



28/07/2011

RAP/RCha/SLE/X(2011)Add

**REVISED EUROPEAN SOCIAL CHARTER**  
**REPLIES TO SUPPLEMENTARY QUESTIONS**

10<sup>th</sup> National Report on the implementation of  
the Revised European Social Charter

submitted by

**THE GOVERNMENT OF SLOVENIA**

(Article 8  
for the period 01/01/2007 – 31/12/2009)

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Report registered by the Secretariat on 13 July 2011

**CYCLE 2011**





REPUBLIC OF SLOVENIA  
MINISTRY OF LABOUR, FAMILY AND SOCIAL AFFAIRS

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COUNCIL OF EUROPE

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Charter  
F-67075 Strasbourg Cedex

Number: 50002-9/2004-159  
Date: 8 July 2011

**SUBJECT: REPLY TO ADDITIONAL QUESTIONS OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS**

In line with your letter from 27 May 2011 concerning the implementation of certain parts of Article 8 of the European Social Charter we would like to give the following explanation:

The third paragraph of Article 4 of the Rules on the protection of health at work of pregnant workers and workers who have recently given birth and are breastfeeding (Official Journal of the Republic of Slovenia, no. 82/2003) stipulates that the suitability of the employer's measure shall be assessed by a special medical board in accordance with Article 17 of the Rules concerning preventive medical examinations of workers (Official Journal of the RS, no. 87/2002, 29/2003-amend., 124/2006).

Pursuant to Article 17 of these Rules, members of the special board shall be chosen from among occupational medicine experts and appointed by the Minister of Health. The board's seat is at Klinični inštitut za medicino dela, prometa in športa (The Clinical Institute of Occupational, Traffic and Sports Medicine), at the University Medical Centre in Ljubljana.

The board is interested to know how a worker can demand assessment of measures. The answer to this question is only hypothetical since no worker has ever demanded assessment of their employer's measures since the Rules on protection of health at work of pregnant workers and workers who have recently given birth and are breastfeeding came into force in 2003. Since the procedure is not complicated, the Ministry believes that the reason workers do not make use of it is not difficultly accessing the board. From the report of the Labour Inspectorate of the Republic of Slovenia) it is evident that in 2010 only one infringement was recorded, when an employer failed to comply with the provision of Article 189 of the Employment Relationship Act regarding carrying out work prohibited during pregnancy and breastfeeding. The infringement was established in the field of public administration, defence and compulsory social security.

The board is further interested in the measures the IRSD took after receiving the opinion of the special medical board. The third paragraph of Article 4 of the Rules on protection of health at work of pregnant workers and workers who have recently given birth and are breastfeeding stipulates that the board shall inform the Labour Inspectorate of its opinion. Based on the

board's opinion, the inspector carries out an inspection and in the individual case, by issuing a regulatory decision, orders the employer to adopt and carry out measures ensuring the worker's health in accordance with the board's opinion.

Yours sincerely,



**Jana Lovšin**

Head of International Cooperation and  
European Affairs Department

SECRETARIAT GENERAL

DIRECTORATE GENERAL OF HUMAN RIGHTS  
AND LEGAL AFFAIRS

DIRECTORATE OF MONITORING

DEPARTMENT OF THE EUROPEAN SOCIAL CHARTER  
*THE HEAD OF DEPARTMENT*  
*EXECUTIVE SECRETARY OF THE EUROPEAN COMMITTEE*  
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ESC 110  
NC / SF



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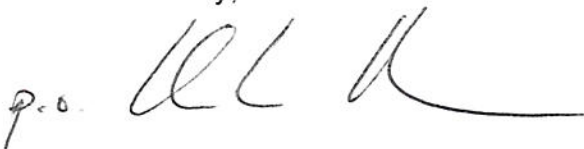
Strasbourg, 27 May 2011

Dear Ms. Katja Rihar-Bajuk,

The European Committee of Social Rights is currently examining the tenth report from Slovenia on the Revised European Social Charter and has instructed me to forward to you the enclosed questions concerning Article 8.

The Committee would be grateful if you could reply to this question before 13 July 2011 in order to allow the information to be taken into account in Conclusions 2010.

Yours sincerely,



Régis Brillat

27 May 2011

Question in respect of the 10<sup>th</sup> report of Slovenia

Article 8§4

In respect of night work, Rules No.82/03 on the protection of health and safety at work of pregnant workers and workers who have recently given birth and are breastfeeding refer to a special medical commission which may be called upon to verify the measures taken by the employer to avoid adverse effects of night work. The Committee asks how easy it is for the women concerned to have the special medical commission assess the adequacy of the measures taken by the employer. It also asks what steps the Labour Inspectorate takes upon receipt of the medical commission's opinion.