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# Ministry of Labour, Social Affairs and Family of the Slovak Republic

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## Illegal work and illegal employment

Illegal work and illegal employment have a negative impact on employees, the business environment and society as a whole.

Persons who work illegally are exposed to problems with their **right to wages, meals, the statutory maximum number of working hours, minimum duration of rest or vacation**. Later, they may also have problems when claiming a pension.

Employers who employ illegally distort the level playing field and face the risk of heavy fines, revocation of trade licences and other sanctions. Society loses in terms of unpaid taxes and levies; unemployment is increased.

You can report illegal employment or illegal work to the [labour inspectorate](#).

### Illegal work

**Illegal work** is the performance of dependent work by a natural person for an employer, whereby:

- there is no employment relationship between the employer and the worker according to the Labour Code or a civil service relationship according to Act No 55/2017 Coll.,
- the employer employs a worker who is not a national of a member state of the European Union, Iceland, Norway, Liechtenstein or Switzerland or who is stateless, in conflict with the conditions laid down in Section 21(1) of Act No 5/2004 Coll.

Work performed for a natural person engaged in business (e.g. self-employed) by their direct relative, sibling or spouse **is not illegal work**, provided that the direct relative, sibling or spouse:

- has a pension insurance or
- is a pensioner or
- is a pupil or student under 26 years of age.

### Illegal employment

**Illegal employment** is the employment of a natural person with an employer, whereby:

- there is no employment relationship between the employer and the worker according to the Labour Code or a civil service relationship according to Act No 55/2017 Coll. 400/2009 Coll.;
- there is an employment relationship between the employer and the worker according to the Labour Code or a civil service relationship pursuant to Act No 55/2017 Coll. 400/2009 Coll., but the employer failed to fulfil the reporting obligation towards the Social Insurance Agency pursuant to Section 231 of Act No 461/2003 Coll. within 7 days from the lapse of the period for registration in the register of insured persons and retirement savers pursuant to Section 231 of Act No 461/2003 Coll., but no later than the beginning of an inspection of illegal work and illegal employment, if such inspection started within 7 days from the lapse of the period for registration in the register;
- the employer employs a worker who is not a national of a Member State of the European Union, Iceland, Norway, Liechtenstein or Switzerland or who is stateless, in conflict with the conditions laid down in Section 21(1) of Act No 5/2004 Coll.;
- the employer employs a worker who is not a national of a member state of the European Union, Iceland, Norway, Liechtenstein or Switzerland or who is stateless, in conflict with the conditions laid down by Act No 480/2002 Coll. on asylum and Act No 404/2011 Coll. on residence.

**It shall not be regarded as illegal employment**, if work is performed for a natural person engaged in business (e.g. self-employed) by their direct relative, sibling or spouse, provided that the direct relative, sibling or spouse:

- has a pension insurance or
- is a pensioner or
- is a pupil or student under 26 years of age.

## Prohibition of illegal work and illegal employment

The prohibition of illegal work and illegal employment forbids:

- a natural person to perform illegal work.
- a legal or a natural person who is an entrepreneur to employ illegally pursuant to Section 2(2) and (3) of Act No 82/2005 Coll. on illegal work and illegal employment,
- a natural person to employ illegally pursuant to Section 2(3) of Act No 82/2005 Coll.

## Checks and penalties

Checks of illegal work and illegal employment are performed by:

- the [labour inspectorates](#) pursuant to Act No 125/2006 Coll.,
- [Central Office of Labour, Social Affairs and Family](#) and
- [Offices of Labour, Social Affairs and Family](#) pursuant to Act No 5/2004 Coll.

Natural persons, entrepreneurs and legal entities being inspected **are obliged to provide the inspection authorities with the relevant data and information**. (Section 5(3), (4) and (5) of Act No 82/2005 Coll.).

The inspection bodies are:

- authorised to impose a fine for illegal work of up to EUR 331 (Section 7(2) of Act No 82/2005 Coll.),
- obliged to impose a fine for violation of the prohibition of illegal employment in the amount of **EUR 2 000 to EUR 200 000** (Section 19(2) of Act No 125/2006 Coll. and

Section 68a (1) (b) of Act No 5/2004 Coll.).

**Special sanctions - additional payments - may be imposed (pursuant to Section 7a of Act No 82/2005 Coll.) for illegal employment by a natural person, entrepreneur or legal entity of a person who is not a citizen of the European Union staying in the territory of Slovakia in violation of Act No 480/2002 Coll. and Act No 404/2011 Coll.**

The liability for such additional payments may also pass to other persons - suppliers who participated in the supply of the goods, work or services in question (Section 7b of Act No 82/2005 Coll.).

In addition to fines, **other sanctions** may be imposed for illegal employment:

- exclusion from participation in public procurement,
- exclusion from entitlement to public subsidies;
- denial of funding from the European Union (from the ESF, etc.).

## **Status of illegal work and illegal employment in Slovakia**

**Information on finding and combating illegal work and illegal employment** is based on the data and documents of labour inspection bodies, labour offices and relevant ministries from their inspection work.

The aim of inspections focused on compliance with the prohibition of illegal work and illegal employment is to take active action to raise the level of compliance with the applicable laws and exert pressure to comply on employers.

## **List of natural persons and legal entities who have violated the prohibition of illegal employment in the last 5 years**

- List of natural persons and legal entities who have violated the prohibition of illegal employment in the last 5 years