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REVISED EUROPEAN SOCIAL CHARTER

Additional information for the
10th National Report on the implementation of
the Revised European Social Charter

submitted by

THE GOVERNMENT OF SLOVENIA

(Articles 8§5
for the period 01/01/2005– 31/12/2009)

Report registered by the Secretariat on 21 March 2011

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Additional explanations regarding Article 8(5) of the ESC

With regard to the prohibition of performing certain work tasks during pregnancy and nursing, paragraph 7 of Article 137 of the Employment Relationships Act and foreseen sanctions have been amended since the last report.

Should the employer not ensure that the female worker has other appropriate work, he must ensure her wage compensation in accordance with paragraphs 1, 7 and 9 of Article 137 of the Employment Relationships Act during her absence from work for this reason. In 2007, paragraph 7 of the article in question was amended. Unless otherwise provided by this or another act or a regulation issued on the basis thereof, the worker is, in accordance with the amended seventh paragraph of Article 137 of the Employment Relationships Act, entitled to wage compensation in the amount of her average monthly full-time wage during the previous three months and/or during the period she worked in the previous three months prior to the start of absence. If during the period of employment in the previous three months, the worker did not work and received wage compensation for the entire period, the basis for this compensation shall be equal to the basis for wage compensation in the previous three months prior to the start of absence. If in the entire period of the previous three months, the worker did not receive even a single monthly wage, she is entitled to wage compensation in the amount of the basic wage set out in the employment contract. The amount of wage compensation may not exceed the amount of pay that the worker would receive if she had worked for this period.

A fine is imposed on an employer who commits an offence pursuant to point 15 of the first paragraph of Article 231 of the Employment Relationships Act by ordering a female worker to do work contrary to the law and any special regulation issued on the basis of law, namely:

- a fine of EUR 750 to 2,000 is imposed on a legal person employer, sole trader or individual performing independent business activity;
- a fine of EUR 200 to 1,000 is imposed on a smaller legal person employer, sole trader or individual performing independent business activity;
- a fine of EUR 100 to 800 is imposed on an individual employer, and
- a fine of EUR 100 to 800 is also imposed on the responsible person of a legal person employer and on the responsible person in a state body or self-governing local community.