

Changes Act on Employment Services SK



CHANGES IN THE ACT ON EMPLOYMENT SERVICES

We would like to inform you about the most important changes related to the amendment to Act No. 5/2004 Coll. on Employment Services:

Employment of third-country nationals

The amendment simplifies the processes related to the employment of foreigners, especially the stay of third-country nationals on the labour market in the Slovak Republic. The condition regarding their employment only in jobs in those districts where the rate of registered unemployment is less than 5 % was abolished.

We pick a few more changes:

The condition for granting a work permit is that the **employer** who wants to employ a third-country national **has not been fined for violation of the prohibition of illegal employment** in the five years before the application is submitted.

In case of residence renewal of a third-country national for the purpose of employment in the same job, it is no longer necessary to carry out the so-called labour market test. The employer no longer has the obligation to report the job 20 days in advance, but it is now sufficient to report it to the labour office no later than the day the foreigner's application for residence renewal is submitted. In addition, the foreigner can perform his

work even during the period of assessment of his application.

New information obligation of the employer to whom citizens of an EU member state are posted

The Slovak employer (recipient of services) to whom citizens of an EU member state are posted **is obliged to inform the labour office in writing using information card, within seven working days from the day of posting** and also within seven working days from the day the posting ends.

Failure to comply with this obligation is subject to a fine of up to EUR 100,000.

Obligations of employers when employing citizens with health disabilities

From 1 January 2023, the employer is obliged to prove the fulfillment of the mandatory share of employment of citizens with health disabilities (annual report) **using an electronic form sent to the information system** (the annual report for the year 2023 submitted until 31 March 2024 will be typed electronically).

ATTENTION: For the year 2022, employers will proceed as before, i.e. they will use the forms published at www.upsvr.gov.sk

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After the launch of a new section on the portal www.sluzbyzamestnanosti.gov.sk (provider section), data on persons with health disabilities employed from 2023 will be continuously uploaded and following that in 2024, the employer's obligation to employ citizens with health disabilities will be proved electronically using the portal www.poskytovatel.sluzbyzamestnanosti.gov.sk

More flexible registration of job seekers

When submitting an application for registration in the register of job seekers, **the deadline for registration is extended** from 7 calendar days **to 10 calendar days** (e.g. when submitting an application after the end of employment within 10 calendar days, the citizen will be registered in the register of job seekers the day after the end of employment (after meeting the legal conditions).

The application for registration in the register of job seekers can be submitted at the place of permanent residence or at the place where the citizen stays. **Usual residence** is the place where the citizen stays and is outside the address of permanent residence (it does not have to be documented by any document, it is enough only to indicate it in the application for registration in the register of job seekers and it cannot be changed while it is kept in the register).

A job seeker can:

✓ perform the function of a deputy of the municipality or the higher territorial unit (VÚC), the function of a member

of the commission of the municipality or the higher territorial unit (VÚC), if the monthly remuneration does not exceed the sum of the subsistence minimum (i.e. EUR 234.42 until 30 June 2023).

A disadvantaged job seeker is also a citizen who

- ✓ did not have regular paid employment and did not perform or operate self-employment for longer than 6 consecutive months during the period of at least 12 consecutive calendar months prior to registration in the register of job seekers
- ✓ stopped receiving maternity or parental allowance less than 2 years before entering the register of job seekers and who had no income from employment or self-employment while receiving these allowances.

Statutory representatives of companies in liquidation can also be registered in the register (before, this was only possible after removal from the business register).

Evidence for the purposes of the Act on Employment Services

Employers and self-employed persons can submit an application and prove fulfillment of obligations under the Act on Employment Services also by electronic means, signed with a qualified electronic signature.