

Right to supranational information and to negotiation
§ 241

- (1) The right to supranational information and to negotiation of employer's employees and of groups of employers operating in the territory of the European Union Member States (hereinafter referred to as "Member State") with their headquarters in the Slovak Republic shall be realised through the European Works Council or through the agreed procedure.
- (2) According to paragraph (1), a European Works Council shall be established with each employer and at each group of employers active in the territory of the Member States, or a procedure for briefing employees and negotiation shall be agreed with the aim to brief employees and to negotiate with them under the conditions, in the way and with the effects stipulated in this Act.
- (3) An employer operating in the territory of the Member States shall be obliged to finance
 - a) the establishment and activity of the special negotiating body, European Works Council or agreed procedure of briefing employees and negotiation,
 - b) costs of organising negotiations, interpretation, travel costs and accommodation of members of the special negotiating body, members of European Works Council or members active within the agreed procedure of employees' briefing and negotiation.

§ 242

The obligation to provide supranational information and negotiation shall apply to

- a) employers and groups of employers operating in the territory of European Union Member States with their headquarters in the Slovak Republic,
- b) organisational units of an employer or organisational units of a group of employers operating in the territory of Member States with their headquarters in the Slovak Republic,
- c) representatives of an employer or a group of employers operating in the territory of the Member States with their headquarters in the Slovak Republic.

§ 243

**Conditions for establishing European Works Council or for agreed procedure
for supranational information and negotiation**

- (1) For the purpose of this Act
 - a) an employer operating in the territory of the Member States means an employer employing a minimum of 1,000 employees in the Member States and at least 150 employees in each of a minimum two Member States,
 - b) a group of employers operating in the Member States means a managing employer and employers subordinate to him/her, who employ a minimum of 1,000 employees in the Member States, including at least two employers operating in two different Member States and employing a minimum of 150 employees in each of them,

- c) representatives of employees means representatives of employees pursuant to § 230 and § 236,
- d) top management means top management of an employer operating in the territory of the Member States or top management of a managing employer in the case of a group of employers operating in the territory of the European Union Member States. If top management does not have headquarters in a Member State, for the purpose of this Act, a representative appointed by the top management shall be deemed top management; if such a representative has not been appointed, an employer of the Member State with the greatest number of employees with his/her headquarters in one of the Member States shall be deemed top management. Top management of employer shall be responsible for establishment of European Works Council or agreed procedure for supranational information and negotiation,
- e) a special negotiating body shall be established in compliance with § 244 with the aim of conducting bargaining with top management on establishment of European Works Council or on procedure of briefing employees and negotiation.

(2) For the purpose of this Act, the managing employer means an employer who can directly or indirectly manage another employer on grounds of ownership, financial share or rules he/she conforms to.

(3) Managing employer always means an employer who in relationship to another employer directly or indirectly

- a) owns a majority of capital (stock) of this employer,
- b) controls a majority of shareholders' votes of the employer, or
- c) may appoint more than half of the members of administrative, managing or supervisory body of this employer.

(4) The numbers of employees set up for the purpose of this law shall be based on an average number of employees, including employees with reduced working time, employed during the last two years.

§ 244

Special negotiating body

- (1) A special negotiating body shall be established for negotiating on behalf of employees on establishing a European Works Council or on procedure of briefing employees and negotiating with them.
- (2) The top management shall start negotiations on establishing a special negotiating body on its own initiative or upon a letter of application of at least 100 employees of a minimum of two employers in two different Member States or upon a letter of application from their representatives.
- (3) The special negotiating body shall have a minimum of 3 and maximum of 17 members. Members of a special negotiating committee shall be employees of an employer or a group of employers operating in the territory of the Member States. Employees of an employer from each Member State in which there is an employer or a group of employers operating in the territory of the Member States

shall be represented by one member. An additional member of the special negotiating body shall be appointed on behalf of employees of an employer from each Member State with at least 25 % of employees, additional two members on behalf of employees of employer of each Member State with at least 50 % of employees and additional three representatives on behalf of employees of an employer from each Member State with at least 75 % of all employees.

- (4) Representatives of employees on behalf of employees in the Slovak Republic shall appoint members of the special negotiation body from employees of employer on joint negotiations. The allocation of votes on joint negotiations shall be fixed pro rata to the number of represented employees.
- (5) The special negotiating body shall inform top management on its establishment. Top management shall arrange a session of the special negotiating body with the aim of concluding an agreement pursuant to § 245; in case of need, it may invite experts to the session.
- (6) The special negotiating body shall accept conclusions by a majority of the votes; for a decision that it will not start to negotiate according to paragraph (5), or that it will terminate a negotiation in progress, it shall be necessary to have a minimum majority of three quarters of the votes.
- (7) If the concerned parties do not agree on a shorter period, a new application for summoning a special negotiating body may, at the earliest, be submitted within two years from acceptance of the said decision.
- (8) All expenditures related to the establishment of a European Works Council or procedure of briefing and negotiation shall be borne by central management in such a way that a special negotiating body is able to properly perform its task.

§ 245

Agreement on establishing European Works Council or procedure of briefing and negotiation

- (1) Top management and special negotiating body, European Works Council and representatives of employees who secure a different procedure of briefing and negotiation shall bargain in association, with regard to their mutual rights and obligations.
- (2) The agreement between top management and special negotiating body must be concluded in writing and must include
 - a) employers, groups of employers operating in the territory of the Member States or their organisational units operating in the territory of the Member States to which the agreement shall apply,

- b) the composition of the European Works Council, number of its members, alternate members, position allotment and term of office,
- c) competencies and procedure of briefing the European Works Council and negotiation procedure,
- d) place of meeting, number of terms and duration of European Works Council meetings,
- e) funds and material sources to be allocated to the European Works Council,
- f) validity period of agreement on the European Works Council and procedure of its renegotiations.

(3) The European Works Council may be extended by representatives of employees of employers from states which are not members of the European Union in the case this has been agreed on by a special negotiating body and top management.

(4) The top management and the special negotiating body may agree in writing that they will establish one or more procedures of briefing employees and negotiation instead of the European Works Council. The agreement must be in writing and must include in particular

- a) subject of supranational information and negotiations concerning important interests of employees,
- b) method and security of rights of employees' representatives to jointly discuss the information they were given by top management.

European Works Council established by law

§ 246

A European Works Council shall be established according to this Act if

- a) The top management agrees on such jointly with special negotiating body,
- b) The top management refuses to start negotiation within six months from the date of submission of application of employees pursuant to § 244, paragraph (2) on the establishment of a European Works Council or procedure for supranational information and negotiation,
- c) top management and special negotiating body did not come to an agreement within three years from the date of submission of application and a special negotiating body did not decide on termination of negotiation proceedings (§ 244).

§ 247

(1) The European Works Council shall be elected by representatives of employees from employer's employees in joint discussion. Members of European Works Council for employees employed in the Slovak Republic shall be appointed by representatives of employer's employees on joint negotiations.

(2) The European Works Council consists of representatives of employees at employers or groups of employers operating in the territory of the European Union Member States. A European Works Council has a minimum of 3 and maximum of 30 members. One representative of employees from each

Member State in which employer or a group of employers has an agency, shall be delegated to the European Works Council.

- (3) If an employer or a group of employers operating in the Member States have less than 10,000 employees, the Member States in which a minimum of 20 % of the employees is employed shall be represented by one additional representative. Member States, in which a minimum of 30 % of the employees is employed, shall be represented by two additional representatives, a minimum of 40 % of the employees by three additional representatives, a minimum of 50 % of the employees by four additional representatives, a minimum of 60 % of the employees by five additional representatives, a minimum of 70 % of the employees by six additional representatives and places with a minimum of 80 % of the employees shall be represented by seven additional representatives of the employees.
- (4) If an employer or a group of employers in the Member States has a minimum of 10,000 employees, the Member States in which a minimum of 20 % of the employees is employed shall be represented by one additional representative. Member States, in which a minimum of 30 % of the employees is employed, shall be represented by three additional representatives, a minimum of 40 % of the employees shall be represented by five additional representatives, a minimum of 50 % of the employees shall be represented by seven additional representatives, from a Member State in which 60 % of the employees is employed shall be represented by nine additional representatives, a minimum of 70 % of the employees shall be represented by eleven additional representatives, a minimum of 80 % of the employees shall be represented by thirteen additional representatives of employees.
- (5) In the case of meeting the conditions for the establishment of a European Works Council, top management shall be obliged to arrange an establishing session of a European Works Council. The European Works Council shall elect its chairman and his/her deputy on this session.
- (6) The chairman, and during his/her absence his/her deputy, shall represent the European Works Council externally and shall administer its routine activity. If it considers necessary, the European Works Council shall elect a three-member committee which consists of a chairman and two other members who must be from two Member States.
- (7) The European Works Council shall accept standing orders, which must be in writing and must be approved by a majority vote of all members.
- (8) The top management shall check each two years from the date of establishing meeting if the numbers of employees in individual Member States has changed in such a way that, according to paragraphs (4) to (6), a different composition of the European Works Council must be determined. The result shall be announced to the European Works Council. If a different composition of the European Works Council is needed, the top management shall ensure that new members of the European Works Council are appointed in the states where entitlement for a different number of representatives of employees

arose. The heretofore membership of employees' representatives shall terminate by the new appointment.

- (9) The European Works Council shall announce to top management the names, surnames and addresses of its members. Top management shall provide employers and representatives of employees or employees with such information.
- (10) Membership of the European Works Council shall begin by appointment and shall last for four years unless terminated earlier by recall or for other reasons.
- (11) Upon the elapse of four years from the establishing meeting, a European Works Council shall vote whether it shall negotiate with top management according to § 245 or if the European Works Council shall continue as stipulated by law (§ 246).

§ 248

- (1) Top management shall negotiate with the European Works Council at least once in a year
 - a) organisational structure of an employer, economic and financial situation,
 - b) anticipated development of activities, production and development of employment,
 - c) investment situation, significant changes of labour organisation and new production processes,
 - d) transfers of employer or part thereof, merger, consolidation, division, amendment to the employer's legal form,
 - e) other organisational changes of the employer.
- (2) In case of the occurrence of extraordinary events significantly affecting the employees' interests, the top management is obliged to inform the European Works Council in time, to submit necessary documents to it and to discuss them upon its request.
- (3) Extraordinary events mean in particular
 - a) dissolution, extinction or transfer of employer or part thereof,
 - b) collective redundancies.
- (4) The top management is obliged to inform the European Works Council in writing and to discuss with it affairs specified in paragraphs (1) to (3) in the case they concern at least two employers with their headquarters in a minimum of two Member States; powers of European Works Council concern matters of the Member States only.

§ 249

Briefing of employer's employees representatives in the territory of the Slovak Republic

The special negotiating body, European Works Council or representatives of employer's employees securing different procedures for supranational information and negotiation shall brief the employer's employees (§ 230 and § 236), with their

headquarters in the territory of the Slovak Republic, on supranational information and negotiation at the joint meeting with employer's employees.

§ 250

Protection of members of special negotiating body, members of European Works Council and employee representatives securing different procedure

Provisions of § 240 shall apply to members of special negotiating body, members of European Works Council and representatives of employer's employees securing different procedures for supranational information and negotiation.