

Working Conditions and Industrial Relations in the Central  
Public Administration: Conducting in-depth case studies in  
Member States which have joined the EU since 2004

Case Study Report: Slovakia

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Project no. 0137, contract no. 12-3030-25

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## Executive Summary

After 1989 and in particular after the country's independence in 1993, Slovakia started to reconstruct and form democratic institutions. However, soon after the country was granted independence, the country's democratisation was put into question due to the Mečiar's autocratic style of government from 1994 to 1998. Civil service and the public administration system as a whole got increasingly politicised. The year 1998 signified a new chance for Slovakia to not only catch up with her other Eastern European neighbours economically but also to come back on the democratic route towards the EU. The EU accession was set by the 1998 Dzurinda government as the key government target which it successfully achieved in 2004. Slovakia during the EU pre-accession period of the 2000s met all the EU accession criteria, including the guarantee of an independent, professional and neutral civil service. An indispensable part of this process was the Civil Service Act of 2001 and the establishment of the Civil Service Office in 2002. The Act included safeguards which protected civil servants from political influence and guaranteed them favourable working conditions and industrial relations.

The Velvet Revolution (1989) also signalled the first wave of change in the system of Slovak public administration and the working conditions and industrial relations of central public administration (CPA) staff (i.e. civil servants). The first decentralisation phase soon followed and only six years later the government commenced de-concentration of public administration. The year 2001 was crucial for the public administration reform continuation – both in terms of decentralisation and modernisation. The peak reform efforts were reached in 2004 when Slovakia joined the EU. Afterwards, Slovak civil service has experienced a move back, politicising the politico-administrative relations. This was signified by the dissolution of the Civil Service Office in 2006 and passing of a brand new civil service act in 2009. The recession brought in a salary freeze for civil servants in 2010 and in 2012 the government launched another major public administration reform (the ESO reform) to improve quality, effectiveness and efficiency of public administration. All these developments have had an effect on working conditions of civil servants. In terms of collective agreements, the recession has had no impact on working conditions being granted above the minimum Labour Code and Civil Service Act requirements. In terms of collective agreements, the recession has had no impact on working conditions being granted above the minimum Labour Code and Civil Service Act requirements.

The public administration reform processes experienced a number of difficulties and in the end were often far away from the originally devised plans and documents. Nevertheless, there have been a number of sound accomplishments. However, if it had not been for the EU accession conditionality, the 2000s administrative reform – both decentralisation and public administration modernisation would not have occurred at the same pace, or possibly would not have even occurred at all.

In terms of politico-administrative relations in civil service, politicisation prevails. Politicisation occurs in the form of organisation and staff changes, both at the central and local state administration level. The current wording of the Civil Service Act allows the ministers to more or less hire fire and reward civil service staff as they wish. This does not only threaten neutrality and integrity of the civil service but in the long run negatively affects the entire public sector. Since 2012, Slovakia has had a one party government for the first time in its modern history, which is further threatening the already weakened and politicised civil service.

Regarding industrial relations, civil servants can join the SLOVES Union (Slovak Trade Union of Public Administration and Culture) which has existed ever since 1990 and remains the only national trade union which represents all civil servants and public administration staff. It takes an active part in higher level collective bargaining with the central government and also signs the collective agreement on all civil servants' behalf. Civil servants can also found their own institutional union or select their union representatives. However, union membership has been

steadily decreasing. State administration unions remain largely inactive and they have not got involved in any significant industrial action since 1993.

The public image of civil servants is connected to the significant level of corruption perception in Slovakia. The negative view of civil servants and public administration staff in general is caused by either personal experience and/or regular media accounts of civil service inaction, ineffectiveness, politicization, nepotism, clientelism, corruption or government failures in general. The average salary of civil servants is higher than the average wage in Slovak economy. Furthermore, compared to some other public sector workers including for instance teachers and nurses, civil servants enjoy on average considerably higher salaries. On the other hand, civil servants face a much higher risk of losing their jobs due to the missing safeguards of the Civil Service Act. This as a result allows each Service Office to lay off any civil service staff based on the political will of the politician in charge of a central public administration organisation.

The greatest threat which remains in Slovak civil service is politicisation which in combination with no central coordination body has the greatest impact on employment relations and working conditions. This has a significant effect not only within the system of public administration but also outside in terms of affects on the whole society and hence remains one of the main challenges for the future.

In terms of key recommendations and solutions, the following may be pursued:

- Decrease politicisation through more civil service neutrality safeguards and introduction of civil service life tenure,
- deal with decreasing active participation of staff and trade union membership through considering benefits only for trade union members,
- attempt to improve public perception through more transparency in all processes such as open job contests and selection procedures,
- introduce standardised performance measurement procedures at all state administration institutions in order to increase efficiency and deliver objective and fair staff assessment,
- introduce standardised remuneration policies with clear and transparent performance-related pay rules in order to reward every member of staff fairly,
- grant more power to the National Labour Inspectorate or employees' representatives due to a missing enforcement agency for state administration working conditions,
- introduce whistleblower protection act in order to fight corruption and protect those brave enough to report it,
- unify and harmonise legislation which concerns industrial relations and working conditions of all public sector staff (civil servants, public servants and other public sector staff) due to the current disparities.

## Contextual Aspects and Background

### Delimitation, importance and regulation

The Slovak public administration (*verejná správa*) is the administrative apparatus of the country which as of 2013 includes some 350 thousand public administration staff (Ministry of Finance, 2013a; 2013b). Slovak state administration (*štátna správa*) is the bureaucratic apparatus of the country's central public administration which now includes the central state administration and local state administration. Slovak state administration holds some 88 thousand bureaucratic members of staff who are civil servants (HNOnline, 2013).<sup>1</sup> Of the 88 thousand civil servants, 18 thousand have been employed at the local state administration offices which since October 1, 2013 are referred to as district offices. In terms of legislation, Slovak civil service is organised according to the Civil Service Act no. 400/2009 (previous Act no. 312/2001).

Working conditions and other work-related arrangements of the remaining public administration staff (e.g. technical and assistance staff employed at central and local state administration; local and regional self-government staff, teachers) are organised according to the Labour Code and two other acts of national legislation: the Work in Public Interest Act, and the Pay of Workers Acting in Public Interest Act. Furthermore, separate pieces of legislation specify working and pay conditions of other public sector workers, including the police, soldiers, fire fighters, doctors, nurses, judges, etc.

Nevertheless, the main legislative acts relevant for central public administration staff remain:

- Act no. 311/2001 Labour Code [*Zákon č. 311/2001 Z. z. Zákonník práce*];
- Act no. 552/2003 Work in Public Interest Act [*Zákon č. 552/2003 Z.z. o výkone práce vo verejnom záujme*];
- Act no. 553/2003 Pay of Workers Acting in Public Interest Act [*Zákon č. 553/2003 Z.z. o odmeňovaní niektorých zamestnancov pri výkone práce vo verejnom záujme*];
- Act no. 400/2009 Civil Service Act [*Zákon č. 400/2009 Z.z. o štátnej službe*]<sup>2</sup>;
- Act no. 2/1991 Collective Bargaining Act [*Zákon č. 2/1991 Zb. Zákon o kolektívnom vyjednávaní*];
- Act No. 103/2007 Act on Tripartite Consultations at the National Level [*Zákon č. 103/2007 Z. z. o trojstranných konzultáciách na celoštátnej úrovni (zákon o tripartite)*].

Of these, it is the Civil Service Act which covers most staff employed at the central public administration in Slovakia. Hence, the Slovak case study will refer mostly to this Act and the working conditions and industrial relations of civil servants.

The system of Slovak public administration can be seen in table 1 below. According to previous standardised terminology used in various articles written in English (e.g. Bercík and Nemeč, 1999; Staroňová and Láštík, 2012), the Slovak central public administration (CPA), which includes national (i.e. central), and deconcentrated local state administration, shall be referred to as **state administration**. The staff employed at state administration offices whose working conditions and industrial relations are organised according to the Civil Service Act shall be referred to as **civil servants** (*štátna služba*). This is because a distinction is made between civil

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<sup>1</sup> Central state administration staff includes budgetary agencies (e.g. ministries and central state administration offices) and contributory agencies (e.g. ministerial agencies). Of all the state administration staff which accounts for some 138 thousand staff, only 88 thousand are central state administration civil service staff. Of these, about 24 thousand are employed directly at the ministries and central government offices only. (HNOnline, 2013; Ministry of Finance, 2013a; Ministry of Finance, 2013b; Mayerová, 2013)

<sup>2</sup> Previously Act no. 312/2001 Civil Service Act [*Zákon č. 312/2001 Z.z. o štátnej službe*].

servants employed at central public administration, both at the national and local level; and the remaining public administration staff also employed in central public administration, which includes technical, maintenance or general assistance staff such as secretaries, receptionists, drivers, etc.

State administration in Slovakia has seen developments in all its three levels: central, regional and local. Of these, only the central and local levels are, as of October 2013, in existence. This report deals with the developments, working conditions and industrial relations in Slovak state administration and especially regarding civil servants. However, the system of central public administration also includes public servants and several references will be made to this group of staff throughout the case study. Inherent difficulties stem from the limits of the national statistics, tending not to distinguish between the civil servants' and public servants' positions, considering them as being a part of one system of public administration.

**Table 1: System of public administration in Slovakia**

Public administration (civil and public servants)				
State administration (civil servants + public servants)			Self-government (public servants)	
Central state administration (i.e. ministries, Government Office, other central state administration offices and agencies)	Regional state administration <sup>3</sup> (i.e. Regional Offices, Regional Offices of Specialised State Administration)	Local state administration (i.e. District Offices) <sup>4</sup>	Regional self-government (8 higher territorial units or <i>župy</i> )	Municipal self-government (2,890 municipalities, <i>obce</i> )

Source: authors; Malíková and Vávrová, 2011

There is currently no specialised central coordination public administration institution. The Civil Service Office (*Úrad pre štátnu službu*)<sup>5</sup> was given this role during its short existence from 2002 to 2006. Once it ceased to exist in 2006, some of its roles were handed over to the Ministry of Labour, Family and Social Affairs and were then moved in 2013 to the Prime Minister's Government Office. Other institutions have also been involved in forming the Slovak civil service, mainly the Ministry of Finance which is in charge of remuneration, budgeting and financial management of the system of public administration as a whole.

However, there is no central policy regarding employment matters that are not regulated by law or collective agreement and each state administration agency stipulates its own policies and practices. The Ministry of Interior has been, since October 1, 2013, in charge of the entire local state administration, now based in the 72 newly formed district offices (*okresné úrady*). The Ministry is not only responsible for local state administration's central coordination, but plays a

<sup>3</sup> Regional offices dissolved in 2007. Remaining Regional Offices of Specialised Public Administration dissolved on 1 January 2013 and regional state administration *de facto* ceased to exist.

<sup>4</sup> District Offices (*okresné úrady*) started to operate from October 1, 2013 as a result of the ESO reform which is currently under way. Before that they had been referred to as Area Offices (*obvodné úrady*) and had been carrying out similar roles.

<sup>5</sup> Not to be confused with service offices (*služobné úrady*).

key role in the still ongoing ESO public administration reform<sup>6</sup> too. Previously, based on their competences, individual ministries have been responsible for their respective local state administration offices - known as the area offices (*obvodné úrady*).

### Key administrative reforms

Slovakia managed to pass some key administrative reform measures – especially in terms of decentralisation and deconcentration in the early 1990s which later led to further public administration reforms (see Table 2). These reforms and changes have also had significant effects on work and working conditions of civil servants and hence are worth discussing in some detail for the purposes of this case study.

**Table 2: Timeline of Slovakia’s key public administration developments**

Year	Events & measures	Process
1989	Fall of communist regime in Czechoslovakia	
1990-1998	Creation of municipal self-governments and first municipal elections (1990), dissolution of Czechoslovakia and creation of Slovakia (1993). Territorial change and reconstruction of state administration (1996): new districts [okres] (79 in total) and regions [kraj] (8) with own district and regional offices representing and carrying out tasks by civil servants.	Decentralisation & Deconcentration
1998-2004	New public administration reform strategy, creation of 8 regional self-governments (i.e. higher territorial units). Creation of the Civil Service Office and Ethical Code of Conduct for civil servants. Public Service Act passed and first regional elections held (2001).	Decentralisation & Modernisation
2004	EU accession	
2005-2012	Civil Service Office abolished (2006) and its roles were moved to ministerial service offices. Abolition of regional state administration offices and fiscal decentralisation to regional and municipal self-governments. New Civil Service Act (2009) removed all remaining civil service neutrality safeguards.	Politicisation
2012	New one party government elected – “ESO” public administration reform announced.	Modernisation
2013	Regional and specialised state administration dissolved and transferred to local state administration. Local state administration transferred to newly established 72 district offices. Area offices ceased to exist.	Restructuring

Source: authors

Decentralisation efforts were supplemented with modernisation, which meant an increasing emphasis on management, control and education.<sup>7</sup> The new legislation offered the means to public-administration modernisation. For instance, in the early 2000s, the Civil Service Act<sup>8</sup>

<sup>6</sup> ESO (from Slovak *ESO – efektívna, spoľahlivá, otvorená*) reform is the current public administration reform which commenced in 2012 and focuses on local state administration and attempts to make it more efficient, reliable and open.

<sup>7</sup> See MESA 10 (1999) for the complete Strategy of Public Administration Reform in the Slovak Republic.

<sup>8</sup> Civil Service Act no. 312/2001. Other legal provisions were also implemented, e.g. the Public Service Act. However, the case study will focus mostly on the Civil Service Act.

introduced various innovative measures which were meant to form and uphold a modern, flexible, politically neutral and high-performance civil service – just as the EU accession criteria specified and requested. Among various other measures it is worth mentioning the creation of the Civil Service Office and the introduction of the Civil Servants Code of Ethics. However, soon after Slovakia joined the EU, the Act was severely and gradually weakened to its current form, which lacks sufficient political-neutrality safeguards and allows government ministers and other political appointees to practically hire and fire civil servants as they wish. Although the Civil Service Act includes and specifies in some detail the exact procedures for recruiting new staff and terminating job contracts, it is still rather weak from a civil servant point of view because it allows a great level of freedom for politicians and their political appointees in terms of hiring and firing other civil service staff.

The key factor which influenced Slovakia's public-administration reform process – both the decentralisation and modernisation processes-, was the **accession to the EU** (Košťál et al, 2012). Prior to the 2004 accession, Slovakia was required to meet numerous strict criteria – which it did more or less successfully. Since the EU membership was among the top priorities for all parliamentary parties, the EU conditionality also led to an unprecedented cross-party consensus on the issue of regional decentralisation and public-administration modernisation.

## Key developments

### *Decentralisation*

The process of decentralisation commenced soon after the Velvet Revolution in 1989. Slovak municipalities were without any difficulties granted a significant level of self-government and new powers as early as 1990<sup>9</sup>. The legislation also led to further fragmentation of local governments in Slovakia as it instead of motivating municipalities to merge, granted freedom to form smaller units. This was still at the time of wide political consensus among the new rising non-communist political forces in the country. Municipalities were given the right to elect their own mayors based on the strong mayor system. Later on, a similar principle was applied when regional decentralisation took place and citizens could directly elect Chairmen of regional assemblies (i.e. *župan*). Hence, the first wave of public administration reform was in the form of decentralisation and creation of municipal self-governments. This in turn, had an impact on the civil service due to the transfer of competences and workload from the national to the local level.

The Slovak case of decentralisation is rather a successful one; nevertheless there were a couple of lessons to be learned in the process. Slovakia had arguably one of the most decentralised and hence fragmented systems of public administration. This greatly supports the principle of subsidiarity and grants significant level of freedom to the people to decide on their own what is best for their municipalities and regions. On the other hand, with great power comes great responsibility which may and often is misused by elected officials. An effective checks and balances system is missing and the Supreme Audit Office, one of the remaining state administration checks on the self-government, lacked resources and binding powers to penalise and remove corrupt officials (Košťál et al, 2012).

### *De-concentration*

Soon after decentralisation efforts, reform and reconstruction of the state administration in the form of territorial change and de-concentration followed. New districts (*okres*, 79 in total) and regions (*kraj*, 8) with new boundaries were drawn with own district and regional offices

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<sup>9</sup> Municipalities Act no. 369/1990.

representing and carrying out tasks by civil servants on behalf of the central government.<sup>10</sup> After 2001 and further decentralisation efforts, powers from district and regional offices were gradually moved to self-government bodies. The year 2007 put an end to most regional offices.<sup>11</sup> A new organisation scheme of local state administration was created and the agenda setting was moved to local state administration offices (i.e. area offices) and to regional self-government. Local state administration now carries out tasks on behalf of the central government in a number of fields such environmental and civil protection, registration of businesses, tax collection, etc. However, nearly each type of office had its own legislation which led to an overcomplicated system of bureaucracy and red tape. Currently, the new government had addressed this issue through the ESO public administration reform. It argues that simplification of the system of state administration and a decrease in the number of offices should bring more efficiency into the overall system of public administration and also improve working conditions for civil servants too.

### *2001: the key year*

The key reform year was undoubtedly 2001 – the year when crucial public administration legislation was passed but also the year when a coalition crisis erupted because of the regional decentralisation reform. The coalition government which was composed of both right and left wing parties started to argue over various politically sensitive details of the reform, principally the regional boundaries and the number of regions. In terms of agenda setting and political discussion, decentralisation ended as soon as the second stage of the decentralisation process was completed. Various powers, functions and decision-making authority were delegated, which (also) resulted in increasing the financial independence of self-governments over the central government. Also, some civil servants who had been working in regional state administration were transferred to the newly formed regional self-government's administrations and offices. The other reform in the early 2000s, which perhaps most significantly affected the working conditions of civil servants to this day, was the central government's effort to modernise, professionalise and depoliticise public administration. EU conditionality again played a crucial role in this (Staroňová and Malíková, 2003; Baldersheim and Malíková, 2012). However, despite various efforts, the international pressure and some legal provisions taken, this aspect of the public administration reform was largely unsuccessful. As of today, most civil service staff changes at top or managerial positions still reflect the general election result and hence high politicisation prevails. The resulting fluctuation of civil service staff has led to the lack of capacity necessary to carry out quality policy implementation and evaluation.<sup>12</sup>

Two measures, the Civil Service Act and the creation of the Civil Service Office, have been crucial for the administrative reform. Both measures, when implemented, personified a new modernisation wave and attempted to increase the attractiveness and prestige of the civil service job. However, only a couple of years later, almost all reform measures were cancelled.

**The Civil Service Act** brought a number of revolutionary measures to civil service and the system of public administration – especially in terms of professionalization and new safeguards and emphasis on political neutrality<sup>13</sup>. Among these, one may note the measure to politically nominate a minister and state secretaries. These were to remain the only official political appointees after April 2002. However, the current legislation does not stop heads of ministerial

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<sup>10</sup> Act no. 221/1996 [Zákon o územnom a správnom usporiadaní Slovenskej republiky].

<sup>11</sup> Act no. 254/2007 [Zákon o zrušení krajských úradov].

<sup>12</sup> See for example Malíková, 2005. For latest empirical research on Slovak politico-administrative relations and their politicisation, see Beblavý and Sičáková-Beblavá, 2011.

<sup>13</sup> The main features of the law are specified in Appendix A of this report

service offices to be political appointees. As a result, ministers can easily influence their service offices to replace all heads of ministerial sections and sometimes even heads of departments, officially because of “organisational reasons“. The current wording of the Civil Service Act does not even make it mandatory for service offices to issue an exact explanation for the termination of a civil service job contract.

The Civil Service Act undoubtedly included a number of innovative schemes. Malikova argues that “the consolidation of new democratic regimes and their legitimacy requires the institutionalization of mechanisms of government that insure effective co-operation of elected (representative) power and non-elected (administrative) power in the process of creating and carrying out social and economic reforms” (Malíková, 2006, p. 1365). The law indeed attempted to set rules to politico-administrative relations<sup>14</sup> which would secure stability in the civil service. However, once Slovakia joined the EU in May 2004, the law started to be gradually cannibalised, down to its current form<sup>15</sup>, which allows politicians and other political nominees in central governmental offices to hire and fire, promote and pay as they wish or as their party wishes. Changes in key characteristics and principles of the system of Slovak civil service have been rather radical and frequent<sup>16</sup>.

The Civil Service Act also caused a lot of confusion due to the frequent amendments made by the Parliament. The Act was, until its successor legislation of 2009, amended 27 times. For instance, the Act was in 2002 amended to include a temporary civil service staff, permanent civil service staff and a group of close political advisors or “czars”, to borrow the term used in the British or American politics. These newly created levels of civil servants and advisors, all with different terms of employment and remuneration caused a lot of confusion, tension and conflicts among civil servants.<sup>17</sup>

The current state of civil service legislation allows ministers to use their managerial skills to their full potential – in theory to minimise transaction costs and to be able to choose and pay the best candidates for civil service positions. However, ministers are instead often found misusing their discretionary powers to hire and fire any ministerial staff and reward them without any standardised performance measurement indicators, possibly in order to award political patronage (Košťál et al, 2012). The **Civil Service Office** was established (2001) in order to meet the EU criteria of a professional and neutral civil service. The Civil Service Office was the central coordination state administration body and was meant to be the main institution responsible for upholding professional, neutral, apolitical and ethical civil service. The Office was also, among other duties, meant to gather and analyse civil service data, advertise civil service vacancies, organise selection process and job contests, accept civil servants’ appeals, coordinate education and training of civil servants. The first Head of the Civil Service Office was considered to be a political appointee (Staroňová and Láštík, 2011) and struggled to find support for the Office even within his former political party SDKU-DS. Minister of Finance, Ivan Mikloš, was the main opponent of the newly created office. He argued that the Office was too expensive, ineffective and rigid. Moreover, according to him, most of Office’s original duties (e.g. recruitment process)

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<sup>14</sup> By politico-administrative relations, the text refers to the ongoing academic discussion which covers the area of politics and the realm of politicians and their interaction with the administration, i.e. the civil service staff who are generally expected to behave neutrally and independently of politics.

<sup>15</sup> Civil Service Act 400/2009. Since 2009 it has been already numerously amended.

<sup>16</sup> See also Appendix A of this report.

<sup>17</sup> See for instance Reiselová, 2002 which illustrates the then confusion leading to potential conflict among civil servants.

had been already delegated to individual ministries through a number of Civil Service Act amendments (ibid). The Civil Service Office was dissolved in March 2006, just 3 months before the general election by the very same government and legislators who only 5 years before voted for its creation.

According to the interviewed staff and experts, The Civil Service Office did certainly not work as it should have, but it has not been replaced by anything better or more functional either. Despite being officially replaced and some duties being transferred to the Ministry of Labour, Family and Social Affairs and most recently to the Government Office, the system of public administration in Slovakia still lacks any coherent human resource strategies and coordination, as illustrated for instance, by the “extreme fragmentation” of the reward structure according to Staroňová and Láštík (2012, p. 265),.

Following the EU accession in 2004, the obligation to implement and follow EU regulations lost importance and increasingly started to be ignored. Gradual weakening of the Civil Service Act, including the complete abolishment of the Civil Service Office best illustrate this move away from the EU regulations and recommendations towards greater politicisation and political discretion (Malíková, 2006).

Although the wording of the current Civil Service Act states that civil service shall be based on professionalism, political neutrality, impartiality, effectiveness, stable job conditions, and ethics,<sup>18</sup> it has never been easier to hire and fire and to reward a civil servant based on ministerial and hence political discretion. Once the Civil Service Office was dissolved and further amendments have been made to the Civil Service Act, including removal of all civil service neutrality safeguards, public administration and, in this case, civil service was prone to politicisation (Staroňová and Láštík, 2011). A scandal which erupted in September 2013 and which best underlines this risk, revealed that the Minister of Agriculture, Rural Affairs and Regional development hired a number of family-related staff without any open and fair competition – but following the Civil Service Act rules.

## **Dramatic Structural changes but no major impacts on Public administration Employment**

### **Key Structural Changes in Public administration**

In March 2012, Slovakia saw an unprecedented election result with the Smer-SD party winning enough votes and seats that it formed the government unilaterally and is 7 seats short of a constitutional majority.<sup>19</sup> The historically first Slovak democratic one-party government since 1989 announced a new wave of public-administration reform, dubbed “ESO” (Efficient, Reliable, Open).<sup>20</sup>

The official government programme made no mention of changes in politico-administrative relations (Programové vyhlásenie ..., 2012). Instead, the social democratic government promised a new major wave of public-administration reform in terms of modernisation and increasing effectiveness and efficiency, and though not mentioning it by name – very much in the *New Public Management* fashion.<sup>21</sup> Importantly, civil service staff was also to be affected. The government planned to introduce new performance-based and motivation mechanisms, aiming to

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<sup>18</sup> Civil Service Act 400/2009.

<sup>19</sup> SMER-SD currently holds 83 out of 150 seats as of October 2013.

<sup>20</sup> In Slovak *efektívna, spoľahlivá a otvorená*.

<sup>21</sup> For media coverage of the reform, see for example: TA3, 2012; Sita, 2012; Pravda, 2012; Kováč, 2012; RTVS, 2012a.

increase civil service performance and attractiveness of working in civil service (Jenčo, 2013). However, no further details have been specified.

Perhaps one of the clearest government reform goals has been to decrease the number of state-administration offices from 613 to 72. The government promised and delivered already in January 2013, the dissolution of 64 regional offices of specialised state administration.<sup>22</sup> It also plans to reorganise, merge and bring most remaining local state-administration offices “under one roof”. They are now based in different buildings and towns throughout Slovakia, and the plan is to have only 72 Area Offices left which would represent the 79 existing Slovak districts (Bratislava and Košice having only one Area Office each), ideally based in as few buildings as possible and with easy electronic contact and access points. The Minister of Interior, who is responsible for the ongoing reform, argues it will make public services and state-administration staff costs cheaper, more efficient and accessible (RTVS, 2012a). The reform programme and government representatives also emphasise values such as transparency, quality, client approach, accountability, citizen involvement in decision-making and a “system of strategic planning and management” in civil service (Programové vyhlásenie ... 2012; 33). If the reform is fulfilled as planned, it will arguably deliver a significant public-administration reform, primarily in terms of its modernisation but also in terms of a considerable drop in central government spending. It should also bring a major enhancement to the quality of public services provided and last but not least to the working conditions of civil servants.

However, critics point out that the proposals put forward so far, lack goals in terms of de-politicisation and/or further decentralisation; but instead bring only structural changes to the bureaucratic system and an “illusion” of a reform in terms of resources saved (e.g. Hospodárske noviny, 2012; RTVS, 2012b). If successful, the reform will merely bring a decrease in the number of state-administration offices present in municipalities and regions but not of their officials and staff (RTVS 2012b). The amount of public resources to be saved has also been questioned. The government announced that thanks to the reform it will save up to 400 million EUR until 2015 and 700 million EUR until the end of 2016 – this would account for 1% of GDP of Slovakia (Saková, 2012; Jenčo 2013). However, the critics argue that if any resources are cut, this will be due to overall cuts in government spending, not because of the benefits of the reform per se (RTVS, 2012b). So far, the government has yet to deliver a clear analysis of the reform proposals, such as the scale of the reform, proposed structural changes and the amount of resources to be saved.<sup>23</sup> In terms of politico-administrative relations, the ongoing reform is very unlikely to change the status quo, too.

On October 1, 2013, 72 District Offices were established as headquarters of local state administration and thus replicating administrative divisions SR (79 districts). District Offices will carry out the same agenda as the previous area offices as well as integrated specialized agencies of government (after the dissolution of 248 district environmental offices, district offices for road transportation and roads, district forest offices, district land offices and cadastre, etc.). Importantly, despite the “administrative shake-up“, hardly any civil servant redundancies were either planned or so far carried out (Jenčo, 2013). However, no further details have been specified.

The current financial **recession** has had an effect on Slovak civil service too but merely in terms of financial remuneration. There was a salary freeze in January 2010 and it will last until January 2014, when there will be a pay increase for all public sector workers. Since the recession started,

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<sup>22</sup> Act no. 345/2012 on Some Measures Regarding Local State Administration. The 64 offices ceased to exist on 1 January 2013.

<sup>23</sup> The only officially available information through the Ministry of Interior website: MINV SR 2013a; MINV SR 2013b.

there have been other attempts to cut public spending especially in terms of public sector staff. However, except for the salary freeze, there have not been any other significant developments – including working conditions status quo which has been repeatedly granted in annual higher level collective agreements. What is more, one of the reasons for introducing the ESO public administration reform was the rising pressure on public spending and resulting need to use public resources more economically, efficiently and effectively. Jenčo admits that the government's priority to save public resources via cutting state administration spending is the main driving force behind the reform. If successful, the ESO reform is meant to save up to 400 million EUR until 2015 and 700 million EUR by the end of 2016, which would account for 1% of GDP of Slovakia (Saková, 2012; Jenčo 2013). What is more, the reform has in some way, so far affected (e.g. job transfers) four thousand state administration office staff (Jenčo, 2013).

Slovakia has seen a number of public administration reforms and developments which could be considered as having a number of NPM features. However, apart from the currently ongoing ESO reform, they have been driven mainly by the EU accession criteria rather than the NPM movement and the emphasis on economy, efficiency and effectiveness of public sector organisations. As a result, NPM ideology and other modern reform and management models such as governance, neo-weberianism, networks, etc. have remained largely at academic § university research) level.

Decreasing the number of civil service staff has become a favourite political promise but has never been really delivered. Prime Minister Fico perhaps most boldly promised to cut 20 % of all civil service jobs in 2006 but failed to meet his target (SME, 2010). Instead, we can see a steady decrease in both the number of civil servants and public administration staff (see Table 4 and Figure 1)

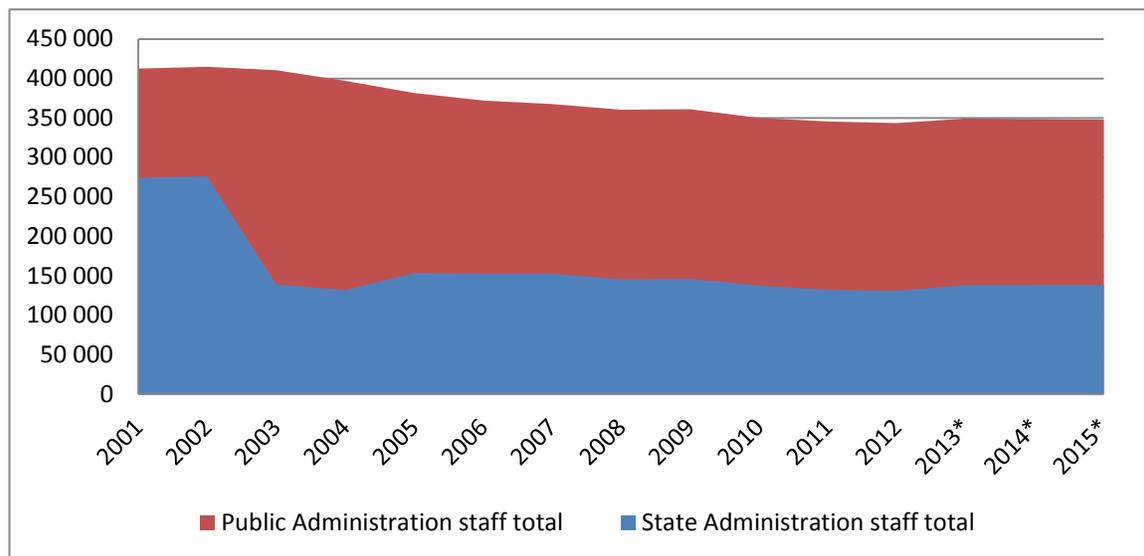
**Table 4: Number of State Administration and Public Administration Staff, 2001-2015**

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013*	2014*	2015*
<b>Public Administration staff total</b>	412,505	414,770	410,483	397,007	381,587	372,059	367,536	360,434	361,017	350,056	345,493	343,501	349,163	348,568	347,958
<b>State administration staff total (CPA)</b>	274,082	276,052	139,247	131,876	153,388	152,770	152,801	145,548	146,106	137,687	132,145	131,040	138,253	138,415	138,422
<b>Budgetary agencies' staff</b>	227,775	229,616	124,371	117,819	139,472	139,115	139,311	133,609	134,428	127,380	122,171	121,083	127,814	127,978	127,985
<b>Contributory agencies' staff</b>	46,307	46,436	14,876	14,057	13,916	13,655	13,490	11,939	11,678	10,307	9,974	9,957	10,439	10,437	10,437
<b>Public universities' staff</b>	N/A	N/A	21,327	21,353	21,413	21,529	21,529	21,529	21,529	21,673	21,538	21,572	21,529	21,529	21,529
<b>Staff carrying out transferred roles to self-government</b>	N/A	N/A	146,479	158,195	87,708	84,359	83,862	82,241	82,241	N/A	N/A	N/A	N/A	N/A	N/A
<b>Funds' staff</b>	577	465	469	466	491	477	477	494	457	426	410	409	411	403	395
<b>Other public administration agencies' staff</b>	53	144	129	158	738	767	621	2,362	2,474	2,582	2,303	2,191	2,204	2,141	2,094
<b>Self-government staff</b>	60,065	100,554	187,391	206,260	194,987	185,660	182,676	179,539	179,539	179,502	181,639	181,130	179,788	179,222	178,660
<b>Social and Health Insurance Funds staff</b>	12,707	12,868	13,100	8,900	9,080	9,366	9,420	9,484	9,434	8,186	7,458	7,159	6,978	6,858	6,858

*Comment: The years 2013, 2014, 2015 are only predictions. State administration staff total includes central, regional and local state administration staff (all state administration budgetary and contributory agencies) and does not include what the Slovak legislation and government documents also consider as state administration, i.e. public university staff, staff carrying out transferred state administration roles in self-government, staff employed at funds and other public administration agencies. Also, according to the Minister of Interior, only some 88 thousand staff make up the core civil service (Hnonline.sk, 2013).*

Source: Ministry of Finance 2013a; Ministry of Finance 2013b

**Figure 1: State Administration and Public Administration staff compared, 2001-2015**



Source: Ministry of Finance, 2013a; Ministry of Finance, 2013b

## Almost no changes in Employment terms and conditions

### *Status and rights*

In Slovakian CPA, the civil service system has put in place that covers most of the staff employed in CPA. A civil servant is employed by the service office<sup>24</sup>. Service offices (*služobné úrady*) are the basic and indispensable organisation units of all state administration offices. They are headed by service office heads (*vedúci služobného úradu*) who are officially appointed by the government of the Slovak Republic based on the nomination and selection of the respective minister in charge of the ministry or state administration office. Working conditions, employment and industrial relations are codified in the legislation but are to some extent (where legislation allows) negotiable at the national and individual service office level – for example by means of a collective agreement.

The Civil Service Act distinguishes between the permanent civil service and temporary civil service. Permanent civil service lasts for an indefinite period and includes an adaptation period of 5 months. Nevertheless, a civil servant is not guaranteed life tenure - much to the dissatisfaction of civil servants and their union representatives. Each service office is responsible for the adaptive training. Temporary civil service lasts for a limited period of time and does not include adaptation period. A Civil Servant cannot be an entrepreneur, nor engage in any private enterprise, nor be in any decision making, auditing or supervisory board position within a non-governmental organisation. In terms of civil service staff turnover, major staff changes, reorganisation and redundancies occur especially after each general election due to the high level of politicisation and the missing civil service life tenure.

<sup>24</sup> Not to be confused with the no longer existent Civil Service Office (*Úrad pre štátnu službu*).

Civil servants status of employment is characterized by certain rights and obligations. A civil servant cannot be an entrepreneur and each year for the duration of civil service employment she is obliged to declare her assets and provide data about real property, movable property, property rights and other property values. Also, a personal file of a civil servant is kept for 50 years after employment has finished. The employee has the right to see and photocopy this file upon request. Service office secures appropriate working conditions and board and makes a contribution of at least 65% of the price of food or lunch. Legislation concerning public servants is less specific and hence it is up to the individual service office and collective agreement what working conditions such state administration staff has.

In case of a dispute resolution and enforcement, a civil servant may file a personal complaint if he feels that his rights according to the Civil Service Act have been violated. A civil servant individually files the complaint in writing to the respective service office, however its rulings do not have to be seen as legally binding and a civil servant can bring his case to the court. Apart from the Civil Service Act, other general legal provisions and acts of legislation, including for instance the Labour Code should be discussed. The trade union body may too provide assistance in dispute resolution and enforcement but it primarily deals with aforementioned issues and collective rights only. As a result, union membership does not lead to better employment protection and each civil servant or public servant deals with her dispute resolution and enforcement individually. The National Labour Inspectorate also supervises and verifies whether labour protection requirements are met, enforces working conditions stipulated by law, but in practice it does not inspect or use other means of enforcement in offices of state administration. Instead, it concentrates on private sector employers. Scope of labour inspection is officially focused on the supervision over observance of the following:

- labour-law provisions governing labour-law relations in particular their establishing, change and termination, wage conditions and working conditions of employees inclusive of working conditions for women, adolescents, home employees, persons with disability and persons under the age of fifteen and collective bargaining;
- legal provisions regulating civil service;
- legal provisions and other provisions for securing occupational safety and health protection, including the provisions which govern factors of the working environment;
- legal provisions governing prohibition of illegal work and illegal employment;
- obligations arising from collective agreements.

Having no institution that would centrally enforce working conditions in central public administration might be seen as a problem. However, when asked to comment on the no longer existing Civil Service Office which was also meant to act as a central dispute resolution and enforcement body, most civil servants considered the current legal provisions concerning dispute resolution and enforcement as adequate.

## **No much use of Industrial Relations and collective rights**

### **Collective rights**

The Civil Service Act includes a whole paragraph which clearly specifies the right of trade union association and activity of unions in civil service. The legislation guarantees and grants various *rights to civil service unions* representing civil servants employed at individual ministries and central public administration offices. For instance, each service office is in advance bound to discuss, consult, and take into consideration suggestions with the relevant trade union body about the following issues:

- staff regulations;
- measures to create conditions for the proper performance of the civil service;

- measures relating to the larger number of civil servants.

*Staff regulations have to be consulted with the trade union* organisation before they are made mandatory. However, the law does not set any special rights to the unions to for instance veto any suggestions. As a result, the employer decides on the final version of staff regulations and the government has a prerogative to unilaterally change working conditions if it decides to and as long as they are not unconstitutional. Trade unions may comment on planned changes in working conditions and also changes that will affect a greater number of employees. However, it is up to the employer whether such comments and suggestions are ever taken into consideration. In reality, partly due to the very low number of trade union members, the unions do not have enough leverage to put pressure on the respective service office. Although state administration's service office is officially regarded as a civil servant's employer and deals with all employment-related agenda; in case of a higher level collective agreement and any other nationally relevant issues it is the Prime Minister's Government Office which acts as a single employer for all civil and public servants.

Service office which is based at every central state administration office is also required to facilitate participation of one member of a trade union as a co-opted member in advisory bodies being set up by the head of the respective service office. *The trade union body has also the right to monitor the terms of civil service* conduct in the following ways:

1. enter civil service premises;
2. require managers to provide necessary information and documents;
3. make suggestions to improve the conditions for the proper performance of the civil service;
4. require the service office to remove any shortcomings;
5. require the service office report on what measures were taken to correct and remove identified deficiencies and to carry out the proposals as suggested by the trade union.

The Civil Service Act grants a trade union body to *exercise control over the state of health and safety at work* and of all staff employed by the service office. Also, while carrying out its audit duties, the service office provides relevant trade union body with the necessary information, consultation documents, and takes into consideration the union's opinion too. What is more, each new employee has to go through a health and safety training during her induction period and signs that she has understood all the rules and potential risks. Training and regular audit is delivered by a specially designated person according to the Occupational Safety and Health Protection Act (No. 124/2006).

Also, in terms of health and safety at work, a trade union body is entitled to:

1. control how the service office fulfils its occupational safety and health protection obligations and whether it consistently creates conditions for safe and harmless civil service;
2. regularly inspect the workplace and equipment of the service office and the way the service office is managing personal protective equipment;
3. to check whether the service office properly identifies the causes and circumstances of accidents at work, and to participate in identifying such causes and circumstances and also occupational diseases, or alternatively to carry out these investigations alone;
4. inform the service office about overtime work at night work which might endanger health and safety of civil servants;
5. to participate in discussions on issues of health and safety at work.

In terms of *collective agreements*, the Civil Service Act states two kinds of collective agreements: a higher level collective agreement, and an individual organisation's (state administration office level) collective agreement. The higher level collective agreement may bring more favourable conditions for civil servants in the following areas:

1. reduction in working time;

2. extension of the basic annual leave;
3. increase in redundancy pay;
4. increase in severance pay;
5. increase in the salary tariffs;
6. other conditions if specified by relevant law or regulation.

A collective agreement at an individual state administration office level may also improve working conditions in the following areas and mostly:

1. increase in redundancy pay;
2. increase the severance pay;
3. relationship between a service office and the respective trade union body;
4. reward remuneration;
5. more favourable conditions based on other relevant law or regulation.

### *Collective representation*

In terms of industrial relations' actors, the **SLOVES** union organisation (Slovak Trade Union of Public Administration and Culture, *Slovenský odborový zväz verejnej správy a kultúry*), existing ever since 1990, remains the only specialised national trade union representing all civil and public servants.

SLOVES has existed ever since 1990, when it was founded as a trade union representing public administration staff in then Czechoslovakia. It is made of different sections, including:

1. central state administration (i.e. civil service);
2. local financial authorities;
3. prosecution;
4. Labour Social Affair and Family offices and supervisory, inspection, and testing authorities;
5. Customs administration;
6. Local self-government;
7. Social insurance and services;
8. Local state administration, civil staff of Ministry of Interior and geodesy, cartography and cadastre;
9. Culture, environment, and nature protection.

Of the 9 sections of public administration staff, it is the central state administration staff which represents civil servants' and fights for their rights and better working conditions. SLOVES has 1,200 members of 24 thousand central state administration ministerial civil servants which accounts for about 5%. Membership has been decreasing in the last two decades. Membership fee is 1% of the net salary of a civil servant.

### *Collective Activities*

The public administration trade union organisation SLOVES takes an active part in collective bargaining with the central government and also signs the higher level collective agreement on behalf of all civil servants. Since tripartism in Slovakia includes the representatives of the private sector employers, the trade unions and the government, working conditions, employment relations and industrial relations regarding central public administration have not been a priority issue for general tripartite consultations.

It has a representative in the Economic and Social Council of the Slovak Republic, the consultative tripartite body set up in 2007<sup>25</sup>, meets on a monthly basis to carry out the following roles:

1. concerts standpoints and recommendations in the field of economic and social; development and of the development of employment;
2. concludes agreements in the field of economic and social development and of the development of employment;
3. concerts standpoints and recommendations in the field of the state budget;
4. concerts standpoints to proposals of generally binding legal regulations applying to important interests of employees and employers, mainly to economic, social, working and wage conditions, conditions of employment and business conditions;
5. supports all forms of collective bargaining;
6. establishes its advisory bodies;
7. approves the Standing Orders of the Council.

*Collective bargaining procedures*, collective agreements and higher level collective agreements are further specified in the Collective Bargaining Act (No. 2/1991). It states that collective agreements and especially higher level collective agreements are set to last for a year and ought to be renegotiated and prolonged before the end of the current agreement. The law also specifies who may take part in collective bargaining and who signs the collective agreement on behalf of an employer (head of service office, minister in charge of state administration office or a delegated person) and on behalf of employees (trade union representatives).

Slovakia has also implemented and included the EU Directive 2002/14/EC in the Labour Code which makes a reference to the Directive's general framework for *informing and consulting employees*. However, in practice this directive failed to bring any significant changes.

What is more, each state administration office staff may have their *own trade union basic unit* or units which can push for further working conditions and staff benefits of both civil servants and public servants which have to be agreed on with a respective service office. Also, like at any other organisation, state administration employees may also since 2002 set up a staff council (at least 50 employees; *zamestnanecká rada*) or a staff confidant (less than 50 employees; *zamestnanecký dôverník*) which then work in cooperation with trade union organisations (if they exist) and have a similar, although more limited role. In case a trade union organisation is not set up, the staff council and the staff confidant take on similar duties of a trade union organisation, including the right of collective bargaining. Hence, all civil servants have the right of association and employee representation and there are no restrictions for different employee groups regarding the right of association. Service offices have to respect them and grant the trade union representatives or other employees' representatives' powers which are set in legislation. However, in case neither trade union organisation unit, nor staff council, nor staff confidant is set up at a state administration office, the service office may act unilaterally in matters concerning working conditions and employment relations.

Both SLOVES and individual state administration offices' trade unions remain largely inactive, they have not got involved in any significant industrial action since 1993.

Instead, the main role of SLOVES has been drafting and negotiation the higher level (i.e. national) collective agreement. Hence, the work of unions has; except for the collective agreement negotiation; been generally very limited and hard to notice. In terms of public administration reforms, civil service union organisations have played a very limited role too. For

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<sup>25</sup> It replaced the previous consultative body named Council of the Economic and Social Partnership (2004 - 2007) and the Council of Economic and Social Agreement (1990 - 2004).

example, although the current ESO reform which has already affected thousands of civil servants and will likely result in quite a few redundancies, had been discussed with union representatives, this was merely passing new information rather than asking for further suggestions on reform strategy.

Also in the past, the state administration staff representatives' actions and responses or attitudes to different measures and reforms had not had any substantial influence on industrial relations in CPA. Such passive behaviour can be explained by the lack of job security and employment safeguards in Slovakia. Hence, there are limited success stories for civil servants and public servants to learn and take inspiration from. SLOVES' Membership has been decreasing in the last two decades (Mayerová, 2013). One of the possible explanations for a decreasing membership, given by the head of SLOVES, is the stagnation if not exacerbation of working conditions and status of a civil servant in the last decade or so and especially compared to the private sector. Also, all civil servants automatically fall under the more favourable conditions, irrespectively to membership, at organisation's level or at national level. Similar rights in terms of employment and industrial relations apply to public servants, while their trade unions' representatives sign a separate high level collective agreement. Non-bureaucratic public servants, such as teachers, have taken industrial action on a number of occasions in the past. However, public service staff employed by state administration institutions, remains similarly to civil servants, largely inactive. Nevertheless, collective agreements agreed upon between union representatives and employers (i.e. service offices) are binding and applicable to all staff, irrespectively to union membership. Also, the relevant employee representative wishing to negotiate collective agreement terms on behalf of his colleagues has to be a member of a recognised union. The law does not set any representativeness criterion for the trade union organisation but states that in case the employees set up more than one trade union organisation, then it is the one with more members that takes preference if they do not come to mutual agreement. Nevertheless, this still begs a question whether 5% of staff who are SLOVES union members has the right to bargain and negotiate terms on behalf of the rest 95% of employees who are not trade union members. Also, a problem of free riding occurs as a result of the fact that all civil servants and public servants are guaranteed favourable conditions agreed upon through the office level collective agreement or higher level collective agreement notwithstanding their trade union membership.

### *Industrial Action*

The Labour Code guarantees *the general right of all workers to strike*. Interestingly, the Civil Service Act does not make any mention of such industrial action but neither forbids it. The right to strike has a very limited space in the Labour Code too. Instead, the only detailed information can be found in the Collective Bargaining Act which allows employees to engage in strike action when the two parties cannot agree on the collective agreement. Also, legislation recognises a "solidary strike" which can be carried out in order to support other staff employed by the same employer. On the other hand, it also gives the right to the employer for a lock-out. According to the legislation, the employer has to accept the employee's absence due to a strike. However, the employee does not receive any remuneration while being on strike and there are certain public administration positions where employees cannot go on strike at all (e.g. soldiers, the police, judges, prosecutors, etc.). Also, the law recognises an "unlawful strike" which has to be decided by a court. Once a court decides that a strike is (no longer) lawful, employee's absence is then considered as unexcused absence from work and the employer may take disciplinary action. In order for a state administration staff strike to be declared unlawful, it must break some of the necessary formal procedures such as the proper informing of the employer ahead of the strike action with the exact start date of the strike, reasons and goals of the strike, names of representatives of the staff who engage in strike action, etc. Also in some cases it can be declared unlawful if the absence of state administration staff may jeopardise the lives and health of citizens.

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Also, the law recognises an “unlawful strike” which has to be decided by a court. Once a court decides that a strike is (no longer) lawful, employee’s absence is then considered as non-justified absence from work and the employer may take a disciplinary action. In order for a state administration staff strike to be declared unlawful, it must break some of the necessary formal procedures such as the proper informing of the employer ahead of the strike action with the exact start date of the strike, reasons and goals of the strike, names of representatives of the staff who engage in strike action, etc. Also in some cases it can be declared unlawful if the absence of state administration staff may jeopardise the lives and health of citizens. Historically, however, Slovakia has experienced hardly any major *industrial action*, protests or demonstration in the past 20 years which brought any significant results.

## Highly diversified Working conditions

Working conditions are highly diversified across public administration. Indeed, each ministry, through the office of state administration, is responsible for its own system setting working conditions for civil servants and public servants, in terms of working conditions, recruitment, termination, skill development, remuneration and work time arrangements. However, it needs to comply with the national legislations, including the Labour Code, the Civil Service Act (No. 400/2009), the Work in Public Interest Act (No. 552/2003), and the Pay of Workers Acting in Public Interest Act (No. 553/2003), other relevant legislation and state administration regulations passed by the central government. Importantly, public servants and civil servants have different pieces of legislation which guarantee them slightly different working conditions. Also, other public sector staff -including judges, prosecutors, police officers, fire fighters, doctors, nurses, etc. - has their own specific pieces of legislation which set out individual conditions, including staff pay for instance. Staff regulations have to be consulted with staff union representatives, but the respective service office has the final word.

The extent of ministerial freedom acts as a double edged sword - what one might call politicisation, the other might consider it as managerial discretion. On one hand, the minister can fully use his managerial experience and sense and can effectively manage his or her own staff. It is within his or party’s discretionary power to establish for instance a functioning reward and pay for performance system. It does not have to wait if (s)he is not satisfied with individual civil service staff performance. Instead, (s)he can fire and then hire as (s)he pleases. Hence, the current human resources system can resemble the private sector in certain aspects. However, such a significant level of discretionary powers can also lead to their misuse, for instance in order to benefit private and/or party interests. For example, the political party which nominated the minister can ask him/her to offer jobs to certain people as a result of political patronage and in worse cases even due to nepotism and corruption. There have been numerous cases of political corruption recorded, arguably resulting from such a significant level of ministerial discretion and a lack of an effective system of accountability over the past years (Košťál et al, 2012).

Košťál et al (2012) argues that *human resources* capacities are closely related to the managerial quality of each ministry and state administration office. And because individual ministries are

relatively independent and some variations across ministries might exist, it is difficult to measure the overall capacities of staff. Moreover, the quality of workforce depends also on the rate of staff turnover, which in turn, is linked to the quality of the high-level management. Also, in terms of working conditions, facilities, IT and technical equipment, car fleets, etc. it very much differs between individual ministries (ibid). Ministries and other state administration offices are scattered around Bratislava in building of various age and quality. Due to limited resources, many have not gone through any major reconstruction for the last 20 years. It is also not uncommon to find state administration office buildings with asbestos used as a building or insulation material.

In terms of developments and reforms that might have had influenced women and men differently, there have not been any major developments and/or *gender differences*. Male and female civil service staff is guaranteed the same pay conditions and the Civil Service Act is not gender sensitive. It does neither distinguish, nor makes any mention of any gender in terms of industrial relations and working conditions. On the other hand, other pieces of legislation, including the Act No. 311/2001 Coll. Labour Code and other employment-related generally binding legal provision, for instance Act No. 124/2006 Coll. on Occupational Health and Safety; do include provisions which set out different working conditions for men and women. However, these are general rules which apply to all jobs, not only to civil service staff. For instance, the Labour Code pays greater attention to pregnant workers. However, in terms of maternity leave, the Code has an equal approach and grants maternity and parental leave the same conditions. The Civil Service Act specifically forbids any discrimination in favour of or against any of the genders. Hence, the practice of positive discrimination too, is neither legally allowed, nor exercised in practice. Nevertheless, the Civil Service Act often refers to and secures special conditions for pregnant and breastfeeding staff.

Also, the *ethical code*, once being part of the former Civil Service Act (No. 312/2001) is no longer included in the current version of the legislation (No. 400/2009). Individual ministries and state administration offices may use their own versions of ethical codes which should in theory also set penalties if the code is not adhered to. However, not all state administration offices have put such ethical codes in practice after the Civil Service Office was abolished and even in those that have, it is difficult to assess their use. Nevertheless, each service office issues staff regulations which might also include moral and ethical standards.

Each service office issues staff regulations which further specify working conditions, defining for instance what is a 'gross professional misconduct'. Civil servants are obliged to carry out civil service in a neutral and apolitical, impartial manner, refraining from everything that could undermine confidence in the impartiality and objectivity of the civil service. Furthermore, civil servants have to keep the facts they learned confidential during and after their work in the civil service. Such information cannot be provided to other persons. As a result, if a civil servant feels that his service office or state administration office is engaging in an unlawful or unethical action and speaks out to the public, he is very likely to lose his job because of the confidentiality vow. There have been a number of cases of whistle-blowers, mostly from the public service or public sector staff, who had to leave their job or have experienced ill-treatment because they "blew the whistle". Slovakia still lacks whistle-blowers' protection act which would apply to such cases. Arguably, because of a lack of such safeguards in the Civil Service Act, the Labour Code, or other acts concerning public administration, and because of the missing whistle-blowers' protection legislation, state administration staff are generally not willing to go public about any corruption cases. Instead, they simply ignore the wrongdoing at their workplace.

### **Flexible recruitment, easy termination**

The Civil Service Act gives three basic options regarding *recruitment* of civil servants:

i) selection procedure (i.e. job contest); ii) based on 'simple' selection; iii) without selection procedure or selection. The Selection procedure can be open to the public to apply (i.e. external

selection procedure); or can be closed and available only to already employed civil service staff (internal selection procedure).

External selection process and job contest has to be advertised in press media or any other mass media at least 3 weeks before the job contest is held. The external selection procedure verifies skills, personal qualities and expertise of the applicant, which are necessary or appropriate given the nature of the activities that the government employee is to perform. The selection procedure is carried out by a selection committee which is set and organised by the respective service office.

When recruitment is based on 'simple' selection, civil servants are recruited similarly to the selection procedure but without the need to form a selection committee. Hence, based on the decision of the service office, the civil service position is filled by a candidate either from among the staff currently in the civil service or an external candidate. The trial period lasts 3 months and is only for employment contract purposes, allowing both the employee and employer to cancel the contract without any notice period up to the 3 months. A Trial period differs from the adaptation period, the latter is a time during which a civil servant acquires information and knowledge and basic skills necessary to conduct activities in the civil service which lasts 5 months.

According to the legislation, in case of an external selection process, the respective office is bound to advertise the job vacancy through national media. However, due to a considerable level of politicisation in Slovak state administration, many open selection procedures or job contests throughout Slovakia are held only pro forma. It is hard if not impossible to estimate the exact scale of this phenomenon. Nevertheless, most respondents admit that administration job contests can be easily rigged, staged or gamed in order to officially meet the legal criteria. In reality, the candidates are often pre-selected and at the time of a public contest the "right" candidate is only confirmed. In September 2013, a scandal at the Ministry of Agriculture and Rural Development revealed that at least 7 ministerial civil servants, including managerial positions were recruited through a closed internal recruitment procedure only. Furthermore, the same 7 employees were either family members of the Minister or had some connection to Minister's home village (Kern, 2013). According to the minister, the legislation allowed such a procedure.

In terms of other public servants, their legislation is again less specific in terms of recruitment but nevertheless guarantees similar rights to the public servants as to the civil servants. It is primarily concerned with recruitment of managing staff and hence allows for greater discretion in terms of regular public service staff.

There are six ways *to terminate* civil service employment: agreement on the termination of civil service employment; dismissal; immediate termination; during trial period; based on the law; death.

Civil servants face a similar risk of losing their job compared to the private sector staff due to the missing safeguards of the Civil Service Act which then allows to lay-off any civil service staff even without engaging in professional misconduct. Job contract can be terminated in a number of ways and forms (both voluntarily and involuntarily; through a mutual agreement or from one side) and the legislation grants civil servants a redundancy payment based on their salary and the number of years at work. In most cases they are entitled to two months equivalent of their functional salary. The notice period is set to 2 months. Service office may also immediately terminate state employment of a civil servant, if the civil servant has seriously violated the service discipline. Also, before retirement, a civil servant has the right to receive a severance pay which accounts to a monthly functional salary. In case of an unlawful termination of employment, the employee can take the case to a court.

Managerial positions are according to the interviewees at greater risk and as a result some staff might choose not to take these positions as it could very likely affect their employment after a change in government. Hence, the system does arguably lead to a stable career path. However, once in a managerial position, the risk of losing an employment increases due to potential political changes in government.

Arguably, the fact that it is so easy to dismiss staff has both pros and cons. If the system was too rigid, it could result in a lack of motivation for staff to improve their performance and it would be difficult to dismiss underperforming staff. Nevertheless, most interviewees argued that termination of contract should not be made as easy as of now. Furthermore, Slovakia should pass legislation which would protect whistle-blowers also among civil servants. Past experience shows that a number of whistle-blowers among civil servants have been laid off because of “organisational reasons“.

The public administration staff union SLOVES has attempted to start consultation with the government regarding the regulation of employment termination, especially the possibility of a return to life tenure. However, the union has so far been unsuccessful.

## **Skills and skill development**

The Civil Service Act sets both rights and obligations for civil servants to improve his/her qualifications. Furthermore, each service office organises, secures and provides both compulsory and optional training for its civil servants. Each staff office (i.e. office within the structure of the service office which is responsible for staff and HR agenda) also creates conditions for such civil service staff training and improving qualifications and skills. Legislation also refers to the *enhancement of skills* and *skills acquisition*. The former relates to a systematic training of civil servants to maintain, improve and update required knowledge and skills necessary to carry out civil service. The latter refers to acquiring a higher level of education in accordance with the specific requirements and needs of the staff office, and also specific qualifications that are needed for the civil service position.

According to the Civil Service Act, enhancement of civil servants’ skills may be carried out by means of an on-site training, distance learning, self-study, by means of electronic communication, professional visits, participation in conferences, participation in workshops, attendance of courses or other forms. It also specifies three basic types of training and enhancement of skills: 1) adaptive training; 2) continuous training; 3) specific training.

**Adaptive training** gives a civil servant who is in adaptation period information and knowledge necessary to acquire basic skills needed to conduct activities in the civil service. Adaptive training consists of:

- *general part*, which is mainly focused on obtaining knowledge of the Slovak Constitution, generally binding regulations governing the civil service relations, organisation of government, the European Union, communication and ethics of civil servants;
- *specific part*, which is mainly focused on obtaining information on the role and status of the service office and its internal normative acts; and to obtain information about the tasks performed in the organisational unit in which the civil servant performs the service.

**Continuous training** is focused mainly on:

- professional training related to the deepening of skills in activities that civil servants need to carry out based on their job contract civil service positions;
- language learning, in terms of improvement of the state language and a foreign language and further study of other foreign languages;
- obtaining and developing the skills required for a managerial position.

**Specific training** is focused mainly on:

- education in the priority areas as determined by the government to fulfil its tasks;
- training in information technology;
- training in personal development.

Furthermore, service office secures that every civil servant spends at least 5 working days a year on improvement of qualifications. During this time a civil servant is entitled to a functional salary. Service office also covers the cost of training and sets other rules and regulations.

The Civil Service Act also allows the option of **skills acquisition** which could be in the form of university study and/or study abroad. Service office may allow a civil servant, at his request, to further his career development if such development is in line with the need of the service office. For this purpose, the service office and the civil servants sign an agreement on improving skills and qualifications. Such a contract also includes the minimum time period for the civil servant to stay in civil service after receiving the qualifications. This can be up to 5 years after completion of training or studies. Service office provides a civil servant a compassionate leave in order to support the studies and training. It includes the time spent in training, and also preparation time before exams. The civil servant is then bound to show the exam results. Importantly, for the time spent at school, training or preparation for exams, a civil servant receives compassionate pay in the form of his standard monthly functional salary. However, if a civil servant is not successful at skills acquisition, the service office may require compensation for the state-paid training expenses. Training plan is negotiated between the individual civil servant, his superior and his service office and has to be carried out according to the national legislation, collective agreement, and other rules and regulations.

Since the Civil Service Office was abolished in 2006, civil servants' skill development and training are not organised by a central coordination or education body; each central public administration institution, through the respective service office, is responsible for its own civil service staff's skill development and training. However, the Institute for Public Administration (*Inštitút pre verejnú správu*) has fulfilled the role of an education state agency which trains public administration staff upon request of individual service offices. It provides training to civil servants (both central state administration staff and local state administration staff) and self-government staff (both regional and local). Since January 1, 2013, the Institute is no longer a separate legal entity; it has been incorporated as a contributory organisation into the organisational structure of the Ministry of Interior. The institute also offers its service commercially to the private and the third sector<sup>26</sup>. The Ministry of Labour, Social Affairs and Family, which took over some of the tasks of the Civil Service Office, has also set up own Training Centre (*Centrum vzdelávania MPSVaR*). This institution organises various seminars and provides training to not only its own civil service staff but also civil servants from other government's institutions. Both training institutions provide seminars and courses not only on new legislation but also on transferable skills development, including for instance efficient assertive communication, social etiquette and protocol, etc.<sup>27</sup> Civil servants at some institutions are also allowed and encouraged to take language courses which are either fully paid for or subsidised by their institution. Each institution sets own rules regarding such job benefits and skill development. They are usually arranged with the institution's staff representatives or a trade union. As a result, collective bargaining and negotiations may take place in order to discuss the building blocks of the training system and its operation in practice.

The training process can be at times considered as chaotic and not reflecting clearly previously set targets. Training should better reflect and suit civil servants career paths and should be part of a sophisticated HR skills development system. Others praised it for the opportunity to improve various skills, including foreign languages for free and during work hours. Alternatively, some training and education could be also provided externally and privately. As a result of the 2001 Civil Service Act, many civil servants were suddenly required to increase their qualifications to at

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<sup>26</sup> See the agency's website <http://www.ivs.sk/index.html> for annual reports and more details.

<sup>27</sup> See the training centre's website <http://30.cvmpsvr.sk/> for more details and offers of courses.

least a bachelor's degree (class 8 of the tariff scale). However, the Civil Service Act does not specify the university degree and as a result, many civil servants have studied social work as it is regarded as an "easy degree" to pass. Due to the recent and ongoing recession, some training practices and training expenses had to be cut down. However, this is very individual and depends on every service office and the financial conditions of the respective state administration office.

## Remuneration

The average salary of civil servants is higher than the average wage in the Slovakian economy. Furthermore, compared to some other public sector workers including public servants employed at the same state administration offices or for instance teachers and nurses, civil servants enjoy on average considerably higher salaries. On the other hand, civil servants face a much higher risk of losing their job due to the missing safeguards of the Civil Service Act. As a result laying off civil service staff is often based on the political will of the politician in charge of a central public administration organisation and/or service office head.

The amount of financial resources available to be spent on civil servants' salaries mostly depends on savings and budget cuts of individual ministries. Košťál argues that it is hard to attract qualified people to management positions in the Slovak civil service as the salaries, even at the highest positions, are significantly lower than in the private sector (Košťál 2012). Nevertheless, even at the level of the middle management and ordinary employees, the bonus schemes based on individual performance may increase the salary to a decent amount, even compared to the private sector. Also, outside of Bratislava, where living expenses are not so high and even private sector salaries are lower than in the capital city, being employed as a civil servant can be viewed as a rather lucrative job. However, most of the civil service positions are based in Bratislava due to the fact that all ministries and most central public administration offices are based in the capital city.

Because of the lack of official statistics and unwillingness of the central government and the individual ministries to disclose such information, one may only search for average salaries in civil service at one of the job portals such as [www.naseplaty.sk](http://www.naseplaty.sk). According to this website, the average salary in public sector earned by civil servants is EUR 770. By contrast, officers in local self-government earn EUR 630 on average. If we look at the different ranks within the Slovak civil service, expert advisers earn EUR 710, chief advisors EUR 810, and state advisors EUR 1010 on average.<sup>28</sup>

It is also difficult to assess the civil service salaries in more detail due to the interpretation of the Freedom of Information Act in Slovakia. According to the current official interpretation given by the Slovak courts, the citizen has no longer the right to be given information about salaries in civil service except for official political nominees and certain managerial positions in civil service. Top government politicians, MPs and some top civil servants are obliged each year to officially provide and publicly disclose their property and income statement. However, the majority of civil servants are exempt from this obligation and the public has no official access to data on salaries except for the budgets of individual institutions.

In terms of civil service senior positions, Staroňová and Láštic (2002, p. 257) did an extensive research and conclude the following: "Senior positions in the Ministry's hierarchy may be identified only with the aid of roles and task definitions for various posts anchored in law and regulations. The law distinguishes among three top positions: political manager, manager and head of the office. The category of political managers or appointees includes state secretaries (deputy minister). Each ministry has one or two state secretaries, anchored in the coalition agreement. This category also includes heads of central governmental agencies. The basic salary is based on an MP's salary, with an additional fixed sum for the post being 121 percent of tariff

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<sup>28</sup> [www.naseplaty.sk/prehľad-platov/statna-a-verejna-sprava.html](http://www.naseplaty.sk/prehľad-platov/statna-a-verejna-sprava.html) [accessed on 7 October 2013]

11 of the civil service salary scheme. The government also approves performance bonuses for agency heads, although this data is not available.”

The official statistics (Tables 5, 6 and Figure 2) allows us to calculate the number of staff, total salary expenses and average salary. Interestingly, Figure 2 below indicates that public administration staff expenses have risen despite the recession, despite a decrease in the number of public administration and civil service staff (Table 4 and Figure 1), and despite a general salary freeze in 2010. This can be explained by the fact that the average age of civil service staff increases; salaries each year increase with tenure.

**Table 5: Number of public administration staff, salary expenses and average salaries, 2010**

	Number of staff	Salary expenses	Average salary (EUR)
<b>State administration</b>	162 367	1 961 534 461	1000
<b>Local self-government</b>	179 502	1 439 560 748	668
<b>Public administration total</b>	350 055	3 486 167 464	827

*Note: Civil service staff number is higher than in Table 4 because the government calculates the average civil service salary of not only central, regional and local state administration office (budgetary and contributory agencies’) staff, but also includes public university staff, staff carrying out transferred state administration roles to self-government, staff employed at various funds and other public administration agencies.*

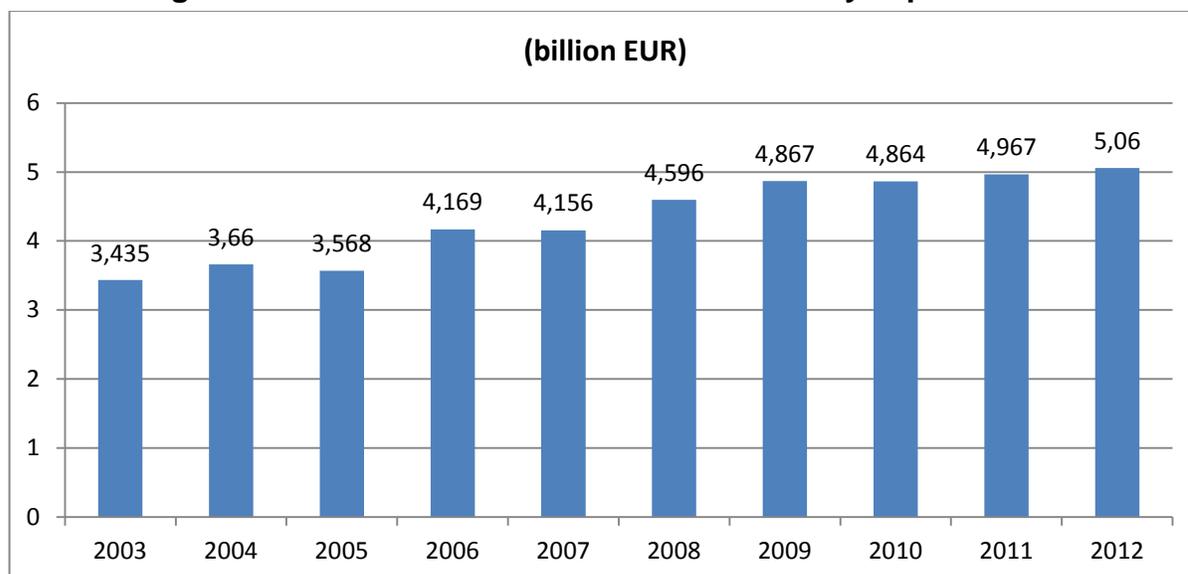
*Source: Nebeský 2011*

**Table 6: Average public administration salary and average wage in economy compared**

	2005	2006	2007	2008	2009	2010
<b>Average salary in public administration in EUR</b>	594.8	647.9	702.9	765.4	809.9	826.7
<b>Average wage in Slovak economy</b>	573.4	622.8	668.7	723.0	744.5	769.0
<b>Difference</b>	3.7%	4.0 %	5.1 %	5.9 %	8.8 %	7.5 %

*Source: Nebeský 2011*

**Figure 2: Public administration staff total salary expenses**



Source: Ministry of Finance, 2013c

According to the government regulation no. 550/2009<sup>29</sup>, the salary bands or “tariffs” make up the basic salary (base pay, fixed pay) of a civil servant. They include the 11 following salary “classes”:

**Table 7: Civil service salary tariffs**

Salary class	Salary tariff
1	322.50 EUR
2	348.00 EUR
3	377.00 EUR
4	411.00 EUR
5	490.00 EUR
6	520.50 EUR
7	588.50 EUR
8	631.50 EUR
9	719.50 EUR
10	820.50 EUR
11	935.50 EUR

Source: Government regulation no. 550/2009

The functional salary is increased by 1% each year depending on work experience – up to 32 years of work experience which is the maximum band. Since January 2010, due to the recession, the civil service tariff salaries have been put on freeze; this situation should last until January 2014, when a pay increase for all public sector workers, including civil servants was foreseen. This has been the result of collective bargaining and agreement between the government and the national union representatives. However, even if the union representatives do not agree with the government proposals, the government can unilaterally freeze salaries without negotiation or consultation with employees or their union representatives.

<sup>29</sup> Slovak: *Nariadenie vlády Slovenskej republiky č. 550/2009 Z. z., ktorým sa ustanovujú zvýšené platové tarify štátnych zamestnancov*

Both the Civil Service Act and the Pay of Workers Acting in Public Interest Act also allow for many options in terms of variable pay. A civil servant under the conditions stipulated by the Civil Service Act receives a monthly salary, which includes:

1. functional salary (*funkčný plat*) or personal pay (*osobný plat*);
2. overtime work pay (*plat za štátnu službu nadčas*);
3. pay for the inactive part of emergency service in the location of the civil service (*plat za neaktívnu časť služobnej pohotovosti v mieste vykonávania štátnej služby*);
4. night work premium (*príplatok za štátnu službu v noci*);
5. Saturday or Sunday work premium (*príplatok za štátnu službu v sobotu a v nedeľu*);
6. state holiday work premium (*príplatok za štátnu službu vo sviatok*);
7. reward (*odmena*).<sup>30</sup>

The total salary which is in the law referred to as the “functional salary” includes the sum of the tariff salary and a number of other pay options or bonus.<sup>31</sup>

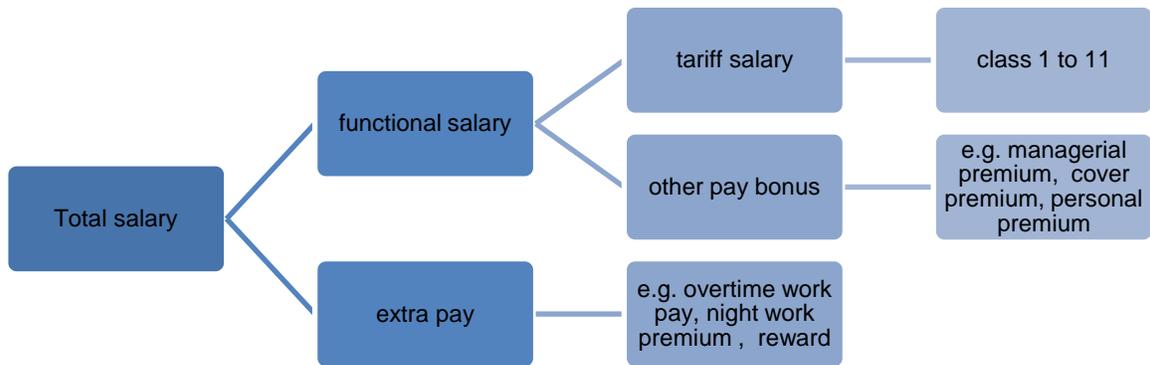
1. managerial premium (*príplatok za riadenie*);
2. cover premium (*príplatok za zastupovanie*);
3. personal premium (*osobný príplatok*);
4. shift work premium (*príplatok za zmenu*);
5. crisis area work premium (*príplatok za štátnu službu v krízovej oblasti*);
6. salary compensation for difficulties in the implementation of civil service (*platová kompenzácia za sťažené vykonávanie štátnej služby*);
7. premium for managing a professional motor vehicle and for the care of a professional motor vehicle (*príplatok za vedenie služobného motorového vozidla a za starostlivosť o služobné motorové vozidlo*);
8. differential premium (*rozdielový príplatok*);
9. separate premium (*osobitný príplatok*);
10. surcharge (*doplatok*);
11. settlement (*vyrovnanie*).

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<sup>30</sup> A reward including the amount has to be justified in writing directly superior managing employee. A civil servant may be given a reward up to 20% of his annual functional salary.

<sup>31</sup> Total gross salary = functional salary (i.e. tariff salary + other pay bonus e.g. managerial, personal) + extra pay (e.g. overtime work pay, reward). See also Figure 2.

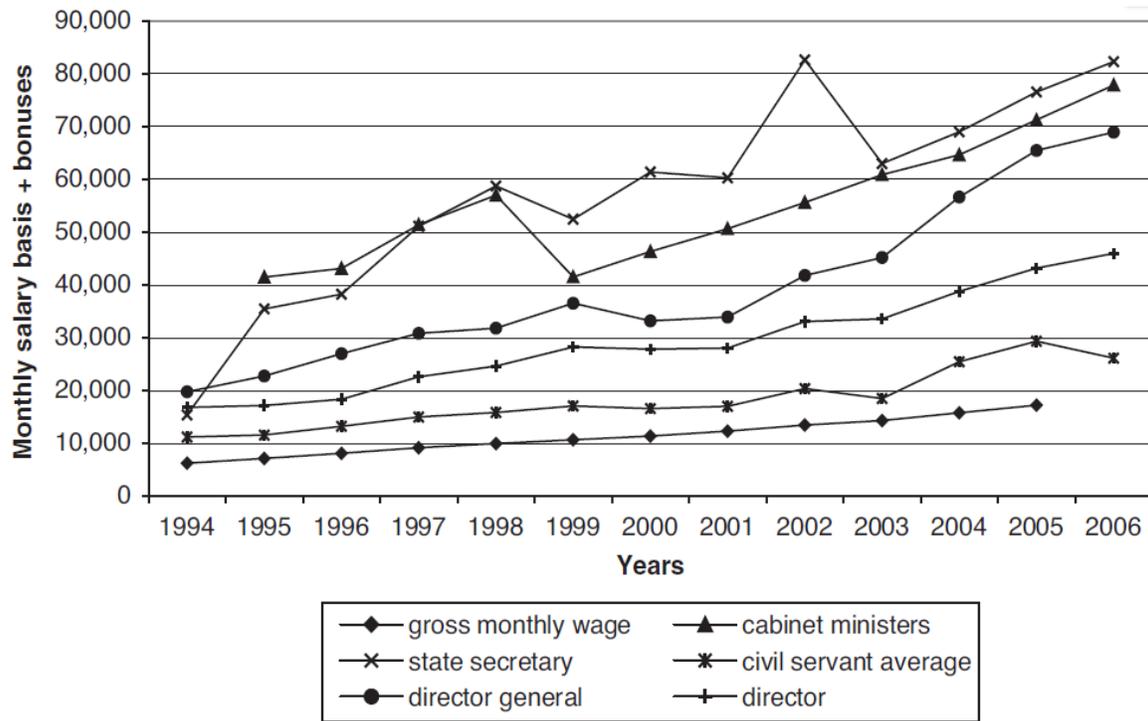
**Figure 3: Civil service salary structure**



*Source: authors*

The Civil Service Act lets state administration managers to award a significant proportion of the total salary based on performance, i.e. performance-related pay (PRP) on top of the basic tariff salary. However, due to largely missing performance measurement tools and mechanisms, the system leaves the managers with a significant amount of discretionary power to decide over individual civil servant's salary. As a result, a civil servant may earn up to two times more (e.g. through a personal premium) and in some cases even three times more (rewards, other pay bonus) than his basic tariff salary. This can lead into considerable discrepancies among civil service staff pay, even at one office department or office section. Furthermore, it can also exacerbate staff relations, performance and morale if such bonus pay is not purely performance-related but instead is based on favouritism, nepotism or political interests. And based on the interviews conducted, this is often the case. Hence, having a sophisticated performance-related pay system based on clearly set individual and group targets, outputs and results would significantly help the current situation. However, due to the no longer existent Civil Service Office or any other effective central coordination body, each service office is responsible for own performance measurement. Individual civil servants may negotiate the pay level based on skills and experience with his/her superior. Some are even able to negotiate a salary competitive vis à vis private sector salary, not only for themselves but also for their subordinates.

**Figure 4: Civil service average monthly salary basis (in Slovak crowns) compared to other central government and public administration positions**



Source: Staroňová and Láštík, 2012

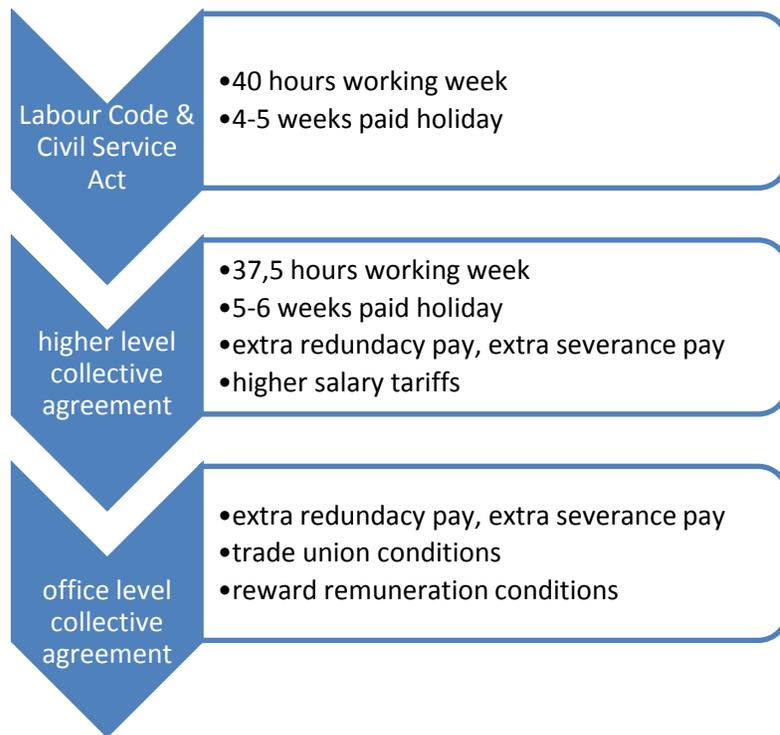
Slovak public administration, including state administration suffers from the so-called “**dead souls**” phenomenon. The dead souls refer to the number of vacant positions which are nevertheless being paid for. In reality, some state employees carry out two civil service jobs for which they are paid. Hence, despite these jobs being de facto covered and paid for, officially they are referred to as being vacant. Nebeský (2011) argues that in 2011, there were some 7700 dead souls or vacant positions in the system of public administration which cost the government 6.3 million EUR. However, this is not a new phenomenon but has been the case throughout the history of modern Slovak civil service (Plai, 2013). The no longer existing Civil Service Office planned to create an exact database of all civil servants, which would also help to fight this phenomenon. However, the Office was dissolved before such a database was put together.

According to interviewed staff and experts, the whole system of civil service human resources, (not only remuneration) should undergo a major reform. Although the system allows numerous variable pay options, it does not guarantee that staff are paid for performance adequately and objectively. Instead, pay is determined by the civil servant’s superior who exercises his/her sole discretionary power over pay bonus and extra pay. Instead of a sophisticated performance-related pay system, some suggest general increase in tariff pay, limiting pay bonus, and less managerial discretion to determine pay conditions.

### Working time arrangements: work & work-life balance

Contrary to most Western systems of public administration, Slovak system of public administration put much emphasis on the job rather than the job holder. This very typical feature of the Weberian model of administration, significantly affects employment, industrial relations and working conditions. Working time arrangements depend on the national legislation and collective agreements – both at higher level and office level (Figure 5).

**Figure 5: Working conditions and work time arrangements in state administration**



*Source: authors*

As a result, the current legislation and the currently valid collective agreement (signed 19 December 2012)<sup>32</sup> guarantees all civil and public servants a working week of 37.5 hours which is less than the standard 40 hours set in the Labour Code. Furthermore, they are entitled to 5 weeks paid holiday and 6 weeks for those aged 33 and older (instead of the standard four and five weeks respectively). It is unusual for civil servants or public servants to, individually or collectively, bargain for longer annual leave or a higher salary. Both the employees (civil and public servants) and the employer (service office) have to adhere to the legislation and may take the benefits of the collective agreement. However, based on the interviews conducted, informal bargaining may take place depending on the situation. For instance, an expert in the field may ask for personal pay and other pay bonus as a compensation for the standard tariff pay which would be much less than the private sector could offer her. As a result, some civil servants might earn even a higher salary than their private sector colleagues working in a similar field. However, data which could illustrate the case are not available. Such bargaining may also include the length of annual leave but this would have to be done unofficially due to the strict wording of the legislation and collective agreement which only allow for a maximum of 6 weeks paid holiday. In terms of timing of the annual leave, the employee has the right to take as much holiday as he is entitled to at any time but a certain procedure has to be followed. A civil servant has to officially ask and inform his superior in advance when he is planning to take his holiday. The service office has the prerogative to determine the timing of the leave but should take into account the wishes of employees. This is in order to secure standard functioning of state administration at all times except for national holiday when most civil and public servants stay at home. In case of public

<sup>32</sup> See MPSVaR, 2012 and Government regulation no. 550/2009 for further details.

servants such as teachers, it is expected that they take their paid holiday during the Christmas and summer school break.

Service office also grants “service leave” for trade union work, skills acquisition, and other roles not directly connected to the performance of civil service tasks. In case of skills acquisition, a civil servant is entitled to a 100% functional salary compensation. In other cases of service leave, civil servants are not entitled for functional salary compensation. Standard work day starts at 8:00 a.m. and finishes at 4:00 p.m, including a 30 minutes’ lunch break. Work time arrangement can also differ depending on respective service office, collective agreement and individual staff arrangements. Generally, there have not been any major changes in regulation of standard work week of civil servants in the past years. Dinga (2013) calculated that private sector staff has on average 9% more working time than public sector staff including civil servants. Also, civil service staff is entitled to an extra pension fund contribution of 2% of their salary.

Also, in terms of extra work time arrangements, a civil servant might work and get extra pay for:

1. overtime work;
2. night work;
3. Saturday or Sunday work;
4. state holiday work;
5. other staff cover;
6. shift work.

Extra work time arrangements are always at a discretion of the individual service office that might offer and allow the individual heads of sections and departments to set more flexible work time arrangements for their subordinate staff. However, generally most civil servants follow the standard work time arrangements.

Regarding overtime work and extra pay, a civil servant is given the option of being compensated in a form of a paid holiday. Alternatively, hourly rate is increased by 30 % of the functional salary. Managers of state administration offices and civil servants who were appointed politically are not paid for overtime work, instead their overtime work remuneration is already included in their functional salary.

### **Not many Changes perceived**

This report has been based not only on literature review and desk research but also on interviews conducted with key experts and staff members in the Slovakian civil service.

The interviewees commented that working conditions and industrial relations have not changed much over the past 20 years for state administration staff. There have been a number of changes in the legislation and civil service organisation but the status quo resembles very much the working conditions and industrial relations of the 1990s. This is mainly because the public administration reform of the 2000s failed in terms of modernisation and de-politicisation. Furthermore, there are higher requirements for civil servants’ expertise and specialism but civil service has arguably failed to adjust to this trend. Civil service also remains politically unstable due to the frequent changes in government and the resulting personnel shake-ups. Civil service then often lacks political neutrality, which suits the needs and interests of political elites – for instance in the form of awarding political patronage. Hence the motivation of politicians to change the rules and improve civil service quality is minimal. Naturally, this has effects on working conditions and on civil servants who on one hand have to act neutrally but on the other hand might receive very politically motivated orders. Furthermore, politics often plays a role in civil servants’ remuneration which can then have tremendous effects on staff relations and working morale. Creation of the Civil Service Office in 2002 increased the level of centralisation and increased stability of the system through its de-politicisation. But the system soon moved back to a more decentralised setting where individual ministries are responsible for own working

conditions and human resources management. Nevertheless, civil service remains attractive for young people as an attractive and stable starting point to get experience that they can later use in the private sector. Furthermore, older workers and workers near retirement also seek employment in civil service due to decent working conditions and job stability.

The following table summarises the answers and pros and cons given by the interviewees. Note that some factors have been mentioned both as an advantage and disadvantage of working in civil service.

**Table 3: Working in civil service – pros and cons**

<b>Advantages</b>	<b>Disadvantages</b>
Stability and job security	Poor flexibility
Stable income	Lower salary compared to the private sector
Social and work benefits	Limited career growth
Limited work time and workload	Changes in government priorities, lack of policy continuation
Career growth	Frequent changes in staff, esp. senior positions
Interesting work	Politicisation
Free training	Lack of objective performance management system
	Bad public image
	Corruption

*Comment: It is worth noting that some interviewed staff and experts mentioned stability and job security as an advantage despite the discussion of the politicisation and the resulting lack of job security. This relative stability and job security could be explained in the sense of the current financial crisis and general lack of job security at the job market. Compared to the private sector, state administration employment currently seems more stable.*

*Source: Authors*

Still, the recruitment process is perceived as being often only ‘formal’, while nepotism, clientelism and politicisation are normal practices. It lacks genuine competition and real opportunity to get employed in civil service based on merit, not personal ties. The recruitment process should be once again more centralised or alternatively, it could be outsourced to private HR companies. Also, clear rules should be set regarding different career trajectories and their evaluation. The recruitment process should also change in order to reflect current agenda and world trends. The Civil Service Office was criticised for its long and rigid selection process which could have been done faster but without the need to dissolve the Office altogether.

## Conclusion

The public administration reform processes experienced a number of difficulties and in the end were often far away from the originally devised plans and documents. Nevertheless, there have been a number of sound accomplishments and civil servants can identify many job benefits such as job stability, career growth, free training, limited work time, etc. However, civil servants are also readily able to identify numerous flaws. Table 8 below attempts to bring all key problems and recommendations for Slovak central public administration into perspective. They show that working conditions and industrial relations are far from being ideal – but they nevertheless create a working environment and for many civil servants an attractive one too.

**Table 8: Key problems and recommendations**

Problem	Recommendation
Politicisation and resulting lack of policy continuation, limited career growth, frequent changes in staff	More civil service neutrality safeguards, introduction of civil service life tenure
Collective bargaining and agreements valid for all staff, free riding	Consider benefits only for trade union members
Public image	More transparency in all processes, e.g. open job contests and selection procedures
Lack of performance management and objective measurement	Standardised performance measurement at all state administration institutions
Unfair or low remuneration	Standardised remuneration policies with clear and transparent performance-related pay rules
No enforcement agency for state administration working conditions	Grant more power to the National Labour Inspectorate or employees' representatives
Corruption	Introduce whistle-blower protection act
Different working conditions for civil servants, public servants and other public administration staff	Unification and harmonisation of legislation

*Source: authors*

The greatest threat which remains in Slovak civil service is clearly politicisation which in combination with no central coordination body has the greatest impact on employment relations and working conditions. This is directly connected with limited career growth and frequent changes in staff. This then has a significant affect not only within the system of public administration but also outside in terms of effects on the whole society. As a recommendation, more civil service neutrality safeguards are needed and one option would be to introduce civil service life tenure guarantee. Also, a key recommendation would also be to think of a reintroduction of an independent central public administration coordination body whose agenda would be to deal with the problems. However, based on interviews conducted, this is most unlikely as the model already once failed. Instead, the Government Office which is now officially also a central coordination body for public administration could work on a more coherent human resource strategy and coordination which could also resolve some of the issues.

Perhaps not a major problem, but collective bargaining and collective agreements are valid for all staff and hence lead to free riding. This also results in lowering numbers of trade union members and their passivity. Although a decreasing role and numbers of trade union members are not only

typical for Slovakia, considering benefits only for trade union members could at least slow down this world phenomenon.

The most easily and publicly identifiable problem is civil service's public image and reputation. Its public image is connected to the significant level of corruption perception in Slovakia. The negative view of civil servants and public administration staff in general is caused by either personal experience and/or regular media accounts of civil service inaction, ineffectiveness, and politicization, nepotism, clientelism, corruption or government failures in general. Key recommendations call for more transparency in all state administration processes such as open job contests and transparent selection procedures.

NPM ideology and other modern reform and management models such as governance, neo-weberianism, networks, etc. have remained largely at academic research level. As a result, Slovak civil service lacks performance management and objective measurement. Hence, one of the key recommendations is to implement standardised performance measurement at all state administration institutions.

One of the main motivation factors of staff in any sector is financial remuneration. Although there has been an ongoing discussion on the effects of performance-related pay, unfair or low remuneration has been cited as a significant problem of the Slovak state administration. Again, more transparent procedures and standardised remuneration policies with clear and transparent performance-related pay rules could help to solve the issue.

Regarding working conditions, civil service staff keeps complaining about the absence of an enforcement agency for state administration working conditions. With the Civil Service Office being irrecoverably dissolved, one option would be to grant more power to the National Labour Inspectorate or to employees' representatives.

In order to fight corruption at the state administration level, the government should consider introducing effective whistle-blower protection act which could also cover extra financial motivation for individuals for reporting acts of corruption.

Last but not least, different working conditions for civil servants, public servants and other public administration staff cause a lot of confusion, perception of unfairness and lack of solidarity. Unification and harmonisation of various pieces of legislation would not only simplify the rules and procedures but would also make conditions fair(er) for all.

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## Annex A: Methodology

Because of the current scale and effects of politicisation of Slovak civil service, the authors encountered unwillingness of civil servants to participate in this study. Such a reaction stems from the lack of working conditions' safeguards that would guarantee freedom of expression without any job-related repercussions. All civil service staff is officially and through their signed job contracts bound to keep all job-related information strictly confidential. They are only allowed to disclose any information based on the approval of their superior. Hence, in order to get open and unbiased answers from the staff except for the official government answers, some of the interviewed ministerial staff had to be anonymised.

### List of expert interviews

1. Lubomír Plai, former chairperson of the Civil Service Office;
2. Viktor Nižňanský, former government plenipotentiary for public administration reform;
3. Adrián Jenčo, head of the Public Administration Section, Ministry of Interior;
4. Pavel Nechala, lawyer and legal expert of Transparency International Slovakia;
5. Ctibor Košťál, director of Slovak Governance Institute;
6. Daniela Zemanovičová, assistant professor at the Faculty of Management, Comenius University in Bratislava; also former vice-chair of the Antimonopoly Office of the Slovak Republic.

### List of workplace level interviews

7. Mária Mayerová, chairperson of the public administration staff union SLOVES;
8. Judita Futáková, trade union representative, Ministry of Economy;
9. Anonymised ministerial staff A (Ministry 1);
10. Anonymised ministerial staff B (Ministry 1);
11. Anonymised ministerial staff C (Ministry 2);
12. Anonymised ministerial staff D (Ministry 3).

## Annex B: Characteristics and changes in the system of Slovak civil service

**Table 9: Characteristics and changes in the system of Slovak civil service**

CHARACTERISTIC	until 1.4.2002	1.4.2002 – 1.1.2004	1.1.2004 – 1.6. 2006	1.6.2006 – 1.11.2009	1.11.2009 - present
Legal document regulating civil service	Labour Code	Civil Service Act 2001 (active from April 2002)			Civil Service Act 2009
Overall strategy covering human resources management in civil service	No				
Coordination	Decentralised decisions	Civil Service Office		Decentralised decisions	
Role of the Head of service office (i.e. chief of staff)	Political position	Apolitical position		Political position	
Coordination of human resources	No	“Systematization” (Number		No	

		and salaries for civil service jobs are set annually)			
<b>Assigning of posts</b>	Delegated	Centralised (via Civil Service Office)	Hybrid system	Delegated	Delegated
<b>Informing about vacancies</b>	No	Job vacancies must be officially and publicly advertised, e.g. in newspapers. But advertised vacancies are often suited and adjusted to the preferred candidate.			
<b>Job contest</b>	No	Commission (Civil Service Office)	Commission (Candidates are sorted by the commission of the individual service office and is binding for the Head of service office)		Commission (Job requirements are set by the individual service office but the law does not specify a commission)
<b>Civil service entrance examination</b>	No	Yes	Yes but limited to “nominated” civil servants and mass recruitment – fast stream	No (individual ministries set their own rules)	
<b>Career progression</b>	Seniority principle	Yes (seniority principle and examination)	Hybrid system (“nominated” civil service created for career progression)	No (Nominated civil service abolished)	No
<b>Life tenure</b>	No	No	Reserved only for the nominated civil service	No	
<b>Remuneration</b>	Low wages in civil service, (especially compared to the private sector)		Flexible wages in order to make up for the private vs public jobs difference in earnings		
<b>Remuneration based on seniority</b>	Yes	Yes	No	No	Yes
<b>Performance-related pay</b>	No	No	Yes (“service performance” – point system based on performance)		No
<b>Termination of Civil service contract</b>	According to the Labour Code	Civil Servants could be made redundant due to reorganisation (or other legal provisions). Those though to be dismissed without just cause could file a complaint to the Civil Service Office.		Right to dismiss any civil servant without reason	

*Source: Staroňová K., Láštic E. (2011).*