

The impact of the Racial Equality Directive:
a survey of trade unions and employers
in the Member States of the European Union

Slovakia

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1. Demographic background

The population of Slovakia is around 5.5 million with the Slovak majority population constituting about 83-85% of the total. The main ethnic minority populations are the Hungarians (*10% share*) and the Roma (*with the 2001 Census counting nearly 2% but other unofficial estimates rising to 6% or even 9%*). The country also includes Czech and other minorities, principally Ukrainians or Ruthenians (*about 1%*). Though the share of third country nationals working in Slovakia has been increasing during the last five years, it is still rather low. According to the Ministry of Labour, Social Affairs and Family, about 6,500 migrants were active in the local labour market in 2006. Most of them were Czech, Polish, French and German nationals. In 2008, about 15,500 third country nationals worked in Slovakia accounting for 0.5% share of the employed in the country.

2. Industrial relations background

Slovakian industrial relations are mainly consensual and are based upon social dialogue. Employees are usually represented by trade unions. Relatively few employees are represented by Works Councils which are not entitled to participate in collective bargaining.

The majority of trade unions are associated in sectoral trade unions that are affiliated to the central Confederation of Trade Unions (Konfederácia odborových zväzov Slovenskej republiky, KOZ SR). In 2008, KOZ SR covered more than 365,000 employees. The Independent Christian Trade Unions of Slovakia (*Nezávislé kresťanské odbory Slovenska, NKOS*) is the second largest trade union centre in the country with about 12,000 members. Trade union density has been decreasing during the last 15 years and was about 17% in 2008.

Employers are organised in employer associations, which are usually organised by sectors. The employer organisations are affiliated to two peak employer organisations - the Federation of Employers' Association (*Asociácia zamestnávateľských zväzov a združení Slovenskej republiky, AZZZ SR*) and the National Union of Employers of the Slovak Republic (*Republiková únia zamestnávateľov Slovenskej republiky, RUZ SR*). Both organisations represent employers with about 500,000 employees. The employer organisations' density was about 25% in 2007.

Despite the relatively low density of the social partners, social dialogue is well developed on the sectoral as well as the company levels. About 35% of employees are covered by multi-employer or single-employer collective agreements. Although some employers try to avoid multi-employer collective agreements (*because they usually provide for wage increases*), collective bargaining plays an important role in the formation of employment conditions in the country. Only a few collective disputes have arisen during the last 5-10 years. When they have occurred (usually concerning dismissals and wages), they have been settled by mediation and in few cases by arbitration procedures. Strikes are exceptional with only two recorded stoppages reported since independence (*both in the railways in 2003*) the second of which was ended by a court ruling after three days (<http://www.eurofound.europa.eu/eiro/2003/06/feature/sk0306101f.htm>).

3. Trade union and employer awareness

3.1 Trade union awareness

The interviewees were well aware of the Slovak legislation implementing the Racial Equality Directive. All respondents mentioned the Labour Code as the most relevant anti-discrimination legislation for their work. Some of them (*OZŽ and OZ Metalurg*) also referred to the new Anti-discrimination Act, which deals with equality in more detail. All respondents have adopted positions which assign them a responsibility for implementing equality principles at work. Nonetheless, the interviewees had not had experience of racial and ethnic discrimination in the workplace. According to the respondent from Slovnaft –MOL, racial and ethnic equality is a less topical issue in Slovakia:

'Than in some culturally more diverse West European countries like the Netherlands and Belgium, where anti-discrimination legislation more likely responds to concrete problems.'

Nonetheless, the majority of the trade union interviewees consider adoption of the new anti-discrimination legislation in Slovakia as useful.

'It [the new anti discrimination legislation] increased overall awareness of rights concerning racial and ethnic equality and specified how to implement them in practice' (OZŽ respondent)

All respondents were involved in consultations with the Government on implementation of the Directive into the Slovak legislation via membership of sectoral trade union associations in the Trade Union Confederation (*KOZ SR*). The trade unions applied a bottom-up approach, which allowed the sectoral, as well as the company, trade union organisations to participate in discussions on the implementation of the Directive.

3.2 Employer awareness

The interviewees were well aware of the Slovak laws that implemented the Directive. All respondents mentioned the Labour Code as the most relevant legislation for implementing equality principles at work. One of them (*Slovnaft - MOL*) also mentioned the new Anti-discrimination Act. All respondents had adopted positions which required strict implementation of equality at work. Nevertheless, to date none had experience of any racial and ethnic discrimination at his or her workplace, so far: *'Racial and ethnic discrimination at work is a rare phenomenon in our part of Europe.'*

All employer respondents were involved in consultations with the Government on the introduction of the new anti-discrimination laws in Slovakia via their membership in peak employer organisations (*RUZ SR or AZZZ SR*). According to the UPSVAR respondent:

'Racial and ethnic equality was the subject of managerial meetings which concerned the adoption of new anti-discrimination legislation.'

Some respondents mentioned that the previous Slovak (Czechoslovak) Labour Code banned discrimination at workplaces long before the adoption of the Directive. But most of the employer interviewees considered implementation of anti-discrimination policy at work as being important:

'An increase in racial and ethnic equality awareness can be more easily achieved in society when it is supported by anti-discrimination legislation.' (US Steel Košice interviewee)

However, according to the ZSP SR employers' federation respondent,

'Implementation of anti-discrimination legislation itself did not improve the protection of workers against discrimination on the grounds of ethnic origin in practice. Such discrimination exists rather in relation to social problems, e.g. of the Roma community.'

This was the biggest problem in terms of discrimination. This respondent went on to say: *'Discrimination at work certainly does not concern, e.g. Hungarian, Korean, Chinese, and Vietnamese ethnic groups.'* Implementation may have contributed to higher awareness of the issue among the population. On the other hand, despite the implementation of anti-discrimination legislation, job seekers are not monitored in terms of race and ethnic origin by employment agencies (*UPSVAR*), reducing the value of employment data for monitoring the labour market.

4. Comments on the Equality Body

The Slovak National Centre for Human Rights was established by Act No. 308/1993 in 1994. Its role and duties were further specified in relation to the implementation of the Directive and the adoption of the Anti-discrimination Act in Slovakia in 2004.

Both trade union and employer respondents are aware of the Slovak National Centre for Human Rights and declared their organisations were ready to contact it regarding cooperation in dealing with any discrimination cases. However, none of our interviewees reported having needed to use its support so far.

5 Trade union and employer policies and measures

5.1 Trade union policies and measures

The trade union interviewees were affiliated to KOZ SR and, with regard to discrimination, they adopted the general anti-discrimination policy of KOZ SR - it covers all the discrimination strands specified in the EU anti-discrimination directives, as well as Slovak anti-discrimination legislation: race/ethnicity, religion/belief, disability, sexual

orientation and age. Gender equality is also included. In order to deal with equal opportunity issues, KOZ SR established the Equal Opportunities Commission for Women and Men (*EO Commission*). The EO Commission consists of representatives of 18 sectoral trade union associations affiliated to the KOZ SR. In order to assist trade union negotiators to include equal opportunity principles into collective agreements, the EO Commission prepared and issued an *Equal Opportunity Guide for Trade Union Negotiators in Collective Bargaining*. It also covers racial and ethnic equality. Interviewed trade union respondents referred to the fact that their negotiators use the Guide to implement race and ethnic equality through collective bargaining.

The general anti-discrimination policy of the KOZ SR is implemented by the sectoral trade union associations (*OZŽ and IOZ*), as well as by local trade union organisations in selected companies (*OZ Metalurg and OZ Chémia*) through collective bargaining. Nonetheless, neither KOZ SR nor the surveyed sectoral and company level trade unions have adopted particular anti-discrimination policies concerning race and ethnicity. According to the interviewees, there was no need to deal with such discrimination at work: said:

'I have not had experience of any racial and ethnic discrimination during my 18 years' of activities in trade unions. ' (IOZ President)

Multi-employer as well as single-employer collective agreements include clauses concerning trade union involvement in the implementation of labour legislation which includes provisions banning any form of discrimination at work. Implementation of racial and ethnic equality at workplaces is ensured by the existing labour law. According to some respondents this is the reason why collective agreements do not include explicit provisions banning discrimination at work, including on the grounds of racial and ethnic origin. For instance, in the collective agreement in the Slovnaft MOL Group, *'the only "anti-discrimination provision" concerns the ban on discrimination of employees because of their trade union membership.'* However, to the contrary, in the collective agreement concluded in US Steel Košice for 2008-2011, Part I -2, Article 3 – the ban on discrimination in section 2 states: *'In compliance with equal treatment principles, any discrimination according to marital status, colour, language, political or other opinion, trade union activity, nationality or social background, wealth, gender and other ways of life is forbidden.'* The Collective Agreement also specifies procedures, which can be applied by employees affected by unequal treatment.

Trade union representatives assess the implementation of collective agreements, which include implementation of equality at work, during regular meetings with management over the year.

'Just because our collective agreement includes anti-discrimination provisions, people discuss the issue more often than previously.' (Trade union respondent, US Steel Košice)

The trade unions also implement anti-discrimination policies internally. Equality clauses, including racial and ethnic equality, are included in the trade unions' statutes. Anti-

discrimination principles were usually included in the training courses organised for trade union officials. Some trade unions publicised some parts of the anti-discrimination legislation for their members as well as employees. According to the trade union respondents, the trade unions have not yet been approached with a discriminative case on the ground of race and ethnic origin. Therefore, they have not adopted particular procedures to combat racial and ethnic discrimination at work. Nonetheless, they are ready to protect their members in cases of any form of discrimination, including that on the grounds of race and ethnicity, by application of existing procedures established in order to deal with employees' complaints.

'If such discrimination emerges, I will react hard and immediately ask the respective person for remedy.' (Interviewee from the local trade union organisation in Slovnaft - MOL)

The trade unions surveyed had their own lawyers who could provide legal assistance in the courts for employees affected by discrimination, including racial and ethnic forms. According to the interviewed trade union respondents, since there was no racial and ethnic discrimination observed in enterprises, minority employees did not need the support of the trade unions and the Slovak National Centre for Human Rights.

The trade unions' commitment to the implementation of equality principles at work, as well as anti-discrimination practices, has been improving over recent years. Nonetheless, they felt no particular need to deal with racial, ethnic and cultural discrimination at work in their practice. The trade unions had not made any internal organisational changes in order to establish a particular body to deal with racial and ethnic discrimination. The trade union officials were; however, ready to deal with the issue within their existing competencies. The trade union respondent from US Steel Košice considers trade union as well as employer activities in this area as useful, and claimed *'our trade union organisation did not observe any complaint regarding such discrimination in the company'*.

According to the respondents from the trade union associations, racial and ethnic discrimination was not a particular subject of social dialogue with their partner employer organisations. On the other hand, respondents from companies indicated active cooperation with the company management in preparation of internal managerial documents (*the Code of Ethical Business Conduct in US Steel Košice and the Code of Ethics in Slovnaft - MOL*) that also include anti-discrimination measures. For instance, a respondent from US Steel Košice claimed *'representatives of our trade union organisation are members of the committee, which deals with breaches of the Working Order and the Code of Ethical Business Conduct in the company.'* The anti-discrimination rules are elaborated in details in these documents.

5.2 Employer policies and measures

According to a ZSP SR respondent, the employers' association had not adopted any particular policies to combat race and ethnic discrimination at work in the mechanical engineering sector because such discrimination was not present. Anti-discrimination

measures were, however, adopted in individual member companies. The employer respondents confirmed that management in companies dealt with equality at work, including racial and ethnic issues. Concrete measures were adopted by the management by way of internal company documents in US Steel Košice, Slovnaft - MOL and UPSVaR against potential discrimination against employees. Those measures also covered gender equality which in practice is a more often discussed as a discrimination issue than is racial and ethnic discrimination.

None of the respondents had knowledge of discrimination at work on the ground of race and ethnic origin during his or her professional carrier. According to the,

'Managers, especially HR departments, take great care to avoid even a suspicion of discrimination in the Company, and also to ensure that equality is considered in all procedures.' (Employer respondent from Slovnaft - MOL)

In general the adoption of anti-discrimination measures usually had no significant impact upon higher levels of recruitment of workers from ethnic minorities in the trade unions and employers. Nonetheless, US Steel Košice can be mentioned as an exception. In 2002, the Company implemented the project *Equal Opportunities - Work for Romas*, and offered jobs for long-term unemployed Roma from the nearby village Velká Ida (its mayor played an important role in the pre-selection of applicants). Implementation of the project contributed to higher membership of Roma in the local trade union organisation and higher employment. According to the US Steel Košice HR interviewee, *'the project was broadened to Šaca and Luník IX city wards and provided jobs for about 150 Romas. About 100 of them are still working in the company'*. It was recognised that this initiative arose out of the fact that the company was part of an American multi-national:

'The anti-discrimination initiatives in the Company were mainly encouraged by the US Steel Corporation culture in which equality and diversity are embedded.' (US Steel Košice employer respondent)

Employer interviewees reported that they had implemented existing management policies on equality in the workplace. The following documents are worth mentioning: the Work Rules and the Code of Ethical Business Conduct in US Steel Košice (adopted in June 2004); the Code of Ethics and Consolidated Orders in Slovnaft - MOL and the Adaptation Order in UPSVaR. These documents reflect components of US Steel and MOL corporate cultures, and included principles and rules which ban discrimination at work, including racial and ethnic discrimination. The Code of Ethical Business Conduct, Annex No.5 of the Work Rules of the US Steel Košice, includes, particular provisions banning any kind of discrimination, including discrimination related to *'race, colour, citizenship and national origin of employees'*. In Slovnaft - MOL the Code of Ethics states: *'as a MOL Group employee, you must not discriminate against anybody on the grounds of sex, marital status, age, ethnic origin, colour, political conviction, disability, religion, or sexual orientation'*. Although these Codes do not explicitly refer to the new Slovak anti-discrimination legislation nor to the Directive, they implement them in practice.

In US Steel Košice, the management has also established a special managerial position - the Complaints Manager (or manager for equal treatment) - who deals with employees' complaints, including any form of discrimination at work. To manage the issue properly, an Ethics Hotline telephone number was established in order to allow the reporting of any violations of the Code within the company. According to the employer respondent from the company, *'employees can use the line for raising any personal problems, including unequal treatment either by name or even anonymously'*. Similarly, the Code in Slovnaft -MOL provides for contacts with persons who are vested with the right to deal with employees' complaints, including discrimination issues. The Ethics Council was established in the company for this purpose. Its chair is a neutral person from outside of the company.

In UPSVAR, each new employee receives the *Adaptation Process Handbook*. The Handbook does not contain explicit provisions related to race and ethnic discrimination and/or equality but it refers to the principal legislation which regulates civil and public services in Slovakia. This legislation contains explicit provisions banning any form of discrimination, including on grounds of race or ethnicity.

The above-mentioned documents were publicised by the management and disseminated to employees in the companies. Each new entrant to the companies takes part in Induction training and receives the above-mentioned internal documents. The company respondents also reported having implemented changes in education and training activities. For example, in 2008 US Steel Košice management organised a *Diversity training course* for 120 managers about implementation of equality and better utilisation of cultural diversity at work.

6. Views on how to tackle discrimination better

Excluding the issue of the Roma, where those interviewed considered their disadvantage stemmed from an absence of qualifications, the trade union respondents considered that here was no reason to speak about racial and ethnic inequalities at work in Slovakia. Accordingly these respondents tended to recommend the adoption of measures to reduce the existing handicaps of the Roma through systemic education, especially of young people:

. 'I would even pay parents to keep their children at school. There is no other way to combat effectively their long-lasting handicap in the labour market.' (Trade union respondent from Slovnaft – MOL)

A US Steel respondent also stressed *'the need for more effective education and information campaigns'*. According to an interviewee from IOZ, there are also weaknesses in the Slovak migration policy and procedures, which are applied to migrant workers. He proposed *'improvements to migration policy allowing foreign workers to participate more easily in the Slovak labour market in the future'*.

The ZSP SR employers' federation respondent also believed more should be done to improve Roma training and that current measures relating to racial and ethnic minority equality are rather sporadic:

'Equality is not about declarations on the protection of ethnic minorities. There is a lack of systematic activities aimed at increasing the working skills and education of Roma, e.g. recent training of Roma has had very low effectiveness.'

A US Steel Košice respondent also suggested giving more attention to:

'Stimulation of those employers which implement measures supporting employment of Roma workers. Investments in their professional education and training are cost demanding.'

According to the UPSVAR respondent's experience: *'Joint informal meetings of multicultural groups of employees organised by management can increase mutual understanding of ethnic and cultural diversities.'*

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