# Seasonal Work as a Specific Legal Institute of the Slovak Labour Code and Its Relevance for the Tourism Sector

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**Abstract:** Seasonal work represents a specific institute of Slovak labour law designed to respond to fluctuating labour demand in certain economic sectors, particularly in tourism, hospitality, and related services. The aim of this paper is to analyse seasonal work as an autonomous legal category within the Slovak Labour Code, to examine its legislative purpose and current legal framework, and to evaluate its practical relevance for the tourism industry. The paper employs a combination of doctrinal legal analysis, comparative analysis with relevant EU regulation, and evaluation of the transposition process, complemented by an empirical assessment based on publicly available statistical data. The paper demonstrates that although seasonal work has been formally incorporated into Slovak labour legislation with the aim of increasing labour market flexibility, its practical use remains limited and fragmented, relying predominantly on existing contractual instruments such as fixed-term employment relationships and agreements on seasonal work performance. The analysis further reveals shortcomings in the current legal framework, particularly in relation to the level of employee protection and legal certainty. Based on these findings, the paper concludes that the existing regulation does not fully achieve its intended objectives and proposes several *de lege ferenda* measures aimed at strengthening legal clarity while ensuring a more balanced relationship between flexibility for employers and adequate social protection for employees.

**Keywords:** seasonal work, labour law, tourism employment, fixed-term employment, atypical work

**JEL Classification codes:** J21, J41, K31

## INTRODUCTION

The tourism sector is among the economic branches most strongly affected by fluctuations in labour demand. Its dependence on seasonal factors, weather conditions, holiday periods, and short-term consumer trends creates a structural need for flexible labour-law instruments capable of responding to temporary increases in workforce requirements. In this context, labour law flexibility does not represent a deviation from employee protection but rather a necessary mechanism for ensuring the functional sustainability and competitiveness of tourism-related enterprises. "The need for greater flexibility in labour law is clear and unequivocal, even though labour law flexibility has its limits. The ways in which such flexibility is to be implemented in the future development of labour law must, at the same time, comply with human rights standards, in particular with the protection of employees' dignity," (Barancová, 2010, p. 15).

For this reason, employment in tourism frequently relies on so-called non-standard (atypical) employment arrangements, particularly fixed-term employment relationships or various forms of work agreements on work performed outside an employment relationship, with the scope of shaping the balance between requirement for economic flexibility of the employer (tourism entrepreneur) and the protection of employees engaged in seasonal work.

Against this background, seasonal work has gradually emerged as a distinct legal institute within the Slovak Labour Code. This development raises important legal questions regarding the adequacy of the current regulatory framework, its practical application, and its capacity to address the specific needs of the tourism labour market.

The goal of this paper is to evaluate seasonal work as an autonomous legal category under Slovak labour law, with particular emphasis on its normative foundations, legislative evolution, and contemporary relevance for the tourism sector. The paper focuses primarily on Slovak national legal regulation, while also considering relevant EU law.

Given the absence of sector-specific statistical data, the empirical analysis does not allow for a fully differentiated assessment of seasonal work within the tourism industry, and therefore the conclusions are formulated at a general level, while the tourism sector serves primarily as a contextual framework illustrating the broader relevance of seasonal employment within Slovak labour law.

## 1 LITERATURE REVIEW

The legal framework governing seasonal work in Slovakia is anchored primarily in the Labour Code (Act No. 311/2001 Coll., as amended), which constitutes the principal source of labour law in the Slovak legal order. The concept of seasonal work has been introduced into the Labour Code by Amendment No. 348/2007 Coll. and since then has remained substantively unchanged.

At the EU level, the key legislative instrument is Council Directive 1999/70/EC concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP. This Directive provides the normative basis for the regulation of fixed-term employment relationships across EU Member States and expressly recognizes seasonal work as a legitimate objective ground for repeated fixed-term contracting. "The development of European labour law in recent years reflects the efforts of the institutions of the European Union to substantially increase the flexibility of employment relationships" (Barancová, 2010, p. 16).

The legislative history of seasonal work in Slovakia is documented primarily through the explanatory memoranda accompanying the relevant amendments to the Labour Code, in particular the memoranda to Amendment No. 348/2007 Coll. (effective 1st September 2007) and Amendment No. 248/2022 Coll. (effective 1st January 2023). These memoranda provide authoritative insight into the legislative intent, the identified regulatory gaps, and the policy objectives pursued by the Slovak legislature at each stage of the legal development.

In terms of doctrinal scholarship, the regulation of atypical and fixed-term employment has attracted considerable academic attention in European labour law literature, with particular focus on the tension between employer flexibility and worker protection. Recent contributions in labour economics and social policy by Jara & Simon have extended this debate to questions of income protection and social insurance coverage for atypical workers, including those on part-time and temporary contracts (Jara & Simon, 2024). Within the specific sphere of EU labour law, institutional analyses and comparative reports emphasize the role of Directive 1999/70/EC and related EU frameworks in shaping national approaches to atypical work and fixed-term contracts (European Committee of Social Rights, 2024), highlighting persistent challenges in ensuring fair treatment across non-standard employment forms. Hanzelová and

other Slovak researchers have addressed the broader trend of employment flexibilization and the legal framework governing non-standard relationships, including fixed-term work and agreements performed outside traditional employment (Hanzelová, 2023), yet explicitly focused studies on seasonal work as a distinct legal category - particularly in the context of the tourism sector - remain comparatively under-developed. This lacuna underscores the contribution of this paper, which foregrounds the specific legal and functional role of seasonal work within the Slovak labour market and its implications for tourism employment.

# 2 METHODOLOGY

Methodologically, the paper is based on analytical legal research, focusing on statutory provisions, explanatory memoranda, and doctrinal interpretation of the Labour Code. This approach is complemented by general research methods, including analysis and synthesis, descriptive examination, and comparative assessment. In particular, the study compares historical and current wording of Labour Code clauses relative to seasonal work. The empirical part relies on publicly available official data from the Statistical Office of the Slovak Republic. The paper examines seasonal work in Slovakia through a combination of doctrinal legal analysis, general research methods, and official statistical data, highlighting its functional role in tourism and the regulatory challenges associated with employee protection. Given the nature and availability of the statistical data, the empirical component of the paper remains limited and does not allow for a detailed sector-specific analysis; therefore, the paper should be understood primarily as a doctrinal legal study supplemented by illustrative empirical findings. The comparative analysis is focused on selected EU Member States with similar legal traditions and approaches to labour market flexibility, while the statistical data sources were chosen based on their official character, accessibility, and relevance to the examined forms of employment, although these criteria simultaneously impose certain limitations on the depth of the empirical assessment.

# 3 RESULTS AND DISCUSSION

## 3.1 Incorporation of the Concept of the Seasonal Work into the Labour Code

The term "seasonal work" first appeared in the text of the Labour Code in September 2007, introduced by amendment of the Labour Code - Act No. 348/2007 Coll. This amendment addressed, among other matters, the institute of fixed-term employment and clarified the specific categories of work in relation to which repeated or extended fixed-term employment relationships may lawfully be established. Despite the novelty of the term „seasonal work", the legislature did not devote particular attention to it in the explanatory memorandum accompanying the amendment. It was also not necessary to specifically enshrine a separate definition of term "seasonal work" in the legislation, because an exact description results directly from the wording of Section 48(4)(c) of the Labour Code - from which it follows that seasonal work is defined as work which depends on the alternation of seasons, recurs every year, and does not exceed eight months in a calendar year.

The clarity and precision of this definition is evidenced by the fact that - unlike many other legal concepts and institutes that have required repeated legislative refinements - the wording of Section 48(4)(c) of the Labour Code has remained completely unchanged since its entry into force on 1st September 2007.

## 3.2 Transposition of the Fixed-Term Work Directive

The incorporation of the concept of seasonal work into Slovak law was closely linked to the transposition of Council Directive 1999/70/EC on fixed-term work concluded by ETUC, UNICE

and CEEP (hereinafter "the Directive"). The Directive itself recognises seasonal work as one of the objective grounds capable of justifying the conclusion of a fixed-term employment contract. The primary purpose of the Directive is to improve the quality of fixed-term work by ensuring the application of the principle of non-discrimination and, simultaneously, to establish a framework for preventing the abuse arising from the repeated use of fixed-term employment relationships or contracts.

To this end, the Directive obliges Member States to adopt measures that prevent the chaining of fixed-term contracts in the absence of objective reasons. Across EU Member States, the common element in the regulation of fixed-term employment is the pursuit of employment stability and the restriction of successive fixed-term contracts through the requirement of objective, substantive grounds. Among the grounds traditionally recognized across EU Member States as justifying the chaining of fixed-term contracts - including repeated conclusion without limitation - is seasonal work, which in most Member States constitutes an objective reason permitting successive fixed-term contracts to be concluded without restriction.

## 3.3 Definition of "Seasonal Work" in the Labour Code

It is noteworthy that, prior to the explicit introduction of the term "seasonal work", the Slovak Labour Code already contained a reference to "work in which it is necessary to substantially increase the number of employees for a temporary period not exceeding eight months in a calendar year". This formulation appeared in the Labour Code as originally enacted (effective from 1st April 2003). Although this provision may appear substantively similar to the concept of seasonal work - particularly given the identical temporal scope of eight months - it lacks the other definitional characteristics of seasonal work (i.e., dependence on the alternation of seasons and periodical annual recurrence). The separate and explicit definition of seasonal work was therefore both necessary and appropriate.

The current statutory definition of seasonal work thus encompasses the following three cumulative characteristics - it involves work which:

- does not exceed eight months in a calendar year,
- depends on the alternation of seasons, and
- recurs periodically every year.

Furthermore, with effect from 1st January 2023, the legislature introduced Annex 1b to the Labour Code, which explicitly enumerates all activities that may be classified as seasonal work. In the context of tourism, the following activities have been designated as seasonal: (i) passenger transport on rivers, canals, lakes or other inland waterways, including waterways within ports or shipyards; (ii) rental and leasing of recreational or sports equipment; (iii) operation of camps; (iv) operation of artificial water surfaces; (v) operation of cable cars, funiculars and ski lifts; (vi) operation of restaurants and public catering establishments; and (vii) operation of accommodation facilities. With effect from 15th July 2025, Amendment No. 142/2025 Coll. - amending primarily Act No. 462/2007 Coll. on the Organization of Working Time in Transport - additionally classified activities in the civil aviation sector as seasonal work, specifically: (i) ensuring the operation of airports; (ii) providing ground handling services; and (iii) ensuring the protection of civil aviation against unlawful interference.

The following section examines the two principal legal regimes under which seasonal work may be performed in Slovak labour law and identifies the key features that distinguish each regime from the general legal framework applicable to other forms of work. Attention is devoted to the extent of employee protection afforded under each regime and to the extent to which the current regulation adequately balances the flexibility needs of tourism employers with the social security interests of seasonal workers. The section concludes with an analysis of the available statistical data on the utilization of seasonal work in Slovakia.

## 3.4 Seasonal Work Performed under an Employment Contract with the Possibility of Repeated Fixed-term Arrangements Pursuant to Section 48(4) of the Labour Code

Employees in the tourism sector may perform seasonal work based on a standard employment contract, enjoying all the rights and obligations arising from the employment relationship. However, to reflect the need for a high degree of flexibility in the sector, the legislature has introduced a special regime in the Labour Code that allows for a departure from the general rules governing fixed-term employment. While employees formally benefit from the protections inherent in the employment relationship - particularly in the areas of working time, remuneration, and social security - the scope of their employment stability is limited by the fact that the employment contract may only be concluded for a definite period of time and may be repeatedly renewed without the standard restrictions that would otherwise apply to the chaining of fixed-term contracts in relation to other types of work.

In other words, seasonal work constitutes an exception to the principle limiting the repeated conclusion of fixed-term employment contracts. This exception is justified by the very nature of seasonal activity. The arrangement is simultaneously in conformity with the applicable EU legislation - specifically Directive 1999/70/EC, which expressly recognizes seasonal work as an objective ground for fixed-term employment.

It follows that employees performing seasonal work are, to a certain degree, excluded from protection against the repeated use of fixed-term contracts. This exception is justified by the specific character of the tourism sector and its inherent seasonality, which necessitates a high degree of flexibility in the organization of work and in the management of fluctuating demand.

**Tab. 1 Comparison of fixed-term employment regulation and fixed-term seasonal employment under the Labour Code**

| | Fixed-term employment for activities other than those specified in Section 48(4) of the Labour Code, including seasonal work | Fixed-term employment for seasonal work |
|---|---|---|
| Legal regulation | Section 48(2) of the Labour Code | Section 48(4)(c) of the Labour Code |
| Wording | A fixed-term employment relationship may be agreed for a maximum of two years. A fixed-term employment relationship may be extended or renewed within two years a maximum of two times. | Further extension or renewal of a fixed-term employment relationship within two years or beyond two years is possible for the purpose of performing seasonal work |
| Impact | Once the statutory limit on the fixed term or number of renewals has been reached, the employment relationship becomes permanent. | An employment relationship may be concluded for a fixed term repeatedly, without limitation. |

Source: author's own processing, 2026

## 3.5 Seasonal Work Performed Outside an Employment Relationship: The Agreement on Performance of Seasonal Work Pursuant to Section 228(1)(b) of the Labour Code

"Agreements on work performed outside an employment relationship have often been the subject of criticism in the development of labour law. Although they represent a remnant of labour-law regulation from the period prior to 1989, neither employers nor employees would

readily be willing to abandon these contractual forms. Moreover, the European Commission has called on Member States to expand the range of contractual forms facilitating access to the labour market, a function that agreements of the above-mentioned type also fulfil." (Barancová, 2010, p. 27). This new type of agreement on work performed outside an employment relationship was introduced into the Labour Code by Amendment No. 248/2022, effective from 1st January 2023. As follows from the explanatory memorandum, the primary objective of this legislative initiative was to address the problematic situation faced by tourism service providers - namely the sudden shortage of workers during periods of increased demand for human resources caused by the seasonal character of certain types of work. The proposed solution was to simplify the employment process and reduce the wage costs associated with employing workers engaged in specified seasonal activities. Since one of the principal obstacles to short-term seasonal employment is the administrative and financial burden on the employer, the legislature also focused on the social contribution obligations applicable to employers of seasonal workers, introducing a special regime for the payment of pension insurance contributions and unemployment insurance contributions. For this reason, a special subtype of the agreement on work activity was established with effect from 1st January 2023, applicable specifically to seasonal work.

Compared to the standard agreement on work activity - which is limited to a maximum of 10 hours of work per week - the seasonal variant sets the limit on an annual basis, at 520 hours per calendar year. Crucially, this limit aggregates all work performed by the same employee for the same employer under any other agreement on work activity for the performance of seasonal work. For example, if a single employee has concluded two separate agreements with the same employer - one for the position of waitress and another for the position of chambermaid - the hours worked under both agreements are added together and the total must not exceed 520 hours per calendar year. The purpose of this aggregation rule is to prevent circumvention of the permissible annual working-hour limit.

Additionally, the average weekly working time of an employee performing seasonal work during the duration of the agreement - but assessed over a maximum reference period of four months - must not exceed 40 hours. This provision is designed to protect the employee against excessive workload. It also reflects Slovakia's obligations under EU Directive 2003/88/EC concerning certain aspects of the organisation of working time, which establishes rules on maximum weekly working time and provides for reference periods for calculating average weekly working time. Similarly, the Constitution of the Slovak Republic, in Article 36(1)(d), guarantees that „employees have the right to fair and satisfactory working conditions", which undoubtedly includes the requirement of a reasonable working-time duration.

The same formal requirements that apply to all agreements on work performed outside an employment relationship also apply to this subtype. The agreement must be concluded in writing, failing which it is null and void. It must specify: (i) the agreed seasonal work; (ii) the agreed remuneration for the work performed - which is due and must be paid no later than the end of the calendar month following the month in which the work was performed; (iii) the agreed scope of working time within the limits described above; and (iv) the duration of the agreement - which may be concluded for a maximum of eight months.

The agreement may also specify the manner of its termination. Immediate termination may only be agreed in cases in which immediate termination of an employment contract is also permissible by law. If no specific manner of termination is agreed, the agreement may be terminated by mutual agreement of the parties as of an agreed date, or unilaterally by notice without stating a reason, with a 15-day notice period commencing on the day on which written notice of termination is delivered.

The Statistical Yearbook of the Slovak Statistical Office (Labour Market tables, worksheet T4-5) provides data from the Slovak Labour Force Sample Survey (VZPS/EU-LFS) on employed

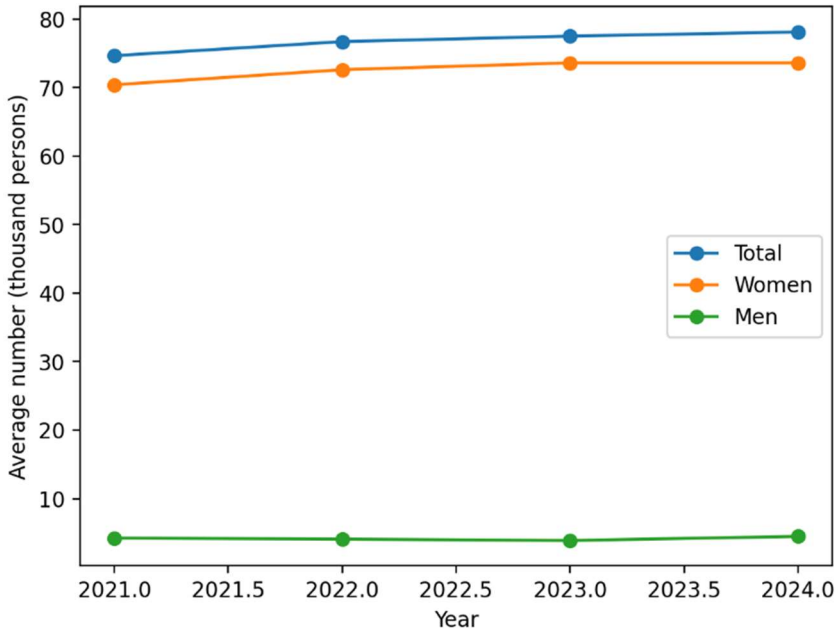
persons by selected labour-market characteristics, including job permanency. In the section „Employees by permanency of the job", the category „temporary, casual or seasonal job" is reported as an average annual number of persons (in thousands), disaggregated by region, education, age and sex. The data reflect the EU-LFS methodology aligned with the revised EU framework (IESS) from 2021 onwards, which is relevant for time-series comparability from 2021 and later.

A key limitation of the available data is that the published LFS table aggregates three distinct concepts into a single item: temporary, casual, and seasonal employment. Because these are not disaggregated into separate subcategories, it is not possible to determine how many of the reported persons were genuinely seasonal workers as opposed to other forms of temporary or casual employment. This is a structural reporting constraint of the table and prevents an exact count of seasonal employment from this source alone.

A further limitation is the absence of any breakdown by economic activity or industry within this table. It is therefore not possible to determine how many of the recorded temporary, casual or seasonal workers were employed specifically in tourism (e.g., in accommodation, food services or travel agencies). To answer that question, a dataset cross-classifying job permanency with industry (NACE classification) would be required.

Despite these constraints, the available series suggests several clear trends. First, there has been a gradual increase in flexible employment from 74.6 thousand in 2021 to 78.1 thousand in 2024, pointing to a steady reliance on non-permanent arrangements during the post-pandemic recovery period, consistent with broader European patterns in which temporary work is used to manage demand uncertainty and labour shortages.

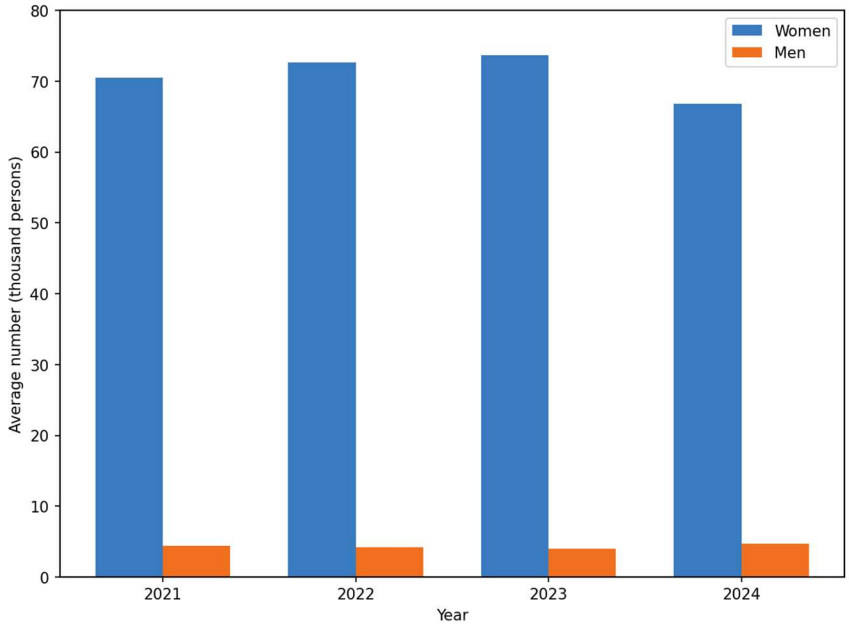
**Fig. 1 Temporary, casual or seasonal job (VZPS/LSF)**




Source: Statistical Office of the Slovak Republic, 2025, data available at https://slovak.statistics.sk, authors' own data processing with the use of AI tools

Second, strong feminisation of this employment category is evident across all years, suggesting that women are disproportionately represented in these arrangements, which may reflect occupational and sectoral sorting - particularly in-service activities with part-time or short-duration contracts - as well as household-level constraints that influence labour market participation choices.

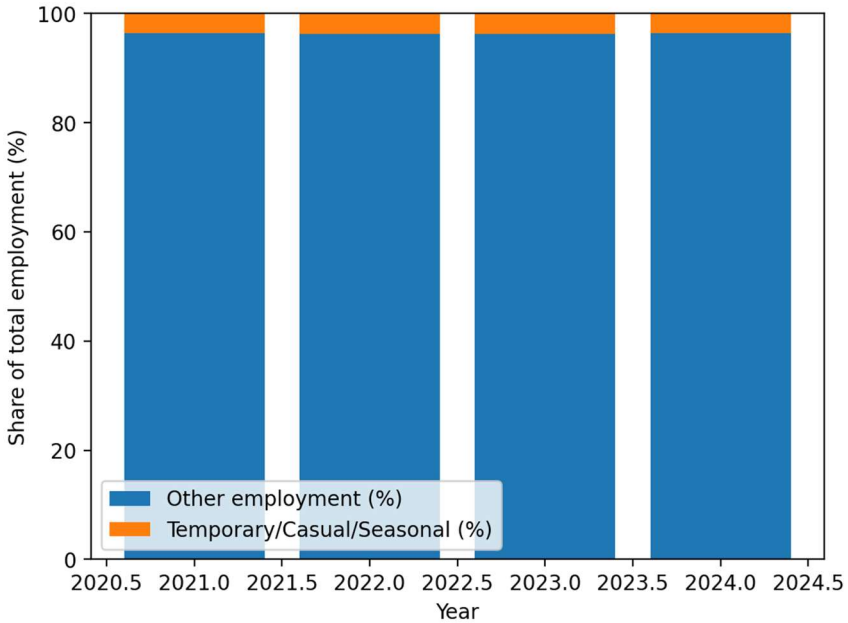
**Fig. 2 Temporary, casual or seasonal job - women vs. men**




Source: Statistical Office of the Slovak Republic, 2025, data available at https://slovak.statistics.sk, authors' own data processing with the use of AI tools

It is important to note that, in absolute terms, the numbers remain relatively low in comparison to the overall employed population in Slovakia. Standard full-time and permanent employment arrangements dominate the labour market, with temporary, casual and seasonal employment accounting for only a modest share of total employment. This reflects a broader pattern in Central European labour markets, where permanent employment relationships remain the norm and atypical arrangements occupy a supplementary rather than a primary role.

**Fig. 3 Structure of total employment by job permanency (2021-2024)**




Source: Statistical Office of the Slovak Republic, 2025, data available at https://slovak.statistics.sk, authors' own data processing with the use of AI tools

Nevertheless, from a policy perspective, these forms of flexible employment play a structurally important role in sectors characterized by high seasonality - most notably tourism. The relatively modest absolute numbers should not obscure the functional significance of seasonal employment instruments for the operational capacity of tourism businesses during peak demand periods. At the same time, the low overall share underscores the importance of creating more attractive and legally secure conditions for seasonal employment - both to meet the genuine labour needs of the sector and to ensure that workers who do engage in seasonal arrangements are afforded adequate social protection. A targeted policy approach combining improved working conditions, enhanced social security coverage, and more precise statistical monitoring would be desirable to support the sustainable development of this segment of the labour market.

## CONCLUSION

This paper has examined seasonal work as a specific legal institute of the Slovak Labour Code and assessed its relevance for the tourism sector. The analysis has demonstrated that seasonal work constitutes a well-defined autonomous legal category within Slovak labour law, characterised by three cumulative definitional elements: dependence on the alternation of seasons, periodic annual recurrence, and a maximum duration of eight months per calendar year. Since its introduction in 2007, the statutory definition has remained substantively unchanged - a reflection of its clarity and legislative precision. From the perspective of practical significance for the tourism industry, seasonal work fulfils an indispensable function. The tourism sector operates under conditions of structural demand volatility driven by seasonal patterns, climate, and consumer behaviour. The two principal legal instruments examined in this paper - fixed-term employment contracts under Section 48(4) of the Labour Code and agreements on performance of seasonal work under Section 228(1)(b) - provide employers with a degree of organisational flexibility that is essential for managing workforce requirements during peak periods. The expansion of the list of activities qualifying as seasonal work, most recently to include civil aviation activities (effective July 2025), further confirms the legislature's recognition of the sector-specific labour market realities.

At the same time, the current regulation exhibits several significant weaknesses, particularly with regard to employee protection. First, workers performing seasonal work under fixed-term contracts are effectively excluded from the standard protective mechanisms limiting the chaining of fixed-term employment. While this exclusion is justified by EU law, its practical consequence is that seasonal employees may be engaged on repeated short-term contracts without the legal recourse available to other workers, creating a risk of structural precarity. Second, workers employed under agreements on work activity for seasonal purposes - which fall outside the employment relationship - enjoy considerably reduced labour law protection, particularly in the areas of social security, working time protections beyond the statutory minimum, and access to standard labour market benefits.

Based on the foregoing analysis, this paper formulates several de lege ferenda proposals. First, the legislature should consider introducing a mandatory minimum notice period and a right of preferential re-engagement for seasonal workers who have completed consecutive seasons with the same employer, thereby acknowledging the ongoing nature of the employment relationship and improving the workers' social stability. Second, greater consideration should be given to extending social security coverage - in particular sickness insurance and access to supplementary pension savings - to workers employed under agreements on seasonal work, to address the current imbalance between the flexibility afforded to employers and the social protection available to employees. The findings of this paper contribute to the ongoing academic and policy discussion on atypical employment in the context of the tourism economy and suggest that legal certainty and social protection need not be sacrificed in the pursuit of

flexibility - provided that the regulatory framework is sufficiently nuanced to reflect the real conditions of seasonal labour markets.

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