

Slovakia

Wage guarantee in case of insolvency

Phase	Act on Social Insurance No. 461/2003; Act on Bankruptcy and Restructuring No. 7/2005, as amended; Act on Labour Code No. 311/2001
Native name	Zákon o sociálnom poistení č. 461/2003; Zákon o konkurze a reštrukturalizácii č. 7/2005, v znení neskorších predpisov; Zákonník práce č. 311/2001
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Description

In cases of employer's insolvency, workers' wage claims are guaranteed through the [Act on Social Insurance](#) and the [Act on Bankruptcy and Restructuring](#).

All workers with an employment relationship that lasted at least 18 months before the insolvency (the last working day before the employer filed for insolvency) are eligible, including employees with fixed-term contracts, part-time workers and employees working externally according to assignment contracts. However, employees of the state, public organisations, support organisations, national funds and municipalities, as well as domestic workers in a family business or people working for their family relatives who have not entered into an employment relationship are not eligible.

An employer is considered insolvent if it has filed for insolvency at the court.

The guarantee covers non-paid wages, bonuses, holiday remuneration, severance payments and travel expenses. The benefit covers employees wage claims for a maximum

duration of three months.

To get access to the wage guarantee benefits, the employee has to apply within 60 days after the insolvency or termination of the employment relationship. The Social insurance Agency (SP), which administers the guarantee fund, has to decide and pay the benefit within 60 days from the application. The fund is financed by employers' contributions.

In context of the COVID-19 pandemic, the government meet employers and the self-employed by postponing the deadlines for mandatory payments to insurance funds.

Commentary

Data on wage compensation from the Guarantee fund, including expenditure, is available through the [Social Insurance Agency](#).

Additional metadata

Cost covered by	Employer
Involved actors other than national government	Other
Involvement (others)	Social insurance organisation; Guarantee Fund
Thresholds	Affected employees: No, applicable in all circumstances Company size: No, applicable in all circumstances Additional information: No, applicable in all circumstances

Sources

- Deutsch, A. (2011), Europäische Beispiele für die Insolvenzentgeltsicherung, Vienna, Federal Ministry of Labour, Social Affairs and Consumer Protection/IEF~~~ Sargent, M. (2007), Implementation Report Directive 80/987 EEC amended by Directive 2002/74/EC [protection of employees in the event of the insolvency of their employer], Human European Consultancy/Middlesex University Business School~~~ Cziria, L. and Borgula, J. (2009), National background paper Slovakia, Anticipating and managing restructuring in enterprises: 27 national seminars, ARENAS Report, European Commission, Brussels~~~ [The Ministry of Labour, Social Affairs and Family \(MPSVR SR\) \(Zákon o socialnom poistení\)](#)~~~ [Sociálna poisťovňa vyplácala vlni menej garančných dávok](#)~~~

[Act on Social Insurance No. 461/2003](#)~~~ [Act on Bankruptcy and Restructuring No. 7/2005](#)~~~ [Act on Labour Code No. 311/2001](#)~~~ [Správa o sociálnej situácii obyvateľstva Slovenskej republiky v roku 2022](#)~~~

Citation

Eurofound (2015), Slovakia: Wage guarantee in case of insolvency, Restructuring legislation database, Dublin