observance shall also be paid to good morals for the purpose of broadening of protection against discrimination.

(3) Adherence to the principle of equal treatment shall also rest in adoption of measures for the protection against discrimination.

§ 2a

(1) Discrimination shall mean direct discrimination, indirect discrimination, harassment, sexual harassment; and victimisation; discrimination shall also mean an instruction to discriminate and incitement to discrimination.

(2) Direct discrimination shall mean any action or omission where one person is treated less favourably than another person is, has been or would be treated in a comparable situation.

(3) Indirect discrimination shall mean an apparently neutral provision, decision, instruction or practice which put a person at a disadvantage compared with the other person; indirect discrimination shall not mean provision, decision, instruction or practice objectively justified by a legitimate aim if such provision, decision, instruction or practice is appropriate and necessary for achieving of such aim.

(4) Harassment shall mean conduct which creates or may create an intimidating, hostile, shameful, humiliating, degrading, disrespectful or offensive environment and whose intention or consequence is or may be the violation of person's freedom or human dignity.

(5) Sexual harassment shall mean verbal, non-verbal or physical conduct of a sexual nature whose intention or consequence is or may be a violation of person's dignity and which creates an intimidating, degrading, disrespectful, hostile or offensive environment.

(6) An instruction to discriminate shall mean an action laying in the abuse of subordinate position of a person for the purpose of discrimination against a third person.

(7) Incitement to discrimination shall mean persuading, affirming or inciting a person to discriminate against a third person.

(8) Victimisation shall mean any action or omission which has adverse consequences for a person and is directly connected with

- a) seeking legal protection against discrimination for oneself or on behalf of another person, or
- b) giving testimony, providing an explanation or any other involvement of a person in a proceedings concerning the violation of the principle of equal treatment,
- c) submitting the complaint alleging the violation of the principle of equal treatment.

(9) Discrimination against a legal entity shall mean the failure to observe the principle of equal treatment with respect to this entity on grounds set out in paragraph 2 section 1 with respect to its members, associates, shareholders, members of its bodies, employees, persons acting on its behalf or persons on behalf of which such legal entity is acting.

(10) Refusal or endurance of discrimination by a person may not in any way effect the subsequent treatment of this person or behavior towards this person or constitute the basis for the decision related to this person.

(11) Discrimination due to

- a) sex shall also mean the discrimination due to pregnancy or motherhood and the discrimination due to sex or gender identification
- b) race, nationality or ethnic origin shall also mean the discrimination due to the relationship to a person of certain race, nationality or ethnic origin,

- c) religion or faith shall also mean the discrimination due to the relationship to a person of certain religion or faith, as well as the discrimination of a person without religion,
- d) disability shall also mean the discrimination due to a previous health impediment or the discrimination of a person in the event that based on external signs of a person it would be possible to presume that the person has a disability.

§ 3

- (1) Everyone is obliged to adhere to the principle of equal treatment in the field of employment and similar legal relations, social security, and healthcare, the provision of goods and services and education.
- (2) The principle of equal treatment pursuant to Section 1 is applied only in connection with the rights of persons established by special Acts. /1/
- (3) To determine whether discrimination has occurred or not, no account shall be taken of whether the underlying reasons were based on facts or on erroneous assumptions.

§ 4

- (1) This Act shall not apply to
 - a) differences of treatment resulting from the requirements for entry and stay of aliens in the territory of the Slovak Republic, including the treatment of these aliens provided for under separate provisions /2/, except for citizens of a European Union Member State, citizens of States parties to the Treaty on European Economic Community and the Swiss Confederation, stateless persons, and members of their family,
 - b) differences of treatment based on disability or age, resulting from separate provisions/3/ regulating the service of members of armed forces, armed security services, armed services, National Security Office, Slovak Information Service and Fire and Rescue Service; aforesaid shall not apply to employee engaged in employment relations/3a/.
- (2) The provisions of this Act shall not prejudice the freedom of association or the right to establish trade unions.

§ 5

The principle of equal treatment in social security, healthcare, provision of goods and services, and in education

- (1) In conformity with the principle of equal treatment, the discrimination on grounds set out in § 2 section 1 shall be prohibited in social security, healthcare, provision of goods and services, and in education.

- (2) The principle of equal treatment under section 1 shall apply only with regards to the rights of persons laid down under separate laws regulating access to and provision of
- a) social assistance, social insurance, old age pensions, complementary old age pensions, state social security allowance /4/ and social benefits,
 - b) healthcare, /5/
 - c) education, /6/
 - d) goods and services, including housing, provided to the public by legal entities and natural persons – entrepreneurs /7/.

§ 6

The principle of equal treatment in employment relations and other similar legal relations

- (1) In conformity with the principle of equal treatment, any discrimination on grounds set out under § 2 section 1 shall be prohibited in employment relations, similar legal relations and related legal relations.
- (2) The principle of equal treatment under section 1 shall apply only with regards to the rights of natural persons provided for under separate legal provisions regulating
- a) access to employment, occupation, other gainful activities or functions (hereinafter "employment"), including recruitment requirements and conditions and the manner of carrying out the process of selection for employment, /8/
 - b) performance of employment and the conditions of performing the work in employment including remuneration, promotions and dismissal,
 - c) access to vocational training, continuing vocational training and participation in programs of active labour market measures including access to counseling for employment selection and change of employment /9/ (hereinafter "vocational training"); and
 - d) membership and participation in organizations of employees and employers and in organizations associating persons of a certain profession including the benefits provided by the organizations to their members.

§ 7

- (1) In order to apply the principle of equal treatment employers shall take appropriate measures to enable a person with a disability to have access to employment, to the work of certain type, to promotion or access to vocational training; except if the adoption of such measures would impose a disproportionate burden on the employer.
- (2) To determine whether the measures referred to in section 1 give rise to a disproportionate burden, account shall be taken to
- a) the benefit that the adoption of the measure would mean for the disabled person,
 - b) financial resources of the employer, including the possibility of obtaining funding or any other assistance for the adoption of measure, and
 - c) the possibility of attaining the purpose of the measure referred to in section 1 by alternative means.

(3) The measure shall not be considered as giving rise to disproportionate burden if its adoption by the employer is mandatory under separate legal provisions /10/.

(4) Failure to adhere to the principle of equal treatment on grounds of disability shall be considered also refusal or omission of employer to adopt the measure in accordance with section 1.

§ 8

Admissible different treatment

(1) Differences of treatment shall not constitute discrimination if they are objectively justified by the nature of occupational activities in employment or the circumstances under which such activities are carried out, provided that such reason constitutes a real and decisive requirement for employment under the condition that the aim is legitimate and the requirement is appropriate.

(2) With regard to registered churches, religious societies and other legal entities whose activities are based on the religion or belief, differences of treatment on grounds of religion or belief shall not constitute discrimination, if it relates to the employment in such organisations or the performance of activities for such organisations and by reason of the nature of these activities or of the context in which they are carried out, religion or belief constitutes basic legitimate and justified requirement of occupation.

(3) Differences of treatment on grounds of age shall not be deemed to constitute discrimination if they are objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary, if it is laid down by a law.

Differences of treatment on grounds of age shall not be deemed to constitute discrimination, particularly, if they consist in

- a) the fixing of a minimum or maximum age as a recruitment criterion,
- b) the setting of special conditions on access to employment and vocational training, and special conditions on employment, including remuneration and dismissal, for persons of a certain age bracket or persons with caring responsibilities, where such special conditions are intended to promote vocational integration or ensure the protection of such persons,
- c) the fixing of minimum age requirement, professional experience or seniority in service for access to employment or to certain advantages linked to employment.

(4) With regard to occupational social security schemes, differences of treatment on grounds of age shall not be deemed to constitute discrimination if they consist in the fixing of age limits for entitlement to old age pension and disability pension in the context of such schemes including the fixing of different age limits in such schemes for employees or groups of employees, and the use of age criteria in actuarial calculations, provided this does not result in discrimination on the grounds of sex.

(5) Differences of treatment on grounds of disability shall not be deemed to constitute discrimination where, by reason of the nature of employment or occupational activities, access to such employment or occupational activities is made conditional on meeting the health requirements.

(6) Differences of treatment on grounds of age or disability in the provision of insurance services shall not be deemed to constitute discrimination where such treatment results from different levels of risk, verifiable by statistical or similar data, and where the terms of insurance services adequately reflect such risk.

(7) Objectively justified differences of treatment on grounds of sex shall not be deemed to constitute discrimination

- a) if they consist in the fixing of different retirement age for men and women,
- b) if their purpose is the protection of pregnant women and mothers /11a/,
- c) if they consist in the provision of goods and services exclusively or preferentially to member of one sex, if it follows a legitimate aim and if the means to achieve this aim are appropriate and necessary

(8) Costs related to pregnancy and motherhood may not lead to differences in the amount of insurance premium and benefits.

§ 8a

(1) The adoption of temporary equalizing measures by state administrative bodies or other legal persons targeted to eliminate disadvantages imposed on the grounds of racial or ethnic origin, belonging to national minority or ethnic group, gender or sex, age or disability, which aim is to ensure equal opportunities in practice, is not considered as discrimination. Such temporary compensatory measures, in particular, are measures

- a) aimed at elimination of social or economic disadvantages, by which members of disadvantaged groups are disproportionately affected
- b) consisting in encouraging the interest of members of disadvantaged groups in employment, education, culture, health care and services,
- c) aimed at creation of equal access to employment, education, healthcare and housing, especially through targeted training programs for members of disadvantaged groups or by spreading information on these programs or on opportunities to apply for jobs or jobs in the education system.

(2) Temporary compensatory measures provided for in section 1 may be adopted if

- a) obvious inequality exists;
- b) the aim of such measures is to decrease or eliminate this inequality;
- c) temporary compensatory measures are appropriate and essential to achieving the aim set.

(3) Temporary compensatory measures may be adopted only in the areas provided for in this act. Such measures shall terminate once the inequality, which lead to the adoption of these measures, is eliminated. The bodies pursuant to section 1 shall be obliged to terminate the performance of these measures after achieving the established aim.

(4) The bodies pursuant to section 1 are obliged to continuously monitor, assess and publish adopted temporary compensatory measures with the aim of re-evaluating the eligibility of

their further continuation and to submit reports to the Slovak National Centre for Human Right /11e/ on these facts.

(5) The provisions of Sections 1 up to 4 are without prejudice to the provisions of § 7 and § 8, section 3 b) of this Act.

§ 9

Legal protection and proceedings in matters concerning the violation of the principle of equal treatment

(1) Under this Act, every person shall be entitled to equal treatment and protection against discrimination.

(2) Every person who consider themselves wronged in their rights, interests protected by law and/or freedoms because the principle of equal treatment has not been applied may pursue their claims in judicial proceedings. He/she may, in particular, seek that the person violating the principle of equal treatment be made to refrain from such conduct and, where possible, rectify the illegal situation or provide adequate satisfaction; in the case of non-compliance with the principle of equal treatment on the grounds of reporting of crime or any other wrongdoing, every person may also seek annulment of a legal act, the validity of which was suspended under the special regulation.

(3) Should adequate satisfaction prove to be not sufficient, especially where the violation of the principle of equal treatment has considerably impaired the dignity, social status and social functioning of the victim, the victim may also seek non-pecuniary damages in cash. The amount of non-pecuniary damages in cash shall be determined by the court, taking into account the extent of non-pecuniary damage and all underlying circumstances.

(4) This Act shall not prejudice the entitlement to compensation for damages or other forms of compensation pursuant to separate provisions/12/.

(5) Everyone is also entitled to the protection of his/her rights out of court through mediation /13/.

§9a

If the violation of the principle of equal treatment could affect the rights, interests protected by law or freedoms of higher or an indefinite number of persons, or if such infringement could seriously endanger the public interest in other way, the right to claim the protection of the right to equal treatment belongs also to legal person according the § 10 . 1. This person may claim the determination that the principle of equal treatment was breached so the person violating the principle of equal treatment refrain from such conduct, and if possible, rectify the illegal situation.

§ 10

(1) Parties to the proceedings concerning the violation of the principle of equal treatment may also be represented by legal entities

- a) who have such authority under a separate law, or
- b) whose activities are aimed at or consist in the protection against discrimination.

(2) If a legal entity takes up representation pursuant to section 1, it shall assign one of its members and/or employees to act on behalf of the person represented.

§ 11

(1) Proceedings concerning the violation of the principle of equal treatment shall be initiated by petition from a person who feels wronged by the violation of the principle of equal treatment (the "plaintiff" hereinafter). In the petition, the plaintiff is obliged to identify the person that has allegedly violated the principle of equal treatment (hereinafter "defendant").

(2) The defendant has the obligation to prove that there was no violation of the principle of equal treatment if the facts submitted to a court by the plaintiff give rise to a reasonable assumption that such violation has indeed occurred.

(3) The proceedings concerning the violation of the principle of equal treatment shall be governed by the Code of Civil Procedure unless this Act provides otherwise.

§ 12

This Act transposes legal acts of the European Communities and the European Union, specified in the Annex.

§ 13

Transitory provision

Employers and relevant trade union bodies who concluded collective agreements under a separate provision are obliged to bring the provisions of collective agreements to compliance with this Act within six months from the date of entry into effect of this Act; this obligation shall also apply to internal regulations issued by employers.

§13a

Transitory provisions on amendments effective from 1st of April 2013

Discrimination is not the usage of the differences when calculating the insurance money and insurance plnenie under the § 8. 8 in form which is effective until 31. March 2013 in insurance contracts concluded before 1. April 2013.

Article II

Act of the National Council of the Slovak Republic No. 308/1993 Coll. on establishing the Slovak National Centre for Human Rights as amended by further law shall be amended and supplemented as follows:

1. § 1 section 2 shall read:

“(2) The Centre shall carry out the tasks in the area of human rights and fundamental freedoms, including the rights of the child1) (hereinafter “human rights“). To this end, the Centre shall, in particular

- a) monitor and review compliance with human rights and compliance with the principle of equal treatment under a separate law^{1aa}),
- b) collect and provide upon request information on racism, xenophobia and anti-Semitism in the Slovak Republic,
- c) conduct research and surveys necessary for the provision of data concerning human rights, collect and disseminate information in this field,
- d) develop educational activities, take part in information campaigns with a view to increasing tolerance of the society,
- e) arrange legal aid to victims of discrimination and of expressions of intolerance,
- f) prepare expert opinions concerning compliance with the principle of equal treatment upon request from natural persons or legal entities or of its own initiative under separate provisions^{1aa}),
- i) provide library services and
- j) provide services in the area of human rights.“.

Footnote to reference 1aa shall read as follows:

“1aa) Act No. 365/2004 Coll. on equal treatment in certain areas and protection against discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)“

2. A new section 3 shall be inserted in paragraph 1 after section 2, reading as follows:
“(3) The Centre shall have the authority to represent parties in the proceedings concerning violation of the principle of equal treatment.^{1aa})“.

The current section 3 shall be called section 4.

3. In § 1 section 4 the words “including the rights of child/1/” shall be repealed.

4. § 1 shall be added by section 5 reading as follows:

“(5) Upon request by the Centre, courts, prosecution authorities, other state bodies, bodies of territorial self-governments, bodies of interest self-governments and other public law institutions have the obligation to provide information on compliance with human rights within the required deadline; this shall be without prejudice to their right to give information on compliance with human rights gathered through their own activities to other entities. The Centre may also ask non-governmental human rights organisations to provide information and agree with them on the manner in which such information will be provided.“.

5. In § 2 section 4 the words “For managing” shall be replaced with “For management inspection”.

6. In § 3a section 6 a new sub-section c) shall be inserted after sub-section b), reading as follows:

„c) shall charge another employee of the Centre with performing the function of the executive director when the office of the executive director lapsed (Paragraph 3b section 5) till a new executive director is elected; the scope of this authorisation shall be defined in a resolution by the Board,“.

Current subsections c) to f) shall be called subsections d) to g).

7. In § 3a section 6 a new sub-section h) to k) shall be inserted after subsection g), reading as follows:

- “h) approve the report on the state of human rights compliance in the Slovak Republic,
- i) approve annual report on the activities of the Centre,
- j) approve the final accounts of the Centre,
- k) approve the annual financial report of the Centre.“.

8. In § 3b section 1 the words “members of the Board” shall replace the words “persons listed in Section 3a paragraph 1”.

9. In § 3b section 2 the words “has reached the age of 35 years” in the first sentence shall be repealed.

10. In § 3b section 4 subsection d) the words “including the child rights1)” shall be repealed.

11. In § 3b section 6 subsection d) the words “including the child rights1)” shall be repealed.

Article III

Act No. 311/2001 Coll. the Labour Code as amended by Act No. 165/2002 Coll., Act No. 408/2002 Coll., Act No. 413/2002 Coll., Act No. 210/2003 Coll., Act No. 461/2003 Coll. and Act No. 5/2004 Coll. shall be amended as follows:

1. § 13 reads:

„§ 13

(1) In employment relations the employer has the obligation to treat employees in compliance with the principle of equal treatment laid down for the area of employment law relations under the Act on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act).

(2) In conformity with the principle of equal treatment, any discrimination shall be prohibited also on grounds of marital and family status, colour, language, political and other opinion, trade union involvement, national or social origin, property, lineage or other status.

(3) Exercising rights and obligations resulting from a employment relations must be in compliance with good morals. No person may abuse such rights and obligations to the detriment of another party to employment relation, or of co-workers. No person shall be persecuted or otherwise adversely treated at the workplace in the context of employment relations as a reaction to a complaint, legal petition or petition to commence criminal proceedings against another employee or the employer.

(4) An employee shall have the right to submit a complaint to the employer in connection with the infringement of the principle of equal treatment stated in Sections 1 to 2; the employer shall be obliged to respond to such a complaint without undue delay, perform retrieval, abstain from such conduct and eliminate the consequences thereof.

(5) An employee who considers themselves wronged in their rights or interests protected by

law because the principle of equal treatment or the conditions stated in Section 3 have not been applied to them seek legal protection provided for under a separate Act on Equal Treatment in Certain Areas and Protection against Discrimination and on amending and supplementing certain other laws (Antidiscrimination Act) before a court.“.

2. In Section 47 § 2 the words “on the principle of equal treatment” shall replace the words “governing prohibition of discrimination.“.

Article V

Act No. 552/2003 Coll. on works performed in public interest shall be amended as follows:

In § 5 Section 2 the second sentence shall read:

“The principle of equal treatment in employment and other similar legal relationships provided for under separate provisions must be complied with in selection procedures.(12a) In conformity with the principle of equal treatment, any discrimination shall be prohibited also on grounds of marital and family status, colour, language, political and other opinion, trade union involvement, national or social origin, property, lineage or other status.”

Footnote to reference 12a shall read as follows:

“12a) Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)“

Article VI

Act No. 200/1998 Coll. on state service of customs officers and on amending and supplementing certain other laws as amended by Act No. 54/1999 Coll., Act No. 337/1999 Coll., Act No. 417/2000 Coll., Act No. 328/2002 Coll., Act No. 664/2002 Coll., Act No. 251/2003 Coll. and Act No. 464/2003 Coll. shall be amended as follows:

§ 5a shall be inserted after § 5 and it reads as follows:

„§ 5a

(1) Rights laid down by this Act shall be guaranteed equally to all citizens when joining and serving in the civil service and to customs officers when performing civil service in conformity with the principle of equal treatment in employment and similar legal relations provided for under separate provisions.1a) In conformity with the principle of equal treatment, any discrimination shall be prohibited also on grounds of marital and family status, colour, language, political and other opinion, trade union involvement, nationality or social origin, property, lineage or other status.

(2) The exercise of rights and obligations resulting from a service relation must be in compliance with good morals. No person may abuse such rights and obligations to the detriment of another person. No customs officer shall be persecuted or otherwise adversely treated in the context of civil service performance as a reaction to a complaint, legal petition or petition to commence criminal proceedings against another customs officer or a superior.

(3) Citizens when joining civil service or customs officers who consider themselves wronged in their rights or interests protected by law because the principle of equal treatment has not been applied to them when joining civil service may claim legal protection provided for under separate provisions before a court.1a)

(4) The Service Office or the superior may not impose any sanctions or disadvantage on a customs officers who exercise their rights resulting from their service relation.“

Footnote to reference 1a shall read as follows:

“1a) Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)“

Article VII – repealed from 1.1.2006

Article VIII

Act No. 73/1998 Coll. on state service of members of the Police Force, Slovak Information Service, Corps of Prison and Court Guards of the Slovak Republic and Railroad Police as amended by Act No. 58/1999 Coll., Act No. 181/1999 Coll., Act No. 356/1999 Coll., Act No. 224/2000 Coll., Act No. 464/2000 Coll., Act No. 241/2001 Coll., Act No. 98/2002 Coll., Act No. 328/2002 Coll., Act No. 422/2002 Coll., Act No. 659/2002 Coll., Act No. 212/2003 Coll., Act No. 178/2004 Coll. and Act No. 201/2004 shall be supplemented as follows:

§ 2a shall be inserted after § 2 and it reads as follows:

„§ 2a

1) Rights provided for under this Act shall be guaranteed equally to all citizens when joining civil service and police officers while performing civil service in conformity with the principle of equal treatment in employment and similar legal relations provided for under separate provisions.1) In conformity with the principle of equal treatment, any discrimination shall be prohibited also on grounds of marital and family status, colour, language, political and other opinion, trade union involvement, national or social origin, property, lineage or other status.

(2) The exercise of rights and obligations resulting from a service relation must be in compliance with good morals. No person may abuse such rights and obligations to the detriment of another person. No police officer shall be persecuted or otherwise adversely treated in the context of civil service performance as a reaction to a complaint, action or petition to commence criminal proceedings against another police officer or a superior.

(3) Citizens when joining civil service or police officers who consider themselves wronged in their rights or interests protected by law because the principle of equal treatment has not been applied to them may seek legal protection provided for under separate provisions before a court.1)

(4) The Service Office or the superior may not impose any sanctions or disadvantage on

police officers on ground of exercising their rights resulting from their service relation.“

Footnote to reference 1 shall read as follows:

“1) Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)“

Current reference 1 and footnote to reference 1 shall be called reference 1a and footnote to reference 1a.

Article IX

Act No. 315/2001 Coll. on Fire and Rescue Service as amended by Act No. 438/2002 Coll., Act No. 666/2002 Coll., Act No. 424/2003 Coll., Act No. 451/2003 Coll., Act No. 462/2003 Coll., and Act No. 215/2004 Coll. shall be amended and supplemented as follows:

1. Current text of Paragraph 16 shall be marked as Section 1 and it is amended by Sections 2 to 5 which read as follows:

“(2) Rights provided for under this Act shall be guaranteed equally to all citizens when joining civil service and officers while performing civil service in conformity with the principle of equal treatment in employment and similar legal relations provided for under separate provisions.10a) In conformity with the principle of equal treatment, any discrimination shall be prohibited also on grounds of marital and family status, colour, language, political and other opinion, trade union involvement, national or social origin, property, lineage or other status.

(3) Exercising rights and obligations resulting from a service relation must be in compliance with good morals. No person may abuse such rights and obligations to the detriment of another person. No officer shall be persecuted or otherwise adversely treated in the context of performing civil service as a reaction to a complaint, action or petition to commence criminal proceedings against another officer or a superior.

(4) Citizens when joining civil service or officers who consider themselves wronged in their rights or interests protected by law because the principle of equal treatment has not been applied to them may seek legal protection provided for under separate provisions before a court.10a)

(5) The Service Office or the superior may not impose any sanctions or disadvantage on a customs officer on grounds of exercising their rights resulting from their service relation.“

Footnote to reference 10a shall read as follows:

“10a) Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)“

2. In Section 20 § 2 the second sentence shall read: “The principle of equal treatment must be complied with in the recruitment procedures.10a)“.

3. In Section 193 words “§ 13“ followed by a comma are inserted after words “provisions shall be applied as appropriate”.

Article X

Act No. 455/1991 Coll. on licensed trades (Small Business Act) as amended by Act No. 231/1992 Coll., Act No. 600/1992 Coll., Act of the National Council of the Slovak Republic No. 132/1994 Coll., Act of the National Council of the Slovak Republic No. 200/1995 Coll., Act of the National Council of the Slovak Republic No. 216/1995 Coll., Act of the National Council of the Slovak Republic No. 233/1995 Coll., Act of the National Council of the Slovak Republic No. 123/1996 Coll., Act of the National Council of the Slovak Republic No. 164/1996 Coll., Act of the National Council of the Slovak Republic No. 222/1996 Coll., Act of the National Council of the Slovak Republic No. 289/1996 Coll., Act of the National Council of the Slovak Republic No. 290/1996 Coll., Act No. 288/1997 Coll., Act No. 379/1997 Coll., Act No. 70/1998 Coll., Act No. 76/1998 Coll., Act No. 126/1998 Coll., Act No. 129/1998 Coll., Act No. 140/1998 Coll., Act No. 143/1998 Coll., Act No. 144/1998 Coll., Act No. 161/1998 Coll., Act No. 178/1998 Coll., Act No. 179/1998 Coll., Act No. 194/1998 Coll., Act No. 263/1999 Coll., Act No. 264/1999 Coll., Act No. 119/2000 Coll., Act No. 142/2000 Coll., Act No. 236/2000 Coll., Act No. 238/2000 Coll., Act No. 268/2000 Coll., Act No. 338/2000 Coll., Act No. 223/2001 Coll., Act No. 279/2001 Coll., Act No. 488/2001 Coll., Act No. 554/2001 Coll., Act No. 261/2002 Coll., Act No. 284/2002 Coll., Act No. 506/2002 Coll., Act No. 190/2003 Coll., Act No. 219/2003 Coll., Act No. 245/2003 Coll., Act No. 423/2003 Coll., Act No. 515/2003 Coll., Act No. 586/2003 Coll. and Act No. 602/2003 Coll. shall be amendeded as follows:

§ 5a shall be inserted after § 5 and it reads as follows:

„§ 5a

(1) Rights provided for under this Act shall be guaranteed equally to all persons in conformity with the principle of equal treatment in employment and similar legal relations provided for under separate provisions.(24f) In conformity with the principle of equal treatment, any discrimination shall be prohibited also on the grounds of marital and family status, colour, language, political and other opinion, trade union involvement, national or social origin, disability, age, property, lineage or other status.

(2) Persons who consider themselves wronged in their rights or interests protected by law because the principle of equal treatment has not been applied to them may seek legal protection provided for under separate provisions before a court.24f)

(3) The Small Business Office may not impose any sanctions or disadvantage on a person on grounds of exercising their rights resulting from this Act.“

Footnote to reference 24f shall read as follows:

“24f) Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)“

Article XI

Act No. 154/2001 Coll. on prosecutors and prosecutor candidates as amended by Act No.

669/2002 Coll., Act No. 458/2003 Coll., Act No. 462/2003 Coll., Act No. 548/2003 Coll., and Act No. 561/2003 Coll. shall be amended and supplemented as follows:

1. In § 20 section 3 the second sentence shall read: “The principle of equal treatment in employment and other similar legal relationships provided for under separate provisions 14a) must be complied with in recruitment procedures.

Footnote to reference 14a shall read as follows:

“14a) Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)“

2. In § 20 section 3 the following sentence shall be added at the end: “In conformity with the principle of equal treatment, any discrimination shall be prohibited also on the grounds of marital and family status, colour, language, political and other opinion, trade union involvement, national or social origin, property, lineage or other status.”

Article XII

Act No. 5/2004 Coll. on employment services amending and supplementing certain other laws as amended by Act No. 191/2004 Coll. shall be amended as follows:

§ 14 including its heading shall read:

„§ 14

The right to access to employment

(1) The right to access to employment is the right of a citizen who wants to work, can work and looks for a job, to services providing assistance in

a) search for appropriate employment,

b) education and training for the labour market as needed for being successful in the labour market.

(2) Citizens shall have the right to access to employment without any restrictions in conformity with the principle of equal treatment in employment and similar legal relations provided for under separate provisions.(20a) In conformity with the principle of equal treatment, any discrimination shall be prohibited also on the grounds of marital and family status, colour, language, political and other opinion, trade union involvement, national or social origin, disability, age, property, lineage or other status.

(3) Exercising rights and duties resulting from the right to access to employment must be in compliance with good morals. No person may abuse such rights and obligations to the detriment of another citizen. No person shall be persecuted or otherwise adversely treated in the context of exercising their right to the access to employment as a reaction to a complaint, action or petition to commence criminal proceedings against another persons or authority.

(4) Citizens shall have the right to submit a complaint to the authority in connection with the violation of rights and duties laid down in sections 1 to 3; the authority shall be obliged to

respond to such a complaint without undue delay, perform retrieval, abstain from such conduct and eliminate the consequences thereof.

(5) The authority may not impose any sanctions or disadvantage on citizens on grounds of exercising their rights resulting from their right to access to employment.

(6) Citizens who consider themselves wronged in their rights or interests protected by law because the rights under Sections 1 to 5 have not been applied to them may seek legal protection under the special act on legal protection before a court.20a)

(7) Citizens have the right to choose their employment freely and they may perform it in the whole territory of the Slovak Republic or they may arrange for their employment abroad.“

Footnote to reference 20a shall read as follows:

“20a) Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)“

Article XIII

Act No. 131/2002 Coll. on higher education as amended by Act No. 209/2002 Coll., Act No. 401/2002 Coll., Act No. 442/2003 Coll., Act No. 465/2003 Coll. and Act No. 528/2003 Coll. shall be amended as follows:

In § 55 new sections 2 to 5 shall be inserted after section 1, reading as follows:

“(2) Rights provided for under this Act shall be guaranteed equally to all applicants and students in conformity with the principle of equal treatment in education laid down under separate provisions.(35a) In conformity with the principle of equal treatment, any discrimination shall be prohibited also on the grounds of gender, religion or belief, marital and family status, colour, language, political and other opinion, trade union involvement, national or social origin, disability, age, property, lineage or other status.

(3) Exercising rights and obligations resulting from this Act must be in compliance with good morals. No person may abuse such rights and obligations to the detriment of another applicant or person. No applicant or student shall be persecuted or otherwise adversely treated in the context of exercising their rights as a reaction to a complaint, action or petition to start criminal proceedings against another applicant, student, teacher, researcher or artist or other university staff.

(4) Applicants or students who consider themselves wronged in their rights or interests protected by law because the principle of equal treatment has not been applied to them may seek legal protection provided for under separate provisions before a court.35a)

(5) The university or a school of the university must not impose any sanctions or disadvantage on an applicant or student on grounds of exercising their rights resulting from this Act.“

Footnote to reference 35a shall read as follows:

“35a) Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination

Act)“

Current sections 2 and 3 shall be called sections 6 and 7.

Article XVI

Act No. 461/2003 Coll. on social insurance as amended by Act No. 551/2003 Coll., Act No. 600/2003 Coll., Act No. 5/2004 Coll., Act No. 43/2004 Coll. and Act No. 186/2004 Coll. shall be amended as follows:

In § 6 Sections 3 to 4 shall read:

“(3) Policyholders shall have rights in the exercise of social insurance in compliance with the principle of equal treatment in social security provided for under separate provisions.23a)

(4) Policyholders who consider themselves wronged in their rights or interests protected by law because the principle of equal treatment has not been applied to them may seek legal protection provided for under separate provisions before a court.23a)

Footnote to reference 23a shall read as follows:

“23a) Act No. 356/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)“

Article XVIII

Act No. 328/2002 Coll. on social security of police officers and soldiers and on amending and supplementing certain other acts as amended by Act No. 447/2002 Coll., Act No. 534/2002 Coll. and Act No.. 463/2003 Coll. shall be amended as follows:

In § 113 Sections 5 to 6 shall read:

“(5) Police officers, professional soldiers, soldiers in preparatory service shall have rights in the exercise of social security in compliance with the principle of equal treatment in social security provided for under separate provisions.47a)

(6) When police officers, professional soldiers, soldiers in preparatory service consider themselves wronged in their rights or interests protected because the principle of equal treatment has not been applied to them may seek legal protection provided for under separate provisions before a court.47a)”

Footnote to reference 47a shall read as follows:

“47a) Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and Protection against Discrimination, and on amending and supplementing certain other laws (Antidiscrimination Act)“.

Article XXI – repealed from 1.1.2006

Article XXII

Act No. 596/2003 Coll. on state administration in the school system and school self-government and on amending and supplementing certain other acts shall be amended and supplemented as follows:

A new Section 7 shall be inserted in § 8 after section 6, reading as follows: “(7) Provisions applicable to reimbursing travel costs of a primary school pupil’s representative at law under Section 6 can also be applied to pupils of special primary schools.“.

The current section 7 shall be called section 8.

Article XXIII

This Act shall come into effect on 1-st of July 2004.

Rudolf Schuster
President of the Slovak Republic

Pavol Hrušovský
Speaker of the National Council of the Slovak Republic

Mikuláš Dzurinda
Prime Minister of the Slovak Republic

- 1) For instance: Act No. 311/2001 Coll. Labour Code as amended by further law; Act No. 312/2001 Coll. on civil services and on amendments and supplements of certain other laws as amended by further law; Act No. 552/2003 Coll. on execution of work in public interest as amended by further law; Act No. 195/1998 Coll. on social assistance as amended by further law; Act No. 576/2004 Coll. on health care and services provided in context with health care and on amendments and supplements of certain acts as amended by further law.
- 2) For instance: Act No. 48/2002 Coll. on stay of foreigners and on amendments and supplements of certain acts as amended by further law; Act No. 480/2002 Coll. on asylum and on amendments of certain acts as amended by Act No. 606/2003 Coll.
- 3) Act No. 200/1998 Coll. on civil services of customs officers and on amendments and supplements of certain acts as amended by further law; Act No. 346/2005 Coll. on civil services of Professional soldiers of Armed Force of Slovak Republic and on amendments and supplements of certain acts as amended by Act No. 253/2007 Coll; Act No. 73/1998 Coll. on civil services of members of the Police Force of Slovak Republic, Slovak Information Service, Prison and Court Guards Corps of Slovak

- Republic and Railroad Police of Slovak Republic as amended by further law; Act No. 315/2001 on Fire and Rescue Corps as amended by further law.
- 3a) Act No. 311/2001 Coll. Labour Code as amended by further law; Act No. 552/2003 Coll. on execution of works in public interest as amended by further law;
- 4) For instance: Act No. 195/1998 Coll. on social assistance as amended by further law; Act No. 461/2003 Coll. on social insurance as amended by further law.
- 5) For instance Act No. 576/2004 Coll. on health care, services provided in context with health care and on amendments and supplements as amended by further law.
- 6) For instance: Act No. 131/2002 Coll. on higher education and on amendments and supplements of certain other acts as amended by further law; Act No. 386/1997 Coll. on continuing education and on amendments of Act no. 387/1996 on employment as amended by Act No. 70/1997 Coll. as amended by Act No. 567/2001 Coll.
- 7) For instance: Act No. 634/1992 Coll. on the protection of consumers as amended by further law.
- 8) For instance Labour Code; Act No. 312/2001 Coll. on civil services and on amendments and supplements of certain acts as amended by further law.
- 9) For instance: Act No. 5/2004 Coll. on employment services and on amendments and supplements of certain acts as amended by Act No. 191/2004 Coll.
- 10) For instance: Act No. 5/2004 Coll. on employment services and on amendments and supplements of certain acts as amended by Act No. 191/2004 Coll., § 143 section 1 d) of Act No. 50/1976 on land-use planning and building order as amended by further law.
- 11) Act No. 308/1991 Coll. on Freedom of Religious Faith and Status of Churches and Religious Societies Act as amended by Act No. 394/2000 Coll.
- 11a) For instance: Ordinance of the Government of Slovak Republic No. 272/2004 Coll. on establishment of the list of work and work places prohibited to pregnant women, mothers till the end of ninth month after the birth and breast-feeding women; the list of work and work places in context with the specific risk for pregnant women, mothers till the end of ninth month after the birth and breast-feeding women and on imposing certain obligations to employers in connection with the employment of such women.
- 11e) Act No. 308/1993 Coll. on establishment of the Slovak National Centre for Human Rights as amended by further law.
- 12) For instance: § 41 section 9 of Labour Code.
- 13) Act No. 420/2004 Coll. on mediation and on amendments and supplements of certain acts.

Annex to the Act No. 365/2004 Coll.
The list of transposed legal acts of the European Communities
and the European Union

1. Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (ES L 180, 19. 7. 2000).
2. Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (ES L 303, 2. 12. 2000).

3. Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services (ES L 373, 21. 12. 2004).

4. Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast) (ES L 204, 26. 7. 2006).