

## 23. Slovak Republic

Viktor Križan

When accessing social security benefits in the Slovak Republic, the main consideration is not whether the applicant is a citizen of the Slovak Republic, a foreigner or a migrant worker (short-term or longer), but usually the nature of the activity performed or the applicant's residence conditions.

### Box 1 Sector-specific variations of social security rules

Slovak legislation does not contain sector-specific variations of social security rules that would apply to third-country nationals.

Table 1.23 Overview of the relationship between form of migration and entitlement to a particular social security service

Third-country-national categories	Social security categories					
	Health insurance	Pension contributions	Unemployment insurance	Basic security (social assistance)	Insurance against accidents at work	Child benefits
Posted workers	No (must be covered in the sending country)	No (must be covered in the sending country)	No (must be covered in the sending country)	Yes	No (must be covered in the sending country)	No (only if permanent or at least temporary resident)*
Intra-corporate transfers	No (must be covered in the sending country)	No (must be covered in the sending country)	No (must be covered in the sending country)	Yes	No (must be covered in the sending country)	No (only if permanent or at least temporary resident)
Seasonal workers	Yes	Yes	Yes	Yes	Yes	No (only if permanent or at least temporary resident)
Temporary agency workers	Yes, except if posted from abroad (then covered in the sending country)	Yes, except if posted from abroad (then covered in the sending country)	Yes, except if posted from abroad (then covered in the sending country)	Yes	Yes, except if posted from abroad (then covered in the sending country)	No (only if permanent or at least temporary resident)
High-level professionals	Yes	Yes	Yes, if they have employee status	Yes	Yes	No (only if permanent or at least temporary resident)
Self-employed	Yes	Yes, if they have compulsory insurance or have opted for voluntary insurance	No	Yes	Yes	No (only if permanent or at least temporary resident)

Note: \* A permanent residence permit entitles foreign nationals to long-term residence in Slovakia, as well as journeys abroad and back. It is a more stable type of residence, which is granted to foreign nationals for a longer period than temporary residence. Foreign nationals with permanent residence enjoy the same rights and duties as all citizens of the Slovak republic in most areas of life (for example, employment, health care, social affairs, and participation in public life at regional level). There are 3 types of permanent residence: Permanent residence for five years; Permanent residence for an unlimited period; Long-term residence.

Source: Author's analysis, 2022.

**Box 2 Changes during the Covid-19 pandemic**

There was no discussion on third-country nationals and their rights during the Covid-19 pandemic in Slovakia. During the crisis period, however, social security contributions were deferred for employers and the self-employed. Third-country nationals had the same access to sickness insurance benefits as nationals if the relevant conditions were met.

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## Description of the Slovak system

### 1. Overview of social security rights of short-term third-country-national migrant workers

Slovak legislation does not contain special social security provisions applicable to short-term migrant workers.

Social security in Slovakia takes three basic forms:

- (i) social and health insurance,
- (ii) state social benefits, and
- (iii) social support.

The social insurance system in Slovakia comprises, apart from sickness insurance, pension insurance and accident insurance, also unemployment insurance, and insurance in case of an employer's insolvency (guaranteed insurance). The Social Insurance Agency disburses unemployment benefits, while the Job-Seekers Registry is administered by the Centre of Labour, Social Affairs and Family. Receipt of social insurance benefits is insurance with the Social Insurance Agency for the required period (social security contributions, whether compulsory or voluntary), as well as other conditions for specific benefits, regardless of form of residence in the Slovak Republic. Social insurance applies to employees or self-employed persons, the voluntarily insured and natural persons if they meet the relevant legal conditions. In general, employees with sickness, pension and unemployment insurance are entitled to a regular monthly benefit, regardless of nationality, should the relevant circumstances arise.

Public health insurance is, in general, mandatory for all persons with permanent residency in the Slovak Republic. Public health insurance is also compulsory for those who do not have permanent residency but who meet one of the conditions, which also include employment with an employer whose registered office is in the Slovak Republic or is self-employed there. If a third-country national wants to receive full health care, they must either be insured or pay for health care. Urgent health care will be provided without insurance, but the hospital or doctor has the right to demand payment for the costs incurred.

To be granted state social benefits, third-country nationals are required to meet the condition of permanent or temporary residence. If a third-country national resides in the Slovak Republic under the Act on the Residence of Aliens, they may also be entitled to material assistance if the other conditions are met.

## 2. Differences in social security rights of different categories of short-term third-country-national migrant workers

### (i) **Third-country-national seasonal workers**

Access to social security is not tied to a person's nationality, but to the nature of their economic activity (whether they are employees, compulsorily insured self-employed, or a voluntarily insured) and/or their residence in the Slovak Republic/residence permit in the Slovak Republic.

### (ii) **Third-country-national posted workers**

According to the Act on Employment Services, the Office of Labour, Social Affairs and Family will grant an employment permit to a third-country national who is employed by an employer who has their registered office or the registered office of an organisational unit outside the Slovak Republic and who posts them on a contractual basis with a legal entity or a natural person to perform work in the Slovak Republic, based on an agreement on the number and professions of posted employees and the period of their posting with the legal entity or natural person to which the national of a third country will be sent. In this case, the Slovak employer will have the status of a user employer and will be able to manage and give instructions to the assigned employees (it will not involve the provision of services provided by a foreign employer).

Slovak social security regulations do not apply to workers posted from third countries.

### (iii) **Third-country-national temporary agency workers**

Only an employee in an employment relationship can be temporarily assigned (be an employee of a temporary work agency), in this case therefore third-country nationals have the status of employee and social rights corresponding to this status.

## 3. Conditions for obtaining different social security rights

Access to social security is not tied to a person's nationality, but to the nature of their economic activity (whether they are employees, compulsorily insured self-employed, or a voluntarily insured) and/or their residence in the Slovak Republic/residence permit in the Slovak Republic.

## 4. Portability of benefits between host country and country of origin

There are no legal provisions that would entitle a third-country national to gain benefits that they are eligible for in their country of origin. Entitlement to benefits payable in the Slovak Republic would be subject to Slovak rules. The Slovak

Republic has concluded social security agreements with some countries, however (Australia, Montenegro, Israel, Japan, Canada, South Korea, North Macedonia, Russian Federation, Serbia, Ukraine, and Turkey), which may regulate selected aspects, such as the calculation of insurance periods.

## 5. Social security rights of short-term third-country-national migrant workers during the Covid-19 pandemic

Access to social security is not tied to a person's nationality, but to the nature of their economic activity (whether they are employees, compulsorily insured self-employed, or a voluntarily insured) and/or their residence in the Slovak Republic/residence permit in the Slovak Republic. It should be mentioned, however, that during the crisis period the payment of social security contributions for employers and the self-employed was postponed. Also, third-country nationals had the same access to sickness insurance benefits as nationals if the conditions were met.

## 6. Overview of enforcement and monitoring

If the relevant employment conditions for third-country nationals are not met they are considered to be working illegally. The employment of a third-country national who is staying on the territory of the Slovak Republic in violation of a special regulation (Act on Residence of Foreigners, Act on Asylum) and who performs dependent work is also deemed to be illegal.

Monitoring of illegal work and illegal employment is carried out (until 31 December 2022) by the Labour Inspectorate, the Labour, Social and Family Headquarters, and the Labour, Social and Family Offices. Since 1 January 2023 it has been the sole responsibility of the Labour Inspectorate.

Natural persons are obliged to prove their identity to the Labour Inspectorate, submit a document containing their social security identification number and justify their presence at the workplace. A natural person who is a third-country national is obliged to present a valid residence permit or other authorisation for residence.

The Labour Inspectorate assesses the risk of illegal employment of third-country nationals and regularly identifies sectors of economic activity in which illegal employment of third-country nationals is concentrated. The Labour Inspectorate monitors the illegal employment of third-country nationals, especially in risky industries. Every year by 1 July, the National Labour Inspectorate submits to the European Commission information for the previous calendar year on the number of inspections of illegal employment of third-country nationals in individual risk sectors, the percentage of inspected subjects from the number of employers in each risk sector and the results of inspections carried out in individual risk sectors.