



# DECENT WORK CHECK

## **SLOVENIA** 2023

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## WageIndicator Foundation - [www.wageindicator.org](http://www.wageindicator.org)

WageIndicator started in 2001 to contribute to a more transparent labour market for workers and employers by publishing easily accessible information on a website. It collects, compares and shares labour market information through online and face-to-face surveys and desk research. It publishes the collected information on national websites, thereby serving as an online library for wage information, labour law, and career advice, both for workers/employees and employers. The WageIndicator websites and related communication activities reach out to millions of people on a monthly basis. The WageIndicator concept is owned by the independent, non-profit WageIndicator Foundation, established in 2003. The Foundation has offices in Amsterdam (HQ), Ahmedabad, Bratislava, Buenos Aires, Cape Town, Islamabad and Venice.

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## Bibliographical information

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# INTRODUCTION

Decent Work is the type of work for which all of us aspire. It is done under conditions where people are gainfully employed (and there exist adequate income and employment opportunities); social protection system (labour protection and social security) is fully developed and accessible to all; social dialogue and tripartism are promoted and encouraged; and rights at work, as specified in ILO Declaration on Fundamental Principles and Rights at Work and Core ILO Conventions, are practised, promoted and respected.

WageIndicator Foundation has been working, since late 2007, to raise awareness on workplace rights through a unique tool, i.e., **Decent Work Check**. The Decent Work Check considers different work aspects deemed necessary in attaining “decent work”. The work makes the abstract Conventions and legal texts tangible and measurable in practice.

The Decent Work Check employs a double comparison system. It first compares national laws with international labour standards and scores the national regulations (happy or sad face). If national regulations in a country are not consistent with ILO conventions, it receives a sad face and its score decreases (and vice versa). It then allows workers to compare their on-ground situation with national regulations. Finally, workers can compare their personal score with national score and see whether their working conditions are consistent with national and international labour standards. The Check is based on de jure labour provisions, as found in the labour legislation.

A Decent Work Check is beneficial both for employees and employers. It gives them knowledge, which is the first step towards any improvement. It informs employees of their rights at the workplace while simultaneously enlightening employers about their obligations. Decent Work Check is also helpful for researchers, labour rights organisations conducting surveys on the situation of rights at work and the general public wanting to know more about the world of work. For example, WageIndicator teams worldwide have found out that workers, small employers and even labour inspectors are not, sometimes, fully aware of the labour law. When you are informed – being a worker, self-employed, employee, employer, policymaker, labour inspector – there is a greater possibility that you ask for your rights (as a worker), you comply with rules (as an employer), and you strive to enforce these (as a labour inspector).

The work is relevant to the challenges posed to the future of work, especially the effective enforcement of legislation in financially constrained states, a rise in precarious employment and analysing the impact of regulatory regimes.

In 2023, the team aims to include at least 12 more countries, thus taking the number of countries with a Decent Work Check to 125!

# MAJOR LEGISLATION ON EMPLOYMENT AND LABOUR

1. Employment Relations Act (Official Gazette No. 21/2013)
2. Minimum Wages Act (Official Gazette No. 13/2010)
3. Regulation on Minimum Wage (Official Gazette No. 7/2014)
4. Law on Holidays and Public Holidays in the Republic of Slovenia (Official Gazette No. 112/2005)
5. Parental Protection and Family Benefits Act (Official Gazette No. 26/2014)
6. Health Care and Health Insurance Act of 2006 (Official Gazette No. 72/2006)
7. Act on Emergency Measures in the Field of Labour Market and Parental Care (Official Gazette No. 63/2013)
8. Regulation on the protection of health at work of pregnant workers and workers who have recently given birth and are breastfeeding (Official Gazette of the RS, No. 62/2015)
9. Health and Safety at Work Act (Official Gazette No. 43/2011)
10. Pension and Invalidity Insurance Act (Official Gazette No. 96/2012)
11. Law on Labour Market Regulation (Official Gazette, 80/2010 amended by 21/2013)
12. Constitution of Slovenia 1991, amended in 2006
13. Act Implementing the Principle of Equal Treatment (Official Gazette No. 93/2007)
14. Civil Unions Act 2016
15. Regulation on the protection of health at work of children, adolescents and young people (Official Gazette of RS, No. 62/2015)
16. Penal Code (Official Gazette No. 55/2008, last amended by Official Gazette of RS, No. 54/2015)
17. Trade Union Representativeness Act (Official Gazette No. 13/1993)
18. Collective Agreements Act (Official Gazette No. 43/2006)
19. Law on Strikes (Official Gazette No. 23/91)

*The text in this document was last updated in December 2023. For the most recent and updated text on Employment & Labour Legislation in Slovenia in Slovenian, please refer to: <https://mojaplaca.si/>*

# 01/13 WORK & WAGES

## **ILO Conventions**

Minimum wage: Convention 131 (1970)

Regular pay & wage protection: Conventions 95 (1949) and 117(1962)

**Slovenia has ratified the Conventions 95 and 131.**

### ***Summary of Provisions under ILO Conventions***

The minimum wage must cover the living expenses of the employee and his/her family members. Moreover, it must relate reasonably to the general level of wages earned and the living standard of other social groups. Wages must be paid regularly on a daily, weekly, fortnightly or monthly basis.

## Regulations on work and wages:

- Employment Relations Act (Official Gazette No. 21/2013)
- Minimum Wages Act (Official Gazette No. 13/2010)
- Regulation on Minimum Wage (Official Gazette No. 7/2014)

## Minimum Wage

Minimum wages in Slovenia are governed under the Minimum Wages Act of 2010 and every year a notification is issued for change in the rate of minimum wages. Minimum wage is the monthly salary for full-time work performed by a worker and full-time workers should not be paid less than the minimum wage. A worker who works part time is entitled to a proportionate amount of minimum wage.

The amount of minimum wage is determined by the labour minister every year in consultation with the social partners. The yearly notification on minimum wage must be published in the Official Gazette of the Republic of Slovenia by 31st January of each year. Minimum wages can also be determined through collective agreements provided that they are more favourable to the workers than those fixed by legislation.

There exists only a single national minimum wage in the country. No sectoral, occupational or regional minimum wages are defined. An employer is required not to pay a worker less than the minimum wage announced by the government.

Minimum wage applies to all employees in the private sector and employers are required to pay at least the minimum wage. A trainee or a worker undergoing training

has the right to a basic salary of at least 70% of the salary received by a regular worker at a workplace. However, the salary of a trainee cannot be less than the minimum wage.

Minimum wage is determined through an agreement between the social partners, i.e., the government, the trade union organizations and employers' representative organizations. The criteria for determining or updating minimum wages include wage trends (level of wages in the country), economic conditions/growth, employment trends, and consumer price index/inflation rate.

A worker, who is paid less than the minimum wage rate, may file a complaint with the enterprise union or labour inspector. Compliance with labour legislation including the provisions on minimum wages is ensured by the Labour Inspectorate. A Labour Inspector will require the employer to remove deficiencies in compliance with labour legislation. A fine ranging between EUR3,000 to 20,000 may also be imposed by the labour inspector for non-compliance with the minimum wage rate.

Sources: §126, 141 of Employment Relationships Act; Minimum Wages Act; Regulation 7/2014 on Minimum Wage; Act of 14 March 2014 on labour inspection (Text No. 663)

For updated minimum wage rate, kindly refer to the section on minimum wage.

## Regular Pay

Wages are composed of basic wage, part of the wage for job performance and some additional payments. Another element of

wages can be remuneration for business performance if it is provided in a collective agreement or employment contract. The basic salary of a worker is determined by taking into account the degree of difficulty of a work for which an employment contract has been concluded.

Minimum wage is determined on a monthly basis. The wage period in Slovenia cannot exceed one month. Wages have to be paid within 18 days of the end of wage payment period. Employers are required to inform the worker of the day of payment and any changes in such day by written notice. Workers' wages are directly deposited to their bank account in such a way that salary should be available to them on the due date. A deduction in wages may be made only in accordance with the law. An employment contract cannot allow an employer to withhold a worker's wages.

Sources: §126-136 of Employment Relations Act

# 02/13 COMPENSATION

## ILO Conventions

Compensation overtime: Convention 01 (1919)

Night work: Convention 171 (1990)

**Slovenia has ratified the Convention 171 only.**

### *Summary of Provisions under ILO Conventions*

Working overtime is to be avoided. Whenever it is unavoidable, extra compensation is at stake - minimally the basic hourly wage plus all additional benefits you are entitled to. In accordance with ILO Convention 1, overtime pay rate should not be less than one and a quarter time (125%) the regular rate.

Night work means all work which is performed during a period of not less than seven (07) consecutive hours, including the interval from midnight to 5 a.m. A night worker is a worker whose work requires performance of a substantial number of hours of night work which exceeds a specified limit (at least 3 hours). Convention 171 requires that night workers be compensated with reduced working time or higher pay or similar benefits. Similar provisions are found in the Night Work Recommendation No. 178 of 1990.

If a worker has to work on a national/religious holiday or a weekly rest day, he/she should be entitled to compensation. Not necessarily in the same week, provided that the right to a paid compensation is not.

If a worker has to work during the weekend, he/she should thereby acquire the right to a rest period of 24 uninterrupted hours instead. Not necessarily in the weekend, but at least in the course of the following week. Similarly, if a worker has to work on a public holiday, he/she must be given a compensatory holiday. A higher rate of pay for working on a public holiday or a weekly rest day does not take away the right to a holiday/ rest.

## Regulations on compensation:

- Employment Relations Act (Official Gazette No. 21/2013)

## Overtime Compensation

The general working hours are 40 hours a week for full time work. An Act or a collective agreement may stipulate working time which is shorter than 40 hours a week however full time working cannot be less than 36 hours a week. An Act or a collective agreement may define working time less than 36 hours per week for jobs where there is greater risk of injury or health impairment. The full working time of 40 hours a week may not be distributed to less than four days a week. The working time may be distributed irregularly due to nature or organization of work or needs of users, however working time may not exceed 56 hours a week. The reference period in which the working hours have to be averaged cannot exceed 6 months. The parties to an employment contract may agree on longer working hours than 40 hours a week in the case of managerial staff, executives and home workers. The working time of a worker under 18 years cannot exceed 40 hours a week.

Overtime is generally prohibited except in the case of exceptional circumstances. An employer may not impose overtime on workers if work can be performed within the normal working time limits by means of appropriate organization and distribution of work, distribution of working time by introducing new shifts or employing new workers.

A worker is obliged to perform overtime work in case of an exceptionally increased amount of work; if continuation of work is

required in order to prevent material damage or threat to life and health of people; if it is necessary to avert damage to work equipment that would otherwise result in suspension of work; if it is necessary in order to ensure the safety of people and property and the safety of traffic; in case of force majeure; and in other exceptional urgent and unforeseen cases provided under law or a branch collective agreement.

Limits of overtime work have been defined under the law. Overtime work may not exceed 8 hours a week, 20 hours a month and 170 hours a year. A working day may not exceed 10 hours (normal work time + overtime). With a worker's written consent, the annual overtime limit may be increased to 230 hours a year however a worker must not have to face unfavourable consequences in respect of his/her employment relationship if he does not agree to work more than 170 hours of overtime in a year.

The premium rate for overtime work is determined under the branch level collective agreements. A collective agreement of wholesale and retail trade industry provides for a 30% premium on normal wage for those involved in overtime work (Official Gazette 24/2014).

Employers are required to order overtime work in writing prior to the commencement of work. If this is not possible due to the nature or urgency of overtime work, overtime may be ordered orally however a written order must be subsequently handed over to the worker before end of the working week after completion of overtime.

Workers are under obligation to perform work exceeding full time or part time in accordance with employment contract or

other work related to elimination or prevention of consequences of natural or other disasters or when such disaster is expected. Such work may last as long as necessary to rescue human lives, protect the health of people or prevent material damage.

Overtime work may not be asked from following workers: workers whose working hours are shorter than 36 hours a week due to job that involves greater risk of injuries or health impairments; female workers during pregnancy and another year after having given birth and throughout the breastfeeding period; workers (male/female) who take care of a child under the age of 3 years; worker whose health condition might deteriorate according to the written opinion of an occupational medicine provider; older workers; and workers under the age of 18 years.

Sources: §128 & 142-149 of Employment Relations Act

## Night Work Compensation

Night worker is an employee who works at least three hours of his daily working time or at least one-third of his annual working time at night time (between 23:00 and 06:00). If distribution of working time involves a night shift, night work means eight uninterrupted hours between 22:00 and 07:00. The night workers have the right to special protection.

Employers are obliged to transfer a worker to appropriate daytime work if an occupational medicine provider gives an opinion that night work could harm the night worker's health. An employer must provide night workers with longer annual

leave, adequate food during work, and professional conduct of the working and/or production process. A worker in night shift may not be required to work at night for more than one week unless explicitly agreed by worker in writing. An employer may not assign a worker to night work if no transport to and from work is organized by the employer for worker.

The average working hours of a night worker may not exceed eight hours a day during a four-month period. The working time of a night worker whose work involves higher risk of injury or health impairment may not exceed 8 hours a day. Prior to the introduction of the night work or, if night work is carried out regularly by night workers at least once a year, an employer must consult with trade unions at the workplace on the determination of the time considered as night work, on the forms of organization of night work, on the measures of safety and health at work, and on the social measures.

The premium rate for overtime work is determined under the branch level collective agreement. A collective agreement of wholesale and retail trade industry provides for a 75% premium on normal wage for those involved in night work (Official Gazette 24/2014).

Sources: §128 & 150-153 of Employment Relations Act

## Compensatory Holidays / Rest Days

There is a provision for compensatory rest for working on a weekly rest day. Law does not clearly provide for compensatory rest for working on a public holiday. If a worker has to work on a weekly rest day due to objective, technical or organizational

reasons, he is entitled to taking the weekly rest on another day during the week. Workers can also be restricted to take a public holiday in cases when working and/or production process are carried out uninterruptedly or when the nature of work requires the performance of work on public holidays.

Sources: §156 & 166 of Employment Relations Act

## **Weekend / Public Holiday Work Compensation**

Workers are entitled to additional/premium payments for working on weekly rest days (Sunday) and public holidays (as well as work-free days as defined under an Act). The amount of premium payment is determined under a branch level collective agreement. However, if a work-free day falls on Sunday, workers can receive premium payment either for Sunday or work-free day and not double payments.

The premium rate for overtime work is determined under the branch level collective agreement. A collective agreement of wholesale and retail trade industry provides for a 100% premium on normal wage for those involved in Sunday work and 200% premium for working on Public Holidays of January 01, May 01, November 01, December 25, and Easter Sunday. (Official Gazette 24/2014).

Sources: §128 of Employment Relations Act

# 03/13 ANNUAL LEAVE & HOLIDAYS

## **ILO Conventions**

Convention 132 (1970) on Holidays with Pay Convention  
Conventions 14 (1921), 47 (1935) and 106 (1957) for weekly rest days.  
In addition, for several industries, different Conventions apply.

**Slovenia has ratified the Conventions 14, 106 and 132 only.**

### ***Summary of Provisions under ILO Conventions***

An employee is entitled to at least 21 consecutive days of paid annual leave. National and religious holidays are not included. Collective agreements must provide at least one day of annual leave on full remuneration for every 17 days on which the employee worked or was entitled to be paid.

A worker should be entitled to paid leave during national and officially recognized public holidays.

Workers should enjoy a rest period of at least twenty-four consecutive hours in every 7-day period, i.e., a week

## Regulations on annual leave and holidays:

- Employment Relations Act (Official Gazette No. 21/2013)
- Law on Holidays and Public Holidays in the Republic of Slovenia (Official Gazette No. 112/2005)

## Paid Vacation / Annual Leave

A worker obtains the right to annual leave by entering into an employment relationship. The annual leave provision is at least 4 weeks for both full-time and part-time workers. The minimum length of annual leave depends on the distribution of working days within a week for an individual worker. Annual leave provision is 16 days (for those working on 4 days a week), 20 days (for those working 5 days a week) and 24 days (for those working 6 days a week).

There is a provision for three additional days of annual leave for old workers, disabled persons, workers with at least a 60% physical impairment or workers who care for children in need of care. Workers have the right to one additional day of annual leave for every child in the family less than 15 years. Law also requires that night workers be awarded longer leave (although its duration is determined under collective agreement). The annual leave for young workers (under 18 years) is extended by seven working days. Holidays, work-free days, absence from work due to injury and sickness and other cases of justified absence are not counted as annual leave.

A collective agreement or an employment contract may provide for a longer duration of annual leave. Employer has to notify workers of their annual leave entitlement

by March 31 every year in writing. If the employment relationship commences after the start of calendar year or if its duration is less than one year during a calendar year has the right to proportionate part of annual leave.

Law allows splitting of annual leave however one part should consist of at least two weeks. Workers is required to take two weeks of annual leave in the current calendar year and take the remaining part by June 30 of the following year (in agreement with the employer). If worker is not able to use annual leave by end of current calendar year or by June 30 of following year for reasons of absence due to illness or injury, parental leave or childcare leave by December 31 of following year.

Annual leave is taken by a worker considering the requirements of working process, the worker's rest and recreation opportunities and the worker's family obligations. Parents of school children have the right to take at least one week of annual leave during school holidays. Worker also has the right to take one day of annual leave on the day he determines himself. However, employer can refuse both above leaves if the worker's absence would be seriously detrimental to the working process.

A worker cannot wave his right to annual leave and any such agreement is invalid. Employer cannot receive payment in exchange for annual leave except in the case of employment contract termination. During the term of annual leave, employer is required to pay the worker at least the minimum wage which should be paid to the worker by July 01. If employee is entitled to proportionate part of annual leave, he is entitled to the proportionate pay. In the case of part-time workers, they are entitled to payment for annual leave in proportion

to the working time for which they have concluded contract.

Sources: §131, 151 & 159-163 of Employment Relations Act

## Pay on Public Holidays

Workers have the right to absence from work on public holidays in the Republic of Slovenia and on other work-free days as specified by an Act. The public holidays are specified under the Law on Holidays and Public Holidays in the Republic of Slovenia (112/2005). Slovenia has holidays of religious and memorial nature. These days are New Year's Days (January 01 & 02), Prešeren Day/Slovenian Cultural Day (February 08), Resistance Day (April 27), Labour Day (May 01 & 02), Proclamation Day/National Day (June 25), Slovenian Merger with the Parent Nation (August 17), Return to the Motherland (September 15), All Saints' Day (November 01), Rudolf Maister Day (November 23), and Independence & Unity Day (December 26).

Primož Trubar Day (08 June) and Sovereignty Day (25 October) are not work-free days.

The work-free days are Easter Sunday, Easter Monday, Whit Sunday, Assumption Day (August 15), Reformation Day (October 31), and Christmas Day (December 25). Public holidays and work-free days are not moved, if they occur on Sunday, to the next working day.

Sources: Law on Holidays and Public Holidays in the Republic of Slovenia; §166 of Employment Relations Act

## Weekly Rest Days

Workers are allowed a daily rest period of at least 12 uninterrupted hours within the period of 24 hours. Workers with irregular working hours have the right to daily rest period of at least 11 hours during a period of 24 hours.

A worker has the right to a rest period of at least 24 uninterrupted hours within a period of seven days. A worker has the right to average weekly rest period of 24 hours during a 14-day period.

Daily rest breaks are regulated under the Employment Relations Act. Rest breaks are considered part of the working time. Full time workers are entitled to a 30-minute break during the working day. The break cannot be provided earlier than after one hour of work and no later than one-hour prior the end of the working time. Part-time workers who work at least four hours per day are also entitled to daily rest breaks proportionate to their daily working time. Young workers under 18, who work at least four and a half hours per day, are also entitled to a rest break of 30 minutes.

Sources: §154-156 of Employment Relations Act

# 04/13 EMPLOYMENT SECURITY

## **ILO Conventions**

Convention 158 (1982) on employment termination

**Slovenia has ratified the Convention 158.**

### ***Summary of Provisions under ILO Convention***

The questions under this section measure the security or even flexibility or precariousness of an employment relationship. Although these are not clearly mentioned in a single convention (severance pay and notice requirement are provided in the Termination of Employment Convention No. 158) however, the best practices in the field require that employees be provided with a written contract of employment; workers on fixed term contracts should not be hired for tasks of permanent nature; a reasonable probation period (ideally lower than or equal to 6 months) may be followed to assess the suitability of an employee; a period of notice must be specified in an employment contract before severing the employment relationship; and workers be paid severance allowance on termination of employment relationship.

A contract of employment may be oral or written however workers should be provided with a written statement of employment at the start of their employment.

Fixed Term Contract workers must not be hired for permanent tasks as it leads to precarious employment.

A reasonable probation period must be allowed to let a worker learn new skills. A newly hired employee may be fired during probation period without any negative consequences.

A reasonable notice period, depending on the length of service of an employee, may be required before an employer may sever the employment relationship.

Employers may be required to pay a severance allowance on termination of employment (due to redundancy or any other reason except for lack of capacity or misconduct).

## Regulations on employment security:

- Employment Relations Act (Official Gazette No. 21/2013)

## Written Employment Particulars

An employment relationship is established on the basis of an employment contract. The employment contract is generally for an indefinite duration unless stated otherwise. If duration of an employment contract is not clearly mentioned in writing or if a fixed term contract is not concluded in writing on commencement of work, the employment contract is considered to be of indefinite duration.

An employment contract has to be concluded in writing. Employer must provide a worker a draft written employment contract three days prior to its envisaged signing and then the final contract on its conclusion. Employee has the right to request written employment contract from the employer.

An employment contract must contain following information: information of the contracting parties; date of commencement of work; job title and job description; work location; duration of employment contract; contract nature with regard to working time (full-time or part-time); daily or weekly working time and distribution of working time; amount of basic salary in euros; other components of salary including payment interval, pay day and manner of salary payment; annual leave and manner of determining annual leave; length of notice periods; provision on training provided by the employer; reference to a binding collective agreement; and information on other rights and obligations as laid down under the Act.

Employees can propose changes to their employment contract or the formation of a new one to enhance their employment or working conditions. This proposal can be made after six months from the initial contract or after the conclusion of a longer probationary period. The employer is required to decide on the proposal and provide a written justification within 30 days.

Sources: §11, 12, 17, 31 & 49 of Employment Relations Act

## Fixed Term Contracts

Employment Relations Act has provisions with regard to the fixed term contracts.

Employment contracts may be concluded for fixed terms where this involves cases provided by the ERA; another act or firm-level collective agreement; and a sector-level collective agreement for small employers. The exhaustive list of conditions/situation in which fixed term contracts are allowed is provided in Art. 52 of Employment Relations Act: work which by its nature is of limited duration; replacing a temporarily absent worker; temporarily increased volume of work; employment of a foreigner or person without citizenship who was granted work permit for a definite period, except in case of a personal work permit; managerial staff and those executive workers who manage a business field or organisational unit at the employer and are authorised to conclude legal transactions or to make independent personnel and organisational decisions; seasonal work; a worker who concludes a fixed-term employment contract for the reason of preparation for work, vocational training or advanced study for work and/or education; employment for a definite

period of time due to working during the qualifying period for obtaining a certificate issued by the competent body in the procedure of recognition of qualifications pursuant to a special law; performance of public works and/or inclusion in the measures of active employment policy pursuant to the law; preparation or realization of work organized as a project; work required during the period of introduction of new programs, new technology and other technical and technological improvements of the working process or for training workers; elected and appointed officials and/or other workers related to the term of office of a body or official in local communities, political parties, trade unions, chambers, associations and their federations, and other cases laid down by law and/or branch collective agreement.

The maximum length of successive fixed term contracts is 24 months although there is no limit on the number of renewals during that 24-month term. Contracts are deemed to be concluded for an uninterrupted period if the interval between successive contracts is less than 3 months. A fixed term contract can also be concluded for a period longer than two years (24 months) if the project lasts more than two years and the contract is concluded for entire duration of project. A branch level collective agreement determines what is deemed to be project work.

If a worker keeps working after expiry of a fixed term contract, it is assumed that worker has concluded the employment contract for indefinite duration.

Sources: §54-57 of Employment Relations Act

## Probation Period

The provisions on probation period are found in the Employment Relations Act.

Worker and employer may agree on the duration of probationary period. The probationary period may not last longer than 6 months however it can be extended in the case of temporary absence from work. During the probation period, both parties can cancel the employment contract.

If a fixed-term employment contract specifies a probationary period, its duration should be proportional to the contract's length and job nature. However, a new consecutive fixed-term contract for the same position must not include a probationary period.

Law does not differentiate between the job types and a single type of probationary period is applied for all types of work although parties have the option to agree on a shorter period.

If the employment contract ends due to unsuccessful probation, the employee is entitled to the severance pay specified for regular terminations for business reasons.

Sources: §125 of Employment Relations Act

## Notice Requirement

Employment Relations Act has relevant provisions on termination of an employment contract and necessary advance notice periods. Employment contracts are terminated either by agreement between the parties; on expiry of its term (for fixed term contracts); on cancellation of a contract by either of the

parties on the bases provided under the law; and on the death of an employee.

The Slovene labour law provided for two kinds of contract termination: ordinary dismissal and summary dismissal. An ordinary dismissal requires a notice period while summary dismissal does not need any notice period.

A fixed term contract may be terminated without notice on expiry of time period for which it was concluded or on the completion of agreed work or on cessation of reason for which the contract was concluded. A contract of employment may be terminated by agreement between the parties and on the death of a worker or employer.

Employers are required to serve a written notice to the worker while explaining in writing the actual reason for its cancellation. Reasons behind ordinary termination must be serious and substantiated. Ordinary dismissal is justified by one of the reasons related to worker's conduct, capacity and economic reasons. The grounds for unfair dismissal include marital status; pregnancy; maternity leave; family responsibilities; filing a complaint against the employer; temporary work injury or illness; race; colour; sex; sexual orientation; religion; political opinion; social origin; nationality/national origin; age; trade union membership and activities; disabilities; financial status; parental leave; participation in a lawful strike; state of health; and ethnic origin.

An employer may ordinarily terminate an employment contract if a justified reason exists. On the other hand, a worker does not have to provide a statement of grounds

before ordinary termination of employment contract.

In the event of worker's or employer's contract termination during probationary period, the notice period is 7 days.

In the case of ordinary contract cancellation by worker, notice period is 15 days for up to one year of service with the employer and 30 days for more than one year of service with the employer. A longer period of notice may be provided under an employment contract or a collective agreement; however, it may not exceed 60 days.

In the event of ordinary dismissal for economic reasons or due to reasons of incompetence, notice period is 15 days for up to one year of service with the employer and 30 days for more than one year of service with the employer. After two years of service, notice period increases by two days for each year of employment but cannot exceed 60 days. After a period of 25 years of service, notice period is 80 days unless a different notice period is specified by a branch level collective agreement and in no circumstances less than 60 days.

If employment contract is terminated for misconduct, notice period is 15 days. Worker and employer may agree on compensation in lieu of notice as per a written agreement.

Sources: §82-97 of Employment Relations Act

## Severance Pay

Worker is entitled to severance pay in the case of ordinary contract termination by the employer (for economic or competence related reasons) and summary dismissal by

the worker. A worker must have worked for at least one year to qualify for severance pay. The basis for calculation of severance pay is average monthly salary the worker received or would have received if working during the last three months before cancellation. Severance pay is payable in the case of individual and economic dismissals.

Workers are entitled to one-fifth (20%) of the monthly wage for each year of service for more than one but less than ten years; one-quarter (25%) of the monthly wage for each year of service for ten to twenty years of service; and one-third (33%) of the monthly wage for each year of service for a period exceeding twenty years.

The total amount of severance pay may not exceed ten times the monthly wage unless otherwise stipulated by a branch level collective agreement. In the case of forced settlement, the worker and employer may agree in writing on the manner of payment, its form or a reduction of the level of severance pay if, owing to the payment of severance pay, the existence of a large number of jobs at the employer would be threatened.

Sources: §108 of Employment Relations Act

# 05/13 FAMILY RESPONSIBILITIES

## **ILO Conventions**

Convention 156: Workers with Family Responsibilities Convention (1981) Recommendation 165: Workers with Family Responsibilities (1981)

**Slovenia has ratified the Convention 156 only.**

### ***Summary of Provisions under ILO Convention***

Paternity leave is for the new fathers around the time of childbirth and is usually of shorter duration.

Recommendation (No. 165) provides for parental leave as an option available to either parent to take long leave of absence (paid or unpaid) without resigning from work. Parental leave is usually taken once the maternity and paternity leave have been exhausted. For working parents, laws may define the portion of parental leave that has to be compulsorily taken by fathers or mothers.

Flexible Work Option for Parents / Work-Life Balance Recommendation 165 asks the employers to look into the measures for improving general working conditions through flexible work arrangements.

## Regulations on family responsibilities:

- Parental Protection and Family Benefits Act (Official Gazette No. 26/2014)
- Employment Relations Act (Official Gazette No. 21/2013)

## Paternity Leave

All employed fathers (or spouse or partner) insured under the Parental Protection and Family Benefits Act are entitled to paternity leave.

Under 2022 amendment, fathers are entitled to paternity leave for a duration of 15 days in a condensed series in the form of full or partial absence from work from the birth of the child until the child is three months old.

Adoptive parents or relatives granted parental care also have a 15-day paternity leave. In the case of multiple live-born children simultaneously, paternity leave for subsequent children is extended by 10 days. This extension applies to adoptive parents or relatives caring for two or more children simultaneously or of different ages until the oldest child is 8 years old.

The duration of paternity leave is not extended if it is used in the form of a partial absence from work.

A father is not entitled to paternity leave if: the mother has given birth to a dead child; the father has been deprived of parental rights or he was forbidden contact with child in accordance with an Act; the father has shown by conduct that he will not take care of the child or neglects parental responsibilities; and on the basis of a

physician's opinion that father is temporarily or permanently unable to care for child due to health reasons.

If a child dies during the paternity leave, the father is entitled to extend his leave by the number of days remaining from his original leave duration, plus an additional three days after the child's death. However, the total leave cannot exceed 15 days.

Sources: §25-28 & 40-47 of Parental Protection and Family Benefits Act

## Parental Leave

Under the amended law, each parent has the right to 160 days of parental leave, with the option to transfer 100 days between them. Non-transferable days are 60 for each parent. The leave starts after maternity leave, and if no maternity leave is applicable, it begins when the child is 77 days old.

Parental leave is extended by 90 days (for each parent) in the event of multiple births, adoption of twins or two differently aged children under the age of up to eight years of the oldest child. In the case of the birth of a child in need of special care, child care leave is extended by an additional 90 days on the basis of the opinion delivered by the medical board.

When a premature baby is born, parental leave is extended by as many days as the pregnancy was shorter than 260 days.

A part of child care leave of not more than 75 days of duration can be transferred until a child completes first grade of the primary school.

Leave is extended by 30 days if parents already have at least two children up to the age of eight by 60 days if they have three such children; and by 90 days if they have four or more such children.

Parental leave is paid leave and workers are paid 100% of their income during the term of parental leave for full absence. Compensation for partial absence from work is equal to the proportional part of the partial absence from work. The amount of compensation lies between 55% of the minimum salary and 250% of the national average wage.

A worker caring for a child with special needs is entitled to at least three extra annual leave days. Additionally, an employee receives one extra day of annual leave for each child under the age of 15.

Employer cannot terminate parents during the period when they are using parental leave in a condensed series in the form of a full absence from work and for another month after the use of this leave.

Sources: §29-47 of Parental Protection and Family Benefits Act; §115, 159 of the Employment Relations Act

## **Flexible Work Option for Parents / Work-Life Balance**

A parent who nurses and cares for a child less than three years of age has the right to part-time work. A parent who is taking care of two children may extend the right to work part time until the younger child is eight years old. One year of this entitlement is a non-transferable right of each of the parents.

A parent who is taking care of two children may extend the right to work part time, with social security contributions paid based on the proportional part of the minimum wage for the hours not worked, until the younger child completes the first grade of elementary school (and not only until it reaches the age of six years). One year of this entitlement is a non-transferrable right of each of the parents.

The amendment allows employees caring for children up to 8 years old to propose a shorter working time for a specified period to balance work and personal life. The employer must provide a written justification for their decision within 15 days.

A parent who nurses and cares for a child with a severe disability in movement or with a moderate or severe disturbance in mental development has the right to part-time work even after the child's third year of age but not after the child reaches 18 years of age.

Part-time work means working at least half of the normal weekly working hours, i.e., 20 hours.

Source: §50 of the Parental Protection and Family Benefits Act, amended; §65a of the Employment Relations Act

# 06/13 MATERNITY & WORK

## **ILO Conventions**

An earlier Convention (103 from 1952) prescribed at least 12 weeks maternity leave, 6 weeks before and 6 weeks after birth. However, a later convention (No. 183 from year 2000) requires that maternity leave be at least 14 weeks of which a period of six weeks compulsory leave should be after childbirth.

**Slovenia has ratified both the Conventions 103 and 183.**

### ***Summary of Provisions under ILO Convention***

During pregnancy and maternity leave, a worker should be entitled to medical and midwife care without any additional cost.

During pregnancy and while breastfeeding, a worker should be exempt from work that might bring harm to you or your baby.

The total maternity leave should last at least 14 weeks.

During maternity leave, a worker's income should amount to at least two thirds of your preceding salary.

During pregnancy and maternity leave, a worker should be protected from dismissal or any other discriminatory treatment.

Workers have the right to return to same or equivalent position after availing maternity leave.

After childbirth and on re-joining work, a worker must be allowed paid nursing breaks for breast-feeding the child.

## Regulations on maternity and work:

- Health Care and Health Insurance Act of 2006 (Official Gazette No. 72/2006)
- Employment Relations Act (Official Gazette No. 21/2013)
- Parental Protection and Family Benefits Act (Official Gazette No. 26/2014)
- Act on Emergency Measures in the Field of Labour Market and Parental Care (Official Gazette No. 63/2013)
- Regulation on the protection of health at work of pregnant workers and workers who have recently given birth and are breastfeeding (Official Gazette of the RS, No. 62/2015)

## Free Medical Care

Medical care is provided under the national health care system.

Medical benefits and health care are provided under Health Care and Health Insurance Act of 2006. All employees have to be mandatorily health insured. Dependent family members are also entitled to health care. No prior insurance is required for entitlement to health care.

The health care and insurance system is managed by Health Insurance Institute of Slovenia. If persons don't have supplementary insurance for co-payments, they have to share costs of health care ranging from 10-90%. For certain medical benefits, there are no co-payments and these are paid in full by the Institute. There are no co-payments for preventive healthcare; treatment and rehabilitation of children; students under 26 years of age; consulting services and medical treatment services for family planning, contraception,

pregnancy and childbirth; for some serious diseases; and urgent healthcare.

Students will also now be included in the health insurance scheme, on the basis of the temporary and occasional work done by them. (For more details see pension and invalidity below)

Sources: §23 of Health Care and Health Insurance Act of 2006; The amendments to the Fiscal Balance Act (Official Gazette of the RS, No. 94/2014)

## No Harmful Work

Workers have the right to special protection in an employment relationship due to pregnancy and parenthood. Employers are required to reconcile their family and employment responsibilities more easily.

During pregnancy and entire period of breastfeeding, female workers may not carry out work that might present a risk to the worker or her child's health due to exposure to certain risk factors or working conditions. Employers may adjust the working conditions or working time if risk assessment indicates a risk to the worker or her child's health. If such risk cannot be avoided through adjustment in working time or working conditions, employer must provide the worker with other appropriate work. Female worker is obliged to perform this appropriate work and is entitled to a salary which is at least equivalent to former salary. If employer is unable to provide appropriate work, he must ensure wage compensation in the amount of her average monthly wage during the past three months or during the period she worked during the past three months but not less than the amount of minimum wage.

Female workers may not be required to perform overtime or night work during pregnancy, breastfeeding period and one year after the child birth if risk assessment indicates risk to the worker or child's health.

A new Regulation 2015 provides for measures and actions to improve safety and health at work of pregnant workers and workers who have recently given birth and are breastfeeding,

Sources: §137 & 182-185 of Employment Relations Act; Regulation on the protection of health at work of pregnant workers and workers who have recently given birth and are breastfeeding (Official Gazette of the RS, No. 62/2015)

## Maternity Leave

Maternity leave is 105 calendar days (15 weeks). A mother has to take 15-day obligatory leave. Of these 15 weeks, the pre-natal leave is four weeks while the post-natal leave is 11 weeks.

If a mother gives birth to a dead child, she is entitled to 42 days of maternity leave after child birth. If a child dies during maternity leave, mother is entitled to pre-natal leave as well 42 days post-natal leave. After the death of child, mother is entitled to 10 days of maternity leave.

If a mother has left the child at birth or after birth, she is entitled to maternity leave of 42 days after the day of birth. If a mother has left the child during maternity leave and has already used 42 days of maternity leave, she is no longer entitled to maternity leave from the following day after which she left the child. Parents adopting children are

entitled to parental leave as other parents (as provided under the parental leave)

Sources: §19-24 of Parental Protection and Family Benefits Act

## Income

During the term of maternity leave, workers are entitled to 100% of the average basic income on which parental leave contributions were paid during the 12 months prior to the leave. There is no ceiling on the benefit during leave. However, until the year following the year in which economic growth exceeds 2.5 per cent of GDP, the maximum benefit cannot exceed 200% of the national average wage. The benefit during maternity leave ranges between 55% of the minimum wage and two times (200%) the national average wage. Until the year following the year in which economic growth exceeds 2.5% of GDP, the ceiling on payments for maternity leave has been reduced from 2.5 to 2 times the average wage in Slovenia under Act on Emergency Measures in the Field of Labour Market and Parental Care 2013.

Sources: §40-47 of Parental Protection and Family Benefits Act; §3 of the Act on Emergency Measures in the Field of Labour Market and Parental Care 2013

## Protection from Dismissals

If an employer terminates a female worker on the ground of pregnancy, it is considered unfair dismissal. Even in the case of economic dismissals/redundancy, temporary absence from work due to parental leave or pregnancy may not be a criterion for determination of redundant workers.

Employment of a female worker may not be terminated during period of her pregnancy, when she is breastfeeding a child of up to one year of age or when parents are on parental leave in the form of full absence from work and for one month after the end of such leave. A notice of contract termination cannot be served during this period. If the objective reasons demand extraordinary dismissal of the worker or due to closure of business, employer may terminate the employment contracts of workers (during pregnancy, breastfeeding period of one year and parental leave) only after obtaining the preliminary consent of the labour inspectorate.

Sources: §90, 102 & 115 of Employment Relations Act

## Right to Return to Same Position

A worker's right to return after availing maternity leave is not explicitly guaranteed under the Employment Relations Act.

The law prohibits an employer from dismissing an employee who is pregnant or on maternity leave. However, it is not clearly provided under the law that an employer should give worker the same or equivalent position when they return from leave.

## Breastfeeding

A female worker who is breastfeeding a child under the age of 18 months and works full time has the right to a breastfeeding break during working time, for the minimum duration of one hour during a day. The breastfeeding mothers are entitled to a proportionate amount of minimum wage for one-hour breastfeeding break until the child reaches the age of nine months. After the first 9 months, until a

child is 18 months old, only social security contributions based on the proportionate part of minimum wage are paid.

Sources: §188 of Employment Relations Act; §49 of Parental Protection and Family Benefits Act

# 07/13 HEALTH & SAFETY

## **ILO Conventions**

Most ILO OSH Conventions deal with very specific Occupational Safety hazards, such as asbestos and chemicals.

Convention 155 (1981) is the relevant general convention here.

Labour Inspection Convention: 81 (1947)

**Slovenia has ratified both the Conventions 81 and 155.**

### ***Summary of Provisions under ILO Conventions***

The employer, in all fairness, should make sure that the work process is safe.

The employer should provide protective clothing and other necessary safety precautions for free.

Workers should receive training in all work-related safety and health aspects and must have been shown the emergency exits.

In order to ensure workplace safety and health, a central, independent and efficient labour inspection system should be present.

## Regulations on health and safety:

- Health and Safety at Work Act (Official Gazette No. 43/2011)

## Employer Cares

An employer is required to protect the health and safety of workers at the workplace in accordance with the provisions of Health and Safety at Work Act. Workers have the right to the type of work and working environment which is safe and without risk to health.

Employer has the duty to ensure health and safety of workers at work. Employers are required to take necessary measures to ensure health and safety of workers. Employers have to ensure the health and safety of worker by implementing measures including prevention of occupational risks; provision of information and training; and provision of necessary organization and means. Employers is required to undertake a risk assessment at the workplace; take necessary measures to avoid risks; reduce risks at the source of its occurrence; and assess the risks that cannot be avoided.

The Slovenian Employment Relationship Act defines work from home as “any work conducted by as any work conducted by an employee at his home or in this premises of his choice that are outside of the employer’s work premises”. The work from home must abide by the employment agreement which stipulates the rights, obligations and conditions on the nature of remote work and compensation must be granted to employee for using their personal resource to perform work. The employer and employee must agree upon the working time, rest periods and etc.

Sources: §5 & 11 of the Health and Safety at Work Act

## Free Protection

Employers are required to follow the principle of giving collective safety measures priority over individual protective measures. Employers are obligated to provide workers with personal protective equipment and ensuring its use if the means of work or working environment are inadequate to ensure health and safety at work despite the safety measures being taken.

A fine amounting from EUR2, 000 – 40,000 may be imposed on an employer, who fails to provide workers with personal protective equipment and ensure its use, if the means of work and the working environment are inadequate to ensure health and safety at work despite the safety measures being taken.

Employer is required to provide worker with protective equipment and protection of safety and health at work may in no circumstances involve financial burden on workers.

Workers are also required to make correct use of personal protective equipment in accordance with its purpose and employer's instructions, handle it with care and maintain it in full order. A fine amounting to EUR100-1,000 may be imposed on a worker who fails to make correct use of the work equipment and other means of work including safety devices and personal protective equipment in accordance with employer's instructions and its purpose.

Sources: §9, 12(3), 14, 19, 50, 76(8) & 77(1) of the Health and Safety at Work Act

## Training

Health and Safety at Work Act requires employers to provide training to the workers on OSH related issues.

Training for safety and health at work forms an integral part of the induction of workers. Employers are required to train workers in safe and healthy working practices. An employer is under obligation to arrange for the employee to receive occupational health and safety instructions and training corresponding to the employee's position and occupation before an employee commences work or changes jobs. Such instruction or training is repeated if the work equipment or technology is changed or upgraded.

A fine amounting from EUR2, 000-40,000 may be imposed on an employer who fails to ensure that workers receive health and safety training or to adjust and, where appropriate, renew and modify the training contents.

Sources: §38 & 76(34) of the Health and Safety at Work Act

## Labour Inspection System

Labour Inspectorate is an administrative body within the Ministry of Labour, Family and Social Affairs mandated with the enforcement of labour law. The employment inspectorate enforces employment relations and working conditions (Employment Relations Act) while health and safety at work inspectorate enforces OSH standards (Health and Safety at Work Act).

Labour Inspection system in Slovenia is specified in Labour Inspectorate Act (Official Gazette No. 38/1994, 32/1997 & 39/2000) and Inspection Act (Official Gazette No. 56/2002). The Labour Inspectorate supervises the implementation of laws, other regulations, collective agreements and general acts that govern employment relations, wages, worker participation in management, strikes and worker safety. The Labour Inspectorate also provides employers and workers with assistance in connection with implementing laws and other regulations, collective agreements and general acts within its jurisdiction.

The labour inspectorate has been replaced with the General Financial Administration with respect to acting as a supervisory body of undeclared work and employment.

Source: The Prevention of Undeclared Work and Employment Act (Official Gazette of the RS. No. 32/2014) entered into force on 18 August 2014; Act of 14 March 2014 on labour inspection (Text No. 663)

# 08/13 SICK LEAVE & EMPLOYMENT INJURY BENEFIT

## **ILO Conventions**

Convention 102 (1952), Conventions 121 (1964) and 130 (1969) concerning Social Security, Employment Injury Benefits and Medical Care and Sickness Benefits

**Slovenia has ratified the Convention 102 and 121 only.**

### ***Summary of Provisions under ILO Conventions***

A worker's rights to work and income should be protected when illness strikes. The national labour law may provide that sickness benefit may not be paid during the first 3 days of your absence. Minimally, a worker should be entitled to an income during first 6 months of illness. This income should be at least 45 per cent of the minimum wage. (Countries are free to opt for a system which guarantees 60 per cent of the last wages during the first 6 months of illness or even during the first year). A worker must be entitled to paid sick leave.

During illness, a worker should be entitled to medical care without any additional cost. Employees and their family members should have access to the necessary minimal medical care at an affordable cost.

During the first 6 months of illness, a worker should not be fired.

If a worker is disabled due to an occupational disease or accident, he/she must receive a higher benefit. In the case of temporary or total incapacity/disability, a worker may at least be provided 50% of his average wage while in the case of fatal injury, the survivors may be provided with 40% of the deceased worker's average wage in periodical payments.

## Regulations on sick leave & Employment Injury Benefits:

- Health Care and Health Insurance Act of 2006 (Official Gazette No. 72/2006)
- Employment Relations Act (Official Gazette No. 21/2013)
- Pension and Invalidity Insurance Act (Official Gazette No. 96/2012)

## Income

Sickness benefit is paid by the Health Insurance Institute to compensate for the temporary loss of working capacity. The cash sickness benefit is paid by the employer for the first 30 days of absence (except in case of occupational disease or injuries and other cases specified in law). However, in multiple incidents of sickness unrelated to work, employer is not required to pay sickness benefit for more than 120 working days in a calendar year. In the event of the worker's absence from work due to illness or injury which is not related to work, the wage compensation to be covered by the employer amounts to 80% of the worker's salary in the preceding month for full-time work. There is no requirement for prior insurance and the amount of benefit depends on the cause of absence.

Sickness cash benefit is actually paid by the employer even after the 31st day of absence. Employer is reimbursed by the Health Insurance Institute of Slovenia when he or she sends in the valid and fully detailed certificate relating to the loss of working capacity and the financial statement.

If the employer fails to pay the workers their salaries and wage compensation within a statutory time limit or in a contractually

stipulated term, the Health Institute of the Republic of Slovenia pays the worker directly the outstanding wage compensation. The sickness cash benefit is calculated on the basis of average monthly salary.

The sickness benefit is usually paid for up to one year. Longer entitlements are also allowed if medical treatment could not be completed within that time. The sickness benefit may also be paid for up to 30 days after termination of employment contract. The amount of sickness benefit varies between 70-100% depending on the cause of absence and the days of absence. There is usually variation in the cash sickness benefit during the first 90 days and the period after 90 days except in the case of occupational diseases and injuries. If absence from work is longer than one year or if there is no prospect of recuperation, the insured person can be referred to the invalidity board at the Institute for Pension and Disability Insurance. The duration of sick leave is not clearly provided under the law and depends on physician's or National Health Insurance Institute's medical board assessment of the state of sickness. From above sentence, we can assume that a worker's employment is safe for a year in the event of sickness.

Sources: §31 & 34 of Health Care and Health Insurance Act; §137 of Employment Relations Act

## Medical Care

Medical benefits and health care are provided under Health Care and Health Insurance Act of 2006. All employees have to be mandatorily health insured. Dependent family members are also

entitled to health care. No prior insurance is required for entitlement to health care.

The health care and insurance system is managed by Health Insurance Institute of Slovenia. If persons don't have supplementary insurance for co-payments, they have to share costs of health care ranging from 10-90%. For certain medical benefits, there are no co-payments and these are paid in full by the Institute. There are no co-payments for preventive healthcare; treatment and rehabilitation of children; students under 26 years of age; consulting services and medical treatment services for family planning, contraception, pregnancy and childbirth; for some serious diseases; and urgent healthcare.

Sources: §23 of Health Care and Health Insurance Act of 2006

## Job Security

It is considered an unfair dismissal if a worker is terminated for temporary absence from work due to inability to work because of an illness or injury. Even in the case of economic dismissals, temporary absence from work of a worker due to illness or injury may not be a criterion for termination of redundant workers. Workers are entitled to absence from work in cases of temporary incapacity for work due to illness or injury. Employment of a worker seems secure for one year of sickness although no clear provisions have been found.

Sources: §31 & 34 of Health Care and Health Insurance Act; §90, 102, 116 & 167 of Employment Relations Act

## Disability / Work Injury Benefit

Work injuries are covered both under the mandatory health insurance (for short term incapacity for work) and mandatory pension and invalidity insurance (for death or invalidity of the insured person). Occupational injuries include accidents arising out of work and in course of work, travel to and from work if transport is organized by employer and on business trips.

In case of accidents at work or occupational diseases, all costs of acute medical treatment and medical rehabilitation are covered by the mandatory health insurance. If short term incapacity for work (temporary disability) is caused by occupational accident or disease, sickness benefit is first paid by the employer (30 days) and then by the Health Insurance Institute and amounts to 100% of the calculation basis. The insured person keeps receiving even after the termination of employment until the ability to work is restored.

No prior insurance is required to have access to invalidity pension or disability allowance. The minimum temporary disability benefit is the legal monthly minimum wage. In the case of permanent disability, monthly pension is a percentage of the pension base paid with at least 40 years (men) or 38 years (women) of coverage. The disability is assessed and reviewed by a board of medical examiners of the Institute for Pension and Invalidity Insurance of Slovenia which assesses and reviews the disability in terms of lost working capacity.

The minimum pension base is EUR762.76 or EUR558.34 if pension is assessed on the

basis of provisions in article 390(3) of Act. The maximum pension base, being four times the minimum pension base, is EUR3051.04 or EUR2233.36 if pension is assessed on the basis of provisions in article 390(3) of Act.

The monthly pension for one survivor is 70% of the pension the deceased worker received or would have been entitled to receive; 80% for two survivors; 90% for three survivors; and 100% for four or more survivors. The pension ceases if the surviving spouse remarries before age 58 (widower) or age 57 and four months (widow), except if assessed with a total incapacity for work.

The eligible survivors for benefit are widow(er) aged 53 years or older, children younger than 15 years (26 years for students), dependent parents aged 58 or older, dependent siblings or grandchildren. Age conditions don't apply if survivor has incapacity for work.

Sources: §53-62 of Pension and Invalidity Insurance Act; <http://www.zpiz.si/cms/?id=11&inf=500>

# 09/13 SOCIAL SECURITY

## ILO Conventions

Social Security (minimum standards): Convention 102 (1952). For several benefits somewhat, higher standards have been set in subsequent Conventions

Employment Injury Benefits: Conventions 121 (1964),

Invalidity, Old age and survivors' benefits: Convention 128(1967)

Medical Care and Sickness Benefits: Convention 130 (1969)

Unemployment Benefits: Convention 168 (1988).

**Slovenia has ratified the Convention 102 and 121 only.**

### *Summary of Provisions under ILO Conventions*

In the normal circumstances, the pensionable age may not be set higher than 65 years of age. If retirement age is fixed above 65 years, it should give “due regard to the working ability of elderly persons” and “demographic, economic and social criteria, which shall be demonstrated statistically”. Pension can be set as a percentage of the minimum wage or a percentage of the earned wage.

When the breadwinner has died, the spouse and children are entitled to a benefit, expressed as a percentage of the minimum wage, or a percentage of the earned wage. This must at least be 40% of the reference wage.

For a limited period of time, the unemployed has a right to unemployment benefit set as a percentage of the minimum wage or a percentage of the earned wage.

Invalidity benefit is provided when a protected person is unable to engage in a gainful employment, before standard retirement age, due to a non-occupational chronic condition resulting in disease, injury or disability. Invalidity Benefit must at least be 40% of the reference wage.

## Regulations on social security:

- Pension and Invalidity Insurance Act (Official Gazette No. 96/2012)
- Law on Labour Market Regulation (Official Gazette, 80/2010 amended by 21/2013)

## Pension Rights

The Pension and Invalidity Insurance Act provides for old age pension. There is provision for both early as well as deferred pension. The entitlement to old age pension depends on retirement age and the length of qualifying and insurance period. The normal qualifying conditions for old age pension are: 65 years for both men and women after an insurance period of 15 years; 60 years for both men and women after a qualifying period without a purchased period of 40 years.

However, during the transition period, the pensionable age is 65 years for men (64 years for women) with at least 15 years of coverage (for 2014). With at least 20 years of coverage, the pensionable age is 64 years for men (62 years for women). The pensionable age for men is 58 years and 8 months after a qualifying period without a purchased period of 40 years. On the other hand, the pensionable age for women is 58 years and 4 months after a qualifying period without a purchased period 38 years and 8 months. The minimum retirement age can be lowered in certain cases. It can be lowered for women who gave birth to a child or who adopted a child. The pensionable age is reduced by 6 months for one child; 16 months for two children; 26 months for three children; 36 months for four children; and 48 months for five or more children.

The amount of Old-age Pension is calculated as a percentage of the pension calculation basis. The pension calculation basis takes into account the 19 highest paid consecutive years of the insurance period after 1970. During a transitional period (2013-18), one year is added at the beginning of each new calendar year until a period of 24 consecutive years is reached. The percentage depends on gender, being slightly higher for women than for men, and on the length of the qualifying and insurance pension period. The minimum pension base amounts to 76.5% of the average monthly salary in the preceding calendar year. On the other hand, the maximum pension base is fixed at four times the minimum pension base.

For 15 years of insurance, pension amounts to 26% for men and 29% for women. For each subsequent year of pensionable service, 1.25% is added to this percentage without any upper limit. During the period 2013-2016, pension is 29% of the pension base for 15 years of service. For each subsequent year, 1.41% is added to this percentage without any upper limit.

Insured persons are encouraged to work longer and defer the retirement time. If an insured person works longer than the full working period (40 years) or retires after reaching the full age (65 for men and women), a calculation bonus (a certain additional percentage) is awarded. Reduced/early pension is also possible, if the person retires before reaching full retirement age. Pension is reduced by 0.3% for each missing month until a worker reaches 65 years of age.

The contributions made by students while working will be considered a basis for their inclusion in the pension scheme. The law now provides for the ratio of contributions

that will be made both by the student and the employers and is as follows;

The Total charge for employer hiring a student (concession fee and contributions of the company) will rise to 33.74% (so far 30.38%), and the payment to the employee (student) will be deducted by 15.5% for the pension and disability insurance contributions. Due to additional contributions, the work of pupils and students will be included into their pension qualifying period. Pension qualifying period shall be calculated on the basis of contributions paid and not on the basis of working hours. The total charges for employer at this level shall be valid only until the end of 2015. In 2016 the charges shall be reduced by 6.41% and shall amount to 27.33%.

Sources: The amendments to the Fiscal Balance Act (Official Gazette of the RS, No. 94/2014); §26-39 of Pension and Invalidity Insurance Act; <http://www.zpiz.si/cms/?id=11&inf=499>

## Dependents' / Survivors' Benefit

Pension and Invalidity Insurance Act provides for survivors' benefits. The surviving family members are entitled to a survivors' pension if the deceased person fulfilled eligibility conditions for partial, old age or invalidity pension or were already receiving these pensions.

There is both a widow(er) pension and family pension. Those entitled to widow(er) pension are surviving spouse, cohabitating partner and the maintained divorced spouse. They are entitled to widow(er) pension if they have reached at least the age of 54 years at the time of death of spouse; are completely unable to work or

become disabled within one year after the death of spouse, irrespective of age; or are left with a child who is entitled to a family pension.

Those entitled to family pension are children (including adopted), step children, grandchildren or other orphaned children maintained by the deceased, parents and adoptive parents maintained by the deceased at the time of death. Children younger than 15 years (26 years for students) are entitled to family pension. Parents are entitled to pension if they have total disability for work at the time of death of the person and have reached the age of 56 years and 6 months for mothers and 58 years for fathers. The pension ceases if the surviving spouse remarries before age 58 years and 8 months (widower) or age 58 years and 4 months (widow), except if assessed with a total incapacity for work.

Widow(er) pension amounts to 70% of the deceased's pension (old-age or invalidity), or the pension to which the deceased would have been entitled at time of death. The monthly pension for one survivor is 70% of the pension the deceased worker received or would have been entitled to receive; 80% for two survivors; 90% for three survivors; and 100% for four or more survivors.

Sources: §26-39 of Pension and Invalidity Insurance Act; <http://www.zpiz.si/cms/?id=11&inf=501>

## Unemployment Benefit

Unemployment benefit is paid to the workers and self-employed persons compulsorily insured against the risk of unemployment. Unemployment must be involuntary and it should not be due to the fault of the unemployed person. Additional

conditions include that the insured person must be employed (and insured) for at least 9 months in the preceding 24 months; register with Employment Service of Slovenia within 30 days of employment termination; be able to work; actively seek employment; be between 15-65 years of age; and accept suitable employment.

Unemployment benefit is calculated on the basis of average monthly earnings received during the last 8 months before termination of an employment contract. The unemployment benefit is payable for three months to twenty-five months depending on length of coverage. During the first three months, unemployment benefit is 80% of the calculation basis. During the next 09 months, it is 60% of the calculation basis and 50% thereafter. The unemployment benefit cannot be less than EUR350 and not more than EUR892.50.

The duration of unemployment varies by the length of prior insurance. It is paid for 2 months for insured persons younger than 30 years of age and with the insurance period of at least 6 months in the past 24 months; 3 months for an insurance period of 9 months to 5 years; 6 months for an insurance period of 5 to 15 years; 9 months for an insurance period of 15 to 25 years; 12 months for an insurance period of more than 25 years; 19 months for insured persons over 50 years of age and with an insurance period of more than 25 years; and 25 months for insured persons over 55 years of age and with an insurance period of more than 25 years.

Sources: §58-71 of Law on Labour Market Regulation (Official Gazette, 80/2010 amended by 21/2013)

## Invalidity Benefits

A person may be entitled to invalidity pension and other invalidity benefits if invalidity is established. Invalidity occurs if, due to a change in health condition (as a result of injury or disease) which cannot be improved by medical treatment or rehabilitation, the capacity for work is reduced or lost. Invalidity can be classified in three categories: Category I-if the person has lost the capacity to engage in organized gainful employment or has lost the remaining capacity for work (in case of occupational invalidity); Category II-if an insured person's capacity for work in his occupation is reduced by 50% or more; and Category III-if an insured is no longer able to work full-time but can perform certain work part-time, or he or she has lost less than 50% of working capacity for his or her normal occupation, or can work full-time in his or her normal occupation but is no longer fit for the particular work to which he or she was assigned.

Invalidity Pension is provided in case of Category I disability, Category II disability (if worker is unfit for other suitable full-time work without occupational rehabilitation which is not offered solely on account of being over 55 years of age), and Category II & III (if worker is unable to find suitable work or be redeployed because he has reached 65 years of age).

No insurance coverage is required for invalidity caused by occupational injury or disease. If invalidity is not work related, a person is entitled to pension only if a certain density of insurance exists. The insured must have at least three months of coverage or been insured at the time of the incapacity if younger than age 21; at least 25% of the total possible number of years of

coverage if aged 21 to 29; and at least 33.3% of the total possible years of coverage if aged 30 or older.

The amount of Invalidity Pension is determined on the same basis used for calculating Old-age Pensions. The benefits provided under invalidity insurance include Invalidity Benefit, Partial Benefit, Occupational rehabilitation, Temporary benefit, and Assistance & Attendance Allowance.

Students will also be entitled to Invalidity benefits for the work that they have done, for more information, refer to the details mentioned in the 'pension section'.

Sources: §41-52 & 63-69 of Pension and Invalidity Insurance Act

# 10/13 FAIR TREATMENT

## **ILO Conventions**

Convention 111 (1958) lists the discrimination grounds which are forbidden.

Convention 100 (1952) is about Equal Remuneration for Work of Equal Value.

Convention 190 (2019) is about elimination of violence and harassment in the world of work.

**Slovenia has ratified the Conventions 100 and 111.**

### ***Summary of Provisions under ILO Conventions***

At workplaces, equal pay for men and women for work of equal value is a must, regardless of marital status. Pay inequality based on race, colour, sex, religion, political opinion, national extraction/place of birth or social origin is also forbidden. A transparent remuneration system and the clear matching of pay and position should be in place and to help prevent wage discrimination.

Convention No. 190 recognizes the right of everyone to a world of work free from violence and harassment. It defines violence and harassment as “a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment”. This definition covers physical abuse, verbal abuse, bullying and mobbing, sexual harassment, threats and stalking, among other things.

An employer can't discriminate against you on in any aspect of employment (appointment, promotion, training and transfer) on the basis of union membership or participation in union activities, filing of a complaint against an employer, race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin, temporary absence due to illness, age, trade union membership, disability/HIV-AIDS, or absence from work during maternity leave. (Conventions 111, 156, 158, 159 and 183)

People have the right to work and there can't be occupational segregation on the basis of gender.

## Regulations on fair treatment:

- Constitution of Slovenia 1991, amended in 2006
- Employment Relations Act (Official Gazette No. 21/2013)
- Act Implementing the Principle of Equal Treatment (Official Gazette No. 93/2007)
- Civil Unions Act 2016

## Equal Pay

Employers are obliged to provide equal pay for equal work and for work of equal value to the workers regardless of their sex. Provisions included in individual and collective agreements or employers' rules relating to professional activity that are contrary to the principle of equal payment are null and void.

Sources: §133 of Employment Relation Act

## Sexual Harassment

The issue of harassment and sexual harassment is dealt with in Slovene legislation under the Act Implementing the Principle of Equal Treatment (AIPET) and Employment Relationship Act (ERA) respectively.

According to Article 5(1) of the AIPET, harassment is any unwanted conduct, based on any kind of personal circumstance creating an intimidating, hostile, degrading, humiliating or offensive environment for a person or offends his or her dignity. In June 2015, the Act Implementing the Principle of Equal Treatment (AIPET) is replaced by the Proposal of Protection Against Discrimination. Main objective of this

proposal is to respond to the Commission's warning and adopt new regulations on the protection of the principle of equal treatment in accordance with EC directives. This Act also contains some improvements of the regulation of the principle of equal treatment that was applicable until now.

According to article 7 of the ERA, sexual and other forms of harassment are prohibited. Sexual harassment is any form of undesired verbal, non-verbal or physical action or behaviour of a sexual nature with the effect or intent of adversely affecting the dignity of a person, especially where this involves the creation of an intimidating, hateful, degrading, shaming or insulting environment. On the other hand, harassment is defined as "any undesired behaviour associated with any personal circumstance with the effect or intent of adversely affecting the dignity of a person or of creating an intimidating, hateful, degrading, shaming or insulting environment.

Sexual and other forms of harassment are considered discrimination under the law. If a candidate or a worker rejects the harassing behaviour or sexually harassing advancements of an employer, superior or co-worker, it may not serve as ground for discrimination in employment or work. An employer is liable for the damages inflicted on a third person, including employees, by his/her employee during work or in connection with work.

An employer must provide a working environment in which no worker is subjected to sexual and other harassment or bullying on the part of the employer, a superior or co-workers. Therefore, an employer must take appropriate measures to protect workers from sexual and other

harassment or from bullying in the workplace. Employers must inform the workers of the adopted measures in a manner customary for the employer (through notice board or email).

An employee may extraordinarily terminate an employment contract if the employer has failed to ensure protection against sexual or other harassment or mobbing in the workplace.

An employer may have to face a fine of EUR3, 000-20,000 is imposed on an employer if he infringes the prohibition of sexual or other harassment in the workplace or fails to provide protection against sexual or other harassment or mobbing in accordance with Article 47(1) of ERA.

A new Civil Unions Act has been passed by the National Assembly in April 2016 (applicable from February 2017). The new Act replaces the previous Registration of Same-Sex Partnership Act 2005. The new Civil Unions Act introduced the institution of same-sex “partnership union” which will replace “same-sex registered partnership”. The new law gives same sex partners equal rights as enjoyed by different-sex partners. The same sex partners are now entitled to a whole new range of employment related rights as available to other workers.

Sources: §7, 47, 111 & 217 of Employment Relations Act; §5 of the Act Implementing the Principle of Equal Treatment; Civil Unions Act 2016

## Non-Discrimination

In accordance with article 14 of the Constitution, all are equal before the law and everyone is guaranteed equal human

rights and fundamental freedoms irrespective of national origin, race, sex, language, religion, political or other conviction, material standing, birth, education, social status, disability or any other personal circumstance. Article 49 of the Constitution guarantees that everyone shall have access under equal conditions to any position of employment.

Employers must ensure that job seekers are given access to employment or workers during the course of employment relationship as well as on its termination are afforded equal treatment, irrespective of their nationality, race or ethnic origin, national or social background, gender, skin colour, state of health, disability, faith or beliefs, age, sexual orientation, family status, trade union membership, financial standing or other personal circumstances in accordance with ERA, the regulations governing the implementation of the principle of equal treatment and the regulations governing equal opportunities for women and men.

Employers have to ensure equal treatment in respect of the above grounds for both candidates and workers, especially regarding access to employment, promotion, training, education, re-qualification, salaries and other benefits from the employment relationship, absence from work, working conditions, working hours and the cancellation of employment contracts. The Employment Relations Act prohibits direct and indirect discrimination. The less favourable treatment of workers in connection with pregnancy or parental leave is also deemed discriminatory.

Law on Protection against Discrimination defines it as any unjustified act or inequality, discrimination, exclusion or

restriction or omission due to personal circumstances, which has the object or effect of hindering, reduce or nullify the equal recognition, enjoyment or exercise of human rights and fundamental freedoms, other rights, legal interests and benefits.

A fine of between EUR3,000-20,000 may be imposed on an employer if he puts a job candidate or a worker under an unequal position (discriminates against him/her).

Sources: §6 of Employment Relations Act; Official Gazette of RS, no. 33/2016 on Law on Protection against Discrimination (Varde)

## Equal Choice of Profession

Freedom of work is guaranteed under the Constitution and everyone can choose his employment freely. No other restrictive provisions could be located in the law.

Sources: §49 of the Constitution of Slovenia 1991, amended in 2006

# 11/13 MINORS & YOUTH

## **ILO Conventions**

Minimum Age: Convention 138 (1973)

Worst Forms of Child labour: Convention 182 (1999)

**Slovenia has ratified the Conventions 138 and 182.**

### ***Summary of Provisions under ILO Conventions***

At workplaces, children may not be forced to perform work that could harm their health and hampers their physical and mental development.

All children should be able to attend school. Once this is safeguarded, there is no objection against children performing light jobs between the ages of 12 and 14. The general minimum age is 15 years however developing countries may set this at 14 years. The minimum age for hazardous work, work that is likely to jeopardize the health, safety or morals of young persons, is 18 years. It can also be set at a lower level of 16 years under certain circumstances

Children should not be employed in a work that is likely to harm the health, safety or morals of children. It is considered one of the worst forms of child labour. The minimum age for such hazardous work is 18 years.

## Regulations on minors and youth:

- Employment Relations Act (Official Gazette No. 21/2013)
- Regulation on the protection of health at work of children, adolescents and young people (Official Gazette of RS, No. 62/2015)

## Minimum Age for Employment

An employment contract may be concluded by a person who has reached the age of 15 years. Employment contracts concluded with those less than 15 years of age are considered null and void. Employment of children under the age of 15 years is prohibited. Children under the age of 15 years may be involved in preparation and performance of cultural, artistic, sports and advertising activities. A child who has reached the age of 13 years may carry out light work in activities (defined in a separate regulation) but not for more than 30 days in a calendar year during school holidays and in a manner and conditions that the work does not pose a risk to the child's safety, health, morals, education or development. However, children under 15 years of age are allowed to work after receiving a permit from labour inspector.

An employer may have to face a fine of EUR3,000-20,000 if he concludes an employment contract with a person under the age of 15 years or allows the work of children less than 15 years or secondary school and university students in contravention of articles 211 & 212 of ERA.

Sources: §21, 211-212 of Employment Relations Act

## Minimum Age for Hazardous Work

Workers under 18 years of age enjoy special protection in their employment matters. The minimum age for hazardous work is 18 years. The hazardous work includes underground or underwater work; work that is objectively beyond a young person's capacity; work involving harmful exposure to radiation; work involving risk of accidents; and work involving harmful exposure to agents which are toxic or carcinogenic or can cause genetic damage or harm to an unborn child or which in any other way chronically affect human health.

A worker under the age of 18 years has a right to a daily rest break of at least 12 consecutive hours and weekly rest break of at least 48 consecutive hours. The young workers (under 18 years) are not allowed to work at night from 22:00 to 06:00. However, this limit is from 24:00 to 04:00 for workers in the field of culture, art, sports or advertising. A worker under the age of 18 years may exceptionally be ordered to work at night in the event of force majeure when such works lasts for a definite period of time and must be carried out immediately and if there are not enough adult workers available to perform work. Young workers are also having the right to annual leave extended by seven working days. Overtime work is prohibited for workers under the age of 18 years.

An employer may have to face a fine of EUR1, 500-4,000 if employer fails to guarantee the rights to special protection of workers under the age of 18 years.

The Amendments to the Emergency Measures for the Labour Market and Parental Care Act (Official Gazette of the RS, No.63/13- ZIUPTDSV), which was

introduced to temporarily boost the employment of unemployed youth by encouraging employers to offer permanent employment and improve employment opportunities of youth has been extended its operation in 2015. Employers who conclude employment contracts of indefinite duration with an unemployed person under the age of 30, who has been registered as unemployed for at least three months, is exempt from paying the employer's contributions for pension and disability insurance, health insurance, parental insurance and insurance against unemployment for the first 24 months of the youth's employment.

Regulation on the protection of health at work of children, adolescents and young people provides measures and actions to protect the health, physical and mental development of children, adolescents and young persons at work and in connection with the work.

Sources: §146, 190-194 & 218 of Employment Relations Act; Regulation on the protection of health at work of children, adolescents and young people (Official Gazette of RS, No. 62/2015)

# 12/13 FORCED LABOUR

## **ILO Conventions**

Forced labour: Conventions 29 (1930)

Abolition of Forced labour: Conventions 105 (1957)

Forced labour is the work one has to perform under threat of punishment: forfeit of wages, dismissal, harassment or violence, even corporal punishment. Forced labour means violation of human rights.

**Slovenia has ratified both Conventions 29 & 105.**

### ***Summary of Provisions under ILO Conventions***

Except for certain cases, forced or compulsory labour (exacted under the threat of punishment and for which you may not have offered voluntarily) is prohibited.

Employers have to allow workers to look for work elsewhere. If a worker is looking for work elsewhere, he/she should not be shortened on wages or threatened with dismissal. (In the reverse cases, international law considers this as forced labour).

If the total working hours, inclusive of overtime exceed 56 hours per week, the worker is considered to be working under inhumane working conditions.

## Regulations on forced labour:

- Employment Relations Act (Official Gazette No. 21/2013)
- Constitution of Slovenia 1991, amended in 2006
- Penal Code (Official Gazette No. 55/2008, last amended by Official Gazette of RS, No. 54/2015)

## Prohibition on Forced and Compulsory Labour

Constitution and Penal Code prohibit forced labour. In accordance with article 113 of the Penal Code, "whoever purchases another person, takes possession of them, accommodates them, transports them, sells them, delivers them or uses them in any other way, or acts as a broker in such operations, for the purpose of prostitution or another form of sexual exploitation, forced labour, enslavement, service or trafficking in organs, human tissue or blood is given a prison sentence of three to fifteen years and fine.

Sources: §49 of the Constitution of Slovenia 1991, amended in 2006; §113 of Penal Code

## Freedom to Change Jobs and Right to Quit

Workers have the right to change jobs after serving a contract termination notice on the employer. In the case of ordinary contract cancellation by worker, notice period is 15 days for up to one year of service with the employer, 30 days for more than one year of service with the employer. A longer period of notice may be provided under an employment contract or a collective agreement; however, it may not exceed 60 days. A worker may terminate an

employment contract extraordinarily for reasons specified in the law.

Sources: §94, 109 & 111 of Employment Relationship Act

## Inhumane Working Conditions

Employment Relationships Act has provisions on working time.

Limits of overtime work have been defined under the law. Overtime work may not exceed 8 hours a week, 20 hours a month and 170 hours a year. A working day may not exceed 10 hours (normal work time + overtime). With a worker's written consent, the annual overtime limit may be increased to 230 hours a year however a worker must not have to face unfavourable consequences in respect of his/her employment relationship if he does agree to work more than 170 hours of overtime in a year.

# 13/13 TRADE UNION

## **ILO Conventions**

Freedom of association and protection of the right to organize: Convention 87 (1948)

Right to Organize and Collective Bargaining: Convention 98 (1949)

**Slovenia has ratified both Conventions 87 & 98.**

### ***Summary of Provisions under ILO Conventions***

Freedom of association means freedom to join a trade union. This is part of the fundamental human rights. Employees may not be put at a disadvantage when they are active in the trade union outside working hours. The list of exclusions for sectors of economic activity and workers in an organization should be short.

Trade unions are entitled to negotiate with employers on term of employment without hindrance. The freedom of a trade union to negotiate with employers to try and conclude collective agreements is protected. (The ILO has a special procedure for handling complaints from unions about violation of this principle).

Workers have the right to strike in order to defend their social and economic interests. It is incidental and corollary to the right to organize provided in ILO convention 87.

## Regulations on trade unions:

- Employment Relations Act (Official Gazette No. 21/2013)
- Constitution of Slovenia 1991, amended in 2006
- Trade Union Representativeness Act (Official Gazette No. 13/1993)
- Collective Agreements Act (Official Gazette No. 43/2006)
- Law on Strikes (Official Gazette No. 23/91)

## Freedom to Join and Form a Union

In accordance with article 76 of the Constitution, the freedom to establish, operate and join trade unions is guaranteed. The trade union activity in Slovenia is governed by the Employment Relationship Act and the Representativeness of Trade Unions Act.

A legal entity acquires the status of a trade union on the date of issue of a court decision on the deposit of articles of association. A union must meet certain conditions to become representative. It must be democratic, operate continuously for at least half a year, independent from the State and the employer, is funded mainly from membership fees and has a specified number of members (at least 10% of the workers in an industry or profession). Representative trade unions can conclude collective agreements and participate in bodies which decide on the issues of economic and social security of employees and propose candidates among employees who participate in management. The rights provided under ERA include issue giving opinions on draft general rules of the employer; consult the employer about the change of employer and transfer of workers to a new employer; consult on termination

of a large number of workers; and consult about the introduction and performance of night work, etc.

A worker or a job candidate may not be discriminated against on the basis of trade union membership. If a worker is fired from employment on the basis of trade union membership, participation in trade union activities outside working hours or during working time in agreement with the employer, it is considered an unfair dismissal.

Sources: §76 of the Constitution of Slovenia 1991, amended in 2006; §6-8 of Trade Union Representativeness Act; §6, 76, 86, 90, 99 & 153 of Employment Relations Act

## Freedom of Collective Bargaining

Collective bargaining is regulated by the Collective Agreements Act. The Act defines the parties of a collective agreement, the subject of a collective agreement, conclusion of collective agreements, time and sectoral validity of collective agreements, their termination, settlement of collective labour disputes, recording and public publication of collective agreements. Employment relationships are largely regulated by collective agreements, namely, at the level of branch of industry, professional collective agreements and also at the corporate level. Collective agreements are concluded for individual branch/profession and are binding only on signatories except in case where their applicability is extended to non-signatories.

Collective agreements regulate the rights and commitments of parties (regarding employment contracts, termination of employment, pay for work, bonuses, OSH

issues, other rights and obligations arising from employment relationship, and conditions for trade union activities) and may also regulate the manner of peaceful settlement of collective labour disputes. The collective agreements may contain only those provisions which are more favourable for employees than those provided under the law.

A collective agreement is concluded in written form. A collective agreement may be concluded for a definite period or for an indefinite period. The implementation of collective agreements is supervised by the body competent for labour inspection.

Economic and Social Council (ESS) is a tripartite advisory body of the social partners and the Slovenian Government. The Council is established under a tripartite wage policy agreement of 1994 to address issues and actions related to economic and social policy, and other issues relating to specific fields of partners. The fields of activity for the Council include social agreement; social rights and the rights of compulsory insurance such as pensions, disability benefits, social benefits, allowances and other employment and labour relations, collective bargaining system; economic system and economic policy; cooperation with the International Labour Organisation and the Council of Europe and related institutions in the European Union and the Member States of the European Union; co-management of workers; and trade union rights and freedoms. The Council can participate in the preparation of legislation and provides advice and recommendations on it; take initiatives to adopt new or amend existing laws; formulate views and opinions on the working papers, drafts and proposals for regulations, ordinances and laws; and

formulate views and opinions on the Budget Memorandum and the state budget.

As said above, the Council is a tripartite body and each partner can have a maximum of eight members. Currently, worker and government have seven members each while employer group has 8 members. Members are appointed for a term of 3 years which is renewable.

Source: <http://www.ess.si/>

## Right to Strike

In accordance with article 77 of the Slovene Constitution, employees have the right to strike. When required by public interest, the right to strike may be restricted by the law with due consideration given to the type and nature of activity involved.

A strike is an organized stoppage of work by workers, with the purpose of exercising economic and social rights and interests arising from work. Worker may decide freely on their participation in a strike. The Law on Strikes provides that a strike can be organized in a company or other organization, in a part of an organization, in a branch of the economy etc., or as a general strike.

The strike committee must announce the strike at least five days before its launch, by sending the strike decision to the management body of the relevant employing organization or to the employer. The parties must try to settle the dispute by agreement. The strike committee and the workers taking part in a strike must organize and lead the strike in a way which does not threaten the security and health of people and property, and makes possible the resumption of work after the strike. The

striking workers are not allowed to prevent non-striking workers from working.

The right to strike of workers in organizations which perform activities of special public importance and in organizations which are of special importance for military defence, are exercised only under the condition that they ensure provision of a minimum level of service which ensures the security of people and property, or life and work of citizens or the functioning of other organizations; and performance of Slovenia's international duties.

Employers are prohibited from employing new worker and replacing the striking workers unless certain conditions are met (security and health of people and property is threatened, resumption of work after strike is not possible, minimum service in enterprises of public importance is not ensured). The employers are also not allowed to prevent workers from participating in strike or use violent measures to end the strike.

Sources: §77 of the Constitution of Slovenia 1991, amended in 2006; Law on Strikes

# QUESTIONNAIRE

## DECENTWORKCHECK.ORG

## Check

Decent Work Check Slovenia is a product of WageIndicator.org  
and [www.mojaplaca.si/domov](http://www.mojaplaca.si/domov)



National Regulation exists



National Regulation does not exist

## 01/13 Work &amp; Wages

|   | NR | Yes                      | No                       |
|---|----|--------------------------|--------------------------|
| 1. I earn at least the minimum wage announced by the Government           |    | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. I get my pay on a regular basis. (daily, weekly, fortnightly, monthly) |    | <input type="checkbox"/> | <input type="checkbox"/> |

## 02/13 Compensation

|  |  |                          |                          |
|--|--|--------------------------|--------------------------|
| 3. Whenever I work overtime, I always get compensation<br><i>(Overtime rate is fixed at a higher rate)</i> |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Whenever I work at night, I get higher compensation for night work                                      |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. I get compensatory holiday when I have to work on a public holiday or weekly rest day                   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Whenever I work on a weekly rest day or public holiday, I get due compensation for it                   |  | <input type="checkbox"/> | <input type="checkbox"/> |

## 03/13 Annual Leave &amp; Holidays

|   |  |  |   |
|---|--|--|---|
| 7. How many weeks of paid annual leave are you entitled to?*                |  | <input type="checkbox"/> 1<br><input type="checkbox"/> 2 | <input type="checkbox"/> 3<br><input type="checkbox"/> 4+ |
| 8. I get paid during public (national and religious) holidays               |  | <input type="checkbox"/>                                 | <input type="checkbox"/>                                  |
| 9. I get a weekly rest period of at least one day (i.e. 24 hours) in a week |  | <input type="checkbox"/>                                 | <input type="checkbox"/>                                  |

## 04/13 Employment Security





|  |  |                          |                          |
|--|--|--------------------------|--------------------------|
| 10. I was provided a written statement of particulars at the start of my employment  |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 11. My employer does not hire workers on fixed terms contracts for tasks of permanent nature<br><i>Please tick "NO" if your employer hires contract workers for permanent tasks</i>        |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 12. My probation period is only 06 months  |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 13. My employer gives due notice before terminating my employment contract (or pays in lieu of notice)   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 14. My employer offers severance pay in case of termination of employment<br><i>Severance pay is provided under the law. It is dependent on wages of an employee and length of service</i> |  | <input type="checkbox"/> | <input type="checkbox"/> |

## 05/13 Family Responsibilities





|   |  |                          |                          |
|---|--|--------------------------|--------------------------|
| 15. My employer provides paid paternity leave<br><i>This leave is for new fathers/partners and is given at the time of child birth</i>  |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 16. My employer provides (paid or unpaid) parental leave<br><i>This leave is provided once maternity and paternity leaves have been exhausted. Can be taken by either parent or both the parents consecutively.</i> |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 17. My work schedule is flexible enough to combine work with family responsibilities<br><i>Through part-time work or other flex time options</i>  |  | <input type="checkbox"/> | <input type="checkbox"/> |

## 06/13 Maternity &amp; Work





|   |  |                          |                          |
|---|--|--------------------------|--------------------------|
| 18. I get free ante and post natal medical care                                     |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 19. During pregnancy, I am exempted from nightshifts (night work) or hazardous work |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 20. My maternity leave lasts at least 14 weeks                                      |  | <input type="checkbox"/> | <input type="checkbox"/> |

- |     |   |   |                          |                          |
|-----|---|---|--------------------------|--------------------------|
| 21. | During my maternity leave, I get at least 2/3rd of my former salary   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 22. | I am protected from dismissal during the period of pregnancy<br><i>Workers can still be dismissed for reasons not related to pregnancy like conduct or capacity</i> |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 23. | I have the right to get same/similar job when I return from maternity leave   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 24. | My employer allows nursing breaks, during working hours, to feed my child   |  | <input type="checkbox"/> | <input type="checkbox"/> |





## 07/13 Health & Safety

- |     |  |   |                          |                          |
|-----|--|---|--------------------------|--------------------------|
| 25. | My employer makes sure my workplace is safe and healthy  |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 26. | My employer provides protective equipment, including protective clothing, free of cost   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 27. | My employer provides adequate health and safety training and ensures that workers know the health hazards and different emergency exits in the case of an accident |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 28. | My workplace is visited by the labour inspector at least once a year to check compliance of labour laws at my workplace  |  | <input type="checkbox"/> | <input type="checkbox"/> |









## 08/13 Sick Leave & Employment Injury Benefits

- |     |   |   |                          |                          |
|-----|---|---|--------------------------|--------------------------|
| 29. | My employer provides paid sick leave and I get at least 45% of my wage during the first 6 months of illness |    | <input type="checkbox"/> | <input type="checkbox"/> |
| 30. | I have access to free medical care during my sickness and work injury                                       |   | <input type="checkbox"/> | <input type="checkbox"/> |
| 31. | My employment is secure during the first 6 months of my illness   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 32. | I get adequate compensation in the case of an occupational accident/work injury or occupational disease     |  | <input type="checkbox"/> | <input type="checkbox"/> |













## 09/13 Social Security

- |     |   |   |                          |                          |
|-----|---|---|--------------------------|--------------------------|
| 33. | I am entitled to a pension when I turn 60   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 34. | When I, as a worker, die, my next of kin/survivors get some benefit   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 35. | I get unemployment benefit in case I lose my job  |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 36. | I have access to invalidity benefit in case I am unable to earn due to a nonoccupational sickness, injury or accident |  | <input type="checkbox"/> | <input type="checkbox"/> |



## 10/13 Fair Treatment

- |     |   |   |                          |                          |
|-----|---|---|--------------------------|--------------------------|
| 37. | My employer ensure equal pay for equal/similar work (work of equal value) without any discrimination                                      |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 38. | My employer take strict action against sexual harassment at workplace   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 39. | I am treated equally in employment opportunities (appointment, promotion, training and transfer) without discrimination on the basis of:* |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Sex/Gender  |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Race  |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Colour  |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Religion  |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Political Opinion   |  | <input type="checkbox"/> | <input type="checkbox"/> |




\* For a composite positive score on question 39, you must have answered "yes" to at least 9 of the choices.

|    |  |   |                          |                          |
|----|--|---|--------------------------|--------------------------|
|    | Nationality/Place of Birth   |  | <input type="checkbox"/> | <input type="checkbox"/> |
|    | Social Origin/Caste  |  | <input type="checkbox"/> | <input type="checkbox"/> |
|    | Family responsibilities/family status  |  | <input type="checkbox"/> | <input type="checkbox"/> |
|    | Age  |  | <input type="checkbox"/> | <input type="checkbox"/> |
|    | Disability/HIV-AIDS  |  | <input type="checkbox"/> | <input type="checkbox"/> |
|    | Trade union membership and related activities  |  | <input type="checkbox"/> | <input type="checkbox"/> |
|    | Language   |  | <input type="checkbox"/> | <input type="checkbox"/> |
|    | Sexual Orientation (homosexual, bisexual or heterosexual orientation)                              |  | <input type="checkbox"/> | <input type="checkbox"/> |
|    | Marital Status   |  | <input type="checkbox"/> | <input type="checkbox"/> |
|    | Physical Appearance  |  | <input type="checkbox"/> | <input type="checkbox"/> |
|    | Pregnancy/Maternity  |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 40 | I, as a woman, can work in the same industries as men and have the freedom to choose my profession |  | <input type="checkbox"/> | <input type="checkbox"/> |





## 11/13 Minors & Youth

|     |   |   |                          |                          |
|-----|---|---|--------------------------|--------------------------|
| 41. | In my workplace, children under 15 are forbidden                    |   | <input type="checkbox"/> | <input type="checkbox"/> |
| 42. | In my workplace, children under 18 are forbidden for hazardous work |  | <input type="checkbox"/> | <input type="checkbox"/> |

## 12/13 Forced Labour

|     |  |   |                          |                          |
|-----|--|---|--------------------------|--------------------------|
| 43. | I have the right to terminate employment at will or after serving a notice     |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 44. | My employer keeps my workplace free of forced or bonded labour                 |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 45. | My total hours of work, inclusive of overtime, do not exceed 56 hours per week |  | <input type="checkbox"/> | <input type="checkbox"/> |

## 13/13 Trade Union Rights

|     |   |   |                          |                          |
|-----|---|---|--------------------------|--------------------------|
| 46. | I have a labour union at my workplace   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 47. | I have the right to join a union at my workplace  |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 48. | My employer allows collective bargaining at my workplace  |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 49. | I can defend, with my colleagues, our social and economic interests through "strike" without any fear of discrimination |  | <input type="checkbox"/> | <input type="checkbox"/> |

## Results

Your personal score tells how much your employer lives up to national legal standards regarding work. To calculate your DecentWorkCheck, you must accumulate 1 point for each YES answer marked. Then compare it with the values in Table below:



is your amount of "YES" accumulated.

Slovenia scored 49 times "YES" on 49 questions related to International Labour Standards

### If your score is between 1 - 18

This score is unbelievable! Does your employer know we live in the 21st century? Ask for your rights. If there is a union active in your company or branch of industry, join it and appeal for help.

### If your score is between 19 - 38

As you can see, there is ample room for improvement. But please don't tackle all these issues at once. Start where it hurts most. In the meantime, notify your union or WageIndicator about your situation, so they may help to improve it. When sending an email to us, please be specific about your complaint and if possible name your employer as well. Also, try and find out if your company officially adheres to a code known as Corporate Social Responsibility. If they do, they should live up to at least ILO standards. If they don't adhere to such a code yet, they should. Many companies do by now. You may bring this up.

### If your score is between 39 - 49

You're pretty much out of the danger zone. Your employer adheres to most of the existing labour laws and regulations. But there is always room for improvement. So next time you talk to management about your work conditions, prepare well and consult this DecentWorkCheck as a checklist.