



23/01/2012

RAP/RCha/SLO/XI(2011)

EUROPEAN SOCIAL CHARTER

11th National Report on the implementation of
the European Social Charter

submitted by

THE GOVERNMENT OF SLOVENIA

(Articles 1, 9, 10, 15, 18, 20, 24 and 25
for the period 01/01/2007 – 31/12/2010)

Report registered by the Secretariat on 13 January 2012

CYCLE 2012

Eleventh Report of the Republic of Slovenia
on the implementation of the European Social Charter (revised)

Articles 1, 9, 10, 15, 18, 20, 24, 25
(employment, training and equal opportunities)

Reference period: from 1. 1. 2007 to 31. 12 2010

November 2011

TABLE OF CONTENTS

Article 1: THE RIGHT TO WORK	7
1:1 Policy of full employment.....	7
1:2 Practising an occupation freely chosen by a worker (non-discrimination, prohibition of forced labour, other aspects).....	39
1:3 Free-of-charge offices for employment.....	52
1:4 Occupational orientation, training and rehabilitation	53
Article 9: THE RIGHT TO VOCATIONAL GUIDANCE	54
Article 10: RIGHT TO VOCATIONAL TRAINING	58
10:1 Encouragement of professional and vocational training, and provision of opportunities for access to post-secondary vocational and university education	58
10:2 Promotion of apprenticeship.....	61
10:3 Vocational training and retraining of adult workers	61
10:4 Long-term unemployed workers	63
10:5 Facilities	64
Article 15: THE RIGHT OF PERSONS WITH DISABILITIES TO INDEPENDENCE, SOCIAL INTEGRATION AND PARTICIPATION IN THE LIFE OF THE COMMUNITY	68
15:1 Education and training for persons with disabilities (children with special needs).....	69
15:2 Employment of persons with disabilities	77
15:3 Social integration of persons with disabilities and their participation in the life of the community	85
Article 18: THE RIGHT TO ENGAGE IN A GAINFUL OCCUPATION IN THE TERRITORY OF OTHER PARTIES	93
18:1 Applying existing regulations in a spirit of liberality	93
18:3 Liberalising regulations governing the employment of workers.....	110
18:4 The right of nationals to leave the country	114
Article 20: THE RIGHT TO EQUAL OPPORTUNITIES AND EQUAL TREATMENT IN MATTERS OF EMPLOYMENT AND OCCUPATION WITHOUT DISCRIMINATION ON THE GROUNDS OF SEX	115
Article 24: THE RIGHT TO PROTECTION IN CASES OF TERMINATION OF EMPLOYMENT	125
Article 25: THE RIGHT OF WORKERS TO THE PROTECTION OF THEIR CLAIMS IN THE EVENT OF THE INSOLVENCY OF THEIR EMPLOYER	130

GRAPHS AND TABLES

Graph 1:	The fluctuation of registered unemployment, 2006-2010	8
Graph 2:	Implementation of quota system in the 2007–2010 period.....	78
Graph 3:	The number of all employees and the number of employed persons with disabilities, 2006–2010	79
Graph 4:	The number of unemployed persons with disabilities who obtained employment in the 2000–2010 period	80
Graph 5:	Number of persons with disabilities employed by small employers (less than 20 employees) in the 2006–2010 period.....	80
Graph 6:	Number of unemployed persons and unemployed persons with disabilities in the 2007–2010 period	82
Graph 7:	The number of all employees and the number of employed persons with disabilities in sheltered companies and employment centres in the 2007-2010 period.....	83
Graph 8:	Requests received through communication channels (2009–2011).....	90
Table 1:	The number of people participating in AEP measures in the period 2007 – 2010 broken down by AEP measures	19
Table 2:	The number of persons participating in AEP measures in the period 2007 – 2010 – an overview regarding participation in key programmes within AEP measures..	19
Table 3:	Data regarding persons participating in the AEP programmes and activities in 2010 – number of newly-concluded contracts a breakdown according to gender	20
Table 4:	Data regarding persons participating in the AEP programmes and activities January – November 2010– number of newly-concluded contracts - a breakdown according to level of education.....	21
Table 5:	Data regarding persons participating in the AEP programmes and activities in 2010 – number of newly-concluded contracts a breakdown according to age group.....	22
Table 6:	Participation of the Roma in the active employment policy programmes in the Republic of Slovenia in 2010	26
Table 7:	Roma participation plan within the active employment policy programmes in the Republic of Slovenia in 2010	27
Table 8:	The number of the Roma participating in the active employment policy programmes in the period 2007 - 2010	31
Table 9:	Exits into employment, the Roma participating in the AEP programmes in the period 2007 - 2010	32
Table 10:	Amounts allocated to active and passive employment policies.....	38
Table 11:	Cases dealt with regard to personal circumstances – 2010.....	45
Table 12:	Cases dealt with according to areas of social life -2010	46
Table 13:	Classification of cases according to the method of their conclusion for 2010	46
Table 14:	Analysis regarding cases closed for 2010	46
Table 15:	The number of vacancies announced in the reporting period 2007-2010 and the proportion of employments realised.....	52
Table 16:	The proportion of employments through ESS within all employments in the labour market	53
Table 17:	The number of CIPS's and the number of CIPS's users	55

Table 18:	The cost allocated for providing information and counselling in the school year 2010/2011 (they do not derogate from costs of preceding years):	56
Table 19:	Programmes into which the unemployed people were included and the number of people included	63
Table 20:	Overview of awarded scholarships from 2006 to 2010	64
Table 21:	Overview of the awarded scholarships by receivers' citizenship	65
Table 22:	Children with special needs attending regular schools and specialised institutions	71
Table 23:	Number of appeals to the Human Rights Ombudsman of the Republic of Slovenia concerning discrimination of children with special needs:	71
Table 24:	Number of pupils with special needs attending adapted primary school programme (PS) with a lower standard of knowledge appropriate to the type of deficiency, impairment or disability in the 2009/2010 school year	72
Table 25:	Number of children attending special educational programme (care and education class units [CECU]) in primary schools (PS) with adapted programme and in class units at primary schools in the 2009/2010 school year	73
Table 26:	Number of children and youth with developmental disorders in social care institutions	73
Table 27:	Number of students in secondary vocational and technical education	75
Table 28:	Providers of additional professional assistance	76
Table 29:	The number of candidates at vocational matura examination	76
Table 30:	The number of all employees and the number of employed persons with disabilities	79
Table 31:	Number of unemployed persons with disabilities in the 2007–2010 period	80
Table 32:	Disabled workers according to ZPIZ in ZPIZ-1, breakdown according to category and age group (situation on 31 December 2010).....	81
Table 33:	Type of adaptations	84
Table 34:	Work permit quotas	95
Table 35:	Valid work permits* – breakdown by nationality, July 2011	97
Table 36:	EU citizens who took up employment* in Slovenia	98
Table 37:	Overview of the number of applications filed for the issue of first-time residence permits or confirmations on the registration of residence owing to employment or work and the number of negative decisions issued – breakdown by Member States of the Council of Europe ⁹⁹	
Table 38:	Overview of the number of applications filed for the issue of further permits or extension of temporary residence permits and the number of applications issued for the renewal of confirmation of the registration of residence owing to employment or work and the number of negative decisions issued	102
Table 39:	Overview of the number of issued temporary residence permits and confirmations of the registration of residence due to employment or work (including the issue of further temporary residence permits, extension of temporary residence permits and renewal of confirmations of registration of residence).....	105
Table 40:	Overview of the number of rejected applications for work permits – breakdown by Member States of the Council of Europe	107
Table 41:	Structure of registered unemployment in %	116
Table 42:	Data regarding persons participating in the »In-service training 2009/2010«	121
Table 43:	Data regarding persons participating in the »In-service training 2009/2011«	121
Table 44:	Indicators of the »Employ.me« activity	122
Table 45:	Indicators of the »Promoting entrepreneurship through subsidies for self-employment« activity	124
Table 46:	Number of workers who were reimbursed in respect of wages due, unused annual leave and in respect of severance pay in the reference period	130

Article 1: THE RIGHT TO WORK

1:1 Policy of full employment

Additional explanations with regard to Conclusions 2008¹ (pages 5-6)

SITUATION IN THE LABOUR MARKET

The situation in the labour market deteriorated significantly in 2009 due to the economic crisis; this is shown by a decline in the number of persons in employment and an increase in the number of unemployed. According to the statistical register of employment, the average number of persons in employment dropped by 2.4 % in 2009 after a high growth (more than 3%) in 2007 and 2008, and, according to the survey on the labour force, the number of people in employment was lower by 1.6% in 2009. The employment rate thus dropped to 67.5% in the first nine months of 2009 (1.3 percentage points less than in 2008). The reduction of the number of people in employment would have been even greater if the State had not adopted two intervention acts aimed at preserving jobs³ which, according to our estimation, preserved approximately 28 thousand job posts in 2009. According to Statistical Office of the Republic of Slovenia (SURS), the number of people in employment dropped to 833,406 in November 2010, which are 2.0% fewer people in employment than in November 2009. The average number of registered unemployed persons was 36.6% higher in 2009 than in 2008. The registered unemployment rate increased from 6.7% in 2008, when it was the lowest in the period after 2000, to 9.1% in 2009. The internationally comparable unemployment rate (according to the survey on the labour force) also increased to 5.9% (4.4% in 2008). Registered unemployment increased by 16.4% on average in 2010; there were 100,504 persons unemployed on average, whereas at the end of the year there were 110,021 persons unemployed.

Since being measured, the survey-based unemployment rate for young people reached the lowest level (9.3%) in the second quarter of 2007 and since then it has had the tendency to increase again. It was 10.7 % on average in 2008 and it was 13.1% in the third quarter of 2009. In 2009 the survey-based unemployment rate continued to increase for all educational groups of labour force. It increased the most for persons with lower education levels for whom on average, it decreased to 5.7% in 2008 and it was already 10.2% in the third quarter of 2009. The survey-based unemployment rate for persons with secondary education increased from 4.4% on average in 2008 to 6.6% in the third quarter of 2009 and for persons with tertiary education from 3.0% to 3.3%. The survey-based unemployment rate for women, which in the period from 2001 to 2006 fluctuated at an approximate level of 7%, decreased to 4.4% by the third quarter of 2008. It had been increasing since then so that in 2009 the rate amounted to 5.7 % on average and for the whole of 2009 it was lower than the unemployment rate for men which in 2009 was 6.0 % on average. The survey-based unemployment rate was 7.0% in the third quarter of 2010 which is a higher rate by 0.8 percentage points than in the comparable three-month period in 2009.

The number of registered unemployed persons increased in 2009 particularly due to the increased number of persons who lost their jobs. These amounted to a total of 90,28 which is 70.7% higher than a year earlier. Among these people, persons who lost fixed-term employment continue to prevail (49.9% of all who lost their jobs) and, in comparison to the previous year, the number of persons who lost work due to the bankruptcy of a company or for business reasons has notably increased⁴. The number of newly registered first-time jobseekers also increased (by 35.8%) but, on the other hand, also the number of unemployed who became

¹ http://www.coe.int/t/dghl/monitoring/socialcharter/Conclusions/State/Slovenia2008_en.pdf

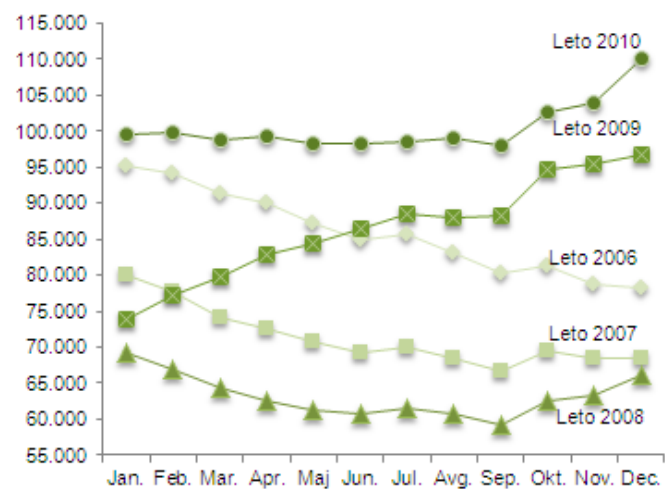
² Institute for Macroeconomic Analysis and Development (IMAD) calculation on the basis of quarterly data from the survey on labour force.

³ Partial Subsidizing of Full-Time Work Act and Partial Reimbursement of Payment Compensation Act.

⁴ The number of unemployed persons who lost work in 2009 would have been even higher had the Partially Subsidizing of Full-Time Work Act (Official Gazette of the Republic of Slovenia, No. 5/2009) and the Partial Reimbursement of Payment Compensation Act (Official Gazette of the Republic of Slovenia, No. 42/2009) not been adopted; see the indicator Employment rate.

employed (by 16.5%) or were erased from the register due to other reasons (by 9.5%). Among unemployed persons who became employed a solid one fourth received a job within the framework of the active employment policy programmes (employment and self-employment programmes and public works). The average annual number of unemployed persons in 2009 thus increased by 33.7% (survey-based) or 36.6% (registered), that is to 62.000, or rather, 86.400. In the period from 2000 to 2008 the former figure decreased from 68.000 to 46.000 and the latter from 107.000 to 63.000. The registered unemployment rate increased again in October and November 2010 so that it amounted to 11.1 % in November, or it was up by one percentage point relative to the year before.

Graph 1: The fluctuation of registered unemployment, 2006-2010



Source: Employment Service of Slovenia

The proportion of long-term unemployed persons of all unemployed persons decreased greatly in 2009 due to a high influx of new unemployed persons. According to data by Eurostat, the proportion of long-term unemployed persons of all unemployed in Slovenia amounted to 30.4% in the second quarter of 2009, which is 15.3 percentage points below that in the second quarter of 2008. A great reduction in the proportion of long-term unemployed persons among all unemployed persons is mostly a result of an increase in the number of unemployed persons (by 34.8% in the second quarter of 2009 relative to the same period of 2008), and the reduction in the number of long-term unemployed was substantially lower (9.5 –percent). The data on registered unemployment show that the proportion of long-term unemployed persons had already started to increase towards the end of the year which points to the urgency of active employment policy programmes which will prevent the transition of unemployed persons into long-term unemployment.

After a period of financial and economic crisis in the world economy, the first signs of recovery started to be seen in 2010. Slightly better results than in 2009 were also noticed in the domestic economic environment, but the conditions in the construction business deteriorated at the same time more than expected. At the end of the year, the dismissal of workers increased again, and due to the forecasted pension reform the registration of older unemployed persons was more numerous; that is why a jump in unemployment was registered again. Gross domestic product (GDP) increased by 0.9% in real terms in the first nine months of 2010 relative to the same period a year before, and relative to the third quarter of 2009, it increased by 1.7% in the third quarter of the year.

Conditions in the labour market started to deteriorate in the last months of 2008. Unfavourable trends continued in 2009, and in the first nine months of 2010, the drop in employment and the growth in unemployment slowed down. Fast unemployment growth was recorded again in the last three-month period of 2010. The demand for workers was growing in 2010; employers posted 174.613 vacancies, or 8.2% more job vacancies. However, this was not reflected in employment growth.

The inflow into unemployment in 2010 was 4.6% lower than a year earlier but it nevertheless exceeded expectations. There were 109,174 newly registered unemployed persons. The registration of unemployed persons who lost employment as long-term redundant workers or due to company bankruptcies diminished the most. 27,018 of redundant persons registered as unemployed, which is 14.6% less than in the same period of 2009. The registration of unemployed people after the expiry of fixed-term employment followed: 9.5% (or 40,841) fewer of such persons were registered. There were 1.2% fewer newly-registered first-time jobseekers, and there were 18.3% more persons registered due to other reasons than in 2009. There were 16,787 persons in the first group and 24,528 in the second one.

The recruitment of unemployed persons was encouraging in 2010 because, in comparison to a year before, 17.4% more unemployed persons were employed and the total outflow from unemployment increased by 14.0%. 57,004 unemployed persons were employed, which is 17.4% more than in 2009. The outflow of unemployed persons due to reasons which do not signify employment also increased to 32,130 (+13.4%), and 6.8% fewer unemployed persons were transferred to another registers than in the same period of the previous year. Since the inflow exceeded the outflow from unemployment, the number of registered unemployed persons increased by 13,349 persons or by 13.8% in 2010. On average, there were 100,504 unemployed persons registered and, at the end of December, there were 110,021 unemployed persons.

Long-term unemployment rate increased significantly in 2010. After a longer period of decline (2000-2009), in comparison to the second quarter of 2009, the long-term unemployment rate nearly doubled year-on-year in the second quarter of 2010, increasing to 3.2% (up 1.5 percentage points from the preceding year). The female long-term unemployment rate was 3.0% (1.3 percentage points more than a year earlier), while the male long-term unemployment rate was 3.3% (1.7 percentage points more than a year earlier). In the second quarter of 2010, the long-term unemployment rate for women was lower than that for men for the first time during the period 2005-2010. In great part, this was a result of the higher inflow of men (with lower education) into unemployment compared with the inflow of women, but also a lower level of male participation in active employment-policy programmes in 2009.

Part-time and temporary employment played an important role in adjusting the labour market to the consequences of the economic crisis. In January 2009 Slovenia had already adopted an intervention act⁵ which, according to our estimations, contributed to an increase in the proportion of part-time employment. In 2009, the proportion of men on part-time employment contracts increased the most in Slovenia.

In the second quarter of 2009, the share of part-time employment within the total employment amounted to 9.7%, which is up by 1.6 percentage points as compared to the same period in 2008. The proportion of women in part-time employment was 11.5% which is up by 1.2 percentage points from a year earlier, while the proportion of men in part-time employment was 8.2%, which is up by 1.9 percentage points from a year earlier. The proportion of part-time employment within total employment increased in Slovenia in 2010. The proportion of part-time employment within total employment (age group of 15–64 years) was 10.5% in the second quarter of 2010, a 1.9 percentage points increase over the same period in 2009. Part-time employment rose across all age groups of women, but only in certain groups of men. Compared to the second quarter of 2009, the proportion of men in part-time employment (7.5%) was 0.7 percentage points less than in the same period for 2010, largely due to a decline (by 1.4 percentage points) in the 25–49 age group, which was also related to a lower number of men participating in short-time working schemes in 2010. The corresponding proportion of women was 14.1% in the second quarter of 2010 (a 2.6 percentage points higher figure than in the same period of 2009), in particular due to the increase to 53% (7.7 percentage points up) in the prevalence of this type of work among young women (15–24 years).

Another method of adjusting to the conditions was the reduction of temporary employment. During the crisis, in order to avoid redundancy costs, companies first decided not to prolong fixed-term employment contracts (which was in Slovenia, as in other countries, shown as a reduction in the prevalence of temporary

⁵ Partially Subsidizing of Full-Time Work Act envisaged subsidies in case of a potential reduction of working time to 36 or 32 hours per week. Upon the reduction of working time, companies may obtain a subsidy in the amount of 60 to 120 euros per month for a worker who is included in the working time reduction scheme. The Act does not define conditions which would link the obtaining of a subsidy with a crisis. In the middle of July 2009, a modification of this Act was adopted with which the time to receive the subsidy was extended for an additional six months (altogether a total of 12 months) and the final deadline to file an application for the subsidy was extended from 30 September 2009 to 31 March 2010.

employment) and to a lesser extent as dismissal of persons with employment for an indefinite time. This means that a greater adjustment took place in a segment of the labour market which is more flexible, thus confirming assumptions about the labour market segmentation in Slovenia being divided into the so-called primary and secondary labour market. Regardless of the fact that the abovementioned labour market flexibility indicators as criteria of flexibility have numerous weaknesses they show that they were the main instruments of adjustments in the labour market in Slovenia. Flexibility was supported also by the state by means of subsidizing part-time working time.

The proportion of temporary employment within total employment diminished for the second consecutive year in 2009. After a period of constant growth in the period from 2000 to 2007 (in the second quarter of 2007 when it was the highest, the share amounted to 18.5%), the proportion of temporary employment declined in the past two years (to 16.4% in the second quarter of 2009). The number of women in temporary employment contracts out of the total number of employed women is higher than the corresponding number of men in Slovenia but the difference has significantly reduced in the last year. In the second quarter of 2009 the number of women on part-time employment contracts out of the total number of employed women was 1.6 percentage points lower than in the same period of 2008, and the proportion of men with part-time employment contracts increased by 0.5 percentage points in the same period.

The proportion of temporary employment within total employment in Slovenia increased once more in 2010 after decreasing for two years. The share of temporary employment diminished in 2008 and 2009 amid the slowdown and decline in economic activity, but rose to 17.7% in 2010.

There were 13,132 unemployed disabled persons registered with the Employment Service of Slovenia which is 2,107 persons more, or 19.1% higher, relative to the end of 2008. In absolute figures, unemployment increased the most among disabled workers and disabled persons with a recognised physical impairment. There were 14,920 unemployed disabled persons in 2010.

Source: Development report 2010, Development by the priorities of Slovenia's Development Strategy – *A modern welfare state*, IMAD; Annual Report of Employment Service of Slovenia 2010.

EMPLOYMENT POLICY

Measures to promote flexibility of the labour market

1. NEW EMPLOYMENT RELATIONSHIP ACT (ZDR-A)

With the Act Amending Employment Relationship Act (Official Gazette of the Republic of Slovenia, No. 103/2007, hereinafter referred to as: ZDR-A) solutions were adopted which should provide for suitable protection of employment and which should encourage internal flexibility of employees and flexibility in the labour market. The most important amendments enabling a gradual reform of the labour market are:

- ensuring greater internal flexibility of employment with the possibility of employment for a type of work;
- extension of legal bases for the use of flexible forms of employment;
- a clearer and more efficient arrangement with regard to the implementation of the termination of the employment contract together with shortening periods of notice and regulating the right to severance pay upon providing for the continuation of the employment with another employer, and
- additional incentives aimed at balancing professional and family life.

ZDR-A has primarily enforced solutions which enable an employer to react faster to the needs for new recruitment, in particular:

- by allowing an employment contract to be concluded although no candidates fulfil the conditions requested to perform the job;
- by expanding the circumstances when it is not necessary to make a public announcement; and
- by reducing the shortest time during which a worker must apply for a job vacancy;

all of these contribute to facilitating employment procedures.

The possibility of employment recruitment to more broadly defined work is oriented towards encouraging permanent employment since it ensures greater flexibility of the employment (internal mobility of a worker with an employer) giving the possibility of more broadly defined work which the worker is obliged to perform under the employment contract. The amendment of the legal regulation establishes a worker's obligation to perform all duties and tasks within the type of work for which the employment contract has been concluded taking into account the needs of the work and production process.

Considering the assessment that there is too little flexibility to use special forms of employment regarding the needs in practice, by means of the Amending Act, ZDR-A, amendments of individual special forms of employment contracts have been established, such as, for example, the extension of fixed-term employment in cases of a replacement of an absent worker, recruitment of management personnel and in cases of employment to carry out project work. Restrictions on carrying out work through temporary-work agencies which may be determined in collective agreements have been reduced on one hand and on the other hand, the direct employment of these workers with an employer-user has become more accessible. A new legal definition was included which, from the aspect of the organisation of work, provides the basis for work by using information technology – telework. With the amendments of the Act, the principle of proportionality was ensured in a clearer manner with regard to the rights of persons employed part-time relative to the length of working time for which a worker is employed with an individual employer, such as, for example, the right to reimbursement for annual leave, the right to severance pay upon retirement. On one hand, the abovementioned flexible options enable an adjustment of forms of employment to meet the interests of employees and the needs of the work process while at the same time they motivate employment and work in an employment relationship which ensures social security of employees instead of carrying out work pursuant to other civil bases not providing such security.

The greater flexibility of workers, towards which the abovementioned legislative solutions should contribute, is also important for the security of employment since it reduces the need to dismiss workers.

It is necessary to mention the contribution of the amendments of the Employment Relationships Act to solving issues linked to job terminations. Procedures regarding the termination of employment contract due to business reasons have been simplified and shortened with ZDR-A mostly by shortening periods of notice; by searching for new employment for a worker already during the period of notice, by a transition of a right to severance pay to another employer if a worker accepts new employment and, with regard to the minimum period of notice and the right to severance pay, the other employer binds himself/herself to take into account the worker's period of employment with both employers; further, by establishing more flexible security against termination for older workers, as well as by simplifying the dismissal procedure due to "at-fault" based reasons in case of an unjustified absence of a worker.

The amendments of ZDR-A were oriented towards more flexible determination of working time, that is, from the employer's aspect by introducing the possibility to order more overtime with the consent of a worker and by reducing barriers in distributing working time, and from the worker's aspect, by ensuring the possibility to adjust working time to the needs of workers with parental obligations if the needs of the work or the production process so permit.

Solutions adopted with ZDR-A

Entry into employment and employment conditions

- **Ensuring greater internal mobility of employees** (Article 6 of ZDR-A - Article 20 of ZDR, Article 12 of ZDR-A – Article 29 of ZDR). A broader definition of work which must be carried out by a worker under the employment contract which enables an employer to issue work to the worker within the type of work for which the worker has concluded the employment contract. This is followed by amendments of numerous other articles of ZDR relating to a job post (Articles 20, 23, 25, 31, 90, 144, 158, 172, 229 and 231 of ZDR).
- **Establishing bases for the obligation of a faster response of candidates to job vacancy announcements** (Article 7 of ZDR-A – Article 23 of ZDR) – the shortening of the legally stipulated shortest time period during which a worker must apply to a job vacancy is proposed. The amendment promotes the

interests of employers to eliminate legislative barriers for their potential faster responses to the needs for new employment as required by the work and production process.

- **The supplement of legal bases for the encouragement of employers to recruit workers on permanent employment or to conclude permanent employment contracts for workers employed by them for fixed-term employment, for shorter working time or workers with temporary employment (employed with the temporary-work agency)** (Article 7 of ZDR-A – Article 23 of ZDR, paragraph (4)) – the law is supplemented with an obligation that an employer should also notify workers on temporary employment contracts about job vacancies or about job vacancies for indefinite time-periods or for full time work. In relation to the possibility of employment without the job vacancy announcement this amendment enables a worker an easier transition from one employment status to another on the one hand, and a simpler recruitment method to an employer, on the other. Requirements and guidelines of European documents are thus being followed.
- **Legal simplification of an amendment of the employment contract if the amendment is only about the change from full-time to part-time employment, if the change is in accordance with regulations on health insurance and parental protection** (Article 17 of ZDR-A – Article 47 of ZDR) – by means of an annex a simpler modification of the employment contract is enabled as a deviation from the general rule that in such cases a new employment contract needs to be concluded.
- **Enforcement of additional possibilities regarding the suspension of the employment contract which increases the flexibility in permanent employment** (Article 19 of ZDR-A – Article 51 of ZDR) – additional cases of the suspension of an employment contract may be determined not only by the law but also by a collective agreement or by an employment contract. Certain longer absences of a worker from work, the suspension of rights and obligations and thus greater flexibility during the duration of an employment term is enabled which is particularly in the interests of a worker (unpaid holiday, balancing interests and needs of personal and professional life) but also in the interests of both, a worker and an employer (longer training of an employee, additional professional training, retraining, obtaining additional experience with work).
- **Determination of remuneration in a period when a worker is in training or in job induction** (Article 60 ZDR-A – Article 140 ZDR) – the regulation of remuneration to a worker in training or in job induction is proposed to be the same as for the time of traineeship, that is 70% of the basic salary for work for which the training or job induction is in progress and not lower than the minimum wage.

Termination of employment

- **An additional reason for the termination of employment contract**, that is, the inability to carry out work under the conditions set out in the employment contract owing to disability (Article 35 of ZDR-A – Article 88 ZDR).
- The determination of an objective time period for the termination by an employer, or **the determination of a longer subjective time period in case of a termination owing to the reason of culpability** (Article 35 of ZDR-A – Article 88 of ZDR).
- **The possibility to include the Employment Service of Slovenia even during the notice period** of a worker by regulating the right of the worker (the right to severance pay, the right to unemployment benefit, participation in active employment policy programmes), the obligation of an employer or the Employment Service (Article 35 of ZDR-A – Article 88 of ZDR).
- **A clearer commitment of a worker upon being offered another suitable job**, a more detailed definition of another suitable job and potential legal consequences in a case when upon the termination of an employment contract a worker already accepts an offer to enter into an employment agreement with another employer during the notice period (with regard to the minimum notice period and the right to severance pay the employment period with a previous employer is also taken into account (Article 37 and 38 of ZDR-A – Articles 90 and new 90(a) of ZDR).
- **The unification of the length of notice periods** both in cases of terminations owing to business reasons as well as in cases of incapacity. This means that notice periods in cases of business reasons are shortened (Article 39 of ZDR-A – Article 92 of ZDR).
- **The possibility of determining the running of the period of notice in accordance with the problem of rescuing workers in redundancy** (Article 40 of ZDR-A – Article 93 of ZDR).
- **Effectiveness of the termination with the first day of unjustified absence from work** in a case when a worker has been unjustifiably absent from work and does not notify an employer of the reasons for his/her absence and does not return to work (Article 46 of ZDR-A – Article 111 of ZDR).

- **More flexible protection against the termination of an employment contract in cases of older workers** who should be obliged to accept other suitable employment also in cases of a termination of employment contract owing to business reasons (Article 48 of ZDR-A – Article 114 of ZDR).

Flexible forms of employment

- **Fixed-term employment** - an extension of fixed-term employment:
 - In cases when none of the candidates who applied for a job vacancy meet required conditions to carry out work (Article 6 of ZDR-A – Article 20 of ZDR).
 - In cases of executive workers who are not a part of the management structure (Article 20 of ZDR-A, Article 52 of ZDR).
 - In cases of a replacement of a temporarily absent worker, when an employer may recruit a worker for a fixed-term without public announcement (Article 8 of ZDR-A – Article 24 of ZDR).
 - Without a restriction determined in advance in cases of an employment to carry out project work (Article 21 – Article 53 of ZDR).
- **Work through temporary-work agencies** - new innovations do ensure to:
 - narrow the possible limitation of the agency work with collective agreements (Article 22 of ZDR-A – Article 57 of ZDR);
 - notify workers on temporary employment contracts about the potential employment with the user (Article 7 of ZDR-A – Article 23 of ZDR);
 - notify professional services of the user about safety and health at work also with regard to temporary workers (Article 15 of ZDR-A – Article 43 of ZDR);
 - limit eligibility of social partners regarding potential additional limitations by branch collective agreements – only when greater safety of workers is ensured or when required by the requirements regarding safety and health (Article 22 of ZDR-A – Article 57 of ZDR).
- **Telework** - a supplement of ZDR which determines in a clearer manner that work at home is also regarded as distance work – telework which is carried out by a worker by means of information technology (Article 25 of ZDR-A – Article 67 of ZDR);
- **Special characteristics regarding an employment contract for management personnel or procurators**; the modification of ZDR enables a special regulation within the employment contract (also less favourable than the law) not only for management personnel but also for procurators (Article 27. of ZDR-A – Article 72 of ZDR);
- **Part-time employment and the principle of proportionality of rights** - the principle of proportionality of the right to remuneration for annual leave and severance pay upon retirement is ensured with modifications of ZDR with regard to the length of the working time for which a worker has been employed by an individual employer except in cases when a worker works part-time pursuant to special regulations (regulations on pension and disability insurance, regulations on health insurance and regulations on parental leave) (Article 24 of ZDR-A, Article 64 of ZDR, Article 57 of ZDR-A, Article 132).

Flexibility of the working time

- **Mobile workers**
 Numerous dilemmas have been expressed in practice with regard to the use or the interpretation of the provisions regarding working time taking into consideration the arrangement of the Act on Working Time and Compulsory Rest Periods of Persons Performing Mobile Road Transport Activities, and on Recording Equipment (Tachographs) in Road Transport (ZDCOPMD) in relation to the arrangement in ZDR: ZDR, as a matter of fact, regulates working time from the aspect of minimum standards which must be ensured for all workers. Special issues should derive and be justified only from the special nature of carrying out a public service. ZDR thus does not allow for derogations from the general regulation of working time (except in precisely determined cases) for transport activity, that is why it is appropriate that modifications of ZDR, considering the special nature of the work of mobile workers, allows for the possibility to regulate in a different manner the employment relationships of mobile workers in relation to working time, night time, breaks and rest periods in accordance with European legislation (Article 2 of ZDR-A – Article 2 ZDR).
- **Overtime work** - to allow for longer possible overtime work with the consent of a worker (Article 61 of ZDR-A – Article 143 of ZDR);
- **Annual leave** - dilemmas and various legal standpoints expressed in practice in relation to ensuring annual leave in case of a termination of employment or a change of employment during a calendar year are being

solved – an employer should be obliged to ensure annual leave with regard to the employment duration of a worker with this employer (Article 69 of ZDR-A – Article 162 of ZDR).

Possibilities aimed at balancing professional and family life

- Adjusting working time

- barriers experienced by employers with regard to the reallocation of working time are being diminished and additional legal bases for potential adjusting of working time to the needs of workers with parental obligations when allowed by the needs of the work or production process are being determined (Article 64 of ZDR-A – Article 147 of ZDR).

- The use of holiday

- the right to use of annual leave (at least one week) is ensured for parents of school-aged children during school holidays (Article 72 of ZDR-A – Article 165 of ZDR).

- Protection against termination

- a special protection against termination for workers with parental obligations is being extended and defined in a clearer manner. A protection of parents who use parental leave in a form of full absence from work is being extended by another month after returning to work (Article 49 of ZDR-A – Article 115 of ZDR).

2. LABOUR MARKET REGULATION ACT

A new Labour Market Regulation Act (LMRA) which substituted the present Employment and Insurance in Case of Unemployment Act began to be implemented on 1 January 2011.

Prime objectives to be achieved by this Act:

- increasing the security of persons who have lost their jobs– a contribution to the concept of “flexicurity” in the labour market;
- increasing the success and efficiency of implementation of active employment policy measures;
- reducing administrative burdens for companies and persons in the labour market;
- increasing control over institutions in the labour market.

Achieving the objectives of the law:

- widening the circle of beneficiaries of unemployment benefit, increasing the minimum amount of the financial benefit and an average amount of the paid-out benefits, enabling part-time unemployment and participation of unemployed persons in other forms of work;
- introducing new active employment policy measures (for example, job rotation and job sharing), introducing new providers of these measures, an extension of career orientation as the first step on the road to employment, the inclusion of other social partners at local level and systematic monitoring and evaluation of active employment policy measures;
- the abolition of unnecessary administrative burdens for companies and jobseekers and introducing contemporary electronic services.

Principal solutions of the new law

A principal goal of the new act on labour market regulation is the introduction of the concept of “flexicurity” in the labour market in the Republic of Slovenia. This goal will be achieved in connection with amendments to the organic laws governing employment relationships and social security systems and by means of an increased role of active an employment policy and greater security of unemployed persons.

The law will be the base for the implementation of the following labour market government measures:

- labour market services,
- active employment policy,
- unemployment insurance,
- guaranteeing rights arising from compulsory and voluntary unemployment insurance.

➤ Labour market services

These services will be carried out through the Employment Service of Slovenia (ESS) and, now also through concession-holders.

Labour market services are:

- **lifelong career orientation** which will gain a significantly greater role in the implementation of the active employment policy as it represents the first step on the path to new employment. It will be carried out in the form of:
 - o providing labour market information (general information and information about job opportunities);
 - o basic and in-depth career consultancy;
 - o independent career guidance, and
 - o study of career guidance skills;
- **employment brokerage** (a new option is introduced which enables the EES and other providers under the law to be free not to refer workers to an employer who does not abide by the labour law and who fails to pay wages or contributions for social security to workers, dismissing them from employment contrary to the applicable regulations in response to such employer's advertised vacant job position or type of work).

➤ Active employment policy (AEP)

The law brings about new solutions with regard to the active employment policy since, due to new service providers, new measures and simplified measures a more efficient response to fast changes in the labour market is enabled. The economic and financial crisis in 2009 in particular showed that a faster adjustment in this field is necessary.

The following AEP measures will be carried out:

- **education and training** (this will also be the most important active employment policy measure in the future since evaluations of recent activities have shown that on-the-job training programmes have been particularly successful which is why such training sessions will be continued. Education and training will be better linked to career orientation in the future and employees in companies will receive training in accordance with companies' training programmes and, in the preparation of education plans, additional assistance will be offered to companies as well as for the entire human resources management field);
- **replacement of a worker in a job position and job sharing** (a new item which should contribute to greater mobility and flexibility in the labour market);
- **employment incentives** (in the future these will also be dedicated to the most vulnerable groups of unemployed persons in the labour market – young people up to 25 years of age, first employment jobseekers, graduation candidates, people older than 50 years of age, and activities related to training will also be implemented);
- **creation of new jobs** (it will take place within the framework of public works and, in the future, also by means of social entrepreneurship; this measure is particularly aimed at persons with long-term unemployment);
- **promotion of self-employment** (it will be particularly aimed at unemployed persons with an entrepreneurial idea which will be assessed by entrepreneurial advisors selected through the Public Procurement Act; prior to obtaining a subsidy, training will need to be carried out; in our opinion the support environment is not suitable for entrepreneurship, that is why this measure will be improved with counselling in the first years of operation of self-employed persons).

➤ Unemployment insurance and rights arising from the insurance:

- **the circle of compulsorily insured persons and persons who may conclude voluntary unemployment insurance is extended** and as a consequence also the circle of beneficiaries of unemployment benefit; modifications of conditions to obtain rights to unemployment benefit makes young people with less work experience become beneficiaries more often – this increases their social security because, according to the new law, one condition for obtaining a financial benefit will be a 9-month employment period in the last 24 months (previously 12 months out of 18 months);
- **the lowest and the highest amount of unemployment benefit are being increased;**
- **the amount of unemployment benefit is being increased for the first three months of receiving it** (80% of the assessment base and not 70% any longer as before);
- **the determination period of the benefit's assessment base shall be shortened to 8 months** (previously 12 months);
- **a new issue is introduced which will enable unemployed persons to carry out a limited amount of work while simultaneously maintaining the right to unemployment benefit in the unmodified amount** (up to 200 euro per month) in order to stay in touch with the labour market;

- **the instrument of part-time unemployment upon the acceptance of employment is being introduced** whereby the right to the proportional share of unemployment benefit is maintained.

Procedures with regard to participation in services and measures

The law increases the responsibility of an employment advisor in the participation of unemployed persons and other jobseekers in services carried out by the Employment Service and concession-holders since the handling of persons will be more diversified which means that those who urgently need to participate in services and measures will be dealt with faster and will obtain an individualised employment plan which is a base for participation in services and measures.

The law increases the obligation of cooperation between the Employment Service and centres for social work (as regards the activation of recipients of financial social assistance and handling of unemployed persons with employment obstacles. At the same time it encourages such beneficiaries towards activation by providing an activity allowance within the framework of the law regulating social benefits and within the framework of this law since a limited permission to work is allowed while obtaining the right granted.

Providers of measures and supervision

The Employment Service of the Republic of Slovenia, as a central labour market institution, will continue to be responsible for the implementation of public services, that is labour market services, while the Ministry of Labour, Family and Social Affairs may grant concessions for the provision of labour market services also to other providers of services.

A new introduction is **foundations for the improvement of employment opportunities** (successors of Labour Funds) which by aiming at the improvement of employment opportunities of foundation participants and the coordination of supply and demand in local and regional labour markets will unite social partners at local level. They will mostly act in the field of education and training of employees, and, when the need arises, also in other areas.

The law introduces **a stricter financial and professional supervision over the operation of labour market institutions and a systematic approach towards reporting, monitoring and evaluations of measures**, leading thus to a more efficient and economic use of public funds. The Employment Service of Slovenia will also continue to carry out supervision over unemployed persons in the future.

Provision of temporary agency work to another user

Temporary-work agencies, which are very important in the EU countries from the aspect of labour market flexibility, are very numerous in the Republic of Slovenia. According to the current regulations these agencies are not well defined and do not enable a diversification in the provision of service and when referring workers to other users which makes the supervision harder and abuses in this field possible. However, the current arrangement does not take into consideration the minimum standards required by the EU legislation in this field (Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work which was partially transposed into the LMRA). The new law eliminates the shortcomings.

Active employment policies

The Active Employment Policy Programme has been prepared for a longer period – it includes **measures for the 2007-2013 period, a two-year implementation plan and a catalogue of measures** which is modified with regard to a publication of new or amended existing programmes and projects. In this manner it was simultaneously harmonised with the validity period for programme documents which are the basis for using funds of the European Social Fund in the Financial Perspective 2007-2013. The connection is urgently needed since significant sources from the European Structural Funds are necessary for the successful implementation of individual measures.

The programme of active employment policy measures includes activities aimed at achieving the goals of the Lisbon Strategy and the optimum implementation of the European Employment Strategy. This Strategy is founded on three goals:

- full employment;
- better work quality and productivity;
- social cohesion and inclusion.

In 2009 there were 51,539 persons who freshly participated in the active employment policy measures (without participation in the Vocational information and guidance centres – CIPS, without general consultancy and providing information to unemployed persons and without employment consultancy regarding health) whereas in 2010 there were 77,534 persons.

The active employment policy (AEP) programme envisages participation in four measures:

Measure No. 1: CONSULTING AND JOB SEARCH ASSISTANCE is implemented in order to provide advice and assistance to individuals during their job hunting as well as information on vocational opportunities; in-depth sessions for certain groups of persons is implemented aimed at improving employment opportunities and eliminating obstacles in the job hunt. The aim of the measure is also to present and put activities within the AEP programmes into effect. 10,859 unemployed persons participated in this measure in 2009. Target groups: consultancy and job hunt assistance is aimed at all unemployed persons and those who seek employment or information on occupations and labour market needs.

The purpose of the **Measure No. 2 – EDUCATION AND TRAINING** is increasing the employability and competitiveness in the labour market by obtaining new knowledge, skills and competences as well as a rise in the education and qualification level of employees and unemployed persons. 20,530 unemployed persons participated in this measure in 2009. Target groups: this measure is aimed at unemployed persons without occupation or with an occupation with excess supply, unemployed young persons up to 25 years of age, young people without work experience, recipients of financial social relief and unemployment benefit and other hard-to-place unemployed persons, particularly the Roma, disabled persons and persons being formally recognised as having an employment obstacle.

The aim of **Measure No. 3 – PROMOTION OF EMPLOYMENT AND SELF-EMPLOYMENT** is to encourage the promotion of self-employment of unemployed persons who wish to realize an entrepreneurial idea and become self-employed following training; to promote the employment of hard-to-place groups of unemployed persons, particularly recipients of social cash relief, to increase the fostering of labour market flexibility by promoting new forms of employment, to increase regional and sectoral mobility, to preserve jobs and to support business restructuring. For the most part the activities within the measure represent aid granted by the State which is why they are implemented in accordance with rules on granting State aid. 15,355 unemployed persons participated in this measure in 2009. The participation in this measure means immediate employment. Target groups: this measure includes long-term unemployed people, recipients of financial social relief, unemployed people who are older than 50, young people up to 25 years of age and first-time job seekers, particularly those without a suitable education relative to labour market needs, workers in the process of losing their job, disabled people, the Roma and other unemployed persons with a formally recognised employment obstacle.

The aim of **Measure No. 4 – PROGRAMMES TOWARDS FOSTERING SOCIAL INCLUSION** is the promotion of the social inclusion of people, that is the realisation and putting into effect of activities and projects to create an environment which will motivate people to be active and in which people will find job in a simpler and faster manner while also enjoying the necessary level of social protection. 4,795 unemployed persons participated in this measure in 2009. The participation in this measure also means immediate employment. Target groups: this measure includes long-term unemployed people, recipients of financial social relief, unemployed people who are older than 50, young people up to 25 years of age and first-time job seekers, particularly those without a suitable education qualification relative to labour market needs, disabled people, the Roma and other unemployed persons with a formally recognised employment obstacle.

In 2010 the Employment Service continued to carry out the majority of programmes from the previous year so that **continuity of implementation** was ensured while a close cooperation with employers and their associations was maintained. The Employment Service conducted 10 consultation panels for employers in this period.

On the basis of experience from the past activities the Employment Service reformed certain programmes:

- Promoting the employment of hard-to-place unemployed persons/Zaposli.me (*Employ.me*): in March 2010, on the basis of additionally obtained funds, the Employment Service published a new public tender regarding the employment of 4,500 hard-to-place unemployed persons. The tender represents a significant

operational simplification of the procedure compared to the previous ones, and on its basis, 2,984 unemployed persons gained new employment in 2010.

- Assistance with self-employment and self-employment subsidies 2010-2013: unemployed persons and persons in the process of losing their job with a business idea who, when signing the employment plan, had been determined ineligible to receive any funds arising from self-employment subsidies conferred by the Employment Service in the previous 5 years and who were not self-employed during the past 12 months, could make a claim for self-employment subsidy only by obtaining a positive evaluation of their business idea and after firstly successfully participating in the workshop entitled "Preparation for Self-Employment". The implementation of the programme entitled "Assistance for Self-Employment" started in May 2010 after the selection of external service providers. 14,337 unemployed persons participated in the programme by December 2010 and 5,148 persons become self-employed by means of the subsidy in 2010.
- Pursuant to the public tender "On-the Job Training for Graduation Candidates and Subsidies aimed at employment of Graduates "Absolvent-aktiviraj in zaposli se!" (*Graduation Candidate-Be Active and Get Employed*)", published in autumn of 2009, 149 students with graduation candidate status participated in on-the-job training with 132 selected employers in the first half of 2010; after the conclusion of their studies they will also become employed by these employers. 301,953.92 euros were spent in financing the programme in 2010 and because of a weak response the Employment Service, in agreement with the Ministry of Labour, Family and Social Affairs decided to repeat the publication of the public tender. The programme represents an example of a multi-dimensional solution to the youth employment issue and in an indirect manner it favourably influences the shortening of study time since it enables young persons, prior to entering the labour market, to learn about actual work processes, obtain specific knowledge, skills and competences which are supposed to make their entry through the labour market selection mechanism easier and ensure quality regular employment immediately after the conclusion of their studies.

The Employment Service is preparing new programmes aimed at promoting employment and to assist in preserving the employment of long-term unemployed persons, disabled persons and other vulnerable groups in the labour market. At the same time the Employment Service is planning a series of promotional activities aimed at eliminating prejudices linked to the employment of vulnerable groups in the labour market and at creating positive opportunities for an integrated development and employment of vulnerable groups.

In addition to programmes for unemployed persons the Employment Service also carried out programmes aimed at employees and workers in the process of losing jobs, in particular:

A) Programmes aimed at preserving and creating new jobs:

- **Partial subsidizing of full-time work** (the implementation of the Partially Subsidizing of Full-Time Work Act) in which, in the period reported, 1,144 persons employed by 515 employers were newly included. The implementation of this measure expired in 2010.
- **Partial reimbursement of payment compensation for workers on temporary lay-off** which included training of employees referred to temporary lay-off (in accordance with the Partial reimbursement of Payment Compensation Act). In the period reported, 12,059 persons employed with 1350 employers participated newly in this programme.

B) Programmes for the reimbursement of education and training expenses of employees:

- The "**Living Out our Dreams with Knowledge**" programme which included **6,265 employed** persons holding the Vth level of education at the highest. Public tender, pursuant to which recipients may claim for the reimbursement of education expenses, concluded on 27 August 2010, but the monitoring of concluded agreements took place by April 2011.

Table 1: The number of people participating in AEP measures in the period 2007 – 2010 broken down by AEP measures

Year	2007	2008	2009	2010
TOTAL	24.154	29.085	51.539	77.534
1. Consultancy and job search assistance	12.172	11.542	21.718	25.312
2. Education and training	27.218	25.678	41.060	68.592
3. Promotion of employment and self-employment	1.760	11.786	30.710	47.682
4. Programmes towards fostering social inclusion	7.158	9.164	9.590	13.482

Table 2: The number of persons participating in AEP measures in the period 2007 – 2010 – an overview regarding participation in key programmes within AEP measures

Year	2007	2008	2009	2010
TOTAL	24.154	29.085	51.539	77.534
1. Consultancy and job search assistance	6.086	5.771	10.859	12.656
1.1. Providing occupational and employment information, consultancy and motivation	67	58	49	19
1.2. Job search assistance	5.781	5.596	10.335	12.193
1.3. Development and implementation of new forms of assistance and presentation	238	117	475	444
2. Education and training	13.609	12.839	20.530	34.296
2.1. Institutional training and national occupational qualification programmes	4.791	4.942	8.953	11.966
2.2. Practical training programmes	2.905	5.519	7.909	11.430
2.3. Education programmes	5.913	2.378	3.668	4.635
2.4. Co-financing of education and training aimed at employability and competitiveness	0	0	0	6.265
3. Promotion of employment and self-employment	880	5.893	15.355	23.841
3.1. Promotion of self-employment	417	4.854	10.875	19.485
3.2. Subsidies aimed at employment of hard-to-place groups of unemployed persons	463	1.039	4.480	4.356
4. Programmes towards fostering social inclusion	3.579	4.582	4.795	6.741
4.1. Promotion of social inclusion and employment	3.579	4.582	4.795	6,637
4.3. Innovative programmes for the promotion of social inclusion and fight against disadvantages in the labour market	0	0	0	104

Table 3: Data regarding persons participating in the AEP programmes and activities in 2010 – number of newly-concluded contracts a breakdown according to gender

MEASURE/ACTIVITY/SUB-ACTIVITY	TOTAL	men	women
TOTAL MEASURES NO. 1 - 4	77.534	38.232	39.302
MEASURE No. 1: CONSULTANCY AND JOB SEARCH ASSISTANCE			
1.1.4. About occupations in a different manner	19	6	13
1.2.1. Assistance in career planning and seeking employment - workshops	8.678	3.719	4.959
1.2.2. UŽU (<i>Lifelong Performance Training</i>)	398	155	243
1.2.3. Job seekers clubs	2.264	970	1.294
1.2.4.1. Labour Fund - Mura	513	85	428
1.2.4.2. Labour Fund – redundant workers and unemployed persons	340	37	303
1.3.4. Unemployed persons participation in new and development projects	444	155	289
MEASURE No. 2: EDUCATION AND TRAINING			
2.1.1. Institutional training programmes	8.951	3.873	5.078
2.1.2.1. Preparation for the approval of the national vocational qualification	1.737	1.032	705
2.1.2.2. Approval of the national vocational qualification	1.278	891	387
2.2.1. Work test	6.544	3.232	3.312
2.2.4.1. On-the-job training for 2009/2010	13	3	10
2.2.4.2. On-the-job training 2009/2011	4.873	2.104	2.769
2.3.1. Formal education	4.451	1.770	2.681
2.3.2. PLYA (Project learning for young adults) programme	184	123	61
2.4.2. Living Out Our Dreams with Knowledge	6.265	3.072	3.193
MEASURE No. 3: PROMOTION OF EMPLOYMENT AND SELF-EMPLOYMENT			
3.1.1. Assistance with self-employment	14.337	8.860	5.477
3.1.2. Subsidies for self-employment	1.350	781	569
3.1.3. Subsidies for self-employment 2010-2013	3.798	2.378	1.420
3.2.5. Promotion of employment of long-term unemployed people – recipient of financial social relief for 2008	1	1	
3.2.5.1. Promotion of employment of long-term unemployed people – recipient of financial social relief for 2009	2	1	1
3.2.5.2. Promotion of employment of long-term unemployed people – recipient of financial social relief for 2010	148	65	83
3.2.7. Zaposli.me (<i>Employ.me</i>)	1.146	605	541
3.2.7.3. Zaposli.me 2 (<i>Employ.me2</i>)	2.984	1.696	1.288
3.4.1. Promotion of part-time employment	75	31	44
MEASURE No. 4: PROGRAMMES TOWARDS FOSTERING SOCIAL INCLUSION			
4.1.1. Public works	5.945	2.314	3.631
4.1.4. Subsidizing employment when implementing domestic help and personal assistance	134	14	120
4.1.6. Promotion of employment of long-term unemployed people 2009/2010	558	206	352
4.3.1. Promotion of the development of social entrepreneurship	104	53	51

Table 4: Data regarding persons participating in the AEP programmes and activities January – November 2010– number of newly-concluded contracts - a breakdown according to level of education

MEASURE/ACTIVITY/SUB-ACTIVITY	LEVEL OF EDUCATION								
	TOTAL	I.	II.	III.	IV.	V.	VI.	VII.	No data
TOTAL MEASURES Nos. 1-4	69.604	14.896	2.988	453	15.807	23.214	2.894	9.064	266
MEASURE No. 1: CONSULTANCY AND JOB SEARCH ASSISTANCE									
1.1.4. About occupations in a different manner	6	5	-	-	1	-	-	-	-
1.2.1. Assistance in career planning and seeking employment - workshops	7.614	1.851	430	65	1.966	2.500	255	531	16
1.2.2. UŽU (<i>Lifelong Performance Training</i>)	373	210	54	3	67	36	2	1	-
1.2.3. Job seekers clubs	2.049	426	133	11	543	591	140	195	10
1.2.4.1. Labour Fund - Mura	513	270	50	3	149	37	2	2	-
1.2.4.2. Labour Fund – redundant workers and unemployed persons	331	71	26	18	131	64	8	13	-
1.3.4. Unemployed persons participation in new and development projects	401	79	22	5	146	100	19	30	-
MEASURE No. 2: EDUCATION AND TRAINING									
2.1.1. Institutional training programmes	8.449	1.179	300	40	1.523	2.844	593	1.894	76
2.1.2.1. Preparation for the approval of the national vocational qualification	1.701	378	126	21	546	508	50	69	3
2.1.2.2. Approval of the national vocational qualification	1.092	241	85	11	369	297	37	52	
2.2.1. Work test	5.913	1.362	391	47	1.874	1.705	169	355	10
2.2.4.1. On-the-job training for 2009/2010	13	2	1		3	6		1	
2.2.4.2. On-the-job training 2009/2011	4.480	712	254	35	1.156	1.575	191	534	23
2.3.1. Formal education	3.769	1.659	143	14	814	1.059	41	38	1
2.3.2. PLYA programme	134	2.46	111	13	9	1			
2.4.2. Living Out Our Dreams with Knowledge	5.221	2.463	83	35	1.127	1.506	4	3	
MEASURE No. 3: PROMOTION OF EMPLOYMENT AND SELF-EMPLOYMENT									
3.1.1. Assistance with self-employment	12.914	1.389	330	44	2.623	5.330	689	2.436	73
3.1.2. Subsidies for self-employment	1.350	142	17	8	254	550	70	304	5
3.1.3. Subsidies for self-employment 2010-2013	3.002	1.653	83	9	640	1.244	146	553	16
3.2.5. Promotion of employment of long-term unemployed people – recipient of financial social relief for 2008	1	1	-	-	-	-	-	-	-
3.2.5.1. Promotion of employment of long-term unemployed people – recipient of financial social relief for 2009	2	-	-	-	-	-	-	2	-
3.2.5.2. Promotion of employment of long-term unemployed people – recipient of financial social relief for 2010	84	11	9		-	32	2	8	-

3.2.7. Zaposli.me (<i>Employ.me</i>)	1.146	344	73	11	285	311	40	80	2
3.2.7.3. Zaposli.me 2 (<i>Employ.me2</i>)	2.290	648	135	22	598	614	90	172	11
3.4.1. Promotion of part-time employment	75	15	1	-	19	31	2	7	-
MEASURE No. 4: PROGRAMMES TOWARDS FOSTERING SOCIAL INCLUSION									
4.1.1. Public works	5.893	912	214	44	858	2.020	286	1.542	17
4.1.4. Subsidizing employment when implementing domestic help and personal assistance	129	25	5	3	39	42	2	13	-
4.1.6. Promotion of employment of long-term unemployed people 2009/2010	556	25	6	4	45	192	55	226	3
4.3.1. Promotion of the development of social entrepreneurship	103	54	4	-	22	19	1	3	-

Table 5: Data regarding persons participating in the AEP programmes and activities in 2010 – number of newly-concluded contracts a breakdown according to age group

MEASURE/ACTIVITY/SUB-ACTIVITY	AGE GROUP							
	TOTAL	up to 18	18 to 25	25 to 30	30 to 40	40 to 50	50 to 60	60 in več
TOTAL MEASURES 1 - 4	77.534	136	11.193	17.140	23.312	16.946	8.587	220
MEASURE No. 1: CONSULTANCY AND JOB SEARCH ASSISTANCE								
1.1.4. About occupations in a different manner	19		4	1	8	5	1	
1.2.1. Assistance in career planning and seeking employment - workshops	8.678	5	1.910	1.888	1.863	1.884	1.120	8
1.2.2. UŽU (<i>Lifelong Performance Training</i>)	398	5	116	61	99	87	29	1
1.2.3. Job seekers clubs	2.264	1	461	514	603	517	167	1
1.2.4.1. Labour Fund - Mura	513			1	82	264	166	
1.2.4.2. Labour Fund – redundant workers and unemployed persons	340			12	135	148	45	
1.3.4. Unemployed persons participation in new and development projects	444		15	49	120	170	89	1
MEASURE No. 2: EDUCATION AND TRAINING								
2.1.1. Institutional training programmes	8.951	2	931	2.191	2.881	2.146	789	11
2.1.2.1. Preparation for the approval of the national vocational qualification	1.737		227	283	526	506	195	
2.1.2.2. Approval of the national vocational qualification	1.278		170	220	381	360	146	1
2.2.1. Work test	6.544	6	1.496	1.378	1.735	1.392	530	7
2.2.4.1. On-the-job training for 2009/2010	13		3	3	4	2	1	
2.2.4.2. On-the-job training 2009/2011	4.873	9	1.074	1.312	1.427	797	250	4
2.3.1. Formal education	4.451	65	1.443	1.099	1.342	471	31	
2.3.2. PLYA programme	184	29	142	13				
2.4.2. Living Out Our Dreams with Knowledge	6.265		271	792	2.095	2.240	856	11
MEASURE No. 3: PROMOTION OF EMPLOYMENT AND SELF-EMPLOYMENT								
3.1.1. Assistance with self-employment	14337	4	934	3583	5577	3032	1169	38
3.1.2. Subsidies for self-employment	1350		84	369	534	283	80	

3.1.3. Subsidies for self-employment 2010-2013	3798	1	208	951	1531	791	310	6
3.2.5. Promotion of employment of long-term unemployed people – recipient of financial social relief for 2008	1				1			
3.2.5.1. Promotion of employment of long-term unemployed people – recipient of financial social relief for 2009	2				2			
3.2.5.2. Promotion of employment of long-term unemployed people – recipient of financial social relief for 2010	148		18	56	49	20	5	
3.2.7. Zaposli.me (<i>Employ.me</i>)	1146	3	361	175	180	144	276	7
3.2.7.3. Zaposli.me 2 (<i>Employ.me2</i>)	2984	2	902	454	519	453	648	6
3.4.1. Promotion of part-time employment	75		15	22	25	11	2	
MEASURE No. 4: PROGRAMMES TOWARDS FOSTERING SOCIAL INCLUSION								
4.1.1. Public works	5.945	3	352	1.543	1.313	1.056	1.565	113
4.1.4. Subsidizing employment when implementing domestic help and personal assistance	134		10	20	46	38	20	
4.1.6. Promotion of employment of long-term unemployed people 2009/2010	558		15	143	217	118	62	3
4.3.1. Promotion of the development of social entrepreneurship	104	1	31	7	17	11	35	2

Measures fostering the employment of the Roma

In spite of a relatively poor outlook shown by the data regarding the registered unemployed Roma, the Ministry of Labour, Family and Social Affairs estimates that numerous positive changes have taken place in this area in the past few years. Some of these are clearly visible and some will be demonstrated in the following years. The first group of changes includes a greater number of employment programmes adjusted to the needs of the Roma communities and tailor-made programmes with regard to public works (precisely: programmes from the groups of programmes “the Roma for the Roma”), and lastly, a greater co-participation or activation of the Roma people in definitions of development programmes in terms of their content. The most important qualitative shifts in the change of the labour market position of the Roma will, however, be achieved by means of long-term measures aimed at increasing their educational structure and vocational competence. This is, as a matter of fact, already evident in the case of the younger generation of this population group.

Issues regarding the employment of the Roma, or precisely, their role in the labour market has some specific characteristics in Slovenia:

- The Employment Service of Slovenia (hereinafter: ESS) does not keep a special record of unemployed Roma in the register of unemployed people. Only those Roma are recorded as unemployed, who have identified themselves as Roma during the procedure of the preparation of the employment plan and want to be treated as a special group of unemployed persons and thus a priority group of unemployed persons, which may be included into individual actions of the AEP.
- At the end of 2008, 2117 Roma were registered in the evidence of unemployed persons at the ESS, which is 3.2 % of all unemployed persons (66,239); by the end of 2009, the register of unemployed included 2236 Roma, representing 2.3 % of all unemployed people (96,672 persons). The number and proportion of unemployed Roma does not significantly increase, despite the large increase in the number of unemployed persons due to the economic crisis, and at the same time their number also does not significantly decrease, despite their preferential inclusion in relevant AEP programmes. Unemployed Roma, due to their low educational structure, represent one of the specific structural problems in the labour market. However, one of the problems Roma encounter in the labour market is the fact that they do not register in the record of unemployed persons or any other record; therefore, it is very difficult to identify their real activity. It has been informally noted that, in the areas where a requirement for better social integration in the environment was determined, the issue of the employment rate of representatives of the Roma ethnic community was much smaller than in those areas where social integration level was low.
- Certain types of social assistance which may be granted to the citizens of the Republic of Slovenia are linked, by virtue of the law, to the unemployment status conferred on recipients of such assistance and this is supported by registration at the ESS. Thus, persons, who do not necessarily seek a job, may also be registered with the ESS but they are registered only to enforce social rights. These persons include a great proportion of the Roma.
- A general picture, regarding the employment of the Roma shows the concentration of the Roma in some areas, particularly Prekmurje and Dolenjska, which also presents a regional problem. The educational structure of the Roma is actually very poor – 98.2% of unemployed Roma have not finished primary school in the region of Dolenjska, and in the region of Prekmurje, this figure amounts to 90%. The number of the registered unemployed Roma is increasing year by year by an absolute and relative figure. According to the information of regional services and offices of employment dealing with the registered unemployed Roma, some employers do actually have a negative attitude to the Roma. In spite of that the main cause for high unemployment of the Roma is their extraordinarily poor educational structure. Such educational structure makes the opportunities to obtain or remain in employment relatively small.

There are also differences among the Roma; a smaller part is already relatively well integrated in the environment of the majority population while simultaneously maintaining its cultural and linguistic characteristics, but there is a greater share of those who live separately within their communities and

integrate with difficulty into another environment. The exclusion from equal labour market competitive opportunities pushes them more and more into the social periphery.

Basic principles for the preparation of regional programmes/measures/activities to reduce the unemployment of Roma community (hereinafter: Roma) and increase their social integration and access to the labour market are based on objectives and measures of the priority area from the National Programme of Measures for Roma of the Republic of Slovenia for the period 2010-2015 (National programme). These basic principles are in line with the Programme of the Active Employment Policy 2007-2013 (AEP programme) and with the implementation plan of the AEP programme for individual fiscal years.

To achieve the objectives of the priority area 3 of the National programme (reducing unemployment of members of the Roma community and increasing their social integration and access to the labour market), it is predicted on an annual basis to include 800 unemployed Roma in the actions and activities of the AEP, representing about 35 % of Roma who are considered as unemployed Roma based on the data of the ESS.

In the past years the Ministry of Labour, Family and Social Affairs has been carrying out numerous programmes in the field of the labour market and employment and these were aimed at the target population group of the unemployed Roma:

- "Roma and Unemployment in Pomurje";
- "Equal Employment Opportunities for the Roma – Our Joint Challenge",
- The project entitled "The development of education and training models for the Roma in order to ensure a rise in regular employment";
- Phare programmes aimed at the Roma;
- Within the EQUAL Community initiative two development partnerships were financed: the development partnership The Roma Employment Centre and the development partnership The Roma Education and Information Centre;
- the cross-border social partnership MEDIATOR – Interreg III A programme;
- active employment policy programmes which also included employment programmes for the Roma;
- the National Programme of Public Works.

The active employment policy measures which are adopted for an individual calendar year or a planning period define types of programmes and target groups of unemployed people which may participate in them, which include the Roma.

Table 6: Participation of the Roma in the active employment policy programmes in the Republic of Slovenia in 2010

	The number of participants planned for 2010	The number of participants in 2010
TOTAL	800	1100
1.1.2. CIPS – Centri za informiranje in poklicno svetovanje (Centres for Providing Information and Occupational Consultancy)	120	350
1.1.4. About occupations in a different manner	10	0
1.1.5. Health and employment consultancy	50	71
1.2.1. Assistance in career planning and seeking employment –workshops	50	70
1.2.2. UŽU – Lifelong Performance Training	25	24
1.2.3. Job seekers clubs	15	25
1.3.4. Unemployed persons participation in new and development projects	20	0
TOTAL MEASURE 1: CONSULTANCY AND JOB SEARCH ASSISTANCE	290	540
2.1.1. Institutional training programmes	50	73
2.1.2.2. Preparation and approval of the national vocation qualifications	15	10
2.2.1. Practical exam	15	14
2.2.2. On-the-job training	10	9
2.3.1. Formal education	220	219
2.3.2. PLYA programme (Project Learning for Young Adults)	10	8
2.4.2. Living Out Our Dreams with Knowledge	0	1
TOTAL MEASURE 2: EDUCATION AND TRAINING	320	334
3.1.1. Assistance with self-employment	10	35
3.1.2. Subsidies for self-employment	5	14
3.2.1. Promotion of new employment of long-term unemployed persons – recipients of social relief	5	0
3.2.7. Zaposli.me (Employ.me)	5	5
TOTAL MEASURE 3: PROMOTION OF EMPLOYMENT AND SELF-EMPLOYMENT	25	54
4.1.1. Public works	160	166
4.1.6. Promotion of employment of long-term unemployed persons	0	1
4.3.1. Promotion of the development of social entrepreneurship	5	5
TOTAL MEASURE 4: PROGRAMMES TOWARDS FOSTERING SOCIAL INCLUSION	165	172

Source: Report on the Position of the Roma Community in the Republic of Slovenia for 2011, 11 July 2011

Active employment policy programmes carried out by the ESS enable the Roma, just like other unemployed persons, to get the opportunity to acquire qualifications for work. But the problem occurs when an employer is sought to employ a Roma person on a regular or even a temporary basis. The many members of the Roma community participate in institutional training programmes and in formal education programmes (particularly to conclude primary school) and in public works programmes). These are local and national programmes which are carried out in a given local environment with the fundamental objective of making unemployed persons active and towards their socialization – the social inclusion, obtaining of new knowledge and working

competences. The Roma participate in the municipal programmes carried out within public works for which no special knowledge and skills are required. They also participate in programmes aimed at socialization and integration into the local community. The Roma participate in public works without any waiting period and may thus be included in programmes several times (the participation in public works is otherwise limited to one year). Programmes for the Roma are completely financed by the ESS which is the contracting authority for these programmes.

Table 7: Roma participation plan within the active employment policy programmes in the Republic of Slovenia in 2010

	The planned number of participants 2011	Number of participant in the period January – June 2011
TOTAL	1215	735
1.1.2. CIPS – Centri za informiranje in poklicno svetovanje (Centres for Providing Information and Occupational Consultancy)	500	370
1.2.5. About occupations in a different manner	5	0
1.1.5. Health and employment consultancy	70	75
1.2.1. Assistance in career planning and seeking employment –workshops	70	45
1.2.2. UŽU – Lifelong Performance Training	25	19
1.2.3. Job seekers clubs	25	10
1.2.4.1. Labour Fund - Mura	0	2
1.2.6. Experimental assistance programmes in career planning and seeking employment	0	2
1.3.4. Unemployed persons participation in new and development projects	20	15
TOTAL MEASURE 1: CONSULTANCY AND JOB SEARCH ASSISTANCE	715	538
2.1.1. Institutional training programmes	70	34
2.1.2.2. Preparation and approval of the national vocation qualifications	15	5
2.2.1. Practical exam	0	0
2.2.4.2. On-the-job training	15	14
2.3.1. Formal education	220	49
2.3.2. PLYA programme (Project Learning for Young Adults)	10	0
TOTAL MEASURE 2: EDUCATION AND TRAINING	330	102
3.1.1. Assistance with self-employment	20	2
3.1.3. Subsidies for self-employment	10	3
3.2.7.5. Zaposli.me (Employ.me)	5	4
TOTAL MEASURE 3: PROMOTION OF EMPLOYMENT AND SELF-EMPLOYMENT	35	9
4.1.1. Public works	120	84
4.1.7. Opportunity for me	5	0
4.3.2. Promotion of social inclusion and equal opportunities in the labour market	10	2
TOTAL MEASURE 4: PROGRAMMES TOWARDS FOSTERING SOCIAL INCLUSION	135	86

Source: Report on the Position of the Roma Community in the Republic of Slovenia for 2011, 11 July 2011

MEASURES

1. Accelerated Roma participation within the active employment policy measures in the period 2008 – 2013 whereby the gender aspect needs to be taken into consideration

Explanation:

The Government's Active Employment Policy Measures Programme includes measures aimed at groups of hard-to-place persons which also include the Roma.

Activities:

- definition of criteria and methods of a more intensive participation of the Roma in the active employment policy measures through the determination of regional quota or by determining priority sub-groups of the Roma to participate in an individual measure;
- the formation and implementation of local employment programmes for the unemployed Roma;
- the participation in special programmes related to the preparation for employment with a combination of information and motivation contents, the preparation of an employment and career plan, training and assistance in finding employment;
- the formation of programmes aimed at activation of the long-term unemployed Roma for a more frequent and shorter participation.

Goals:

- an annual reduction in the number of the registered unemployed Roma;
- a reduction in the number of the registered unemployed Roma;
- an increase of the number of the Roma/participants in programmes of periodical activation for work.

Indicators: key indicators of labour market (KILM)

Holders of the activity: Ministry of Labour, Family and Social Affairs, Employment Service of the Republic of Slovenia

Implementation period: 2008 – 2013.

Necessary funds: funds dedicated to the implementation of active employment policy programmes will be provided for within the funds available for an individual year.

Financial source: Budget of the Republic of Slovenia.

2. The measure "Equal opportunities in the labour market and fostering the social inclusion of members of the Roma community"

The measure **"Equal opportunities in the labour market and fostering the social inclusion of members of the Roma community"** is defined in the 4. development priority, 4.1. priority orientation of the Operational Programme for Human Resources Development 2007-2013 (hereinafter referred to as OP HRD), which forms the basis for the disbursement of the European Social Fund. Projects for the Roma, which are to be carried out in 2007-2013, are aimed at realizing the general objective of priority: ie. promoting the concept of equal opportunities in the labour market and greater social inclusion of vulnerable groups, particularly including the long-term unemployed, persons older than 50 years, young people, first-time jobseekers, disabled people and people with reduced mobility, members of ethnic groups (Roma), refugees, ex-convicts, drug addicts and treated drug addicts, migrants and women.

During 2007-2013, the Ministry of Labour, Family and Social Affairs intends to carry out the following public tenders:

- **A public tender for promoting the development of social entrepreneurship⁶**

The subject of the tender, published in summer 2009, is to promote access to training and employment for vulnerable groups in the labour market (which include Roma) with the development of social entrepreneurship.

Co-funded are projects that develop commercial activities (sales of goods or services) and create jobs for vulnerable target groups. The public tender was intended to finance the following project activities:

- development of new or extending existing commercial activities;
- training of persons from vulnerable target groups to engage them in an activity;
- creation of new jobs to employ persons from vulnerable target group;

Objective: Supporting pilot projects that will – by expanding activities – provide for the inclusion of people from the vulnerable target group into a training programme and ensure full-time employment for a minimum of one year for at least 25 % of these target participants.

Indicators:

Name	Starting situation		Planned value	
	date	value	date	value
number of projects	2009	0	2012	9
number of included persons from the vulnerable target group that were involved in training programmes	2009	0	2012	123
number of included persons from the vulnerable target group that were employed for a period of one year	2009	0	2012	35

A total of 39 applicants have submitted their tenders for the invitation to tender (2009) "Promoting social entrepreneurship", and the budget covered for 9 best assessed projects of participants, whose plans and ideas were, according to the evaluation of an expert commission, the closest to the pursued objective of developing a social entrepreneurship in Slovenia. 2 of 9 projects include members of Roma communities

- **A public tender for promoting equal opportunities and social inclusion in the labour market**

As an intermediate body, the Ministry of Labour, Family and Social Affairs has prepared a public tender for promoting equal opportunities and social inclusion in the labour market, which will be implemented under the Operational Programme for Human Resources Development 2007-2013, 4. development priority "Equality of opportunity and promotion of social inclusion", 4.1 priority orientation "Equality of opportunity in the labour market and the strengthening of social inclusion". The call for tenders was published on 23 July 2010.

The public tender is targeted at groups with a combination of features that are aggravating their situation in the area of employment and preventing them from successfully integrating into the labour market and employment. In this group we may place, inter alia, long-term unemployed who are older than 50 years, young people, especially first-time jobseekers, disabled people and people with reduced mobility, ethnic groups, refugees, ex-convicts, drug addicts and treated drug addicts, Roma, migrants and women.

The subject of the public tender is to improve the employability and social inclusion of vulnerable groups, to create jobs for vulnerable groups and ensure gender equality. 12 projects will be co-funded, within the framework of two lots:

LOT A: projects, which will expand or upgrade proven practices that have already been successfully developed in the past

LOT B: pilot projects, which will be aimed at developing and implementing new ways of integrating target groups into the labour market and at introducing new approaches in order to achieve gender equality.

⁶ The information listed below refers to all tender.

Indicators:

Name	Starting situation		Planned value	
	date	value	date	value
number of projects	2010	0	2014	12
number of included persons from the vulnerable target group that were involved in motivating and training programmes to improve social inclusion and employability	2010	0	2014	600
number of employed persons from the vulnerable target group	2010	0	2014	60

Source: Employment Service of Slovenia

3.2.4. Promotion of employment of young unemployed persons					1	1							
3.2.6. Assistance in the employment of long-term unemployed women 2					1		1						
3.2.7. Zaposli.me (<i>Employ.me</i>)								10	7	3	2	1	1
3.2.7.3. Zaposli.me 2 (<i>Employ.me2</i>)											3	1	2
3.4.1. Promotion of part-time employment								1	1				
4.1.1. Public works	157	117	40	181	127	54	168	118	50	166	102	64	
4.1.3. Promotion of employment of long-term unemployed persons					1	1							
4.1.6. Promotion of employment of long-term unemployed people 2009/2010								2	1	1	1	1	
4.3.1. Promotion of the development of social entrepreneurship											5	3	2

Source: ESS

Table 9: Exits into employment, the Roma participating in the AEP programmes in the period 2007 - 2010

	2007	2007	2007	2007	2007	2007	2007
	Total	Employed before the conclusion of the programme	Employed in the first month after the conclusion of the programme	Employed in the 2 nd or 3 rd month after the conclusion of the programme	Employed in the 4 th up to the 6 th month after the conclusion of the programme	Employed in the 7 th up to the 6 th month after the conclusion of the programme	Employed in the 10 th up to the 12 th month after the conclusion of the programme
Total	42	14	14	7	6	1	
1.2.1. Assistance in career planning and seeking employment –workshops	2	1		1			
1.2.2. UŽU (<i>Lifelong Performance Training</i>)	2				2		
1.2.3. Job seekers clubs	1	1					
1.3.4. Unemployed persons participation in new and development projects							
2.1.1. Institutional training	3	2			1		

programmes							
2.1.2.2. Approval of the national vocational qualification							
2.2.1. Practical exam	7		7				
2.2.2. On-the-job training							
2.2.3. On-the-job training 2007/2008							
2.2.4. On-the-job training for 2008							
2.3.1. Formal education	22	10	3	6	2	1	
2.3.2. PLYA programme							
3.1.1. Assistance with self-employment							
3.2.1. Promotion of new employment of long-term unemployed persons – recipients of social relief	1		1				
3.2.2. Promotion of new employment of the elderly in 2007							
3.2.4. Promotion of employment of young unemployed persons							
3.2.7. Zaposli.me (<i>Employ.me</i>)							
3.4.1. Promotion of part-time employment							
4.1.1. Public works	4		3		1		
4.1.3. Promotion of employment of long-term unemployed persons							

2008	2008	2008	2008	2008	2008	2008
Total	Employed before the conclusion of the programme	Employed in the first month after the conclusion of the programme	Employed in the 2 nd or 3 rd month after the conclusion of the programme	Employed in the 4 th or 6 th month after the conclusion of the programme	Employed in the 7 th up to the 6 th month after the conclusion of the programme	Employed in the 10 th up to the 12 th month after the conclusion of the programme

Total	98	14	25	10	16	26	7
1.2.1. Assistance in career planning and seeking employment –workshops	14	1	2	3	4	2	2
1.2.2. UŽU (<i>Lifelong Performance Training</i>)							
1.2.3. Job seekers clubs	2	2					
1.3.4. Unemployed persons participation in new and development projects							
2.1.1. Institutional training programmes	18	3	3	1	4	7	
2.1.2.2. Approval of the national vocational qualification	2			1	1		
2.2.1. Practical exam	4		3		1		
2.2.2. On-the-job training							
2.2.3. On-the-job training 2007/2008	6	2	1	1	2		
2.2.4. On-the-job training for 2008	6	1	4	1			
2.3.1. Formal education	20	5		1	2	9	3
2.3.2. PLYA programme							
3.1.1. Assistance with self-employment	3		3				
3.2.1. Promotion of new employment of long-term unemployed persons – recipients of social relief	4		4				
3.2.2. Promotion of new employment of the elderly in 2007	1		1				
3.2.4. Promotion of employment of young unemployed persons							
3.2.7. Zaposli.me (<i>Employ.me</i>)							
3.4.1. Promotion of part-time employment							
4.1.1. Public works	18		4	2	2	8	2

4.1.3. Promotion of employment of long-term unemployed persons							
--	--	--	--	--	--	--	--

	2009	2009	2009	2009	2009	2009	2009
	Total	Employed before the conclusion of the programme	Employed in the first month after the conclusion of the programme	Employed in the 2 nd or 3 rd month after the conclusion of the programme	Employed in the 4 th or 6 th month after the conclusion of the programme	Employed in the 7 th up to the 6 th month after the conclusion of the programme	Employed in the 10 th up to the 12 th month after the conclusion of the programme
Total	76	4	25	14	5	16	12
1.2.1. Assistance in career planning and seeking employment –workshops	6					5	1
1.2.2. UŽU (<i>Lifelong Performance Training</i>)							
1.2.3. Job seekers clubs	2	1		1			
1.3.4. Unemployed persons participation in new and development projects	2	1			1		
2.1.1. Institutional training programmes	15	2		4	1	5	3
2.1.2.2. Approval of the national vocational qualification	2			1		1	
2.2.1. Practical exam	1					1	
2.2.2. On-the-job training							
2.2.3. On-the-job training 2007/2008	2						2
2.2.4. On-the-job training in for 2008	6		2	2		1	1
2.3.1. Formal education	12		2		2	3	5
2.3.2. PLYA programme							
3.1.1. Assistance with self-employment	14		10	3	1		
3.2.1. Promotion of new	1		1				

employment of long-term unemployed persons – recipients of social relief							
3.2.2. Promotion of new employment of the elderly in 2007							
3.2.4. Promotion of employment of young unemployed persons	1		1				
3.2.7. Zaposli.me (<i>Employ.me</i>)							
3.4.1. Promotion of part-time employment							
4.1.1. Public works	11		8	3			
4.1.3. Promotion of employment of long-term unemployed persons							

	2010	2010	2010	2010	2010	2010	2010
	Total	Employed before the conclusion of the programme	Employed in the first month after the conclusion of the programme	Employed in the 2 nd or 3 rd month after the conclusion of the programme	Employed in the 4 th or 6 th month after the conclusion of the programme	Employed in the 7 th up to the 6 th month after the conclusion of the programme	Employed in the 10 th up to the 12 th month after the conclusion of the programme
Total	93	9	34	16	15	12	7
1.2.1. Assistance in career planning and seeking employment –workshops	7	3			2	2	
1.2.2. UŽU (<i>Lifelong Performance Training</i>)	3			1	2		
1.2.3. Job seekers clubs	2	1		1			
1.3.4. Unemployed persons participation in new and development projects							
2.1.1. Institutional training programmes	14	4	1	2	2	1	4
2.1.2.2. Approval of the national vocational qualification	1					1	

2.2.1. Practical exam	9		7			2	
2.2.2. On-the-job training							
2.2.3. On-the-job training 2007/2008							
2.2.4. On-the-job training for 2008	1						1
2.3.1. Formal education	6			2	2	2	
2.3.2. PLYA programme	1	1					
3.1.1. Assistance with self- employment	24		16	8			
3.2.1. Promotion of new employment of long-term unemployed persons – recipients of social relief							
3.2.2. Promotion of new employment of the elderly in 2007							
3.2.4. Promotion of employment of young unemployed persons							
3.2.7. Zaposli.me (<i>Employ.me</i>)	2		2				
3.4.1. Promotion of part-time employment	1		1				
4.1.1. Public works	11		5		1	3	2
4.1.3. Promotion of employment of long-term unemployed persons	1				1		

Source: ESS

Table 10: Amounts allocated to active and passive employment policies

	In euro				
	PROGRAMME	2007	2008	2009	2010
Passive measures	Transfers to unemployed	103.501.893,97	99.668.715,12	191.892.055,52	231.090.027,79
	Scholarships	93.071.625,32	95.114.398,09	96.977.644,09	106.274.686,64
	Subsidy allocated for student meals	11.555.537,00	12.711.919,47	12.866.127,17	13.688.847,16
Active measures	AEP measures	45.919.220,32	44.165.438,45	135.055.230,89	158.763.776,38
	within this figure: INTERVENTION MEASURES			46.498.698,77	41.923.812,97
	measure 1,2,3,4	32.703.040,05	32.609.172,76	50.967.846,08	64.091.576,94
	ESS and Equal, Phare	13.216.180,27	11.556.265,69	37.588.686,04	52.748.386,47
	Public institutions	30.598.197,00	31.055.060,89	33.878.078,29	34.348.913,83
	Other (development and establishment of the system, TP-ESS, str.ŠOU)	1.556.496,00	2.402.778,37	4.827.384,04	10.100.374,62
	TOTAL	286.202.969,61	285.118.310,39	475.496.520,00	554.266.626,42

Funds within the framework of the active employment policy are planned according to individual measures and not according to target groups of unemployed people. A set of labour market measures is aimed at increasing employment and decreasing unemployment, at the greater employability of people in the labour market and at increasing competitiveness and flexibility of employers. In addition, activities are planned and implemented within these measures which are aimed at eliminating structural issues in the labour market and long-term unemployed people are one of the problems of the structural nature of the labour market. Taking that into consideration, it is hard to give the amount of AEP funds which are allocated only for long-term unemployed people.

1:2 Practising an occupation freely chosen by a worker (non-discrimination, prohibition of forced labour, other aspects)

PROHIBITION OF EMPLOYMENT DISCRIMINATION

The Act amending the Employment Relationships Act

Certain amendments of the Act Amending the Employment Relationships Act (Official Gazette of the Republic of Slovenia, No. 103/07) refer to the regulation of the prohibition of employment discrimination.

The new Article 6 enumerates several numbers of personal circumstances which must not give rise to discrimination of a jobseeker (a candidate) or a worker (nationality and ethnic origin) and it imposes an obligation on the employers to ensure equal treatment by taking into consideration regulations in this field. Hence, an employer must provide equal treatment to a job seeker (hereinafter referred to as: a candidate) in respect of employment, or a worker during his employment relationship and in connection with the termination of the employment contract irrespective of sex, nationality, racial or ethnic origin, national and social origin, gender, skin colour, medical condition, disability religion or belief, age, sexual orientation, family condition, membership of a trade union, wealth or other personal circumstance in accordance with this law, regulations regarding the implementation of the principle of equal treatment and regulations regarding equal opportunities for women and men.

Equal treatment with regard to personal circumstances referred to in the previous paragraph must be guaranteed to a candidate or a worker by an employer particularly in respect of employment, promotion, training, education, retraining, salaries and other income arising from the employment relationship, absence from work, working conditions, working time and termination of employment contract. *The law thus gives equal weight anew to all personal circumstances in relation to this provision and does not highlight) only gender.*

In Article 6 the law continues to prohibit direct and indirect discrimination due to any of the personal circumstances referred to in paragraph 1 of this Article. Direct discrimination exists if a person was, is or might be treated less favourably due to certain personal circumstances than another person in an equal or similar situation. Indirect discrimination due to personal circumstances exists when a person with certain personal circumstances was, is or might be, due to seemingly neutral regulation, criterion or practice, in a less favourable position in an equal or similar situation and condition to that of other persons, unless this regulation, criterion or practice are justified in an objective manner by a legitimate objective or if the means to achieve such an objective are appropriate and necessary.

However, the Act stipulates in addition, that

- also instructions to discriminate persons on the basis of any personal circumstances are direct or indirect discrimination, and
- that less favourable treatment of workers in relation to pregnancy or parental leave is considered to be discrimination.

Furthermore, the Act stipulates a general rule when different treatment based on any of the abovementioned personal circumstance referred to in paragraph (1) of Article 6 does not signify discrimination, that is, when due to the nature of work or circumstances in which the work is carried out, certain personal circumstances represent a significant and decisive condition for the work and such a requirement is proportional and justified by a legitimate objective.

The Act maintains the provision regarding the reverse burden of proof. When in the event of a dispute a candidate or a worker cites facts giving grounds for the suspicion that the prohibition of discrimination has been violated, an employer must provide evidence that the principle of equal treatment, or rather, the prohibition of discrimination, has not been violated in that particular case. Similarly, the provision which is a basis for the employer's liability for damages, is not being modified. In a case of a violation of the prohibition

of discrimination the employer is liable to provide compensation to a candidate or a worker pursuant to the general rules of the civil law.

The Act additionally protects persons discriminated against and persons assisting a victim of discrimination as they must not be exposed to unfavourable consequences due to action aimed at putting into effect the prohibition of discrimination.

In Article 6(a), the Act additionally stipulates that sexual and other harassment is also considered to be discrimination.

Sexual harassment is any form of unwanted verbal, nonverbal or physical action or behaviour of a sexual nature having an effect or purpose of hurting the dignity of a person, in particular when it is the matter of creating an intimidating, hostile, humiliating, insulting or offensive environment. Harassment is every unwanted behaviour linked to any personal circumstances with the effect or aim of hurting the dignity of that person or creating an intimidating, hostile, humiliating, insulting or offensive environment.

The Act Amending the Employment Relationships Act extends the protection under Article 45 in accordance with Article 6(a). The employer shall be bound to guarantee such a working environment in which none of the workers is subjected to sexual and other harassment or bullying on the part of the employer, a superior, or co-workers. To this end the employer must take appropriate steps to protect workers from sexual and other harassment or from bullying in the workplace.

Further on, *the Act Amending the Employment Relationships Act expressly stipulates that* the employer shall be liable to provide compensation to the worker pursuant to the general rules of civil law in the event of a failure to ensure protection against sexual and other forms of harassment or bullying pursuant to Paragraph (1) of Article 54. *The Act maintains the provision regarding the reverse burden of proof.* When in the event of a dispute a worker cites facts giving grounds for the suspicion that the employer has acted counter to the preceding paragraph, the burden of proof shall be on the side of the employer.

The Act also protects a worker who resists sexual or other harassment. In accordance with Article 6(a) the refusal of sexual or other harassment must not be the reason for discrimination in respect of work and employment. *The provision of the previous Article 45 is thus extended (it is placed within Article 6(a)).*

Further, provisions ensuring special protection for certain categories of employees have been modified:

- special protection of disabled persons (Article 116).
The above-mentioned Article 116 has been modified only in terms of phrases – and it continues to refer to the regulation pursuant to the regulations governing pension and disability insurance and regulations governing employment rehabilitation and the employment of disabled persons.
- special protection due to parenthood (Article 115)
The Act Amending the Employment Relationships Act provides for protection against termination of the employment contract to parents when they are on parental leave in the form of full absence from work for another month after taking such leave.
- special protection of an elderly worker (Article 114)

The employer may not terminate the employment contract of an older worker for business reasons without a written consent of such worker, until the worker meets the minimum conditions for acquiring the right to an old-age pension. *In addition to the existing reason* (that the worker has been assured the right to unemployment benefit up until the fulfilment of the minimum conditions for an old-age pension) *exceptions are possible* in the event of the initiation of a dissolution procedure on the side of the employer or when the worker has been offered new, appropriate, employment by the employer pursuant to Article 88 (3) of the Employment Relationships Act. *In this manner it will be easier to maintain elderly workers in appropriate, active, employment.*

Article 25 of the Act Amending the Employment Relationships Act *continues* to stipulate that the employer must not publicly advertise a job vacancy only for men or only for women. However, *the exception is determined in a stricter manner, that is,* when one specific gender represents a significant and decisive condition for such work and such a requirement is proportionate to and justified by the legitimate objective.

In addition, a worker's right to extraordinarily terminate the employment contract (Article 112) has been extended when the employer has failed to guarantee the worker equal treatment in accordance with Article 6 of this Act, that is pursuant to any of personal circumstances under Article 6 and not only pursuant to the gender.

With the amendment of the expressly stated personal circumstances referred to in Article 6, the provision of Article 89 is duly amended; it states unfounded reasons for regular termination of an employment contract (nationality and ethnic origin are deemed as such).

With the modification of Article 205, the Act Amending the Employment Relationships Act abolishes the possibility that, by means of the employment contract, the employer and a worker may reach an agreement on the settlement of a dispute by arbitration.

The penal system (Article 229) is modified but only in respect of the amount of a fine and by taking into account the current monetary value (euro), whereas violations of relevant provisions are maintained. Thus, a fine of 3000 to 20 000 euros shall be imposed on an employer employing more than 10 workers irrespective of the legal business, a fine of 1500 to 8000 euro on a smaller employer and a fine of 450 to 12 000 euros on an individual performing business activity for an offence of provisions of Article 6, 25 and 45. A fine for the above mentioned offence shall also be imposed on a responsible person of the employer of the legal person and the responsible person of a government body or self-governing local community, precisely in the amount of 450 to 2000 euro.

We would also like to point out to the Criminal Code (Official Gazette of the Republic of Slovenia, No. 55/08, 66/08-corr., 39/09, 91/11) which incriminates the workplace mobbing (Article 197). Whoever degrades or frightens another person at the workplace or in relation to work with sexual harassment, physical violence, ill-treatment or unequal treatment shall be sentenced to imprisonment for not more than two years. When the offence under the preceding paragraph results in psychological, psychosomatic or physical illness or reduction of work productivity of an employee, the perpetrator shall be sentenced to imprisonment for not more than three years.

Interpretation of concepts: "age-based discrimination and "indirect discriminations" by courts

The concept of "age discrimination" has not yet been discussed and debated in the practice of the Higher Labour and Social Court (hereinafter referred to as HLSC). The plaintiff in one case (Decision of HLSC under the Ref. No. Pdp 149/2011 of 29 June 2006), as a matter of fact, did enforce age discrimination in an appeal which, however, was not taken into consideration in the decision of the court because it was an inadmissible new issue of an appeal.

The other concept mentioned, that is the concept of "indirect discrimination" was mentioned and partially discussed and debated in one case (Decision of HLSC under the Ref. No. Pdp 880/2009 of 25 March 2010) in which personal circumstances in relation to the medical condition of a plaintiff (whose limitation was not to carry out work at night) represented the circumstances pursuant to which discrimination did occur and a seemingly neutral provision was the criterion of "flexibility" which the defendant chose to determine that employer among several comparable employers who will be given a regular termination of employment contract due to business reasons. In the case on trial this seemingly neutral criterion (ability for several tasks) gave rise to the fact that the plaintiff's employment contract was terminated due to her medical condition due to which she was not able to carry out work at night. A legitimate objective pursued by the defendant was that workers able to carry out several tasks were kept at work, which, however, could not be fulfilled by the plaintiff because the decisive reason for the allegedly smaller flexibility or multi-tasking was the worker's reduced medical capability. Such an action is inadmissible. An unfavourable decision for the plaintiff was, however, made in another case (Decision of HLSC under the Ref. No. Pdp 882/2010 of 14 October 2010) in which the conclusion was adopted that the plaintiff failed to prove that she was discriminated against due to her absence during maternity leave or due to using part-time working time (stating that she carried out less work due to frequent absences, and less work led to lower evaluation) because this circumstance did not have an influence on her evaluation and in the proceedings before the court it was determined that the evaluation of the plaintiff was proper since the plaintiff was less qualified for work and had less knowledge than a colleague who received better evaluation.

The Implementation of the Principle of Equal Treatment Act

In 2007, the Republic of Slovenia adopted the amended and supplemented Implementation of the Principle of Equal Treatment Act (Official Gazette of the Republic of Slovenia, No. 93/07-official consolidated text¹; hereinafter referred to as the new ZUNEO) which is the fundamental and general act on the prohibition of discrimination in Slovenia.

The new ZUNEO clearly and precisely defines personal circumstances and areas of life with regard to which equal treatment or the prohibition of discrimination is guaranteed. Personal circumstances, such as, sex, nationality, racial or ethnic origin, religion or belief, disability, age, sexual orientation, and areas of social life for which direct and indirect discrimination and any other action defined by the law are prohibited, are enumerated case by case. Such enumeration means that the circle of legal protection against discrimination is broader than the protection ensured by the "acquis communautaire", or rather, that it remains the same as provided by ZUNEO adopted in 2004. Equal treatment irrespective of any personal circumstance is particularly ensured in areas, such as: employment and work, including conditions for access to employment, self-employment and occupation, including selected criteria and recruitment conditions, whatever the nature of those activities at all levels of professional hierarchy, including promotion; career orientation and career guidance and counselling including access to all forms and levels of career guidance and counselling, vocational and technical education and training, advanced vocational training and retraining, including practical work experience; employment conditions and working conditions, including the termination of employment contracts and salaries; membership and involvement in the organization of workers or employers or in any organization whose members are engaged in a certain profession, including benefits provided by such organizations; social protection, including benefits provided by such organizations; social protection, including social security and health care; welfare benefits; education and access to goods and services available to the public, including housing, and the supply of such goods and services.

The new ZUNEO also introduced the admissibility of exceptions from the principal of equal treatment into the Slovenian legal order. It enumerates cases when derogations from the principle of equal treatment, which are defined in the EU directives, are allowed. Due to the broad scope of the use of the Act it has also introduced the possibility of different treatment on the basis of certain personal circumstances in cases which are consistent with a general form of the judgement, in particular, when such inequality is justified by a legitimate objective and if the means for achieving that objective are appropriate and necessary.

Further, the new ZUNEO defines in a clearer manner the prohibition of reprisals (victimisation) and provides prohibition against reprisals also in favour of witnesses and other people who provide assistance to the victim of discrimination and not only to persons discriminated against as valid prior to the enforcement of the new Act. In addition, the definition of indirect discrimination has been harmonised with the "acquis communautaire", and the illogical and limiting regulation on adopting special measures for the provision of actual, realistic equality has been abolished by the new act.

Situation of women in the labour market and measures for promoting equal opportunities

See the chapter referring to Article 20 of the ESC.

Other programs for promoting equal opportunities

1. A public tender for promoting equal opportunities and social inclusion in the labour market

See page 27

2. Promoting employability, education and social integration of migrant workers and their families

Through the EU co-financing from the European Social Fund (ESF), a project "Promoting employability, education and social integration of migrant workers and their families" is carried out, under the Operational Programme for Human Resources Development, 4. development priority, 4.1 priority orientation "Equality of opportunity in the labour market and the strengthening of social inclusion". The contractor of the project is the Employment Service of Slovenia (ESS). The project was granted EUR 1,479,740.00 of funds, of which 85 % or EUR 1,180,729.86 is contributed by the ESF.

The main purpose of the project is to establish an "INFO point" (both stationary and mobile), which will enable one to act towards the prevention of exploitation, discrimination, unemployment and potential migrant unemployment, while ensuring better access to new employment and increased competitiveness of migrant workers in the labour market. The project is described in more details in the chapter referring to the first paragraph of the Article 18 of the ESC.

3. Reimbursement of employer contributions

The measure of reimbursing employer contributions is indirectly aimed at the prevention of discrimination through the reimbursement of employer contributions to payroll in real value, namely for:

- employing an unemployed person who falls into the category of less-employable, and
- employing an unemployed person who is replacing staff on maternity leave and leave for child care.

When recruiting a registered unemployed person at a disadvantage, the employer contributions are reimbursed for one year. For recruiting a registered unemployed person, who will be replacing an employee on maternity leave or on leave for child care, the employer will be reimbursed contributions for the entire period of replacement, but only up to 15 months.

In 2008, 144 employers were eligible for reimbursement of contributions for recruiting a total of 152 unemployed people. In 2009, 242 unemployed people were entitled to a reimbursement of contributions.

4. Capacity building for effective integration of disabled people and people with reduced mobility in the labour market and for promoting their equal opportunities and social inclusion

The purpose of the project is to improve conditions ensuring equal opportunities for disabled people and people with reduced mobility in the labour market and their social inclusion. Project objectives are:

- to improve the implementation of projects for the employment of disabled people and people with reduced mobility,
- to increase the visibility of the European Social Fund and other measures to enhance the employability of disabled people and people with reduced mobility,
- to encourage the transfer of good practices from abroad regarding the employment of disabled people and people with reduced mobility,
- to promote the employment of disabled people and people with reduced mobility by changing the mindsets of employers and the general public.

Within the framework of this programme, 12 predicted training periods were realized and the materials were produced within the prescribed range. Training was attended by 580 persons out of a predicted 600, representing a 96.7 % share of success. 72.6 % of people included in the group were women (421 persons).

5. Help in recruiting long-term unemployed women

The project aims to increase the employment rate of long-term unemployed women by promoting employment with employment subsidies.

The objective was the recruitment of long-term unemployed women, which would improve employment rates in this class of employed people and contribute to the promotion of the equal opportunities concept.

This activity had a significant impact on the equalization of opportunities in the labour market for integrated unemployed women from the target group. In 2008 (the year of the programme's implementation), 297 women were successfully integrated.

Advocate of the principle of equality

The cases of alleged discrimination continue to be handled by the Advocate of the principle of equality also according to the new ZUNEO. In order to ensure greater level of his/her autonomy and independence, the new ZUNEO has slightly improved the position of the Advocate of the principle of equality, especially with regard to the method of his/her appointment and autonomy and independence with work being carried out pursuant to the law. The Advocate is appointed by the Government for a period of office lasting for five years and the term can be repeated. The operation of the Advocate is, as a matter of fact, linked in organisational terms to the Government Office for Equal Opportunities, but the ZUNEO provides for autonomy and independence from instructions of the Principal of the Government Office for Equal Opportunities as regards the handling of cases of alleged discrimination. The Advocate is bound to be impartial in performing his/her work.

The ZUNEO has eliminated some shortcomings in relation to the procedure regarding the handling of cases of alleged discrimination by the Advocate of the principle of equality, particularly by extending responsibilities to refer cases to the responsible inspection also for cases when the offender does not eliminate irregularities determined by the Advocate, and for cases of non-cooperation of the alleged offender in the procedure or his/her silence.

The handling of the case of the alleged violation of the prohibition of discrimination is informal and free of charge. The handling of the case is concluded with an opinion which is not legally binding. However, the Advocate may refer his/her opinion to a responsible inspection service when the offender has not eliminated the irregularities determined, or when he/she fails to inform the Advocate of the measures adopted. An inspector is bound to deal with the Advocate's opinion. If the inspector herself/himself assesses that all signs of discrimination have been stated, because of such an offence he/she is obliged to propose the initiation of a procedure. In addition, the inspector has the right and obligation to order relevant measures for the protection of a victim of discrimination or a person assisting the victim of discrimination against reprisals, or to order the elimination of unfavourable consequences of reprisals.

The Act defines in a clearer manner the role of the Advocate in the protection against discrimination. The provision of general information, recommendation, advice or the provision of other forms of assistance in relation to discrimination or in relation to enforcing rights in connection with the protection against discrimination in other procedures has specifically been included within the Advocate's operation.

The Advocate reports about his/her findings to the Government in regular annual reports. The National Assembly are informed about them as well as the general public as these reports are also published on a web page of the Government Office for Equal Treatment.

Ever since setting-up the institute of the Advocate of the principle of equal treatment, the most cases of alleged discrimination refer to employment and employment relationships (sexual harassment at the workplace, threats to terminate employment or reassignment to a worse workplace due to pregnancy or parenthood, unequal treatment of men in exercising the right to parental protection, etc.), and the reason for discrimination is most frequently the gender of a person. However, this number has been decreasing in the past few years. On one hand, the number of cases of alleged discrimination particularly as regards access to goods and services is increasing. More and more often other personal circumstances have been pointed out as a reason for discrimination, particularly, nationality or ethnic origin, disability, age and sexual orientation. It is also true, on the other hand, that the majority of the cases of alleged discrimination prove to be non-

founded which, in the Advocate's opinion, is a result of too low a level of awareness regarding discrimination and its forms of appearance.

The Government of the Republic of Slovenia is aware of its duty to fulfil obligations which the Republic of Slovenia has as the Contracting Party to international and legal instruments from the field of human rights, as well as obligations adopted by political commitments at international level, which is why it regularly monitors and assesses the suitability of the institutional arrangements in the field of equality and non-discrimination. That is why an analysis regarding the institutional arrangements on the provision of equality and protection against discrimination was prepared in 2010, that is, as regards policy-making, promotion of equality, monitoring the position of social groups and the provision of legal aid to victims of discrimination.

As regards the institutional arrangements regarding protection against discrimination, the analysis confirmed that criticism and recommendations of some domestic and international institutions in this regard are justified since the existing arrangements are deficient, dispersed, not recognisable enough and, consequently, not effective enough. To a certain extent the provision of independent assistance to victims of discrimination and general counselling in relation to discrimination is thus ensured in Slovenia, but none of the existing authorities working in the field of equality and non-discrimination has a status that is independent enough to also ensure the carrying out of independent researches and analysis on discrimination, publication of independent reports and preparation of recommendations to adopt non-discriminatory measures and raising awareness.

In April 2011 the Government of the Republic of Slovenia was informed about the analysis and made a decision that the analysis will be used as a basis to regulate the field of non-discrimination and human rights within the framework of an integrated reform of the public administration (Decision of the Government of the Republic of Slovenia, No. 07901-6/2010/11 of 14 April 2011).

On the basis of the findings of the above-mentioned analysis, the Government Office for Equal Opportunities has already set up The Inter-sectoral Working Group for the Preparation of Amendments of the Implementation of the Principle of Equal Treatment Act in accordance with its task to coordinate activities of individual ministries and government offices. Amending the Act represents an opportunity for a more appropriate arrangement of the status, the role, responsibility and the operation of the Advocate of the principle of equality.

Initiatives dealt with by the Advocate of the principle of equality

33 initiatives were dealt with by the Advocate in 2010. Most initiators were women (16), followed by men filing eight initiatives, non-governmental organisations submitted four initiatives, three initiatives were anonymous and two were classified as other initiatives.

Table 11: Cases dealt with regard to personal circumstances – 2010

gender	8
disability and health condition (state?)	6
age	2
parenthood	2
ethnic origin	3
political belief	1
sexual orientation, sexual identity	4
place of residence	1
material position)	4
unclear personal circumstance/other	4
TOTAL	33

Table 12: Cases dealt with according to areas of social life -2010

EMPLOYMENT RELATIONSHIPS	12
announcement of job vacancy	2
harassment/ bullying/ mobbing	4
employment/participation (inclusion?) in the employment plan/rules	4
promotion/reallocation (redeployment???)/evaluation	2
GOODS AND SERVICES	6
housing/ de-nationalisation/expulsion from housing	1
welfare benefits	2
service market	2
public tender	1
EDUCATION	5
treatment of a pupil	1
rights of disabled persons within the regular primary school	1
rules on classification/criteria to enrol into the kindergarten	1
disputed curriculum	1
awareness of secondary-school students	1
MEDIA	2
hate speech	2
OTHER	8
participation in the preparation of the act/legislation	2
treatment of prisoners	2
awarding of the custody of a child	1
other	3
TOTAL	33

Table 13: Classification of cases according to the method of their conclusion for 2010

written opinion	12
explanation or preliminary opinion	6
cases not dealt with – it is obviously not a matter of the violation of the prohibition of discrimination	8
termination of the procedure	7
TOTAL	33

Table 14: Analysis regarding cases closed for 2010

OPINION (Article 17 of ZUNEO)	12
determined existence of discrimination	6
not possible to establish discrimination	5
partially determined violation, partially not	1
Preliminary opinion (Article 18 of ZUNEO)	5
Explanation	1
Initiatives not dealt with – it is not a matter of the violation of the prohibition of discrimination (Article 12 of ZUNEO)	7
absence of personal circumstances	6
Termination (Article 15 of ZUNEO)	8
lack of interest of an initiator	6
lack of data	1
other	1
TOTAL	33

Council of the government of the republic of slovenia for the implementation of the principle of equal treatment

All state authorities at national and local level, similarly as under the previous act, are bound to create conditions for equal treatment of persons irrespective of any personal circumstances, raising awareness, monitoring the situation and adopting measures of a regulatory and political nature within their responsibilities.

An important body participating in the dialogue with civil society organisations and non-governmental professional institutions acting in the field of equal treatment and non-discrimination is the Council of the Government of the Republic of Slovenia for the Implementation of the Principle of Equal Treatment (GRSIPET) which has been functioning ever since 2005. In comparison to 2006, its composition has changed in accordance with the Rules on GRSIPET adopted by the Government of the Republic of Slovenia in 2009. Aiming at enhancing the Council's efficiency and professional competence, the Council includes a smaller number of members. It is composed of seven representatives of non-governmental professional institutions and non-governmental organisations acting in the field of non-discrimination on the basis of all personal circumstances, and six members representing key governmental bodies. The GRSIPET meets four times per year and it was presided over by the Minister of Education and Sport in the period from 2008 to 2010.

Activities aimed at awareness-raising with regard to the problem and scope of discrimination in Slovenia

Various projects were implemented in the period reported on, aimed at raising the awareness on the prohibition of discrimination and the harmfulness of discrimination. These projects were implemented by non-governmental organisations and governmental institutions.

In 2006, 2007 and 2008 the Government Office for Equal opportunities co-financed a research programme entitled "Consequences of Discrimination in relation to Sociological, Political and Social Inclusion of Young People in Slovenia: analysis regarding gender, sexual orientation and ethnic origin", within the framework of the Target Research Programme "Competitiveness of Slovenia 2006-2013", together with the Government Office of the Republic of Slovenia for Growth and the Slovenian Research Agency.

In 2010, within the framework of the programme EU Progress, the Government Office for Equal Treatment implemented a project entitled "*Equal in Diversity*" which was aimed at raising awareness on the prohibition of discrimination and about the harmfulness of discrimination in Slovenia and overcoming existing stereotypes and prejudices in various fields. A two-day workshop on non-discrimination for non-governmental organisations, a seminar on non-discrimination for decision-makers in public administration at national and local level, and a two-day workshop aimed at raising awareness regarding non-discrimination among judges were implemented within this project in 2010. A national media campaign implemented through jumbo posters and TV and radio spots and aimed at warning the general public about the problem and the scope of discrimination and promoting tolerance and respect of diversities was also one part of the project. The general media campaign was enhanced by a short educational film entitled "Smiles" which deals with a topic about stereotypes and prejudices of young people in regard to being different owing to various personal circumstances. It was submitted to all secondary schools in Slovenia. Activities for the promotion of the advocacy of the principle of equal treatment were also implemented within the framework of the project. These activities included: setting up of a web page, production and distribution of brochures and leaflets on tasks and responsibilities of the Advocate of the principle of equal treatment in which key terms linked to discrimination are presented and the procedure of filing an initiative to deal with a violation of the prohibition of discrimination is also explained. The project concluded with a conference dedicated to managerial and executive staff in companies, HR departments, those who encounter the issue of discrimination in employment during their work, trade unions, members of the Academy and other interested members of the public. Conclusions of the study on the forms of appearance of discrimination at the workplace were presented, as well as statutory obligations of employers, rights of employees and the practice of the Labour Inspectorate, the Advocate of the Principle of Equality and judges of the Labour Court. The project signified an important contribution towards raising the awareness of the wider Slovenian public, and it particularly contributed towards making special target groups of the project (representative of NGOs acting in the field of providing equality and protection against discrimination, decision-makers, judges, secondary-school population group) more sensitive to the issue of discrimination.

In 2010 the Office was successful in applying for funds within the programme PROGRESS, and in 2011, within the project "Achieving Equality in Diversity", it continues with activities aimed at raising awareness about the existence and harmful consequences of discrimination, particularly multiple discrimination, and training for efficient management of diversity in the public and private sectors. The following activities are being implemented and/or prepared: the preparation of the national strategic document (Equality Plan) which will be used by the policy-makers in the field of non-discrimination and diversity as guidance and a reminder when carrying out activities and measures; themed training sessions for public employees who make policy and measures in the field of non-discrimination and diversity, and for judges; training sessions for NGOs, national media campaign aimed at the wider public. Activities are oriented to discuss all personal circumstances whereby interaction with the genders is taken into account.

Protection of dignity of employed men and women in public administration – a case of good practice

In May 2009, the Government of the Republic of Slovenia adopted the *Decree on measures for protecting worker's dignity at work in state administration* (Official Gazette of the Republic of Slovenia, No. 36/9) aiming at protecting the dignity of employees in ministries and government offices functioning also as a case of good practice for other employers. The Decree presents a regulation regulating the implementation of measures to ensure a working environment in which there will be no sexual harassment or any other forms of harassment or bullying, and which should serve as a case of good practice to other employers. The Decree defines sexual harassment, other forms of harassment and bullying and it stipulates the obligations of responsible persons to inform all employees about the prohibition of such acts and behaviour and about measures in case of violations. Pursuant to the Decree, responsible persons are obliged to appoint advisors for assistance and provision of information to operate within their bodies. The tasks of advisors are to inform a person having an experience of sexual harassment or other forms of harassment or bullying about procedures available and to assist such person in solving the issue if this is asked for. A pre-condition that a person may be appointed as an advisor is his/her participation in training regarding the protection against sexual and other harassment and bullying. The training is carried out by the Government Office for Equal Opportunities.

In cases when sexual harassment or any other forms of harassment or bullying has already taken place, the Decree envisages that the harassed or bullied person tries to solve the problem in an informal manner first. If this is not possible or successful, he/she should inform in writing the responsible person who must take adequate action within 15 days. Within this period of time, the person responsible has the possibility to appoint a three-member commission in order to make a decision on further measures easier. This commission should then determine the circumstances related to the alleged sexual harassment and any other forms of harassment or bullying. If the person responsible does not take action within 15 days or does not take adequate action, the harassed or bullied person has the right to file a complaint, within a further eight days, with the Commission of the Government of the Republic of Slovenia for complaints arising from employment relationships. A complaint filed with this commission is a procedural pre-condition for potential further implementation of judicial protection which this person may exercise in the period of 30 days after being served with the decision of the complaint commission, or from the day when the deadline to issue a decision of the complaint commission expires.

Eligibility of societies, organisations and other legal persons to request assessment of a potential violation of the prohibition of discrimination

1. Judicial and administrative proceedings

In Article 23 the ZUNEO does state that non-governmental organisations may participate in judicial and administrative proceedings taking the side of a discriminated person, in accordance with the law. But this provision is not precise enough as it does not stipulate in what function non-governmental organisations should appear in such proceedings (as a party, an intervenient, *amicus curiae*, etc.) and under what conditions they may take part. In this case, it is necessary to act according to general rules of the Administrative Procedure Act (ZUP), Criminal Procedure Act (ZKP), Civil Procedure Act (ZPP) and Courts Act (ZS) in the absence of a more detailed arrangement. The position of non-governmental organisations in practice is not at all different to the position of any other individual demonstrating a legal interest.

2. Non-governmental organisations also have the opportunity to file a complaint with the inspection service or the Police or to institute proceedings before the Office of the Prosecutor, but, as a matter of principle, they themselves do not hold the status of a party to the proceedings.
3. Informal procedure before the Advocate
Non-governmental organisations may (similarly to any other person) file an initiative to handle the case of alleged violation of the prohibition of discrimination in an informal procedure before the Advocate as the initiative may also be anonymous but it must include enough data for its handling. They, however, cannot demand from the Advocate that he/she deal with the case. If the Advocate accepts the case, he/she may issue a warning about irregularities and make a recommendation on how to eliminate them, or refer the case for relevant inspection.
4. Labour Court: Trade Unions have the possibility of participating indirectly in individual labour disputes only in proceedings before Labour Courts.

The possibility of the participation of non-governmental organisations is ensured only on paper but there are no implementing acts to actually enable such participation. Hence, non-governmental organisations (with the exception of trade unions in labour disputes) are no better-off in comparison to any other individual.

Findings of the Labour Inspectorate of the Republic of Slovenia in 2010

Violations concerning the prohibition of discrimination, sexual and other harassment, and mobbing

In 2010, inspectors rarely found violations that are related to discrimination, (sexual) harassment and mobbing in the workplace. However, this does not mean that these violations occur very rarely, and that this issue should not be given much attention in the future. Violations concerning the prohibition of discrimination, sexual and other harassment, and mobbing are difficult to prove. Workers usually do not want to be exposed in relation to these violations, so they submit anonymous reports, which make violations even more difficult to establish. The inspectors report that there are also cases of reported "mobbing" where the characters of this violation are not met, because workers are often not acquainted with the legal definition of mobbing and perceive it as ordering work or as a single event when the employer in their view acts inadequately.

In 2010, inspectors detected 11 violations concerning discrimination, (sexual) harassment, and mobbing. Five of these concerned the discrimination of a job seeker in giving employment. In addition, inspectors detected two violations of the discrimination of workers during the employment relationship and two violations of the discrimination of workers concerning the termination of employment contract, as well as two individual violations concerning less favourable treatment of workers related to pregnancy or parental leave (which is considered discrimination) and concerning the prohibition of mobbing.

Protection against sexual and other harassment, or mobbing

In 2010, inspectors detected the violation of Paragraph 1 of Article 45 of the Employment Relationships Act in 56 cases.

Principle of Equal Treatment Act

Although the Labour Inspectorate did not detect any violations of the Implementation of the Principle of Equal Treatment Act in 2010, it has to be emphasised that it was not assigned any cases by the Advocate of the Principle of Equality; the Labour Inspectorate, however, may detect violations under the aforementioned act only in the event of cases assigned by the advocate.

Advertisement of job vacancies in contravention of Article 25 of the Employment Relationships Act and employer's conduct prior to the conclusion of employment contract in contravention of Article 26 of the Employment Relationships Act

In 2010, inspectors detected two violations concerning advertisement of job vacancies in contravention of Article 25 of the Employment Relationships Act (equal treatment with respect to gender).

Eleven violations were detected concerning the employer's conduct prior to the conclusion of employment contract in contravention of Article 26 of the Employment Relationships Act in 2010. Ten of these referred to 'all other types of conduct in contravention of Article 26 of the Employment Relationships Act', while one

violation was detected in connection with a previously signed renunciation of an employment contract by a worker (a 'blank resignation').

Work posts for which the citizenship of the Republic of Slovenia is required.

The Civil Servants Act (Article 23 of ZJU) divides work posts of public employees in state administration and administration of local communities into:

- official work posts (officials are public employees that perform public tasks in the bodies; public tasks in bodies are tasks which are directly linked to the implementation of authorities are protection of public interests and
- professional-technical work posts (public employees performing other ancillary work in the bodies are the professional-technical public employees).

Officials carry out their public tasks in accordance with their titles. In addition to general conditions, an official must also meet other conditions stipulated by Paragraph (2) of the ZJU in order to fill the work post of an official or the appointment to the title, as follows:

1. citizenship of the Republic of Slovenia;
2. that the person has not been convicted by means of final decision for an intentionally committed criminal offence prosecuted out of official duty, and has not been sentenced to an unconditional sentence of imprisonment for a term of more than 6 months;
3. that no criminal proceedings for a criminal offence under the preceding subsection have been instituted against that person.

The condition regarding citizenship is not required for professional-technical work posts.

PROHIBITION OF FORCED LABOUR

Work in prisons

The work of convicted persons is defined in Article 15 of the Enforcement of Criminal Sanctions Act (ZIKS-1). The Paragraph (1) of this Article stipulates, that it is necessary to enable a convicted person who is capable of work to work in accordance with the capacities of the prison. The prison must, within its capacities, ensure a work therapy for convicted persons who are not capable of carrying out regular work. However, it should under no circumstances be demanded of convicted persons, regardless of their consent, to carry out work.

Work is enabled in public and private undertakings, both within prisons and outside. In addition, prisons enable employment of convicted persons for household tasks (laundries, ironing service, kitchens, bakeries, housekeeper's work, maintenance work, arrangement of the surroundings, gardening and similar activities, cleaning, etc.).

Convicted persons may be assigned only those tasks which are organised within the prison's capacities according to contemporary technological and other procedures in which similar tasks are carried out outside the prison.

Relevant protection and health at work are ensured by prisons by means of monitoring and supervising the implementation of regulations setting conditions for safety at work, with the use of prescribed means and equipment for personal protection and by training imprisoned persons and workers about safety and health at work. Prior to the assignment of tasks, persons in imprisonment must take a medical test and a test in safety at work. Convicted persons are assigned to jobs based on results. Prisons are obliged to dedicate special attention to technical safety at work, a safe working environment and means of work. Implementation of safety and health at work must be adequate.

Conditions of work are defined precisely in the Enforcement of Criminal Sanctions Act (ZIKS-1).

It is also worth mentioning the content of Article 12 of the Enforcement of Criminal Sanctions Act (ZIKS-1) in relation to work when serving a prison sentence. This article says that a director of the prison may allow convicted persons who have been convicted to a prison sentence of up to 36 months, when they have not been given a prison sentence owing to the commitment of a criminal offence against inviolability of sexual integrity, if they are well organised and regularly employed or pursuing an educational programme, to remain in their working or educational relationship and reside at home, except during holidays, usually at the weekends, when they have to be in prison.

Privacy at work

Interpretation of the concept of “privacy at work” in case- law

Compensation owing to an invasion of privacy has been ruled in two court cases: in one case (Decision of HLSC, Ref. No. Pdp 214/2011 of 17 March 2011) female workers of the defendant acted in an inadmissible manner because they looked into data in a computer programme about the health condition of the plaintiff. The Court awarded compensation for mental pain which the plaintiff suffered due to the invasion of privacy described in the amount of 6,000.00 euro. In the explanation of the decision the Court made a reference to the position of legal theory (Finžgar, *Osebnostne pravice* (Personality Rights), Ljubljana, 1985, p. 121) which states that everything belonging to the personal and private life of an individual and where that individual is unwilling to disclose such information should remain concealed. Such violation, that is, violation of the right to personal life – a segment of this right is also the right to privacy – takes place when, without the consent of an individual, events and facts of that person’s personal and family life are broadcast. In another case (Decision of HLSC, Ref. No. 175/2011 of 17 June 2011) it was ordered that the plaintiff receive compensation in the amount of 1,000.00 euro owing to the act of the defendant when her director, during her absence from work, redirected an e-mail of the plaintiff and checked it, and a compensation of 1,500,00 euro because she hired a detective to follow the plaintiff and checked her eligibility to be on sickness leave. Both described acts were characterised as an invasion of the worker’s privacy which is inadmissible, and owing to this invasion the plaintiff suffered mental pain.

The right of a worker to privacy or the concept of “privacy at work” was also mentioned in some decisions where the case concerned some sort of procedure of taking evidence by the employer (an employer was collecting data on the basis of which some action might be taken against a worker). In one case (Decision of HLSC, Ref. No. Pdp 291/2011 of 15 April 2011) the defendant checked up with a personal doctor of the plaintiff whether her sickness leave was justified and followed her illegally by means of a detective. Such action does not influence the legality of a regular termination of employment contract owing to business reasons (which was not given out of discriminatory reasons as determined by the Court) but it shows that the defendant perhaps intervened excessively with the right to privacy of the plaintiff. In another case (Decision of HLSC, Ref. No. Pdp 1388/2010 of 10 March 2011) in which the defendant, in relation to the allegation to the plaintiff that certain documents were destroyed owing to which extraordinary termination of the employment contract was later given, verified the content of her bin, did not commit an invasion of the privacy of the plaintiff. The explanation in the case (Decision of HLSC, Ref. No. Pdp 264/2005 of 26 October 2006) was more detailed; in this decision the Court stated that the employer does not have unlimited possibilities for the supervision of workers as it is restricted with regard to his/her right to privacy. In the actual case the right to privacy was not violated and a private detective of the defendant did not excessively interfere with the private life of a worker by trying to carry out an alcohol content test in the presence of the plaintiff’s colleagues.

In one case (Decision of HLSC, Ref. No. 672/2008 of 26 November 2008), in the process of the procedure for taking evidence, the Court did take into account the statement of a private detective and his findings, when judging the legality of extraordinary termination of an employment contract, and in another case (Decision of HLSC, Ref. No. 1125/2010 of 24 March 2011) it did not regard as disputable the fact that the defendant verified some potential drunkenness resulting in termination of employment by means of an alcohol-content test. In both cases the right to privacy was not particularly limited and neither was there any objection on the part of the plaintiff that it should be a case of an invasion of privacy.

Another, slightly older and specific case (Decision of HLSC, Ref. No. 1147/2004 of 17 March 2006) also refers to the topic discussed; in this case, the subject of the judgement was the legality of extraordinary termination

of an employment contract submitted by the defendant owing to refusal to work by the plaintiff – an actor who believed that his engagement in the envisaged performance would interfere with his privacy or personality. In this regard the Court considered that an actor may refuse to play a certain role if such role would signify a violation or would interfere with his/her privacy but only when such an interference would be significant and real.

Restrictions linked to fight against terrorism

Legislation which would limit employment due to reasons linked to terrorism was not adopted.

1:3 Free-of-charge offices for employment

Table 15: The number of vacancies announced in the reporting period 2007-2010 and the proportion of employments realised

	2007	2008	2009	2010
No. of vacancies announced	242,927	240,532	161,310	174,613
No. of employments to vacancies announced	159,997	162,713	111,380	104,134
proportion of coverage in %	65.9	67.6	69.0	59.6

Discrepancy between supply and demand in the labour market

The following branch groups of professions easily obtain jobs: computer systems designers, analysts and programmers, electrical engineers, mechanical engineers, medical doctors, dentists, pharmacists, nurses, cooks, waiters, carpenters and joiners, building and related electricians, welders and flame cutters, structural-metal preparers and erectors, tool-makers and related workers, electrical mechanics, fitters and servicers, heavy-truck and lorry drivers.

The following branch groups of professions obtain jobs with difficulty: sociologists, anthropologists and related professionals, philosophers, historians and political scientists, philologists, translators and interpreters, draughtspersons, photographers and image and sound recording equipment operators, decorators and commercial designers, data entry operators, secretaries, numerical clerks, stock clerks, library and filing clerks, cashiers and ticket clerks, tellers and other counter clerks, bookmakers and croupiers, receptionists and information clerks, social animation workers, gardeners, horticultural and nursery growers, miners and quarry workers, glass makers, cutters, grinders and finishers, bookbinders and related workers, tailors, dressmakers and hatters, textile, leather and related pattern-makers and cutters, sewers, embroiderers and related workers, shoe-makers and related workers, wood-processing-plant operators, printing-machine operators, sewing-machine operators, bleaching-, dyeing- and cleaning-machine operators, shoemaking- and related machine operators, mechanical-machinery assemblers, electrical-equipment assemblers, electronic-equipment assemblers, metal-, rubber- and plastic-products assemblers, wood and related products assemblers, crane, hoist and related plant operators, hand-launders and pressers, building caretakers, vehicle, window and related cleaners, messengers, package and luggage porters and deliverers, doorkeepers, watchpersons and related workers, garbage collectors, sweepers and related labourers, farm-hands and labourers, manufacturing labourers, elementary occupations not elsewhere classified.

Table 16: The proportion of employments through ESS within all employments in the labour market

	2007	2008	2009	2010
No. of employments to vacancies announced	159,997	162,713	111,380	104,134
No. of unemployed who became employed	49,117	41,671	48,553	57,004
share of employments of unemployed persons within all employments	30.7	25.6	43.6	54.7

In July 2011 there were 1,045 persons employed at the Employment Service of Slovenia (the data includes persons working within the framework of the projects implemented at the EES).
Data regarding average time needed to fulfil vacancies are not monitored.

1:4 Occupational orientation, training and rehabilitation

See the part of the report referring to:

- Article 9
- Paragraph (3) of Article 10, and
- Paragraph (1) of Article 14.

Article 9: THE RIGHT TO VOCATIONAL GUIDANCE

Additional explanations regarding the Conclusions, 2008 (pages 11–12)

VOCATIONAL GUIDANCE IN THE EDUCATION SYSTEM

Introduction of vocational guidance at the faculties

In 2010, in the Official Gazette of the Republic of Slovenia, No. 53/10 of 2 July 2010, there was a Public tender for co-financing the development and performance of activities of career centres in higher education (hereinafter: the public tender) published by the Ministry of Higher Education, Science and Technology, which is co-financed by the European Social Fund within the framework of the Operational Programme of Human Resources Development for the Period 2007–2013 of development priority 3: "Human Resource Development and Lifelong Learning", priority orientation 3.3: "Quality, Competitiveness and Responsiveness of Higher Education".

The subject of the public tender is the co-financing of development and performance of career centre activities at universities from 2010 to 2013, within which the counselling of students helps them to plan and form their career orientation for a higher quality study path and an easier inclusion into the labour market. The activities aimed at further development and upgrading of career orientations and performance of the activities within the career centres, namely the establishment and functioning of the network of sector career counsellors who shall perform professional activities at the universities, with the central coordination within the framework of universities, are to be co-financed. The education and training of counsellors at the career centres with several years of operating practice in the states of the European Union, the organisation of workshops, round tables, seminars, lectures, companies' presentations at faculties and direct visits to the future working environments of graduates will also be co-financed. Upon development of career counselling within the network of career counsellors, special emphasis shall be given to counselling students with special needs.

The purpose of the public tender is to encourage development and expansion of activities for development of a career orientation, mainly career counselling for students at universities. The purpose of career counselling is the timely planning and development of careers of future highly qualified personnel for their successful inclusion in the labour market. Co-financed activities presented within the framework of the subject of the public tender are to enable development of networks of qualified career counsellors within the universities who shall enable more reasonable and higher quality selecting of study paths and easier inclusion in the labour market via career counselling. The acquiring of knowledge and experiences of career counsellors in the area of management and organisation of career centres, as well as the performing of career counselling, is to be encouraged. Organisation of the events defined in the subject of the tender (workshops, round tables, seminars, lectures, companies' presentations at faculties and direct visits to the future working environments of the graduates) shall contribute to raising the awareness of the students on the importance of career counselling and life-long learning for acquiring additional competences and practical knowledge for efficient entrance to the labour market and for connecting students with potential employers.

Upon the submission of tenders, four universities and their faculties were selected (University of Ljubljana, University of Maribor, University of Primorska and University of Nova Gorica). The total amount of allocated funds within the tender was EUR 2,430,000.00. In 2010, the University of Ljubljana and the University of Nova Gorica established the functioning of a network of career counsellors within the universities.

Users of vocational guidance services

The total number of users and services, respectively, increased in the period from 2004 to 2005 from 97,006 to 108,321, and, in 2006, decreased to 91,295, while the number of counselling sessions decreased by 3%. The reason for this may be that at National Resource Centres for Vocational Guidance (CIPS), employees were employed through public services as informers in this period, thus enabling the vocational counsellors to perform more counselling.

After 2005, the number of CIPS's users decreased. The reasons for this are decrease in the number of unemployed people (UP), smaller generations of primary and secondary school pupils, conclusion of work of participants in public works programme in CIPS's and increased accessibility of data through the Internet.

In the last 4 years, the percentage of individual counselling has stayed at approximately the same level.

Table 17: The number of CIPS's and the number of CIPS's users

year	No. of CIPS's	No. of users	% of individual counselling sessions
1999	1	5,500	
2000	1	7,500	
2000	7	41,445	
2002	12	48,930	
2003	18	70,197	
2004	21	97,006	9
2005	22	108,321	9
2006	25	91,295	6
2007	27	72,264	7
2008	26	71,895	7.5
2009	27	76,327	7.4
2010	26	92,966	7

Counsellors for vocational guidance employed in primary and secondary schools

The number of educational counsellors at **primary schools** is 728. The occupational orientation presents one of their tasks, and encompasses informing pupils on further education, occupations and employment opportunities, organisation of pupils' visits to companies and other employers, organisation of lectures and talks with external experts and with representatives of individual occupations, implementation of lectures and workshops for pupils (minimum two hours of lectures per department annually), and individual and group vocational counselling. They also organise lectures and workshops for parents (minimum one lecture in the eighth and one in the ninth grade), and individually counsel them on occupational choices. The counselling service coordinates activities of occupational orientation in cooperation with the Employment Service, and links with secondary schools.

There are 149 counsellors engaged in vocational guidance at **secondary schools**. The counselling service coordinates activities of young people via which the secondary school pupils recognise their interests and professional capabilities, inform themselves about possibilities of continued schooling and inclusion in work, and acquire knowledge and skills. In this way, they perform a variety of important individual and group activities for occupational orientation. The education counsellors at schools provide access to information related to occupational orientation; in this regard, they link with the Employment Service of Slovenia, information points and services, and future employers. The education counsellors at secondary vocational schools counsel pupils in both primary and secondary schools. The scope of work on vocational counselling is

45,296 hours annually and 5,662 days of vocational counselling on secondary schools, respectively. In their work, the counsellors use a manual that enables successful vocational counselling and the management of a professional career. The manual was created a year ago.

Annually, there are 5 all-day education sessions performed for educational counsellors and other school workers engaged in vocational counselling and up to 5 consultations on novelties and needs for educational counsellors on the labour market. In 2010, 19 diverse materials were created, intended for the promotion of vocational and professional education as a whole and as joint promotion material of the National Education Institute of the Republic of Slovenia (ZRSŠ), the Employment Service of Slovenia (ZRSZ) and the Institute of the Republic of Slovenia for Vocational Education (CPI) entitled Poklicni kaŕipot (Professional Signpost).

Secondary school pupils are introduced to the method of keeping a folder of academic achievements. Due to actuality of information technology and a great interest of young people in working with IT, an interactive map of academic achievements was drawn up at CPI, introducing career planning and monitoring and planning of the development of professional competences, in an interesting way.

Table 18: The cost allocated for providing information and counselling in the school year 2010/2011 (they do not derogate from costs of preceding years):

item	Amount (EUR)	Source:
Training for teachers and education counsellors regarding the providing of information and counselling (seminars, workshops, educational material)	16,200	ESF and Ministry of Education and Sport (MŠŠ) 22 (promotion of professions)
Providing information to pupils, secondary-school students, parents on possibilities of further schooling and employment (internet, vocational roadmap, leaflets, brochure for parents, postcards with professions, video material, fairs)	56,400	ESF and MŠŠ22(promotion of professions)
Promotion of professions with competitions (Olympics of Professions and EuroSkills)	45,000	MŠŠ (225 EuroSkills)
Total	117,600	

In Slovenia, the following institutions are also active in the field of providing information and counselling: primary and secondary schools, (counselling services), the National Education Institution of the Republic of Slovenia, Slovenian Institute for Adult Education (ACS) and the Employment Service of Slovenia. Systematic work with education counsellors in primary and secondary schools is carried out only through the CPI by means of educational programmes for teachers and education counsellors. ACS is active particularly in the field of adult education (work with counsellors, work with adults undergoing education) while the National Institute of Education of the Republic of Slovenia is mainly focused on working with talented pupils and lately also on working with pupils with special needs. The work of counselling service in primary and secondary schools is defined in guidelines for counselling service in school (allocated time for work with pupils is 2 hours in the two concluding grades and 1 consultation).

VOCATIONAL GUIDANCE ON THE LABOUR MARKET

National Resource Centres for Vocational Guidance (CIPS)

The number of CIPS's and the number of CIPS's users is evident from the Table 17. Table 17 includes locations where visits by the users are registered.

We also have CIPS's – informative corners (in the previous report, they were included in the number of centres, causing the statistics in the above table to differ slightly), the number of which is also changing. Reasons for opening and closing CIPS's are diverse. Most often, the reason is personnel. Conditions on the labour market became aggravated in 2009, and the number of visits to CIPS's increased. However, the ZRSZ does not employ people who are assigned to work in CIPS's; instead, employees from other services perform the work. Thus, the employees have to be reassigned according to the necessity of performed tasks.

Since CIPS's also operate with outer partners, it happens that they are no longer interested in CIPS's operating on their premises, causing changes to the number of CIPS's again. This was mostly the case in libraries (Kočevje, Murska Sobota and Novo mesto).

Within the framework of Measure 1 of the Active Employment Policy, a programme entitled "Vocational Orientation before Inclusion in the Active Employment Policy" is being carried out.

The objective in including capabilities assessment is to give young people insight into their own capabilities and to encourage them to appropriately plan their educational and employment path. EUR 178,800 is intended for this purpose in 2011.

Vocational Information and Counselling Centres also operate within the framework of Measure 1, which aim to provide all users with relevant and quality information needed to make correct decisions regarding employment, planning a professional career (the first one or a new one), as well as planning full-time, part-time, or supplementary education. In 2011, approximately EUR 100,000 is earmarked for this purpose.

The "Occupations in a Different Way" programme is carried out within the framework of Measure 2 of the Active Employment Policy. The objective of the "Occupations in a Different Way" programme is to familiarise school-age youth and unemployed persons with various occupations, mainly the ones in which there is a shortage of qualified workers. The purpose of their inclusion is to enable participants to more easily make decisions when planning a career and to motivate them regarding education and work in the chosen occupation.

The funds earmarked for 2011 amount to approximately EUR 70,000.

Article 10: RIGHT TO VOCATIONAL TRAINING

10:1 Encouragement of professional and vocational training, and provision of opportunities for access to post-secondary vocational and university education

Additional explanations regarding the Conclusions 2008 (page 13)

SECONDARY AND HIGHER EDUCATION

The national framework of qualifications is expected to be adopted in 2011. It will define individual qualifications of the Slovenian (higher) educational system, differences between them and acquired competences. Upon preparation of the proposal, the interministerial working group followed the basic purpose of the Slovenian framework of qualification (SOK), as follows: to link and harmonise the Slovenian subsystems of qualification and to improve transparency, accessibility, progress and quality of the qualifications pursuant to the labour market and civil society. Thus, within the Slovenian framework of the qualification proposal, national vocational qualifications that may more importantly supplement formalised methods of training and education in the next period are placed. Therefore, the framework also offers a starting point for solving problems related to poor cooperation between the system of vocational education and certifying system, and the evaluation and recognition of informally acquired knowledge and knowledge acquired on an occasional basis.

Considering its placement in the system and its use, it also fulfils other functions as follows:

- improving the functional quality of the system of education and training;
- providing international comparability of national qualifications and evaluation of international ones;
- improving flow among diverse education systems and, in particular, among education systems and the labour market;
- evaluating and taking into account academic achievements in less formalised learning settings, particularly when such settings extremely positively influence the level of acquired competences;
- improving regulation of flexibilisation of work considering the social and economical situation, particularly for persons who would like to retrain, for adult learners and for dropouts;
- influencing the migration flows within and outside the Republic of Slovenia.

On 24 May 2011, the National Assembly adopted the new Resolution on the National Higher Education Programme 2011–2020 that will offer conditions for the successful responding of Slovenia to new circumstances. Considering the new initiatives, the forms and methods of implementing study programmes shall be arranged more fairly. In light of life-long learning, we will enable equal rights to all citizens regardless of the life period in which they decide to study.

Part-time study, as it is known today, will no longer be possible; meaning that it will no longer be possible to implement study in an equal extent per annum on public higher education institutions, based on paid tuition. Changed part-time study will merely be an adapted form of the study programme that will be implemented to a smaller extent per annum from its full load, namely from 30 to 40 ECTS credits per annum. Also, in this event, the study cost per annum should be relatively smaller. This measure is expected to be enacted with an amendment to the Higher Education Act in 2011, and established at the latest in the 2013/2014 academic year. The adapted form of implementation of study ("partial" study) shall, as a rule, be an adapted implementation of study to a smaller extent per annum, since it is intended for individuals who, for diverse reasons, decide not to take on a full study load.

Considering the initiatives of newly adopted National Higher Education Programme 2011–2020, the conditions for a richer offer of life-long learning on the tertiary level shall also be enabled by means of updated procedures for accreditation of the study programmes for acquiring education and advanced training, and of encouragement of flexible educational paths and open public access to objective information on providers of higher education in Slovenia. In this connection, higher education institutions and post-secondary vocational schools will be encouraged to enable flexible educational paths and recognise previously acquired knowledge and competences that must undoubtedly comply with the set academic standards. Thus, informal knowledge and knowledge acquired on an occasional basis will be the right of an individual and subject to estimation by the higher education institution.

The objectives of the Resolution on the National Higher Education Strategy 2011-2020 from the area of life-long learning are the following:

- access to higher education – increasing inclusion of all generations in tertiary education;
- to enable fairer study in light of life-long learning without tuition for the first level of study, and upon successful study, for the second and third level of study;
- to acknowledge and encourage larger inclusion of poorly represented population groups and to establish equal opportunities.

Vocational Education Act (ZPSI-1)

Upon the entry into force of the new Vocational Education Act (2006), an extensive reform of vocational education and training in the Republic of Slovenia was initiated. All educational programmes within the vocational and technical education systems were modernised by 2010. A modular structure and credit system was adopted in order to provide more options and open a part of schools' curriculum to cooperation with social partners. National expert institutions responsible for development and advising in the field of vocational education (the Institute of the Republic of Slovenia for Vocational Education and Training), and education and schooling (the National Education Institute of the Republic of Slovenia), cooperated in the introduction of the reformed educational programmes in all vocational secondary schools. The objectives of reforming the vocational and technical education system are mainly to make it interesting, to reinforce recognition of various forms of education and learning, ranging from formal to informal, to ensure high quality vocational and technical education and training, to promote cooperation with social partners on all levels, and to open new paths for education and training.

Evaluation of vocational education was carried out on several levels: evaluation of individual educational programmes by advisors from expert institutions, evaluation of the organisation and implementation of the education process in vocational schools, measurement of the conditions needed for a stimulating learning environment, which should ensure higher quality implementation of the education process in vocational and technical schools, and evaluation of the criteria for the assessment of knowledge. The evaluations carried out in order to establish and develop high quality vocational and technical education also included evaluations by the peer review method by merging the self-evaluation approach with the evaluation of a chosen field by external experts.

With the objective of bringing together the sphere of work and vocational education, meetings of employers are organised by region with educators and teachers of technical and practical school subjects. These regional meetings are coordinated by the competent chamber of commerce and industry. In the 2010/11 school year, a project for the practical training of teachers in work processes was carried out which brought together the spheres of work and education.

With the vocational education and training reform, students, particularly ones with special needs and participants in adult education, are given the option of having a more individual approach. After a discussion with the students and their parents, the school can formulate a personal educational plan which enables them a more effective approach to the given educational goal. Such an approach improves conditions for students, particularly ones with special needs, for achieving a vocational education and becoming independent of the vulnerable group, which is still insufficiently included in the social environment.

Eligibility for vocational and technical education

In line with Article 7 of the **Vocational Education Act specifies that** citizens of the Republic of Slovenia (hereinafter: citizens) and citizens of other Member States of the European Union have the right to vocational education under the same conditions. Foreign citizens may receive vocational education in the Republic of Slovenia under the same conditions as citizens of the Republic of Slovenia, provided that they are being educated on the basis of the principle of reciprocity, otherwise they must cover the costs of education. In accordance with international treaties, the minister may annually determine the number of enrolment places for foreign citizens who receive vocational education on the basis of the principle of reciprocity.

In accordance with the cited statutory provision, citizens of so-called third countries may receive vocational and technical education in the Republic of Slovenia, as it encompasses the citizens of all states who have a bilateral international agreement with the Republic of Slovenia in the field of education or who are signatories to multilateral international agreements such as the European Social Charter.

We will make our best effort to adequately adjust the the legislation in the area of education in such a way that as broad access to education to all categories of foreigners legally residing in the Republic of Slovenia.

Measures for enabling access to education and their efficiency

The State, as a special measure for encouraging education, provides and awards diverse types of scholarships, regulated by the **Scholarship Act** in 2008 (Official Gazette of the Republic of Slovenia, No. 59/07).

Next to scholarships awarded to socially disadvantaged groups of citizens, the talented and to Slovenians abroad, as well as scholarships for citizens of a States with which Slovenia has concluded bilateral or multilateral agreements on co-operation in the area of education or is awarding scholarships on the basis of reciprocity, the Act also pays special attention to human resources scholarships co-financed from ESF funds, and in this part, also relates to scholarship schemes defined by the Promotion of Balanced Regional Development Act (Official Gazette of the Republic of Slovenia, No. 20/11).

The basic purpose of human resources scholarships is to encourage employers to plan human resources policy, and thus, more effectively solve the excess demand of individual career profiles, and consequently, to increase access to vocational and professional education.

The scholarship opportunities are equally available to Slovenian and foreign citizens, as follows:

- citizens of the Member States of the European Union (EU) and of the European Economic Area (EEA) and their family members, as determined by the law governing residence of aliens, if they hold a temporary or permanent residence permit in the Republic of Slovenia;
- citizens of the Member States of the EU or EEA who were employed or self-employed in the Republic of Slovenia and their family members if they hold a residence permit in the Republic of Slovenia;
- third-country nationals who hold a temporary or permanent residence permit ⁷ in the Republic of Slovenia and their immediate family members as determined by the law governing the residence of aliens.

⁷ In accordance with the Aliens Act (Official Gazette of the Republic of Slovenia, No. 66/2000, 101/2005, 52/2007), the permit for temporary residence is, inter alia, issued to an alien who plans to reside in the Republic of Slovenia with the purpose being to study or educate himself/herself or for reasons of specialisation, professional training or practical training, and co-operation or participation in the programmes of international volunteer exchange or other programmes that do not fall within the formal education system.

10:2 Promotion of apprenticeship

Additional explanations regarding the Conclusions 2008 (pages 13-14)

Selection of apprentices and trainers

In accordance with the Vocational Education Act, an individual contract between the secondary school pupil and the employer may be concluded, or the pupil's school may conclude a contract on performing practical training on his or her behalf. Following their interests, pupils enter vocational education and initially make contact with the employer at which their practical training will take place in accordance with the educational programme. The competent chambers carry out verification or review of training workplaces, on the basis of which an employer can conclude an individual contract with the pupil and his or her parents or with a school for a concrete pupil. The prescribed conditions must be met to obtain verification as follows: mentor's education, equipment of the training workplace, activity performed by the employer, material and other conditions.

Eligibility for apprenticeship

As regards equal treatment regarding access to apprenticeship see explanation on page 58 (**Eligibility for vocational and technical education**)

10:3 Vocational training and retraining of adult workers

Additional explanations regarding the Conclusions 2008 (page 14)

Eligibility for continuing vocational training of adult workers

As regards equal treatment regarding access to continuing vocational training see explanation on page 58 (**Eligibility for vocational and technical education**)

The possibility of acquiring national vocational qualifications regulated by the National Professional Qualifications Act is extremely important for integration into the labour market from the position of aliens. The national vocational qualification is, in a vocational or professional working capacity, necessary for practicing a profession or individual set of assignments within that profession with a certain level of complexity. According to the National Professional Qualifications Act, the vocational qualification may be acquired by any person of legal age regardless of his nationality. An individual can acquire the national vocational qualification in the verification and certification procedure as defined by regulations from that area.

In accordance with the Employment and Insurance against Unemployment Act in force at the time of the report, aliens in possession of a personal work permit may register at the Unemployment Service of Slovenia and receive all services offered by the Service, including vocational guidance and possibility of inclusion in education and training. Within the 2nd measure of AEP, participation in educational programmes up to and including higher education are provided to unemployed persons. The activity is performed within the

framework of "formal education". An alien may acquire a personal work permit for an indefinite period immediately after acquiring a permit for permanent residence (after five years of uninterrupted residence in the Republic of Slovenia).

The conditions for acquiring the personal work permit are described in more details in the part of the report referring to the first paragraph of Article 18 .

Employed persons

Training leave

In accordance with Article 172 of the Employment Relationship Act (ZDR), a worker has the right and the duty to participate in constant education, training and advanced training according to the needs of the working process with the intention of maintaining and extending the skills to perform work under the employment contract, maintaining employment and increasing employability. The employer is obliged to assure education, training and advanced training of workers if so required by the needs of the working process or if education, training or advanced training can be used to avoid termination of the employment contract for reasons of incapacity or for business reasons. In accordance with the needs of education, training and advanced training of workers, the employer has the right to refer a worker to education, training and advanced training, while the worker has the right to apply for it by him- or herself. The duration and course of education and the rights of contractual parties during and after education are specified by the educational agreement or by the collective agreement.

A worker receiving education, training or advanced training in accordance with the preceding article, as well as the worker receiving education, training or advanced training in his or her own interest, has the right to be absent from work in order to prepare for and take exams. If the collective agreement, employment contract or special educational agreement do not specify the right referred to in the preceding paragraph in more detail, the worker has the right to be absent from work on the days when he or she takes the exam for the first time. If the worker receives education, training or advanced training in accordance with Article 172 of ZDR, he or she has the right to a paid absence from work on the days when he or she takes the exams for the first time if the collective agreement, employment contract or special educational agreement does not specify, in more detail, the right to an absence from work due to preparation for or taking of exams (Article 173 of ZDR).

10:4 Long-term unemployed workers

Additional explanations regarding the Conclusions 2008 (page 14)

The Operational Programme for Development of Human Resources 2007–2013 – see previous Report of the Republic of Slovenia on the implementation of Article 10 of the European Social Charter.

In the period from 1 January 2007 to 31 December 2010, 75,009 unemployed persons were included in the training within the second AEP measure, of which 25,544 were long-term unemployed people.

Table 19: Programmes into which the unemployed people were included and the number of people included

SECOND AEP MEASURE/YEAR	2007	LUP 2007	2008	LUP 2008	2009	LUP 2009	2010	LUP 2010
2. Training and education - total	13,609	7,626	12,839	4,676	20,530	4,163	28,031	9,079
2.1. Institutional training programmes and national vocational qualifications	4,791	1,871	4,942	1,476	8,953	1,564	11,966	3,761
2.1.1. Institutional training programmes	4,586	1,745	4,702	1,387	8,484	1,480	8,951	2,572
2.1.2. National vocational qualifications								
2.1.2.1. Preparation for validation of NVQ							1,737	632
2.1.2.2. Certification of NVQ	205	126	240	89	469	84	1,278	557
2.2. Practical training programmes	2,905	1,041	5,519	1,624	7,909	1,236	11,430	2,991
2.2.1. Work test	2,210	786	2,205	593	3,353	472	6,544	1,762
2.2.2. On-the-job training	695	255	1	1				
2.2.3. On-the-job training 2007/2008			1,105	333				
2.2.4. On-the-job training for 2008			2,208	697	1,618	297		
2.2.4.1. On-the-job training for 2009								
2.2.4.1. On-the-job training 2009/2010					2,507	410	13	3
2.2.4.2. On-the-job training 2009/2011					431	57	4,873	1,226
2.3. Educational programmes	5,913	4,714	2,378	1,576	3,668	1,363	4,635	2,327
2.3.1. Formal education	5,698	4,640	2,264	1,557	3,371	1,321	4,451	2,284
2.3.2. PLYA	215	74	114	19	297	42	184	43

EUR 53,158,043 was earmarked in the reporting period for the purposes of training the unemployed.

10:5 Facilities

Additional explanations regarding the Conclusions, 2008 (pages 14-15)

FEES AND FINANCIAL AID

Scholarship Act – see explanations within Chapter 10.1 (Measures for enabling access to education and their efficiency)

Table 20: Overview of awarded scholarships from 2006 to 2010

Types of scholarship	2006	2007	2008 - number of scholars	2008 - average amount	2009 - number of scholars	2009 - average amount	2010*
				Used financial resources		Used financial resources	
Human resources, indirectly co-financed	/	/	1284	238.95	1341	247.52 1,728	2,153
Human resources, directly co-financed	/	/	428	201.42	849	231.06 769,236	1,731 411,489.53
Human resources, non co-financed	5,829	0 7,309	5,481	247.58	6,555	258,38	Data is not available yet
Government scholarships	37,750	34,581	34,000	155.64 65,653,059.1	40,181	155.14 65,997,308.16	42,646 73,738,909.83
Zois scholarships	12,823	12,571	12,977	187.45 27,887,564.72	14,072	185.57 29,473,979.61	13,339 31,101,505.81
Scholarships for Slovenians abroad	/	/	92	227.45	130	220.03 338,070	143
Awards for sustainable development	/	/	/		99	241,500	
Other scholarships	1,025	169	460	394.55	172	492.95	1,013

Total for all scholarships	57,427	54,630	54,722	176.83	63,300	173.69	57,266
Total number of secondary school pupils and students	211,954	207,080	198,882		198,173		Data is not available yet

Table 21: Overview of the awarded scholarships by receivers' citizenship

Status	Citizenship of	2009/2010			2010/2011		
		Number	Share in %	Amount of scholarship	Number	Share in %	Amount of scholarship
Secondary school pupils	Kosovo	141	0.559080095	139.2878723	201	0.763968073	135.9961692
	Australia	1	0.003965107	92.64	1	0.003800836	82.97
	Austria	2	0.007930214	96.895	1	0.003800836	103.43
	BiH	288	1.141950833	132.1964236	353	1.341695173	141.7782153
	Bulgaria	7	0.027755749	137.36	8	0.030406689	113.14875
	Belarus	1	0.003965107	128.85	-	-	-
	China	11	0.043616178	112.4845455	9	0.034207526	124.1622222
	Cuba	38	0.150674068	133.0768421	37	0.140630939	135.1375676
	India	-	-	-	1	0.003800836	82.97
	Kazakhstan	-	-	-	1	0.003800836	38.79
	Iran	1	0.003965107	38.33	-	-	-
	Moldavia	4	0.015860428	109.4125	3	0.011402509	114.9433333
	Montenegro	8	0.031720856	128.04625	8	0.030406689	137.39625
	Poland	1	0.003965107	111.8	-	-	-
	Romania	-	-	-	2	0.007601672	164.33
	Russian Federation	3	0.011895321	162.2133333	5	0.019004181	131.044
	Serbia	67	0.265662173	122.7714925	54	0.205245154	138.8112963
	Slovakia	2	0.007930214	92.64	2	0.007601672	143.86
	Slovenia	24445	96.92704203	142.7808893	25393	96.51463322	144.4198279
	Thailand	1	0.003965107	206.57	1	0.003800836	209.05
	Ukraine	10	0.039651071	127.031	15	0.057012543	148.7066667
	Macedonia	181	0.717684377	130.8909392	209	0.794374762	137.4583254
	Yugoslavia	1	0.003965107	81.99	3	0.011402509	128.59
	Serbia and Montenegro	7	0.027755749	125.65	3	0.011402509	117.8266667
All secondary school	-	775	3.1	-	917	3.5	-

pupils - abroad							
All secondary school pupils		25220	62.73943977	142.4385999	26310	61.6939455	144.2069795
Students	Kosovo	4	0.026705835	205.7875	11	0.067335945	192.9918182
	BiH	89	0.594204834	168.628764	111	0.679480901	176.2148649
	Bulgaria	5	0.033382294	182.94	11	0.067335945	187.1109091
	China	-	-	-	2	0.012242899	139.01
	Croatia	63	0.420616905	188.4060317	90	0.55093046	197.2845556
	Cuba	-	-	-	1	0.00612145	228.45
	Czech Republic	1	0.006676459	141.62	-	-	-
	Iran	1	0.006676459	87.31	-	-	-
	Lithuania	-	-	-	1	0.00612145	187.5
	Poland	1	0.006676459	216.15	3	0.018364349	204.3833333
	Russian Federation	-	-	-	1	0.00612145	210.15
	Serbia	15	0.100146882	177.1886667	18	0.110186092	198.1016667
	Slovakia	1	0.006676459	183.14	2	0.012242899	167.57
	Slovenia	14679	98.00373882	176.2876988	15944	97.60039177	180.0215642
	Turkey	-	-	-	3	0.018364349	208.3466667
	Ukraine	2	0.013352918	167.175	3	0.018364349	176.02
	Macedonia	117	0.78114568	191.5950427	134	0.820274241	202.8366418
	USA	-	-	-	1	0.00612145	188.59
All students - abroad	-	299	2	-	392	2.4	-
All students		14.978	37.26056023	176.4173815	16.336	38.3060545	180.3195672
All scholars hips		40.198	100	155.0992843	42.646	100	158.040287

In accordance with the newly adopted National Programme of Higher Education 2011-2012, the Republic of Slovenia will continue to provide study free of tuition fees, but on a fairer basis and in light of life-long learning.

Considering the adopted programme, the State will cover the costs of the first and second level of study for an individual at any time of life, irrespective of his/her age, and if certain conditions are fulfilled, as follows: the State will finance study of up to 240 or 300 ECTS credits in accordance with the duration of the first level study programme at any time of life, if the individual has not yet achieved this level of education and if the State has not yet financed a study for him/her at such level. Longer-lasting study for regulated professions will be an exception – in this case, the State will finance the study in its entire duration, including the additional period (1 year or 60 ECTS credits). The limitation will be reasonably adapted for students with special needs, who will be considered on an individual basis and will be individually and professionally assessed to specify conditions for completion of study and potential longer period of financing. The State will finance tuition fees for 60 or 120 ECTS credits considering the duration of the study programme for second level study at any time of life for successful studies if an individual has not yet achieved this level of education and if the State

has not yet financed a study for him/her at such level. If an individual fails to complete the study in the time from the last entered ECTS credits plus five years, he or she will have to reimburse the tuition fees. Reimbursement of tuition fees will be regulated in such a manner that the individual will begin to pay back the fees when he or she achieves a certain level of income and is able to start reimbursing. Longer-lasting study for regulated professions will be an exception – in this case, the State will finance the study in its entire duration, including the additional period (1 year or 60 ECTS credits). The limitation will be reasonably adapted for students with special needs, who will be considered on an individual basis and will be individually and professionally assessed to specify conditions for completion of study, potential longer period of financing and conditions for reimbursing tuition fees in the case of unfinished study. Therefore, the State will cover costs of first and second level study in the total amount of 360 ECTS credits, with an exception of longer programmes for EU-regulated professions.

The measure will be introduced with the amendment of the Higher Education Act in 2011 and the new financing system from 2011, and will be implemented no later than in the 2013/2014 academic year.

In the Republic of Slovenia, it is not possible to obtain a study loan ensured by the state.

TRAINING DURING WORKING HOURS AND EFFICIENCY OF TRAINING

The programmes or activities of MLFSA in the area of training of the employees are implemented within the 2nd measure of the AEP. These programmes include:

1. Knowledge makes your dreams come true

The purpose of the activities is the education and training of employed persons with maximum V level of education, and thus to increase employability by raising the educational level, the qualifications and the basic skills (key competences), primarily of target groups of the employed who are threatened with job loss. With the programme, the subsidising of training for employed people with maximum V level of education is planned, as follows:

- language courses;
- computer courses;
- preparation for the assessment and certification procedures of national vocational qualifications and for verification and certification of national vocational qualifications;
- preparation for the assessment and certification procedures of basic vocational qualifications and/or for verification and certification of basic vocational qualifications.

EUR 4,250,000 is allocated for the purpose of implementing the programme.

2. Education and training of employees for more competitiveness and employability for the 2008–2010 period, and Education and training of the employees for more competitiveness and employability – year 2008

The purpose of the activities is to increase employability by raising the educational level, qualifications and basic skills (key competences) of the employed people, on one hand for the most educated or key personnel for providing competitiveness in the economy, and on the other, for target groups that are threatened with job loss. Thus, the activity is intended for encouragement of human resources development, raising educational structure and qualifications of employed persons with a purpose to retain employment and to prevent transition of inadequately qualified people and/or redundancies to open unemployment, and to improve adaptability and employment opportunities of employed persons.

Funds for co-financing were provided within the framework of the OP DHR and from the available funds of the integral budget of the Republic of Slovenia for 2009 and 2010, in the amount of EUR 10,800,000.

The Ministry of Labour, Family and Social Affairs does not have data on the time of training implementation at its disposal, thus, it is possible that training is conducted both within and outside working hours.

Article 15: THE RIGHT OF PERSONS WITH DISABILITIES TO INDEPENDENCE, SOCIAL INTEGRATION AND PARTICIPATION IN THE LIFE OF THE COMMUNITY

Slovenia is both a state governed by the rule of law and a social welfare state. As we are aware that economic development needs to go hand-in-hand with social development, we pay special attention to disability protection policies in our country and at the international level. The Constitution of the Republic of Slovenia stipulates that 'everyone shall be 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.' It should be emphasised at the outset that in 2006 the Government of the Republic of Slovenia adopted the 2007–2013 Action Programme for Persons with Disabilities, whereby it undertook that regulations, measures and policies in the area of the protection of persons with disabilities would be based on the principles of the respect for difference, the acceptance of disability as part of human diversity and the assurance of equal treatment, the prohibition of disability-based discrimination and the assurance of accessibility as a precondition for exercising the rights and social inclusion, and others. These principles are defined in detail in 12 objectives and 124 measures. Based on this and other development programmes, several regulations aiming at improving the situation of persons with disabilities in society were adopted in the 2007–2010 period. Specific reference should be made of the Equalisation of Opportunities for Persons with Disabilities Act adopted in 2010.

Slovenia's commitment to the aforementioned principles was further confirmed by the ratification of the UN Convention on the Rights of Persons with Disabilities in 2008, and through Slovenia's activities carried out during its EU Council presidency in 2008 and Council of Europe presidency in 2009.

There are approximately 169000 persons with disabilities — including children with special needs — with the status of a disabled person recognised by a decision of the competent authority (approximately 8–9% per cent of the Slovenian population). For the most part, they are male (ca. 60% of all persons with disabilities and as much as 85% of all war disabled), older (approximately 40% of persons with disabilities are older than 56 years of age; among war disabled this share is 87%) and persons with physical impairments. The majority of persons with disabilities have the status of a disabled worker under the Pension and Disability Insurance Act (approximately 85% of persons with disabilities).

15:1 Education and training for persons with disabilities (children with special needs)

Placement of Children with Special Needs Act

On 22 July 2011, amendments to the **Placement of Children with Special Needs Act** were adopted, and will start to be implemented on 1 September 2012. Before this date, the 2007 Act applies.

The main purpose of the amendments was to reform the placement procedures in terms of organisation and conduct, to define child's best interests, to extend the scope of the providers of programmes for children with special needs, to introduce new types of assistance (counselling services) and expert centres for people with special needs. A new group of children has been introduced — children with autistic spectrum disorders.

Centres will be set up according to regional coverage needs. They will strengthen the links between regular schools and preschools and specialised institutions by ensuring professional assistance to children, parents and teachers.

The act, which will enter into force in 2012, brings about a re-definition of the placement procedures for children and adolescents with emotional or behavioural disorders, and gives greater responsibility to the National Education Institute. It also allows the temporary placement or inclusion of a child in an educational programme. This procedure will be applied in the cases where a delay in placement, necessitated by the type of deficiency, impediment or disorder, or family situation, would be harmful for the child's development. The new act also defines the education of adults aged between 21 to 26 years (inclusive), subject to their uninterrupted participation in adapted vocational and technical educational programmes with equal standards of knowledge and in special rehabilitation programmes.

In accordance with the Placement Act, children with special needs can participate in various educational programmes:

- curricula with adapted methodology and additional professional assistance (inclusion);
- adapted programmes with an equal standard of knowledge (blind, deaf, physically impaired);
- adapted curricula with a lower standard of knowledge (children with mild developmental disorders, children with combined disorders);
- special programmes (children with moderate, severe or serious developmental disorders) and rehabilitation programmes (e.g. for children with head injuries);
- education programmes (programmes provided by institutions for children with special needs and care and education programmes for children with emotional or behavioural disorders).

A child is included in the particular educational programme that is appropriate to his/her needs, in accordance with the provisions of a decision on placement issued on the basis of an expert opinion by the Placement Commission.

Children with special needs who are included in curricula with adapted methodology and additional professional assistance (inclusion) can have the organisation, examination and assessment of knowledge, advancement criteria and timetables adjusted to the type and level of their deficiency, impairment or disorder; if necessary, they can also obtain additional professional assistance, which covers activities for overcoming deficiencies, impairments or disorders, and learning assistance; such assistance is provided individually or

occasionally in a special group by adequately qualified teachers. Children with physical impairments can obtain physical assistance or have the relevant equipment adapted.

The adapted programme ensuring an equal level of knowledge allows for the adjustment of the syllabus, organisation, examination and assessment of knowledge, duration, advancement and timetable consistent with the level of education.

The adapted and the special educational programmes that do not enable children with special needs (children with developmental disorders) to acquire an equal standard of knowledge, allow for adaptations of syllabus and curriculum, educational periods, level teaching, including level changing in primary education, methods of knowledge examination and assessment at the end of educational periods, advancement criteria, and conditions for completion of education.

Not later than 30 days after a child's inclusion in an educational programme, the school concerned must establish an individual programme for him or her. This programme must specify the methods of work for particular fields of education and individual subjects, the method of providing additional professional assistance, provision of physical assistance, changes between programmes and required adjustments in the organisation, knowledge examination and assessment, advancement criteria and timetable.

The study programmes delivered in accordance with the Bologna strategy at the faculties of education also include the elements of the methodology of teaching children with special needs.

Educational programmes for children with special needs are provided by regular schools, schools with adapted programmes (children with developmental disorders) and by the educational institutions for children with special needs (deaf, blind, physically impaired, children with emotional and behavioural disorders).

Equalisation of Opportunities for Persons with Disabilities Act, Action Programme for Persons with Disabilities 2007–2013

See the chapter referring to paragraph 3 of Article 15 of the ESC

Implementation of the Vocational Rehabilitation and Employment of Persons with Disabilities Act

See the chapter referring to paragraph 2 of Article 15 of the ESC

Number of pupils/students in regular school system and in adapted programmes

In the 2009/2010 school year, there were

- 7275 children attending regular primary schools;
- 2231 children attending primary schools with adapted programme; and
- 998 children and adolescents attending educational institutions for children with special needs, which provide adapted programmes for pre-school children with special needs, primary school programmes with equal and lower standards of knowledge, adapted vocational and technical education programmes, and general secondary schools.

Subject to the fulfilment of general enrolment conditions, any student with special needs may enrol in any educational programme (at all levels of secondary education) delivered by a regular secondary school. The programmes are adapted to the needs of these students (adjustment of lesson organisation, method of knowledge examination and assessment, advancement criteria and timetable); they are also entitled to additional professional assistance provided by professionals — teachers at school or special pedagogues, depending on their needs.

In the 2009/2010 school year, there were 2 680 students enrolled in regular secondary schools, which provided 6 264 hours of additional professional assistance; there were 54 students with physical impairments accompanied by full-time attendants to provide physical assistance.

The majority of the students with special needs (as well as all other students) are able to attend schools in the vicinity of their place of residence. Students who reside in the areas with no nearby secondary school or no nearby secondary school providing a programme in which they wish to enrol can live in residence halls.

All students with special needs have the right and the opportunity to take their final exams or *matura* under special, i.e. adapted, conditions. Deaf students are also entitled to an interpreter in accordance with the Use of Slovenian Sign Language Act.

Inclusion of children with special needs in regular education

Amendments to the Placement of Children with Special Needs Act
(as described above on p. 66)

Table 22: Children with special needs attending regular schools and specialised institutions

School year	Number of children	Number of pupils with a decision enrolled in regular primary school	%	Number of pupils in specialised institutions	%
2004/05	175 412	3 135	1.8	3 396	1.9
2005/06	170 637	4 481	2.6	3 263	1.9
2006/07	167 951	5 497	3.3	3 287	2.0
2007/08	165 910	5 909	3.6	3 160	1.9
2008/09	164 859	6 492	3.9	3 211	1.9
2009/10	162 902	7 275	4.5	3 229	2.0

A comparison between the numbers of children with special needs enrolled in regular primary schools and in specialised institutions shows a yearly increase in the number of pupils in regular schools and an unchanged share of approximately 2% of those in specialised institutions.

Table 23: Number of appeals to the Human Rights Ombudsman of the Republic of Slovenia concerning discrimination of children with special needs:

Year	2002	2003	2004	2005	2006	2007	2008	2009	2010
Number	25	16	10	10	15	16	15	19	8

In Chapter 2.15.4 of its 2009 annual report, the ombudsman observes that numerous initiatives indicate that children with special needs who attend primary schools together with their peers (regular primary schools) often encounter problems solely on account of their deficiencies, impairments and disorders. Additional problems are caused by the poor knowledge and sometimes also by the lack of understanding among the adults working with these children. When there are also problems in a family — in the relations between parents and between parents and children — the best solution in that difficult situation might be to place the child in institutional education and care. Some teachers and other professionals in regular schools are afraid of taking responsibility for working with children with special needs. The ombudsman has been informed about cases where they would prefer to have the children placed in an institute or adequate specialised institution. In the ombudsman's opinion, there is too much formalism and regulations (supposed to govern and

specify all procedures and apply to all cases and situations) involved and too little empathy, understanding and compassion for the distress of children and their families. In some cases, the opinion and wishes of children and parents are not appropriately considered, especially when their wishes are realistic and well grounded.

The ombudsman believes that procedures should be accelerated in the handling of such cases. The ombudsman is not in favour of accommodating or placing a child in an institution when this is not professionally justified or urgent, nor in the child's best interest. The ombudsman further believes that when a child is placed outside his or her birth family, all services and experts should cooperate as closely as possible and make every effort to return the child to the family as soon as possible. In all cases of the removal or exclusion of a child from a family, parents must be acquainted with all options and conditions for the child's return and with all the ways and procedures of achieving this end.

ANTI-DISCRIMINATION LEGISLATION

Justification for the inclusion in special education systems

Article 6 of the Placement of Children with Special Needs Act (*Ur. l. RS* [Official Gazette of the Republic of Slovenia], no 58/11) stipulates that a child with special needs with a deficiency, impairment or disorder of a type and degree that prevents him or her from achieving equal standard of knowledge through a primary school curriculum, can attend an adapted programme with a lower standard of knowledge or special educational programme.

Relevant case law concerning discrimination in education and training

There is no relevant case law of the Higher Labour and Social Court in this field.

EDUCATION

Table 24: Number of pupils with special needs attending adapted primary school programme (PS) with a lower standard of knowledge appropriate to the type of deficiency, impairment or disability in the 2009/2010 school year

SCHOOL YEAR 2009/2010	Pupils		Classes			
	TOTAL	Girls	PS with adapted programme	Institutions	Primary schools	Institutions TOTAL
* DEVELOPMENTALLY DISORDERED	1294	492	218	9	50	51
DEAF AND HARD OF HEARING	192	51	/	37	/	3
BLIND AND PARTIALLY SIGHTED	17	6	/	4	/	1
PHYSICALLY IMPAIRED	47	20	/	10	/	2
TOTAL	1550	569	218	60	50	57

* Including Planina Educational Institute and CIRIUS Vipava
Source: SORS, 2010

The total number of children and adolescents attending the adapted programmes with a lower standard of knowledge is 1550. In Slovenia, these children are included in occupational activity centres where employment under special conditions is provided.

Table 25: Number of children attending special educational programme (care and education class units [CECU]) in primary schools (PS) with adapted programme and in class units at primary schools in the 2009/2010 school year

SCHOOL YEAR	Children TOTAL	Children in PS with adapted programme	Number of class units in PS with adapted programme	Children in CECUs at PS	Total CECUs at PS
2009/2010	975	841	154	134	24

Source: Ministry of Education and Sport's statistical database (SORS does not keep statistics) Adolescents between 15 and 22 years of age are also included.

The special educational programme is intended for children and adolescents with multiple disorders. This group of children and adolescents also attends the occupational activity centres. The total number of these children is 975.

Transition between the programmes is regulated by the relevant legislation. Because of the organisation of schools at the local level, only a small number of pupils transfer between programmes. The Ministry of Education and Sport is currently preparing a document aimed at providing better opportunities for mobility between programmes, which is planned to be achieved by setting up classes with adapted programmes within regular primary schools.

There is no available data on the percentage of pupils following modified education programmes with lower education standards who continue with higher education and/or enter the labour market.

Children and youth with developmental disorders

Table 26: Number of children and youth with developmental disorders in social care institutions

School year	Children	Youth aged between 21 and 26	Total
2000/01	428	108	536
2001/02	391	133	524
2002/03	387	145	532
2003/04	350	143	493
2004/05	356	154	510
2005/06	326	185	511
2006/07	329	176	505
2007/08	311	177	488
2008/09	316	187	503
2009/10	305	186	491

This table shows the number of persons in social care institutions. There are five such institutions in the country. The educational programmes in these institutions are attended by persons with the most serious developmental disorders who also have other impairments. Most often, they have severe health problems necessitating constant medical attendance and care. The number of those with mental disorders is increasing.

Curriculum adjustments and Individual educational plans

The regular curriculum is taught in regular schools and preschools, and in specialised institutions for the deaf, blind and physically impaired. The teaching methods, time and examination and assessment of knowledge are adjusted to the children. Pursuant to the legislation, the pupils and students are also entitled to adjustments in external knowledge assessment and *matura*.

The legislation requires that, regardless of the type of the educational programme, an individualised plan be established for every child. The school or the preschool to which a child is placed must prepare an individualised plan within 30 days. The parents also participate in its preparation. A group, appointed by a head teacher, meets when the child's response changes or when parents so request.

Training of teachers

All three Slovenian universities (in Ljubljana, Maribor and Koper) offer modules in teaching children with special needs, currently only for class teachers. Study programmes for specialist subject teachers are being prepared.

Regular training on this topic is included in the in-service training for teachers and is also carried out within the study groups.

Personal assistance and technical aids and inclusion of physically impaired children in regular education

In Slovenia, the principle that personal assistance (attendant) should follow a child throughout his or her education, if possible, is applied. The same principle also applies to the provision of professional assistance and remedial tuition. This creates substantial staffing needs, sometimes resulting in an inadequate structure of personnel.

Before referring a child with physical impairment to a particular school, the placement commission examines the staff and spatial capacities of the school concerned. In Slovenia, there is a regional network of schools that meet all international standards for the physically impaired. Of the 447 primary schools, 80 meet all the requirements, whereas others comply in part. European architectural adjustment standards are strictly applied in construction and refurbishment.

Examination adjustments and certificates

As indicated above, examinations of knowledge are adjusted to the child's remaining abilities. The minimum knowledge standards are specified in the legislation. In the first and second educational cycle of adapted programmes with lower standards of knowledge, the teachers draw up a final descriptive assessment relating to the goals defined in the subject's syllabus. In the third educational cycle, all subjects are assessed numerically.

In the special programmes, a teacher prepares a descriptive assessment of a child's advancement in individual areas at the end of the school year.

All certificates awarded to children with special needs at all levels of education are considered valid public documents. A certificate clearly indicates the educational programme attended by the student; consequently, the programme's difficulty level is evident.

TRAINING

Table 27: Number of students in secondary vocational and technical education

School year	Blind and partially sighted	Deaf and hard of hearing	Physically impaired	Students with emotional and behavioural disorders*	Total
2000/01	31	93	174	155	453
2001/02	27	84	155	149	415
2002/03	20	80	174	149	423
2003/04	3	-	-	142	145
2004/05	-	76	154	134	364
2005/06	5	74	140	117	336
2006/07	6	74	142	99	321

Source: The Ministry of Education and Sport

The data show that the number of students with special needs attending adapted vocational and technical educational programmes has not decreased. This indicates that these programmes are attended by students with special needs who require adjusted conditions and adapted programmes.

The following adapted programmes are carried out:

- a. for the blind and partially sighted: administrative assistant, accounting clerk;
- b. for the deaf and hard of hearing: IT technician, engineering technician, assistant in technological processes, assistant garment technician, joiner, wood technician, wood worker, metal worker, graphic equipment operator, garment technician, clothing worker, media technician, graphic equipment operator, graphic technician;
- c. for the physically impaired: administrative assistant, accounting clerk, electrician, electrical engineering technician, assistant in technological processes, auxiliary administrative assistant, IT technician;
- d. for students with emotional and behavioural disorders: assistant in biotechnology and care, administrative assistant, gastronomist and hotel manager, dressmaker, assistant in technological processes, wood worker and building cleaning worker.

Measures to facilitate inclusion in vocational education

Students in vocational education are, like other students with special needs, entitled to additional professional assistance to overcome deficiencies, impairments or disorders, and additional learning assistance. Physically impaired students are also entitled to an attendant. A reduced number of students in the class is also envisaged. The latter depends on the number of students with special needs in the class.

Table 28: Providers of additional professional assistance

School year	At school						Mobile services						TOTAL	
	Teachers		Other professionals		Total		Teacher of the deaf		Teacher of the blind		Total			
	no	%	no	%	no	%	no	%	no	%	no	%		
2002/03	564	78.9	55	7.7	619	86.6	39	5.5	57	8.0	96	13.4	715	100
2003/04	1097	82.5	61	4.6	1158	87.1	76	5.7	96	7.2	172	12.9	1330	100
2004/05	2169	88.4	71	2.9	2240	91.3	96	3.9	117	4.8	213	8.7	2453	100
2005/06	3397	92.2	99	2.7	3496	94.9	104	2.8	86	2.3	190	5.2	3686	100
2006/07	3858	93.3	148	3.6	4006	96.9	77	1.9	51	1.2	128	3.1	4134	100
2007/08	3577	94.8	57	1.5	3634	96.3	99	2.6	41	1.1	140	3.7	3774	100
2008/09	4321	94.5	254	3.3	4575	97.7	88	1.9	19	0.4	107	2.3	4682	100
2009/10	5831	93.1	344	5.5	6175	98.6	77	1.2	12	0.2	89	1.4	6264	100

The data show that the number of lessons of additional professional assistance has been increasing steadily. If we disregard the 2002/2003 school year (in which this type of assistance started), an almost five-fold increase can be noted over the following seven years. This can be explained, at least in part, by the fact that this new feature was introduced progressively. The fact that more than 90% of lessons of additional professional assistance were provided by teachers is also indicative.

In accordance with the standards, a school attended by several students with special needs receives funds for a school counsellor to work with the children with special needs. The standard is as follows:

- if the school is attended by 20 to 40 students with special needs, there is funding for 0.25 of a school counsellor;
- if the school is attended by 41 to 60 students with special needs, there is funding for 0.50 of a school counsellor;
- if the school is attended by more than 61 students with special needs, there is funding for 0.75 of a school counsellor.

In any case, a new methodology for funding per number of students is being introduced. A school receives a 20% extra payment for a student with special needs who does not have additional professional assistance, and a 50% extra payment if additional professional assistance is provided to him or her.

Table 29: The number of candidates at vocational matura examination

Year	All candidates					Candidates with special needs		
	sitting the exam	successful		unsuccessful		sitting the exam (f)	successful (f)	unsuccessful (f)
		f	%	f	%			
2002	13845	12927	93.37	918	6.63	1	0	1
2003	14902	14012	94.03	890	5.97	73	68	5
2004	14624	13739	93.95	885	6.05	85	79	6
2005	14775	13879	93.94	896	6.06	90	81	9
2006	14438	13577	94.04	861	5.96	91	87	4
2007	13163	12335	93.71	828	6.29	110	106	4
2008	12653	11952	94.46	701	5.54	120	115	5
2009	12515	11736	93.78	779	6.22	144	132	12
2010	11518	10449	90.72	1069	9.28	169	145	24

It can be noted that the number of candidates with special needs has been increasing in line with the increasing number of enrolled students with special needs. Disregarding data for 2002 (when the vocational *matura* started and there were practically no candidates with special needs), an increase from an initial 0.49% to 1.47% in 2010 was observed in the number of candidates with special needs. A similar trend was recorded as regards the general *matura* exam. This can be attributed to the fact that this type of placement started to

be provided as late as 2003 and it was not until several years afterwards that the rules were established and the practice of adjusting to the students with special needs developed. Therefore, the fact that the number of students with special needs has increased almost ten-fold in the past eight years must be perceived from the viewpoint of the development of a new inclusive concept.

The comparison of the share of the successful candidates illustrates that in terms of performance those with special needs are comparable to the entire candidate population, as a similar share of successful candidates at the *matura* exam is recorded in both groups every year; there is one exception, namely 2010, which might be due to a random oscillation; the data might also have been changed in the winter term.

Measures to encourage inclusive vocational training of persons with developmental disorders

Currently, the reorganisation of schools at the local level is being prepared with a view to improving the social inclusion of this group of children and youth (classes within regular primary and secondary schools).

Implementation of the Vocational Rehabilitation and Employment of Persons with Disabilities Act

See the chapter referring to paragraph 2 of Article 15 of the ESC

15:2 Employment of persons with disabilities

Slovenia has a decades-long tradition of policy on the employment of persons with disabilities. For example, the first regulations were adopted immediately after the end of the First World War. After the end of the Second World War, special enterprises to employ persons with disabilities started to be set up. Slovenia has also been paying special attention to the area of employment since its independence in 1991.

The key national documents regulating the area of the employment of persons with disabilities are the Vocational Rehabilitation and Employment of Persons with Disabilities Act, adopted in 2004 and fully implemented in 2006, and the 2007–2013 Action Programme for Persons with Disabilities. We must also bear in mind several other acts regulating this area, specifically the Employment Relationships Act, the Pension and Disability Insurance Act, the Social Assistance Act, etc.

Outline of the Vocational Rehabilitation and Employment of Persons with Disabilities Act

The legislators provided a definition of the person with disability at the beginning of the Act (Article 3):

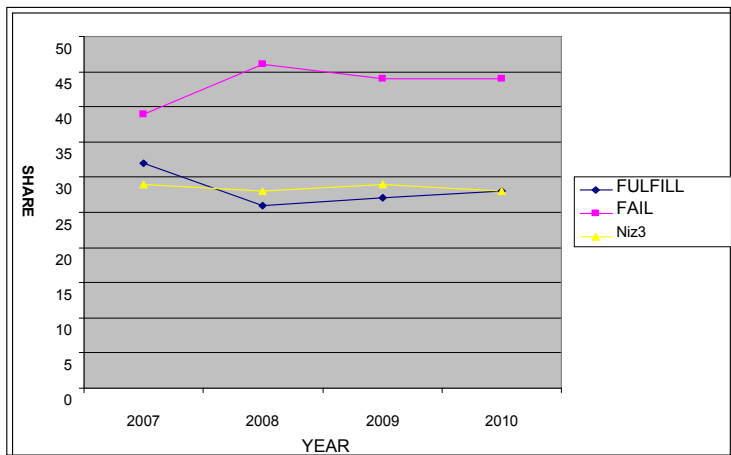
...is a person who obtains a status of the person with disabilities pursuant to this Act or other regulations and a person who suffers from irreversible consequences of physical or mental impairments or diseases established by a Decision issued by a competent body and has substantially diminished prospects for obtaining, keeping or advancing in employment.

Subsequently, 'vocational rehabilitation' is defined as the most important measure to promote the employment of persons with disabilities. Vocational rehabilitation is an individualised right of a person with a disability, which includes a set of services aiming at increasing the disabled person's employability; it can only be provided with the active participation of the person concerned. The aims of the vocational rehabilitation are to provide training for appropriate work and enable a person with disabilities to keep and advance in employment or to change careers. From the viewpoint of the employers, the provision of the vocational rehabilitation services involves not only the solving of social and labour problems, but also investments in human resources and the satisfaction of employees. This act grants the right to vocational rehabilitation to persons with disabilities who are not entitled to the same rehabilitation services under other regulations. It should be noted that an invitation to tender for providers of vocational rehabilitation was issued in 2010; based thereon and on

account of changed situation in the labour market and the vocational rehabilitation analysis for 2006–2009 period, the number of providers in Slovenia increased from 13.5 to 17 teams (a 25.9% increase). This means that the number of persons with disabilities included in rehabilitation increased significantly — from 1229 (annual average in the 2006–2009 period) to 1700 per year in subsequent years (a 41.6% increase).

Another key measure is a 'quota system'. The 1976 Act Regulating the Training and Employment of Disabled Persons required companies to employ a stipulated share of persons with disabilities. In the period of socialist self-management, Slovenia implemented a policy of full employment and did not face the problem of unemployment of persons with disabilities. The Employment of Persons with Disabilities Act now stipulates that the employers with at least 20 workers must, with some exceptions, employ persons with disabilities up to a certain percentage of all employees. The quota is set on a proposal of the Economic and Social Council by the Government of the Republic of Slovenia in a decree. The quota differs depending on the employer's economic activity, but may not be below two per cent or above six per cent of the total number of the workers employed. The quota includes all persons with disabilities with employment contracts for at least 20 hours per week. The act allows an alternative to quota requirement, i.e. a conclusion of a contract on business cooperation with an employment centre or sheltered workshops. The employer that fails to fulfil the quota must pay a monthly contribution to the Fund for the Promotion of Employment of Persons with Disabilities amounting to 70 % of the minimum wage for every person with disabilities falling short of the prescribed quota. Figure 1 shows that the quote system was relatively stable in the period concerned; the share of the liable entities that fulfilled the quota ranged between 26 and 32 %; the share of the liable entities that failed to fulfil the quota ranged between 39 and 46 %; the quota requirement was exceeded by 28 to 29 % of the liable entities.

Graph 2: Implementation of quota system in the 2007–2010 period



The act also specifies several other 'incentives for the employment of persons with disabilities'. Some of the more important are:

- subsidised salaries of persons with disabilities;
- payment of costs of technical adaptation of work places and means of work for persons with disabilities;
- payment of service costs in supported employment;
- exemption from payment of pension and disability insurance contributions for employed persons with disabilities;
- bonuses for exceeding the quota;
- annual rewards to employers for good practice in employing persons with disabilities.

In the 2006–2010 period, these measures proved to be effective. According to the data of the Fund for the Promotion of Employment of Persons with Disabilities, the number of employed persons with disabilities increased by nine per cent. Moreover, during the economic and financial crisis, the share of persons with

disabilities among all employees has not decreased and remained steady at approximately four per cent. It should further be noted that despite the on-going financial and economic crisis, 1618 unemployed persons with disabilities obtained employment in 2010; this figure is substantially higher than that recorded in any given year before the entry into force of the Vocational Rehabilitation and Employment of Persons with Disabilities Act. It is also true that the number of unemployed persons with disabilities has been gradually increasing; however, in 2009, the unemployment growth rate among the persons with disabilities was substantially lower than that recorded for all unemployed, while in 2010 they were approximately the same — 14 % among all unemployed and 13.6 % among persons with disabilities.

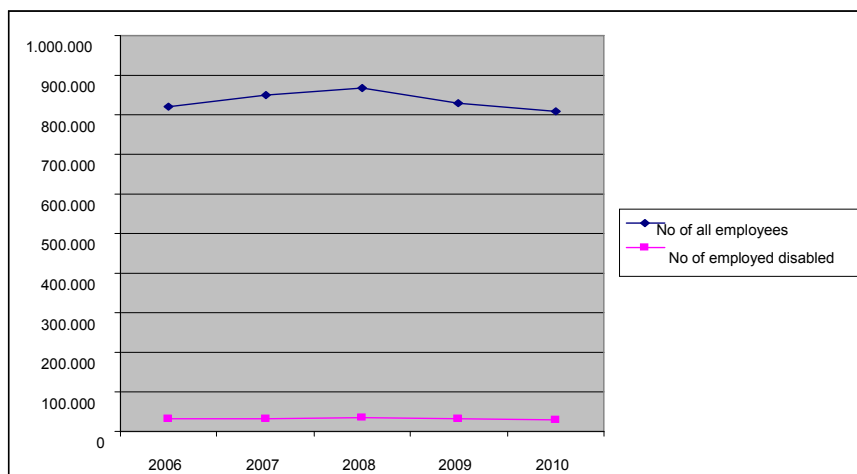
One of the positive effects of the act is a substantial increase in the number of persons with disabilities employed by entities employing less than 20 workers. In the 2006–2010 period, the number of persons with disabilities employed by such entities increased fourfold. This is certainly due to numerous factors, including the key measures from the Vocational Rehabilitation and Employment of Persons with Disabilities Act, i.e. incentives for employment (funding and equipment) and high quality vocational rehabilitation. Without doubt, this growth was also influenced by other factors, such as assistance to the disabled members of the family, etc.

Table 30: The number of all employees and the number of employed persons with disabilities

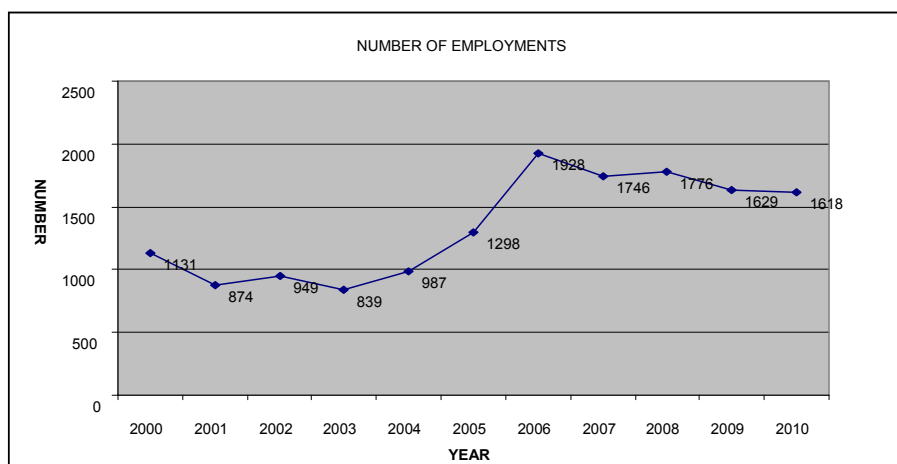
	2006	2007	2008	2009	2010
All employees	819519	849416	866710	829551	809357
Employed persons with disabilities	32682	33058	33891	32236	30399

Source: Fund for the Promotion of Employment of Persons with Disabilities

Graph 3: The number of all employees and the number of employed persons with disabilities, 2006–2010

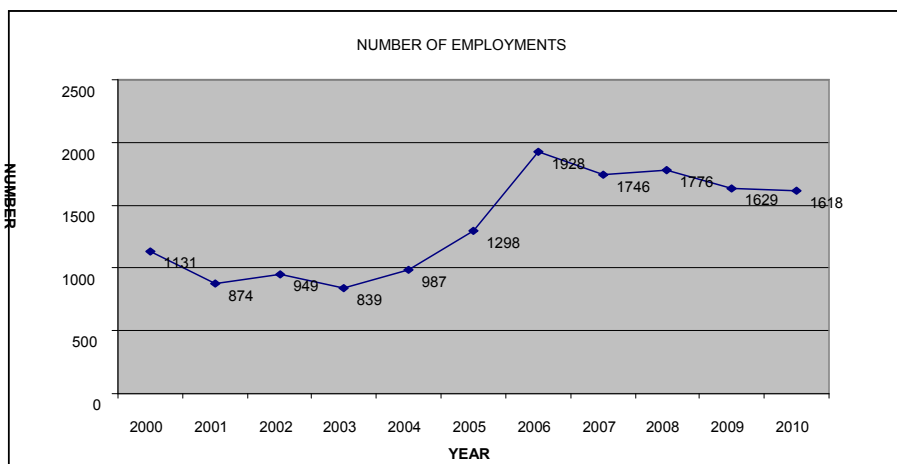


Graph 4: The number of unemployed persons with disabilities who obtained employment in the 2000–2010 period



Source: Employment Service of Slovenia

Graph 5: Number of persons with disabilities employed by small employers (less than 20 employees) in the 2006–2010 period



Source: Fund for the Promotion of Employment of Persons with Disabilities

Table 31: Number of unemployed persons with disabilities in the 2007–2010 period

	2006	2007	2008	2009	2010
All unemployed persons	78303	68411	66239	96672	110021
Unemployed disabled	9138	10346	11025	13132	14920
Share of the disabled (in %)	12	15	17	14	14

Source: Employment Service of Slovenia

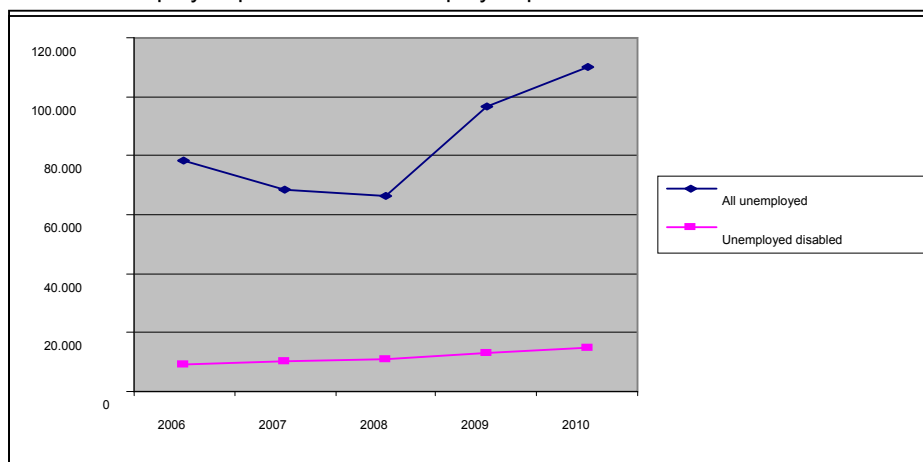
Table 32: Disabled workers according to ZPIZ⁸ in ZPIZ-1, breakdown according to category and age group (situation on 31 December 2010)

Age	Category I	Category II	Category III	Total
	Number	Number	Number	Number
15	0	0	0	0
16	0	0	0	0
17	0	0	0	0
18	0	0	0	0
19	0	0	0	0
20	0	0	0	0
21	0	1	0	1
22	2	3	4	9
23	6	2	7	15
24	2	6	8	16
25	9	5	16	30
26	15	13	20	48
27	11	10	31	52
28	20	11	52	83
29	28	19	85	132
30	37	19	101	157
31	52	32	111	195
32	47	24	160	231
33	81	32	201	314
34	94	29	251	374
35	81	41	280	402
36	119	24	332	475
37	129	55	350	534
38	157	50	414	621
39	169	41	512	722
40	197	59	540	796
41	282	57	698	1.037
42	304	78	782	1.164
43	383	79	994	1.456
44	420	92	1.169	1.681
45	485	89	1.210	1.784
46	511	103	1.339	1.953
47	578	110	1.531	2.219
48	671	110	1.759	2.540
49	727	150	1.949	2.826
50	854	164	2.094	3.112
51	1.012	191	2.311	3.514

⁸ Pension and Disability Insurance Act

52	1.218	217	2.384	3.819
53	1.287	293	2.620	4.200
54	1.654	326	2.846	4.826
55	1.768	335	2.802	4.905
56	1.917	369	2.634	4.920
57	2.144	444	2.409	4.997
58	2.218	381	2.142	4.741
59	2.164	328	1.547	4.039
60	2.343	261	1.275	3.879
61	2.237	234	881	3.352
62	2.203	164	672	3.039
63	2.237	129	379	2.745
64	1.912	105	229	2.246
65	1.473	53	137	1.663
več 65	10.478	119	1.206	11.803
Total	44.736	5.457	43.474	93.667

Graph 6: Number of unemployed persons and unemployed persons with disabilities in the 2007–2010 period



Source: Employment Service of Slovenia

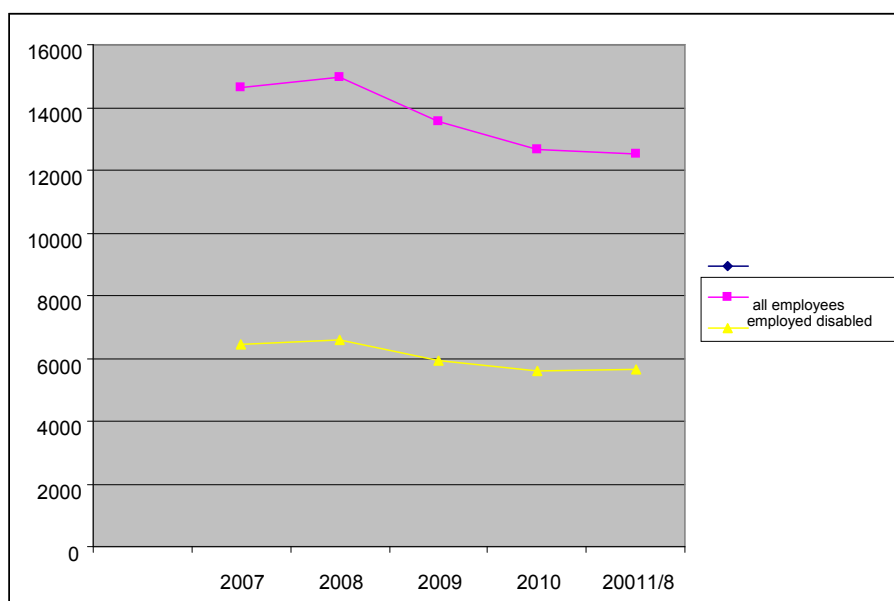
Types of sheltered employment

In addition to the occupational activity centres, sheltered employment in Slovenia includes sheltered companies and employment centres, which are relatively well developed and have evolved from the sheltered workshops.

Among the forms of employment of persons with disabilities, particular reference should be made to 'sheltered companies'. These are corporate entities in which at least 40% of employees are persons with disabilities, and where the disabled employees are given special support; consequently, these companies are under special observation. At the end of 2006, there were 168 sheltered companies in Slovenia employing almost 6 500 persons with disabilities (in regular employment relationships, in accordance with the Employment Relationships Act). The number of sheltered companies has decreased by approximately 10% in the last four years, while the number of persons with disabilities employed there declined by more than 10%. All support

measures (vocational rehabilitation, supported employment, adaptation of workplaces, subsidised wages of persons with disabilities, etc.) aim at ensuring that persons with disabilities obtain adequate employment in the open labour market. Sheltered employment (occupational activity centre, sheltered company, employment centre) is only used when a person with disabilities cannot be employed in the open labour market, despite numerous support measures. In sheltered companies, subsidised wages are only intended for persons with disabilities. Other employees do not receive subsidised wages. Subsidies are intended to compensate for the lower productivity of persons with disabilities. A sheltered company is entitled to some tax and other types of relief. The same applies to an employment centre. Both types of organisation offer employment to persons with physical, mental, intellectual and sensory impairments. More than 80 % are physically impaired, between 6 and 8 % have developmental disorders, while others are sensory impaired.

Graph 7: The number of all employees and the number of employed persons with disabilities in sheltered companies and employment centres in the 2007-2010 period



Source: Ministry of Labour, Family and Social Affairs

For the most part, persons with disabilities seek employed in the open labour market. If they need more support or when their ability to work is substantially diminished, they can obtain supported employment in the open labour market or in sheltered positions, i.e. in the abovementioned sheltered companies and employment centres. Persons found unemployable because of their moderate or severe intellectual handicap can attend occupational activity centres. These centres provide training, care and work to unemployable persons with moderate, severe or serious developmental disorders or multiple disorders. No employment relationship is involved; these disabled persons are not employed and do not receive wages. However, they receive a monetary reward for their work activity, monetary compensation for disability (disability allowance) and other allowances for independent life (attendance allowance) related to disability. If their economic status is poor, they also receive cash social assistance. A person who attends an occupational activity centre and considers him/herself capable of seeking employment in the labour market can register — like any unemployed person — with the employment service, where his or her employability is assessed in accordance with a prescribed procedure. The Ministry of Labour, Family and Social Affairs is drafting a special regulation on the social inclusion of this group of persons with disabilities, which will enable them to pass from the system of social assistance, within which the occupational activity centres operate, to the labour market; should a person with disability assess that despite the provided support measures he or she is no longer capable of working, reintegration to the system of social assistance will be enabled. In 2009 and 2010, approximately 1.8% per cent of all persons with disabilities — or 3011 and 3081 respectively — attended occupational activity centres.

In 2009, the Ministry of Labour, Family and Social Affairs funded a study 'Implementation of the concept of reasonable accommodation in the area of employment of persons with disabilities' conducted by the

University Rehabilitation Institute of the Republic of Slovenia – Soča. The study included, among others, the data on adaptations made in 2008.

Table 33: Type of adaptations

Reasonable accommodations	ZPIZ* (2008)	ZZRZI** (2008)	Both Acts together (2008)
Technical solutions	18	2	20
Organisational solutions ZPIZ (reassignment, part time employment) and protected posts ZZRZI	33 907 ⁹	196	34 103
Training	353	1 532	1 885
Total	34 278	1 730	36 008

* Pension and Disability Insurance Act

** Vocational Rehabilitation and Employment of Persons with Disabilities Act

Source: University Rehabilitation Institute of the Republic of Slovenia – Soča

According to the Pension and Disability Insurance Act, primary measures for disabled workers include reassignment to other suitable work and part-time work and, to a limited extent, training and occupational rehabilitation, and, by way of exception, technical adjustments.

The most important measures stipulated by the Vocational Rehabilitation and Employment of Persons with Disabilities Act are vocational rehabilitation and employment at protected posts. Every year, the right to sheltered employment is acquired by approximately 60 to 80 persons who conclude vocational rehabilitation.

Case law on obligation to provide reasonable accommodation

There was only one case related to the obligation to provide reasonable accommodation (judgment VDSS ref. no Pdp 915/2008 of 14 May 2009); the position taken was that in order to understand the non-discrimination principle, which goes beyond a mere formal equality framework, it is essential to comprehend that a prohibition of discrimination necessitates specific legal positions or specific rights and positive measures, which must be asserted simultaneously and with the intention of preventing the less favourable status of some persons. It relates to the principle of equal opportunities, i.e. to the implementation of differentiated equality that, to a certain extent, includes the prevention of actual or indirect discrimination. Discrimination is also present in the case in which equal rights or an equal scope of rights are guaranteed to a person, who is nevertheless in a less favourable position in exercising his or her rights or fulfilling his or her obligations. The requirement to prohibit (indirect) discrimination gives rise to the requirement to provide appropriate reasonable accommodation with a view to ensuring actual equality. In the case concerned, the court established an intrusion upon the non-discrimination principle because certain special or additional rights (in the form of reasonable accommodations) were not ensured to a handicapped (blind) worker.

⁹ The total number of persons exercising this right in the year concerned.

ANTI-DISCRIMINATION LEGISLATION

Implementation of the Employment Relationships Act and the Implementation of the Principle of Equal Treatment Act

See the part of the report referring to paragraph 2 of the Article 1 of the ESC

Instances of appeals relating to discrimination of persons with disabilities in employment lodged with competent institutions

To date, the Higher Labour and Social Court has not considered any cases directly related to discrimination in employment on the basis of disability (Article 15 of the European Social Charter — the right of persons with disabilities to independence, social integration and participation in the life of the community). In connection with persons with disabilities and their employment, reference can be made to the cases of termination of the employment contract for business reasons or for disability-related reasons of a person with disability to whom the employer cannot ensure other appropriate work or work under changed conditions. In such cases, the employers must follow a special procedure and hand over the ordinary termination of employment notice only after having obtained the opinion of the commission establishing grounds for termination of employment contract. If this procedure is not followed, the termination is deemed illegal (judgments ref. no Pdp 1304/2010 of 17 March 2011, judgment ref. no Pdp 508/2010 of 4 November 2010, judgment ref. no Pdp 509/2010 of 14 October 2010, etc.). However, an employer is not required to retain a worker — including a person with a disability — in employment if no appropriate work is available (judgment ref. no Pdp 170/2009); pursuant to the applicable quota system for the employment of disabled persons, the employer will have to pay a certain amount of compensation to the Fund for the Promotion of Employment of Persons with Disabilities.

We are not able to provide more detailed information, given that the courts only keep the records on the types of disputes (e.g. termination of employment), and do not have separate records as to whether these disputes involve the violation of the rights of persons with disabilities.

15:3 Social integration of persons with disabilities and their participation in the life of the community

ANTI-DISCRIMINATION LEGISLATION AND COMPREHENSIVE APPROACH AND MEASURES TO OVERCOME OBSTACLES

Equalisation of Opportunities for Persons with Disabilities Act

In 2011, the National Assembly of the Republic of Slovenia adopted the Equalisation of Opportunities for Persons with Disabilities Act, which regulates the areas of equal opportunities and non-discrimination of persons with disabilities. Together with the Implementation of the Principle of Equal Treatment Act and other regulations in the area of elimination of discrimination, this act provides a legal framework for comprehensively addressing all key issues related to discrimination and equalisation of opportunities for persons with disabilities.

It should be pointed out that this act is not intended to regulate all areas and all rights of persons with disabilities. The rights of persons with disabilities are primarily exercised pursuant to the provisions of other acts. The provisions of this act apply when the rights of persons with disabilities are not regulated elsewhere.

The act governs the following areas:

- prohibition of discrimination on the basis of disability,
- measures for equalising opportunities for persons with disabilities and competencies and responsibilities of bodies concerned,
- proceedings in disputes on discrimination on the basis of disability,
- managing databases and protection of data, and
- penal provisions.

The chapter on the prohibition of discrimination on the basis of disability governs:

- prohibition of discrimination by state authorities, state and local self-government bodies, bearers of public authority and public service providers,
- equal participation in proceedings,
- access to services and use and adaptation of buildings and facilities in public use,
- prohibition of writing and displaying discriminating messages and symbols,
- access to inclusive education, health, manner of residence, access to information, access to culture and public transportation.

The act also includes an important chapter that stipulates measures for equalising the opportunities of persons with disabilities. It was the legislators' intention to clear the 'grey areas' concerning the rights of individual groups of persons with disabilities. The first measure is the right of persons with sensory impairments (blind, partially sighted, deaf, hard of hearing, deafblind, persons with speech disorders and persons with multiple disorders) to claim the co-funding of technical devices to address communication barriers needed to support their social inclusion. They are entitled to claim this right in addition to devices provided pursuant to other regulations. The rules specifying technical devices, their operational life, conditions for obtaining them, quality standards and the manner of maintenance are to be adopted by the end of 2011. The payment of the costs of adaptation of a vehicle is another notable measure; this right can be claimed by a person with physical impairments who can independently operate a vehicle only if it is adapted. A person with disabilities who does not operate a vehicle is also eligible for vehicle adaptation if necessary to enable him or her to enter the vehicle. Payment of costs of the adaptation of a vehicle may be claimed once every six years; exceptionally, it can be authorised before the expiry of this period if the adaptation of the vehicle is necessary because a new disability or a substantial worsening of disability has occurred, or because the adapted vehicle has been destroyed. The third important measure is the establishment of a call centre for the deaf and the hard of hearing. It provides information on the work of state authorities, local self-governing bodies, bearers of public authority, public service providers and providers of services of a public nature to persons with hearing impairments. The tasks of the call centre are currently carried out as an experimental programme by the Association of Slovene Sign Language Interpreters, which will continue to provide this service as the public authority.

The Ministry of Labour, Family and Social Affairs will also ensure co-funding from the national budget of specialised social programmes, which supplement public services, for integrating persons with disabilities into society. They are carried out by the organisations of persons with disabilities and have to date been funded on the bases of tenders issued by the Ministry of Labour, Family and Social Affairs and the Foundation for Funding Disability and Humanitarian Organisations of Slovenia. Funding will be primarily available to the programmes for independent or a more independent life, for active life and work, for providing psychosocial assistance to persons with disabilities and their families, for advocacy and self-help programmes, programmes for the prevention of violence against persons with disabilities, etc.

The act also identifies responsible bodies and their competencies and responsibilities. State authorities, local self-government bodies, bearers of public authority, public service providers and other bodies must adopt regulatory measures and guidelines in accordance with their respective competencies, with a view to creating conditions for equal treatment of persons with disabilities by raising public awareness and monitoring the social status of persons with disabilities. The act also defines the competencies of the Council for Persons with Disabilities of the Republic of Slovenia, which is a central independent body responsible *inter alia* for promoting and monitoring the implementation of the Convention on the Rights of Persons with Disabilities.

Implementation of the Principle of Equal Treatment Act

The Implementation of the Principle of Equal Treatment Act is described in more detail in the second paragraph of Article 1. It does not include the activities envisaged by Article 15(3) of the ESC. It specifies competencies and responsibilities of bodies; Article 7 reads as follows:

(1) Within the framework of their competencies, the National Assembly of the Republic of Slovenia, the Government of the Republic of Slovenia (hereinafter: the Government), ministries and other state bodies and bodies of self-governing local communities shall establish conditions for equal treatment of persons, irrespective of any personal circumstance, through raising awareness and monitoring the situation in this area, as well as through measures of a normative and political nature.

(2) Within their field of work, offices and governmental services, operating in the area of equal treatment of persons regardless of their personal circumstances, shall endeavour to implement the objectives of this Act.

The 2007–2013 Action Programme for Persons with Disabilities and the National Guidelines to Improve the Built Environment and Information and Communications Accessibility for Persons with Disabilities

The purpose of the action programme is to promote, protect and ensure full and equal exercise of all human rights for persons with disabilities, and to foster respect for their inherent dignity. It includes 12 basic goals with a total of 124 measures, comprehensively covering all aspects of disabled persons' lives and referring to the 2007–2013 period.

The government discusses a report on its implementation every year.

Among the activities carried out in Slovenia with a view to fulfilling the objective of ensuring that persons with disabilities have access to facilities, transport, information and communications, the following should be highlighted:

1.) Because of the limited budget funds for the provision of public utility services of regular scheduled public bus services, all locations in Slovenia cannot be accessed by public transport each day of the week. Discounts are specified in the Decree on the method of providing the public utility service of regular scheduled public bus services and on a concession for this public utility service (*Uradni list RS*, No 73/09). Discounts in public passenger transport are granted to the war-disabled, war veterans, blind and partially sighted and persons with types of dystrophy, and similar muscular and neuromuscular diseases. Free-of-charge transport for all attendants of persons on wheelchairs is provided on trains and on regularly scheduled public bus services designated by the service providers. The Decree on the method of providing the public utility service of regular scheduled public bus services and on a concession for this public utility service (*Uradni list RS*, No 73/09) also stipulates that a guide dog can accompany a blind persons on a bus. It further stipulates that discounts are not subject to the general toll scale if there is a defined payer of the price difference.

Railway transport allowances apply to all trains on Slovenian Railways lines.

2) Numerous measures were taken with a view to removing architectural barriers in railway stations; for example, handrails were mounted in underpasses of main railway stations to assist blind and partially sighted people in their orientation; the station in Ljubljana was also equipped with information plates on the number of railway track in Braille.

3) The regular bus services terms and conditions of carriage provide for the guide dogs of the blind to travel by buses as specified by the Decree on the method of providing the public utility service of regular scheduled public bus services and on a concession for this public utility service (*Uradni list RS*, No 73/09). Free-of-charge transport of a guide dog is also provided in rail traffic (in national and international traffic).

4) Buses in regular urban transport and in regular scheduled service and trains must be adapted to accommodate persons with physical and sensory impairments (access and entry to the bus, provision of information on screen and in audio output, access to public railway infrastructure facilities intended for passengers); the implementation of EU Directive no 2001/85, which specifies technical requirements for adapted buses in urban and suburban transport, is also ensured.

5) In December 2010, a Regulation on the implementation of Regulation No 1107/2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air was adopted; it specifies a competent authority to handle complaints relating to the implementation of the regulation and the fines for offenders.

6) With a view to ensuring that safety requirements for persons with reduced mobility are complied with on board passenger ships and high speed passenger craft, the Rules on passenger ships were adopted (*Ur. l. RS*, no 92/2006); they transpose Directive 98/18 into the national legislation and specify safety requirements on board passenger ships for persons with reduced mobility, including the elderly, persons with disabilities and impaired sensory functions and users of wheelchairs, pregnant women and persons accompanying small children. A national action plan was prepared in line with Article 6 of Directive no 98/18 and Article 9 of the Rules on passenger ships; the Commission is informed about the conducted inspections annually. The Port State Control carries out regular inspections of the Slovenian passenger ships regarding the transport of persons with reduced mobility; within their technical features, all ships comply with the criteria for transporting persons with reduced mobility.

7) Regarding accessibility of information, mention should be made that the Convention on the Rights of Persons with Disabilities has been issued in all formats (Braille, enlarged print, easy to read form and sign language). Furthermore, the key news programmes of the national television are also broadcast with sign language. Sign language interpreting is provided at the government's press conferences.

8) In 2008, the Ministry of Public Administration fully adjusted the government e-administration portal to the EU guidelines prepared on the basis of a study on e-accessibility of the national administration websites.

9) The 2008 Medicinal Products Act stipulates that the packaging must also indicate the name of a medicinal product in Braille.

10) Regarding accessibility of facilities, particular mention should be made of Article 17 of the Construction Act, which stipulates that 'all works in public use that are newly constructed pursuant to the provisions of this act and works in public use that are reconstructed pursuant to the provisions of this act must ensure that functionally impaired persons are able to access, enter and use the works without physical obstructions or communicational hindrances.' This area is regulated in detail in the Rules on the requirements for free access to, entry to and use of public buildings and facilities and multi-apartment buildings (adopted in 2003, amended in 2007). The Equalisation of Opportunities for Persons with Disabilities Act stipulates that reasonable accommodation of the existing buildings and facilities should be ensured not later than 15 years from its entry into force.

11) In the 2007–2010 period, several projects for ensuring access were co-funded from public funds. Some examples:

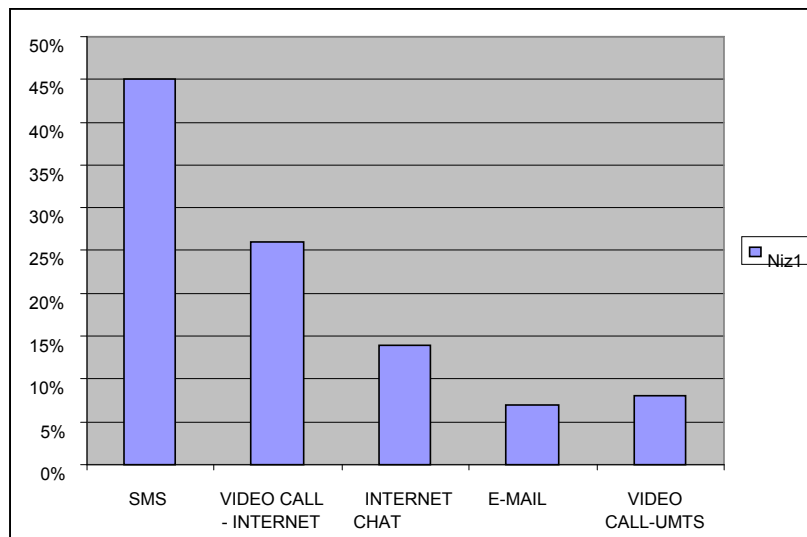
- In 2008, the Ministry of Labour, Family and Social Affairs and the Slovenian Research Agency jointly funded a research project 'Measures to implement the rights of persons with disabilities to barrier-free access: inventory of existing barriers in the built environment and in the public buildings and facilities in Slovenia', which was carried out by the Urban Planning Institute of the Republic of Slovenia and the Social Protection Institute of the Republic of Slovenia; the project will be concluded this year. In the first phase, the researchers conducted a survey among persons with disabilities inquiring how the measures adopted to ensure barrier-free access in Slovenia were implemented. During the project's second phase in 2009 and 2010, the researchers, assisted by persons with disabilities, carried out an extensive field survey which focused on identifying existing architectural and communication barriers in selected public buildings and facilities in 12 regional centres. They then analysed accessibility of

the administrative units' buildings, given that access to arranging basic documents must and should be provided to all. The research also included buildings and facilities from other areas of life — health, services, culture, education, sport, catering and transport. The initial results are published on the <http://dostopnost.uirs.si/>, where the first e-guide is also available.

- There have been several projects in the area of culture. For example, a handbook *Accessible Museum — Guidelines for Good Practice* was prepared within a project and issued in 2009; it provides basic guidelines for ensuring accessibility of museums to persons with disabilities and other target groups with special needs, such as the elderly, pregnant women, and parents with children. Another project addressed the accessibility of museum collections to deaf people; it was carried out by Zavod Racio, the Institute for Development of Social and Employment Programmes, together with Museum of Recent History–Celje and City Museum of Ljubljana.

- In 2009, at the initiative of Association of Deaf and Hard of Hearing of Slovenia, the Ministry of Labour, Family and Social Affairs initiated a project CALL CENTRE FOR PERSONS WITH HEARING IMPAIRMENTS; the purpose of the centre is to provide free-of-charge communication and information to deaf persons, with adapted techniques; the information covers the work of state authorities, local self-governing bodies, bearers of public authority, public service providers and providers of services of a public nature. The project is based on the right of the deaf, as established in the UN Convention on the Rights of Persons with Disabilities, to use sign language and other means of communication in their dealings with state authorities, local self-government bodies, bearers of public authority, and public service providers. The project represents the realisation of the 2007–2013 Action Programme for Persons with Disabilities, adopted by the Government of the Republic of Slovenia in 2006 and is aimed at ensuring accessible information to persons with sensory impairments by establishing a call centre. The Ministry of Labour, Family and Social Affairs entrusted the experimental phase of the 'Call Centre for Persons with Hearing Impairments' project to the Association of Slovene Sign Language Interpreters, which developed a web application that enables deaf users to contact individual institutions and conduct basic communication otherwise done by the hearing persons through the telephone. The starting point for planning the project was the users and their needs; they can communicate with an interpreter through all currently available channels, such as video call through a telephone or internet, SMS, e-mail, live written conversation and fax message. The call centre is available to the deaf on a 24-hour basis throughout the year; the service is carried out by Slovene sign language interpreters. The stable and long-term funding of the centre from public funds was ensured by the adoption of the Equalisation of Opportunities for Persons with Disabilities Act in 2010. By the end of June 2011, there were 352 registered deaf users of the call centre; they addressed approximately eight thousand requests to the centre, i.e. just over ten per day.

Graph 8: Requests received through communication channels (2009–2011)



- One of the significant projects to promote independent life and the social inclusion of persons with disabilities is the project 'A Municipality Tailored to the Needs of People with Disabilities' carried out by the Federation of Disabled Workers of Slovenia. The Federation of Disabled Workers of Slovenia, which is a representative national disabled persons' organisation, designed the project with a view to:
 - o further encouraging local communities, i.e. municipalities, to engage in planned and sustainable activities for attaining a higher quality of life for all citizens, in particular of people with disabilities in their environment, for creating new opportunities for social inclusion and participation in social life;
 - o eliminating physical and other obstacles in the local environment, which considerably affect the quality of life of persons with disabilities, and helping them exercise their rights and not be discriminated against or socially excluded;
 - o ensuring that the local community is recognised as an indispensable factor that can substantially contribute to the elimination of 'obstacles' and to the coordinated functioning of various entities carrying out their tasks within local communities;
 - o implementing the social model and accepting persons with disabilities as complete personalities, in which local communities bear their share of responsibility;
 - o helping local associations of persons with disabilities recognise the needs and interests of their members, enriching their activity for satisfying the different needs and interests of persons with disabilities, and increasing membership activities;
 - o reinforcing cooperation with all organisations of persons with disabilities at the local level and other stakeholders at the local level. By the end of 2010, there were 12 Slovenian municipalities participating in the project, including the two biggest: Ljubljana and Maribor.

Personal assistance as a prerequisite for an independent life

According to the Social Protection Institute of the Republic of Slovenia's information, there were between 600 and 700 users of personal assistance in 2007. In the same period, the organisations providing personal assistance services employed approximately 350 personal assistants. The users were mainly providing assistance with housekeeping and performing basic daily life activities. These programmes are carried out by the disabled people's organisations and are funded through different sources, for example within the framework of active employment policies programmes, from the resources of the Foundation for Funding

Disability and Humanitarian Organisations of Slovenia, on the basis of public tenders issued by the Ministry of Labour, Family and Social Affairs and/or individual local communities, etc.

Personal assistance is one of the forms of organised community care for persons with disabilities in Slovenia. We also provide other types of community care for persons with disabilities, who in the future may become potential users of personal assistance. The forms of community care and the processes concerned listed below are closely related to personal assistance. The use and the participation of users in various forms are not mutually exclusive, which means that a user can receive any given service and, at the same time, participate in a programme.

In 2004, an important form of community care, i.e. home care assistant, was introduced. A home care assistant provides personal, health and social care, household help, and organises leisure activities. A home care assistant service differs from a personal assistance model in terms of the entitled persons, forms of financing, service providers, service provider's salary and level of dependence on or independence from the family. Nevertheless, there are similarities between some aspects of the two models. According to the Ministry of Labour, Family and Social Affairs information, there were 1245 persons entitled to a home care assistant in 2007, of which most were persons with physical impairments (68%).

Assistance services provided to a family pursuant to the Social Assistance Act are another important form of community care, which resembles personal assistance in several aspects. These services include domestic help to a family, family counselling assistance and social service. From the viewpoint of a person with disability, the two important rights are domestic help and social service, while family counselling assistance is significant for a family with a disabled member. The Social Protection Institute of the Republic of Slovenia has been monitoring the provision of domestic help since 2006: it established that the number of users increased from 5250 in 2006 to 5780 in 2008; the range of this service still lags behind the growth of the old-age population.

The personal assistance programme has been running continually to date and on the basis of public tenders. Unfortunately, the available funding is insufficient to provide personal assistance to all persons needing it. For this reason, the Ministry of Labour, Family and Social Affairs prepared a draft personal assistance act, which may well be adopted in 2012 and will provide the right to personal assistance to all persons with disabilities who need the direct help of another person with a view to enabling their participation in the life of community and facilitating their independent decisions about their lives. Personal assistance pursuant to this act would be provided at home, at work, in education and in integration in the environment.

Technical devices

The right to assistive devices is given by the Health Insurance Institute of Slovenia to those with the status of an insured person. Whether or not an insured person is a person with disability and the degree of disability are established in accordance with the legislation governing the pension and disability insurance, which falls under the competence of the Pension and Disability Insurance Institute of the Republic of Slovenia. The right to assistive devices is exercised under the compulsory health insurance; assistive devices are prescribed by authorised medical practitioners on order forms and are subject to price standards (the maximum value covered by the compulsory health insurance). The price standard for an individual type of assistive device means that an insured person is entitled to this assistive device without additional payment if he/she has supplementary health insurance. Compulsory health insurance can cover the price standard in full or in a percentage specified in Article 23 of the Health Care and Health Insurance Act.

If an insured person does not have the supplementary health insurance, he or she is obliged to cover the part of expenses in certain instances (when the compulsory health insurance coverage does not provide 100% payment).

Pursuant to Article 25(1) of the Health Care and Health Insurance Act, the full payment (100% of the price standard) is provided for the orthopaedic, orthotic or other devices to persons with disabilities and to other persons who have been granted the right to assistance by another person in most or all basic daily activities in accordance with special regulations, and to persons with at least 70% physical impairment in accordance with pension and disability insurance regulations.

Medical criteria are set for all types of assistive devices, which are a right under compulsory health insurance; an insured person must meet these criteria to be entitled to an assistive device. An insured person's compliance with medical criteria for a particular type of assistive device is determined by an authorised medical practitioner. Only if the insured person meets medical criteria will the authorised medical practitioner prescribe the assistive device with an order form.

Article 18: The right to engage in a gainful occupation in the territory of other parties

18:1 Applying existing regulations in a spirit of liberality

Since the last report, the following legislation has been adopted:

- the Employment and Work of Aliens Act – ZZDT-1 (Official Gazette of the Republic of Slovenia, No. 26/11),
- the Rules on Applications and Evidence on Employment and Work of Aliens and on Employment of Aliens which do not Depend on the Labour Market (Official Gazette of the Republic of Slovenia, No. 45/11),
- the Decree Laying Down Work Permit Quota to Limit the Number of Aliens on Labour Market:
 - for the year 2010 (Official Gazette of the Republic of Slovenia, No. 8/10);
 - for the year 2009 (Official Gazette of the Republic of Slovenia, No. 8/09);
 - for the year 2008 (Official Gazette of the Republic of Slovenia, Nos. 25/08, 73/08);
 - for the year 2007 (Official Gazette of the Republic of Slovenia, Nos. 8/07, 55/07, 113/07).
- the Decree on Restrictions and Prohibitions of Employment and Work of Aliens (Official Gazette of the Republic of Slovenia, Nos. 44/09, 12/10, 33/10),
- the Aliens Act – ZTuj-1 (Official Gazette of the Republic of Slovenia, No. 64/09), and
- the Aliens Act – ZTuj-2 (Official Gazette of the Republic of Slovenia, Nos. 50/11, 57/11).

Employment and Work of Aliens Act

The Employment and Work of Aliens Act introduces **new categories of aliens** (in addition to the citizens of Member States of the EU, EEA or the Swiss Confederation and their family members) with the right of free access to the Slovenian labour market on the basis of their status, with personal work permits no longer being issued to them. These categories include immediate family members of Slovenian citizens, aliens of Slovenian origin up to the third successive generation, aliens with a permit for permanent residence in the Republic of Slovenia, refugees, and aliens who have the status of long-term resident in another Member State of the EU, after residing in the Republic of Slovenia for one year. With this, the act abolishes administrative procedures and reduces administrative burdens on employers and aliens.

In order to reinforce the protection of the rights of aliens employed or working in Slovenia, the new act provides **more flexible conditions for obtaining a personal work permit** with a validity period of three years. A personal work permit valid for a period of three years may be obtained by:

1. a family member of a refugee or an alien with a permit for permanent residence who has a valid temporary residence permit for the purpose of family reunification;
2. a self-employed alien who has been self-employed in the Republic of Slovenia and has, on this basis, been registered in social insurance for the last 22 months, is entered in the business register, and submits an application within 60 days before the validity of the personal work permit for self-employment expires and no later than 30 days after the validity of personal work permit for self-employment expires;
3. an alien with at least vocational education or acquired national professional qualification in the Republic of Slovenia, and a daily migrant worker who, in the last 24 months, has been employed in the Republic of Slovenia for at least 20 months and, on this basis, registered in social insurance and who submits an application within 60 days before the validity of the work permit on the basis of which they were employed expires and no later than 30 days after the validity of said work permit expires;
4. an alien who has completed the last year of his/her education in the Republic of Slovenia and obtained at least a higher degree of education if he/she finds an employer or becomes self-employed within two years after obtaining his/her title;

5. an alien who has completed a research programme in the Republic of Slovenia and finds an employer or becomes self-employed within the period of one year;
6. a family member of an alien under the preceding point who has a valid temporary residence permit for the purpose of family reunification;
7. a family member of an alien who has been issued a temporary residence permit in the Republic of Slovenia for reasons of performing research work and who has a valid temporary residence permit for the purpose of family reunification.

This innovation provides **better protection and security for aliens**, while introducing stricter conditions for extending the employment permit. In accordance with the new act, prior to extending the employment permit, it must be verified whether the employer was withholding tax return for income from the work relationship or wage bill and paying employment and work taxes and contributions.

Another important innovation introduced by the act is that the quota of work permits is no longer determined annually. The act authorises the government to, taking into account the situation and anticipated trends of the labour market, annually determine the quota of work permits through which it restricts the number of aliens on the labour market. The quota is introduced after the government obtains an opinion from the Economic and Social Council.

Decree on Restrictions and Prohibition of Employment and Work of Aliens

Restrictions and prohibitions of new employment that were introduced by the government in 2009 and 2010 had hardly any effect on the majority of migrant workers. The restrictions and prohibitions were mainly relating to the issuance of work permits, without any labour market control, for representatives and majority owners of companies from the Kosovo area who did not have residence permits in the Republic of Slovenia. These aliens obtained work permits for representatives and majority owners of companies on the basis of fictitious companies they had established. With the residence permits in Slovenia, which they obtained on the basis of the issued work permits, they immediately entered the countries of the Schengen area; these countries had warned Slovenia about this. The decree prohibited the issuance of work permits for representatives and majority owners of companies to aliens who resided in the Kosovo area, except for those representing medium-sized and large companies.

The government also introduced a measure to prohibit the employment of 'bar dancers' from countries whose citizens require a visa to enter Slovenia, except for aliens who are citizens of the countries that have a visa facilitation agreement concluded with the EU.

Additionally, the beginning of new employment relationships with aliens was prohibited for employers who did not register them in social insurance within four months of the issuance of the work permit.

Due to the exploitation of seasonal employment (without labour market control), it was prohibited in the fields of construction, hospitality industry, and tourism. Aliens could still be employed in these industries, but under the conditions that applied for regular employment. The Decree on Restrictions and Prohibition of Employment and Work of Aliens ceased to be valid on 31 December 2010.

Decree Laying Down Work Permit Quota to Limit the Number of Aliens on Labour Market

The government's decrees limiting the number of aliens with work permit quotas failed to have a decisive effect on the increase of employment of unemployed domestic persons or persons with equivalent rights. In 2007 and 2008, during a period of substantial economic growth, the government, under economic pressures, increased the number of work permits several times. Consequently, by the end of the year, the quota was not met. The majority of aliens were employed in construction, which is of little interest to domestic persons. This has become a tradition, since aliens who mainly come from the area of former Yugoslavia had been taking up employment in construction even before the breakup of Yugoslavia. As already mentioned, the new act no longer imposes a requirement to set a work permit quota on the government.

Table 34: Work permit quotas

YEAR	QUOTA	QUOTA MET	QUOTA MET IN %
2007	29 500	29 089	99
2008	32 000	29 453	92
2009	24 000	10 152	42.3
2010	12 000	3 216	26.8

'Focal Point'

The European Social Fund contributed EU funds for the implementation of the 'Promotion of Employability, Education and Social Inclusion of Migrant Workers and their Families' project within the framework of the Operational Programme for Development of Human Resources, more specifically, the fourth priority axis, 4.1 *Equal opportunities in the labour market and reinforcing social inclusion*. The project is implemented by the Employment Service of Slovenia; € 1 479 740.00 of funds were approved for the project, of which the European Social Fund contributed 85 %: € 1 180 729.86.

The main purpose of the project is the establishment of a 'Focal Point' (stationary and mobile) to facilitate activities for preventing the exploitation, discrimination and potential loss of employment of migrants and to enable a greater accessibility of new employment opportunities and greater competitiveness of migrant workers in the labour market. The main component of the project is the 'Focal Point', through which the Employment Service of Slovenia provides migrants with consulting and basic information:

- from the field of employment and residing in the Republic of Slovenia (migrant workers' rights, procedures for obtaining work permits for migrants and their family members, basic information on residence permits for migrants and their family members),
- on the possibility of self-employment and procedures for obtaining permits for self-employment,
- consulting on the possibilities of vocational education and further training for migrants and their family members – for easier integration,
- assisting migrants with administrative procedures (for employment, education, training, residence and regulating the status of the migrant family members).

The 'Focal Point' started operating in March 2010 when the first questions started to arrive. The migrants were mainly interested in information about job vacancies, the possibility of obtaining personal work permits, the possibility of accommodation, arrangements of the status of their family members, national legislation in the field of employing aliens and the possibilities of vocational education. For this purpose, monthly records of visitors, received phone calls, messages, and e-mails are kept.

In working with its users, the 'Focal Point' devotes special attention to potential violations deriving from employment contracts of aliens and informs the Employment of Foreign Workers Service thereof, which submits reports of violations to the Labour Inspectorate of the Republic of Slovenia *ex officio*.

The 'Focal Point' provided information to 578 persons from the beginning of its operations to the end of June 2010.

Agreement between the Republic of Slovenia and Bosnia and Herzegovina on the Employment of Citizens of Bosnia and Herzegovina in the Republic of Slovenia

In its session on 18 February 2010, the Government of the Republic of Slovenia adopted the initiative to conclude the Agreement between the Republic of Slovenia and Bosnia and Herzegovina on the Employment of Citizens of Bosnia and Herzegovina in the Republic of Slovenia. The agreement specifies the general principles of regulating mutual relations between the signatory countries in the field of employment of the citizens of Bosnia and Herzegovina in the Republic of Slovenia; the subjects of this agreement represent almost half of all migrant workers in the Republic of Slovenia. The principles of the agreement are also in accordance with the EU policy frame of reference in the field of comprehensive migration policy **with an**

emphasis on strengthening the partnership dialogue with third countries and recognising the importance of circular migrations, a reduction of the effects of brain drain, and ethical recruitment.

The Agreement between the Government of the Republic of Slovenia and the Council of Ministers of Bosnia and Herzegovina on the Employment of Citizens of Bosnia and Herzegovina in the Republic of Slovenia and the Protocol on the Implementation of the Agreement between the Government of the Republic of Slovenia and the Council of Ministers of Bosnia and Herzegovina on the Employment of Citizens of Bosnia and Herzegovina in the Republic of Slovenia was signed by both competent ministers in June 2011.

Additional explanation regarding the European Committee of Social Rights's Conclusions 2008 (pages 22-23)

FOREIGN POPULATION AND MIGRATORY MOVEMENT

Trends observed in Slovenia in relation to migration flows and the foreign population

Migration flows in the Republic of Slovenia have reflected the stagnant economic growth. By the end of 2006, there were 50 734 valid work permits; by the end of 2007, this number rose to 66 061, and by the end of 2008, there were 90 696 valid work permits. Since 2009, with the beginning of the economic crisis, the number of valid work permits has been dropping. By the end of 2009, more specifically by January 2010, 77 654 work permits were still valid, while in January 2011, there were only 74 008. The number of valid work permits has also been dropping due to the amendment of the Employment and Work of Aliens Act, which limits free access to the Slovenian labour market to aliens, as legally provided by the act.

The nationality structure has remained the same over the years, except for an increase of work permits for the citizens of Kosovo and a decrease of work permits for the citizens of Serbia. Otherwise, 94 % of aliens arrive from former Yugoslav countries, of which 50 % arrive from Bosnia and Herzegovina.

Table 35: Valid work permits* – breakdown by nationality, July 2011

Countries	Personal Work Permit	Employment Permit	Permit for Work	No Work Permit	Total
All	20 898	9 262	4 292	20	34 472
Former Yugoslav countries	20 562	7 988	3 749	20	32 319
BOSNIA AND HERZEGOVINA	13 552	3 493	798	-	17 843
SERBIA	2 121	1 589	712	-	4 422
KOSOVO	1 715	1 034	932	-	3 681
CROATIA	1 657	1 215	602	20	3 494
MACEDONIA	1 480	639	669	-	2 788
MONTENEGRO	35	18	35	-	88
SERBIA AND MONTENEGRO	2	-	1	-	3
Other countries	336	1 274	543	-	2 153
UKRAINE	148	336	103	-	587
CHINA	13	290	85	-	388
RUSSIAN FEDERATION	39	128	164	-	331
DOMINICAN REPUBLIC	5	167	2	-	174
REPUBLIC OF MOLDOVA	37	60	20	-	117
THAILAND	10	94	3	-	107
INDIA	5	38	5	-	48
UNITED STATES OF AMERICA	13	17	18	-	48
TURKEY	5	13	29	-	47
ALBANIA	8	4	23	-	35

***Note:**

On 23 April 2011, the new Employment and Work of Aliens Act (ZZDT-1) came into effect allowing free access to the Slovenian labour market to:

- the family members of Slovenian citizens,
- the citizens of Member States of the EU, EEA or the Swiss Confederation and their family members who do not have a EU or EEA citizenship, but do have a permit for temporary residence for a family member or a visa for long-term residence,
- the aliens with a permit for permanent residence in the Republic of Slovenia,
- refugees,
- the aliens who have the status of long-term resident in another Member State of the EU, after residing in the Republic of Slovenia for one year, as long as they have a valid temporary residence permit in the Republic of Slovenia, and
- the aliens of Slovenian origin up to the third successive generation.

Therefore, in the Republic of Slovenia, aliens may work, take up employment or become self-employed without a work permit. Work permits are no longer issued to these aliens and their data are not kept **in the statistical data**.

Table 36: EU citizens who took up employment* in Slovenia

EU Member States	I-VI 2009	I-VI 2010	I-VI 2011
All EU Member States	1 852	2 581	3 188
AUSTRIA	33	26	38
BELGIUM	6	1	5
BULGARIA	760	1 298	1 774
CYPRUS	2	1	
CZECH REPUBLIC	48	66	36
DENMARK	2	2	2
ESTONIA		2	3
FINLAND		1	2
FRANCE	20	15	23
MAINLAND FRANCE			
GREECE	3	2	3
IRELAND	2	4	3
ITALY	110	129	147
LATVIA	8	9	4
LITHUANIA	11	27	14
LUXEMBOURG			
HUNGARY	108	128	247
MALTA	2		2
GERMANY	36	36	23
THE NETHERLANDS	13	11	15
POLAND	98	138	87
PORTUGAL	1	5	9
ROMANIA	272	250	299
SLOVAKIA	276	391	410
SPAIN	9	8	11
SWEDEN	4	3	7
UNITED KINGDOM (GB)	28	28	24

* Source: Health Insurance Institute of Slovenia (M-1)

WORK PERMITS

Quota regime

Another important innovation introduced by the act is that the quota of work permits is no longer determined annually. The act **authorises the government to**, taking into account the situation and anticipated trends of the labour market, annually determine the quota of work permits through which it restricts the number of aliens on the labour market. The quota is introduced after the government obtains an opinion from the Economic and Social Council.

The number of residence permits issued in the Republic of Slovenia owing to employment

Statistical data hereunder refer to the reference period from 1 January 2007 to 31 December 2010 and include data on:

- the number of applications filed for the issue of first-time residence permits or confirmations on the registration of residence owing to employment or work and the number of negative decisions issued;

- the number of applications filed for the issue of further permits or extension of temporary residence permits and the number of applications issued for the renewal of confirmation of the registration of residence owing to employment or work and the number of negative decisions issued;

- the number of issued temporary residence permits and confirmations of the registration of residence due to employment or work (including the issue of further temporary residence permits, extension of temporary residence permits and renewal of confirmations of registration of residence).

Applications owing to employment or work include the following purposes for which the temporary residence permit may be issued:

- employment or work;
- research work;
- seasonal work;
- performing services with seconded workers;
- daily labour migrants;
- residents for a longer period of time in another EU Member State – employment or work.

Rejections, dismissals of applications and termination of procedures are included under the column regarding the number of negative decisions issued.

Table 37: Overview of the number of applications filed for the issue of first-time residence permits or confirmations on the registration of residence owing to employment or work and the number of negative decisions issued – breakdown by Member States of the Council of Europe (for the reference period from 1 January 2007 to 31 December 2010)

MEMBER STATES OF THE COUNCIL OF EUROPE	2007		2008	
	number of applications for the issue of first-time residence permits or confirmations on the registration of residence owing to employment or work	2007 number of negative decisions issued	number of applications for the issue of first-time residence permits or confirmations on the registration of residence owing to employment or work	2008 number of negative decisions issued
BOSNIA AND HERZEGOVINA	12810	157	16536	332
MONTENEGRO	46	1	86	3
CROATIA	1919	76	1762	54
MACEDONIA	2158	72	4206	121
SERBIA	5475	257	6866	320
SERBIA AND MONTENEGRO	0	0	0	0
AUSTRIA	43	2	38	5
BELGIUM	5	0	3	0
CYPRUS	0	0	1	0
CZECH REPUBLIC	44	4	47	5
DENMARK	8	1	3	1
ESTONIA	1	0	2	0
FINLAND	6	0	13	0
FRANCE	63	4	65	4
GREECE	3	0	3	0

IRELAND	3	0	3	1
ITALY	75	5	74	5
LATVIA	6	0	2	0
LITHUANIA	8	1	5	0
LUXEMBOURG	0	0	0	0
HUNGARY	73	4	158	16
MALTA	0	0	2	0
GERMANY	72	3	78	8
THE NETHERLANDS	16	1	6	2
POLAND	117	6	105	9
PORTUGAL	9	0	19	2
SLOVAKIA	637	37	582	95
SPAIN	12	0	17	1
SWEDEN	13	1	12	1
UNITED KINGDOM (GB)	57	1	57	7
ALBANIA	10	3	54	2
ANDORA	0	0	0	0
ARMENIA	0	0	0	0
AZERBAIJAN	0	0	0	0
BULGARIA	1655	79	2595	331
GEORGIA	0	0	2	0
ICELAND	2	0	0	0
LIECHTENSTEIN	0	0	0	0
REPUBLIC OF MOLDOVA	93	1	117	7
MONACO	0	0	0	0
NORWAY	4	0	6	0
ROMANIA	292	3	462	28
RUSSIAN FEDERATION	68	0	104	7
SAN MARINO	0	0	0	0
SWITZERLAND	8	0	5	0
TURKEY	12	2	20	0
UKRAINE	418	11	420	16

MEMBER STATES OF THE COUNCIL OF EUROPE	2009 number of applications for the issue of first-time residence permits or confirmations on the registration of residence owing to employment or work	2009 number of negative decisions issued	2010 number of applications for the issue of first-time residence permits or confirmations on the registration of residence owing to employment or work	2010 number of negative decisions issued
BOSNIA AND HERZEGOVINA	3287	724	1998	185
MONTENEGRO	48	8	23	4
CROATIA	1490	97	1365	94
MACEDONIA	1587	302	430	188
SERBIA	2244	418	1173	165
SERBIA AND MONTENEGRO	0	0	0	0
AUSTRIA	36	7	35	3
BELGIUM	4	0	3	0
CYPRUS	1	0	0	0
CZECH REPUBLIC	34	5	47	2
DENMARK	5	3	2	0
ESTONIA	5	0	2	0
FINLAND	6	0	16	0
FRANCE	65	20	53	4
GREECE	5	0	8	1
IRELAND	4	2	9	0
ITALY	68	10	84	7
LATVIA	7	0	0	0
LITHUANIA	5	0	11	0
LUXEMBOURG	0	0	0	0
HUNGARY	47	8	94	11
MALTA	1	1	1	0
GERMANY	80	15	64	7
THE NETHERLANDS	15	2	11	0
POLAND	42	3	43	0
PORTUGAL	10	0	10	0
SLOVAKIA	341	77	473	57
SPAIN	25	1	24	2
SWEDEN	9	3	11	1
UNITED KINGDOM (GB)	48	10	41	3

ALBANIA	121	13	31	17
ANDORA	0	0	0	0
ARMENIA	0	0	0	0
AZERBAIJAN	0	0	0	0
BULGARIA	1340	251	2021	195
GEORGIA	3	0	6	0
ICELAND	0	0	0	0
LIECHTENSTEIN	0	0	0	0
REPUBLIC OF MOLDOVA	81	5	54	9
MONACO	0	0	0	0
NORWAY	2	2	5	1
ROMANIA	226	43	200	36
RUSSIAN FEDERATION	67	5	78	6
SAN MARINO	0	0	0	0
SWITZERLAND	2	2	3	0
TURKEY	27	5	16	2
UKRAINE	240	17	237	23

* Applications for the issue of residence permits owing to employment or work filed from the citizens of the Republic of Kosovo are not included in the data.

Table 38: Overview of the number of applications filed for the issue of further permits or extension of temporary residence permits and the number of applications issued for the renewal of confirmation of the registration of residence owing to employment or work and the number of negative decisions issued;

MEMBER STATES OF THE COUNCIL OF EUROPE	2007 applications for the issue of further permits or extension of temporary residence permits and the number of applications issued for the renewal of confirmation of the registration of residence owing to employment or work	2007 negative decisions issued	2008 applications for the issue of further permits or extension of temporary residence permits and the number of applications issued for the renewal of confirmation of the registration of residence owing to employment or work	2008 negative decisions issued
BOSNIA AND HERZEGOVINA	17861	326	21506	445
MONTENEGRO	75	2	86	3
CROATIA	3004	34	2360	36
MACEDONIA	2827	164	3702	158
SERBIA	6199	344	6588	286
SERBIA AND MONTENEGRO	0	0	0	0
AUSTRIA	10	0	6	0
BELGIUM	0	0	1	0
CYPRUS	0	0	0	0

CZECH REPUBLIC	10	0	10	0
DENMARK	2	0	0	0
ESTONIA	0	0	2	0
FINLAND	2	0	3	0
FRANCE	7	0	12	2
GREECE	2	0	2	0
IRELAND	3	0	0	0
ITALY	10	0	13	1
LATVIA	0	0	2	0
LITHUANIA	1	0	1	0
LUXEMBOURG	0	0	0	0
HUNGARY	10	0	34	0
MALTA	0	0	2	0
GERMANY	10	0	11	0
THE NETHERLANDS	5	0	6	1
POLAND	13	0	13	0
PORTUGAL	0	0	1	0
SLOVAKIA	72	0	91	7
SPAIN	1	0	2	0
SWEDEN	2	0	3	0
UNITED KINGDOM (GB)	4	0	8	0
ALBANIA	7	1	15	1
ANDORA	0	0	0	0
ARMENIA	0	0	1	0
AZERBAIJAN	1	0	0	0
BULGARIA	109	2	430	11
GEORGIA	0	0	0	0
ICELAND	0	0	1	1
LIECHTENSTEIN	0	0	0	0
REPUBLIC OF MOLDOVA	137	5	131	9
MONACO	0	0	0	0
NORWAY	1	0	0	0
ROMANIA	27	1	52	1
RUSSIAN FEDERATION	101	6	105	0
SAN MARINO	0	0	0	0
SWITZERLAND	2	1	0	0
TURKEY	16	0	22	1
UKRAINE	571	26	531	15

MEMBER STATES OF THE COUNCIL OF EUROPE	2009 applications for the issue of further permits or extension of temporary residence permits and the number of applications issued for the renewal of confirmation of the registration of residence owing to employment or work	2009 negative decisions issued	2010 applications for the issue of further permits or extension of temporary residence permits and the number of applications issued for the renewal of confirmation of the registration of residence owing to employment or work	2010 negative decisions issued
BOSNIA AND HERZEGOVINA	22603	815	17184	533
MONTENEGRO	85	4	65	0
CROATIA	2828	70	2797	68
MACEDONIA	3690	340	2369	232
SERBIA	4488	324	2837	167
SERBIA AND MONTENEGRO	0	0	0	0
AUSTRIA	2	0	16	0
BELGIUM	1	1	2	0
CYPRUS	0	0	0	0
CZECH REPUBLIC	12	0	16	0
DENMARK	1	0	0	0
ESTONIA	0	0	0	0
FINLAND	0	0	0	0
FRANCE	12	0	5	1
GREECE	2	0	1	0
IRELAND	3	0	2	0
ITALY	18	2	21	1
LATVIA	0	1	3	0
LITHUANIA	0	0	1	0
LUXEMBOURG	0	0	0	0
HUNGARY	19	4	18	1
MALTA	2	0	0	0
GERMANY	13	1	17	1
THE NETHERLANDS	0	0	2	0
POLAND	21	0	15	0
PORTUGAL	3	0	5	0
SLOVAKIA	114	2	123	5
SPAIN	8	1	4	0
SWEDEN	3	0	1	0
UNITED KINGDOM	12	0	11	0

(GB)				
ALBANIA	30	1	27	5
ANDORA	0	0	0	0
ARMENIA	0	0	0	0
AZERBAIJAN	0	0	0	0
BULGARIA	466	29	671	8
GEORGIA	2	0	1	0
ICELAND	0	0	0	0
LIECHTENSTEIN	0	0	0	0
REPUBLIC OF MOLDOVA	109	2	86	1
MONACO	0	0	0	0
NORWAY	0	0	1	0
ROMANIA	40	5	40	3
RUSSIAN FEDERATION	152	3	170	6
SAN MARINO	0	0	0	0
SWITZERLAND	0	0	1	0
TURKEY	27	5	28	3
UKRAINE	452	24	437	17

* Applications for the issue of further permits or extension of residence permits owing to employment or work filed from the citizens of the Republic of Kosovo are not included in the data

Table 39: Overview of the number of issued temporary residence permits and confirmations of the registration of residence due to employment or work (including the issue of further temporary residence permits, extension of temporary residence permits and renewal of confirmations of registration of residence)

MEMBER STATES OF THE COUNCIL OF EUROPE	2007 No. of issued residence permits/ confirmations of the registration of residence due to employment or work	2008 No. of issued residence permits/ confirmations of the registration of residence due to employment or work	2009 No. of issued residence permits/ confirmations of the registration of residence due to employment or work	2010 No. of issued residence permits/ confirmations of the registration of residence due to employment or work
BOSNIA AND HERZEGOVINA	29.243	37237	25291	18880
MONTENEGRO	121	160	128	82
CROATIA	4765	4073	4141	4078
MACEDONIA	4637	7567	4812	2626
SERBIA	10829	13150	6326	3834
SERBIA AND MONTENEGRO	0	0	0	0
AUSTRIA	49	43	39	44
BELGIUM	3	4	5	5

CYPRUS	0	1	0	2
CZECH REPUBLIC	49	53	47	62
DENMARK	6	4	5	2
ESTONIA	2	3	6	1
FINLAND	7	14	4	15
FRANCE	60	64	70	54
GREECE	4	6	6	7
IRELAND	6	2	5	11
ITALY	72	80	72	100
LATVIA	5	4	5	13
LITHUANIA	7	5	7	12
LUXEMBOURG	0	0	0	0
HUNGARY	68	170	64	97
MALTA	0	3	2	1
GERMANY	70	74	90	72
THE NETHERLANDS	16	16	11	12
POLAND	121	114	62	54
PORTUGAL	8	21	12	14
SLOVAKIA	617	575	434	542
SPAIN	10	21	29	27
SWEDEN	14	14	12	11
UNITED KINGDOM (GB)	57	61	57	47
ALBANIA	16	56	130	48
ANDORA	0	0	0	0
ARMENIA	0	1	0	0
AZERBAIJAN	0	1	0	0
BULGARIA	1409	2670	1671	2486
GEORGIA	0	2	4	7
ICELAND	2	0	0	0
LIECHTENSTEIN	0	0	0	0
REPUBLIC OF MOLDOVA	222	236	183	135
MONACO	0	0	0	0
NORWAY	5	4	4	5
ROMANIA	305	465	222	234
RUSSIAN FEDERATION	150	213	204	237
SAN MARINO	0	0	0	0
SWITZERLAND	8	4	2	3
TURKEY	23	37	42	42
UKRAINE	916	965	655	650

* Residence permits owing to employment or work issued to the citizens of the Republic of Kosovo are not included in the data

Number of work permits issued and the number of rejected applications for work permits

Table 40: Overview of the number of rejected applications for work permits – breakdown by Member States of the Council of Europe (for the reference period from 1 January 2007 to 31 December 2010):

MEMBER STATES OF THE COUNCIL OF EUROPE	2007 NUMBER OF APPLICATIONS	2007 NUMBER (%) OF NEGATIVE DECISIONS	2008 NUMBER OF ALL ISSUED DECISIONS	2008 NUMBER (%) OF NEGATIVE DECISIONS
BOSNIA AND HERZEGOVINA	33941	2 104 (6%)	46 018	2 414 (5%)
MONTENEGRO	118	2 (2%)	215	10 (5%)
CROATIA	6 326	89 (1%)	6 192	146 (2%)
MACEDONIA	5 814	338 (6%)	9 946	880 (9%)
SERBIA	13 054	667 (5%)	19 809	1 163 (6%)
SERBIA AND MONTENEGRO	1 793	113 (6%)	65	3 (5%)
AUSTRIA				
BELGIUM				
CYPRUS				
CZECH REPUBLIC				
DENMARK				
ESTONIA				
FINLAND				
FRANCE				
GREECE				
IRELAND				
ITALY				
LATVIA				
LITHUANIA				
LUXEMBOURG				
HUNGARY				
MALTA				
GERMANY				
THE NETHERLANDS				
POLAND				
PORTUGAL				
SLOVAKIA				
SPAIN				
SWEDEN				
UNITED KINGDOM (GB)				

ALBANIA	27	5 (18%)	93	8 (9%)
ANDORA				
ARMENIA	1		3	
AZERBAIJAN	1			
BULGARIA	26		4	2 (50%)
GEORGIA			3	
ICELAND				
LIECHTENSTEIN				
REPUBLIC OF MOLDOVA	288	2 (0.7%)	302	7 (2%)
MONACO				
NORWAY				
ROMANIA				
RUSSIAN FEDERATION	252	11 (4%)	314	10 (3%)
SAN MARINO				
SWITZERLAND				
TURKEY	25	1 (4%)	40	2 (5%)
UKRAINE	1179	29 (2.5%)	1488	49 (3%)

MEMBER STATES OF THE COUNCIL OF EUROPE	2009 NUMBER OF APPLICATIONS	YEAR 2009 NUMBER (%) OF NEGATIVE DECISIONS	YEAR 2010 NUMBER OF ALL ISSUED DECISIONS	YEAR 2010 NUMBER (%) OF NEGATIVE DECISIONS
BOSNIA AND HERZEGOVINA	28 071	2 015 (7%)	20 635	1 450 (7%)
MONTENEGRO	193	22 (11%)	117	5 (4%)
CROATIA	5 060	147 (3%)	5 576	184 (3%)
MACEDONIA	6 044	957 (16%)	3 509	376 (11%)
SERBIA	9 412	966 (10%)	5 496	409 (7%)
SERBIA AND MONTENEGRO	6	1 (17%)	6	
AUSTRIA				
BELGIUM				
CYPRUS				
CZECH REPUBLIC				
DENMARK				
ESTONIA				
FINLAND				
FRANCE			1	1 (100%)
GREECE				
IRELAND				
ITALY				

LATVIA				
LITHUANIA				
LUXEMBOURG				
HUNGARY				
MALTA				
GERMANY				
THE NETHERLANDS				
POLAND				
PORTUGAL				
SLOVAKIA				
SPAIN				
SWEDEN				
UNITED KINGDOM (GB)				
ALBANIA	214	44 (20%)	65	14 (21%)
ANDORA				
ARMENIA	1		1	1 (100%)
AZERBAIJAN				
BULGARIA	1	1 (100%)	1	1 (100%)
GEORGIA	4		7	1 (14%)
ICELAND				
LIECHTENSTEIN				
REPUBLIC OF MOLDOVA	253	37 (15%)	166	10 (6%)
MONACO				
NORWAY				
ROMANIA				
RUSSIAN FEDERATION	262	10 (4%)	352	16 (4.5%)
SAN MARINO				
SWITZERLAND				
TURKEY	83	6 (7%)	46	3 (6%)
UKRAINE	866	73 (8%)	971	126 (13%)

Separate records of first-time and resubmitted applications are not kept.

18:3 Liberalising regulations governing the employment of workers

Additional explanation regarding the European Committee of Social Rights's Conclusions 2008 (pages 23-25)

Obtaining a residence permit

In accordance with the applicable legislation, foreign workers who wish to take up employment or work in the Republic of Slovenia must obtain a permit for first residence prior to their entry into the country. They may submit their application to any diplomatic or consular mission of the Republic of Slovenia based abroad. The law allows the possibility for an application for the issuance of residence permit for the purposes of employment or work to be submitted to the competent authority in the Republic of Slovenia by the employer. The newly adopted Aliens Act (ZTuj-2) of 15 June 2011, which will enter into effect on 27 October 2011, preserves the obligations for obtaining the permit for first residence prior to the entry of the foreign worker into the Republic of Slovenia, but allows particular categories of aliens who wish to take up employment or work in the Republic of Slovenia to enter and reside in the Republic of Slovenia prior to obtaining the permit for first residence; i.e. they can obtain the permit for first residence in the Republic of Slovenia (holders of the EU Blue Card that was issued to them in another EU Member State; researchers, university teachers and university associates who have a permit for researchers, university teachers and university associates for residing in another EU Member State; aliens who have a permit for long-term residence in another EU Member State and wish to reside in the Republic of Slovenia for the purposes of employment or work; holders of the long-term residence visa). The new act also enables holders of the long-term residence visa (D visa) who reside in the Republic of Slovenia on the basis of the D visa a streamlined transition from residing in the Republic of Slovenia on the basis of the D visa to residing in the Republic of Slovenia on the basis of the temporary residence permit. This category of aliens may acquire the permit for first residence in the Republic of Slovenia.

To obtain a temporary residence permit in the Republic of Slovenia for the purposes of employment or work, aliens must prove that they fulfil the conditions as legally provided by the Aliens Act, whereby they must additionally prove that they are in possession of a work permit. Aliens may submit an application for the issuance of a temporary residence permit and an application for the issuance of a work permit at the same time. This enables the authority responsible for the issuance of temporary residence permits for the purposes of employment or work to decide upon the issuance of a temporary residence permit immediately after the competent authority decides to issue a work permit, under the condition that the alien fulfils all other conditions for the issuance of a temporary residence permit and that there are no reservations for the issuance of this permit.

Access to the national labour market

In the Republic of Slovenia, the issuance of work permits is not limited to specific activities, except in 2009 and 2010, when a particular decree limited and prohibited employment in some activities. The new Employment and Work of Aliens Act preserves the system that specifies that aliens with an employment permit are allowed to take up employment solely with the employer who was issued a permit to employ them. The basic condition for the issuance of an employment permit is that there are no unemployed domestic persons or persons of equal qualification in the records (citizens of Member States of the EU and EEA and aliens with personal work permit) who fulfil the conditions for occupying a job vacancy published by the employer. The act further stipulates that aliens may be issued only one valid work permit for the same time period, except aliens with higher education for whom a permit for employment with other employers may be issued, following a minimum of one month of employment with the first employer, in accordance with the law regulating employment relationships.

However, aliens, as with Slovenian citizens, may find another employer prior to the expiry of the permit for employment with the first employer. The act does not prohibit aliens from seeking better employment with another employer during their employment period with the first employer. Consequently, aliens, for whom the second employer will submit an application for the issuance of a new employment permit, can present their first employer with the cancellation of their employment contract, in accordance with the law regulating employment relationships.

After cancelling the employment contract with the first employer, the aliens' employment permit with this employer is terminated. Nevertheless, they are not required to leave the country if another employer who wishes to employ them has already applied for the issuance of an employment permit. Aliens who do not immediately find another employer are not required to leave the country if they are entitled to unemployment allowance. They may remain in the country until the expiry of their unemployment allowance or even longer if, during the period of receiving the allowance, they find an employer who wishes to employ them and who applies for the issuance of an employment permit for them.

In the answer under 18.1, we have already stated all the categories of aliens who may obtain a personal work permit with a validity period of three years and who are, during the validity period of the work permit, equal to Slovenian citizens in regard to the rights and obligations arising from the work relationship. Among these are aliens who obtain a personal work permit with a validity period of three years immediately after entering Slovenia (e.g. a family member of an alien with a permit for permanent residence in Slovenia).

Permits for temporary residence are issued to aliens who intend to reside in the Republic of Slovenia for the purposes provided by law. If aliens wish to reside in the Republic of Slovenia for purposes other than those for which their permit for temporary residence was issued, they must, prior to the expiry of the issued permit, apply for an extension of a permit for residence for another purpose. The regulation of the issuance of permits for specific legal purposes also remains unaltered with the adoption of the new Aliens Act (ZTuj-2).

The validity of the permit for temporary residence is dependent on the time required for the realisation of the purpose for which the alien applied for the issuance of a work permit. The permit for first residence, however, may not be issued with a validity period of more than one year. An exception is a permit for first residence with a validity period of two years, which is issued to daily migrant workers. In accordance with the adoption of the new Aliens Act (ZTuj-2), an exception to the aforementioned is also specified for the case of the issuance of a permit for temporary residence to aliens whose residence in the Republic of Slovenia is in Slovenia's interest and who may be issued a permit for first residence with a validity period of no more than five years, and in the case of issuance of a permit for temporary residence to aliens for the purpose of highly qualified employment – the EU Blue Card, which may be issued for a validity period of two years.

Exercise of the right of employment

Since it has come to our attention that in recent years the previous act had been abused by some employers for the purpose of obtaining personal work permits with the validity period of three years, the new act no longer allows the issuance of such permits. After the one-year employment period had passed, some employers did not want to extend the employment permit for the aliens. Instead, the employers suggested that they take up employment with another employer. Because of this, the aliens were not able to fulfil the condition of working two years with the same employer. The then applicable legislation stipulated that a personal work permit with the validity period of three years may be obtained *inter alia* by aliens with at least vocational education who have been employed for the last two years prior to application submission without interruption with the same employer or the employer's legal predecessor.

In the new Employment and Work of Aliens Act, the aforementioned condition is changed so that aliens with vocational education or higher, or acquired national professional qualifications have to be employed in the Republic of Slovenia for at least 20 months in the previous 24 months by one or more employers.

We hereby once again indicate the categories of aliens who may, according to the new act, obtain a personal work permit with a validity period of three years, which for the duration of the validity period of the permit puts them in a position in the labour market equal to the position of the Slovenian citizens.

1. a family member of a refugee or an alien with a permit for permanent residence who has a valid temporary residence permit for the purpose of family reunification;

2. a self-employed alien who has been self-employed in the Republic of Slovenia and has, on this basis, been registered in social insurance for the last 22 months, is entered in the business register, and submits an application within 60 days before the validity of the personal work permit for self-employment expires and no later than 30 days after the validity of personal work permit for self-employment expires;
3. an alien with at least vocational education or acquired national professional qualification in the Republic of Slovenia, and a daily migrant worker who, in the last 24 months, has been employed in the Republic of Slovenia for at least 20 months and, on this basis, registered in social insurance and who submits an application within 60 days before the validity of the work permit on the basis of which they were employed expires and no later than 30 days after the validity of said work permit expires;
4. an alien who has completed the last year of his/her education in the Republic of Slovenia and obtained at least a higher degree of education if he/she finds an employer or becomes self-employed within two years after obtaining his/her title;
5. an alien who has completed a research programme in the Republic of Slovenia and finds an employer or becomes self-employed within the period of one year;
6. a family member of an alien under the preceding point who has a valid temporary residence permit for the purpose of family reunification;
7. a family member of an alien who has been issued a temporary residence permit in the Republic of Slovenia for reasons of performing research work and who has a valid temporary residence permit for the purpose of family reunification.

Conditions for obtaining a personal work permit and permanent residence

The new Employment and Work of Aliens Act abolishes the personal work permit issued for an indefinite period of time, and reconfigures categories of aliens who have free access to the Slovenian labour market, including aliens with a permit for permanent residence in the Republic of Slovenia.

The period of residing in the Republic of Slovenia required for obtaining a permit for permanent residence remains unaltered. For obtaining a permanent residence permit, a five-year uninterrupted residence in the Republic of Slovenia is required on the basis of a temporary residence permit or a confirmation of receipt of the submitted application for the extension or re-issue of the temporary residence permit. The act also specifies exceptions. If aliens are of Slovenian origin or their residence in the Republic of Slovenia is in Slovenia's interest, they may obtain a permit for permanent residence before residing in the Republic of Slovenia uninterruptedly for five years. Immediate family members of aliens with a permit for permanent residence in the Republic of Slovenia or with a refugee status may be issued a permit for permanent residence after two years of uninterrupted residence in the Republic of Slovenia.

The new Aliens Act introduces some new categories of aliens (holder of visa for long-term residence, holder of an EU Blue Card). If the holder of a visa for long-term residence applies for a permit for temporary residence for an alien with a visa for long-term residence before the visa expires, the period of residence in the Republic of Slovenia on the basis of a visa for long-term residence is included in the period required for issuing the permanent residence permit. For a holder of an EU Blue Card, any periods of residing in other EU Member States on the basis of the EU Blue Card are included in the five-year period required for issuing the permanent residence permit.

Consequences of a job loss

In the Republic of Slovenia, the issuance of work permits is not limited to specific activities, except in 2009 and 2010, when a particular decree limited and prohibited employment in some activities. The new Employment and Work of Aliens Act preserves the system that specifies that aliens with an employment permit are allowed to take up employment solely with the employer who was issued a permit to employ them. The basic condition for the issuance of an employment permit is that there are no unemployed domestic persons or persons of equal qualification in the records (citizens of Member States of the EU and EEA and aliens with personal work permit) who fulfil the conditions for occupying a job vacancy published by the employer. The act further stipulates that aliens may be issued only one valid work permit for the same time period, except aliens with higher education for whom a permit for employment with other employers may be

issued, following a minimum of one month of employment with the first employer, in accordance with the law regulating employment relationships.

However, aliens, as with Slovenian citizens, may find another employer prior to the expiry of the permit for employment with the first employer. The act does not prohibit aliens from seeking better employment with another employer during their employment period with the first employer. Consequently, aliens, for whom the second employer will submit an application for the issuance of a new employment permit, can present their first employer with the cancellation of their employment contract, in accordance with the law regulating employment relationships.

After cancelling the employment contract with the first employer, the aliens' employment permit with this employer is terminated. Nevertheless, they are not required to leave the country if another employer who wishes to employ them has already applied for the issuance of an employment permit. Aliens who do not immediately find another employer are not required to leave the country if they are entitled to unemployment allowance. They may remain in the country until the expiry of their unemployment allowance or even longer if, during the period of receiving the allowance, they find an employer who wishes to employ them and who applies for the issuance of an employment permit for them.

The same applies for aliens who become self-employed. If they are entitled to monetary compensation or to take up employment, they are not required to leave the country.

In the newly adopted Aliens Act (ZTuj-2), the Republic of Slovenia introduced a new category of temporary residence permits: temporary residence permits for the purposes of highly qualified employment – the EU Blue Card, as defined in the Council Directive 2009/50/EC of 25 May 2009 on the Conditions of Entry and Residence of Third-country Nationals for the Purposes of Highly Qualified Employment. The conditions for the issuance of a temporary residence permit for this category of aliens are more favourable than the former conditions for the issuance of residence permits, since their aim is to attract the greatest possible number of highly qualified foreign workers to the Republic of Slovenia, and to the EU in general. The regulation introduces a 'one-stop shop' where aliens or their employers submit an application for the issuance of a residence permit in one place – to the administrative unit or the competent diplomatic or consular mission of the Republic of Slovenia based abroad, whereby aliens are not required beforehand or at the same time to apply for the issuance of a work permit. The valid work permit otherwise required by daily migrants is not included in the conditions for the issuance of a residence permit for the purposes of highly qualified employment. This regulation abolishes the double procedure of the issuance of residence permits and work permits, since the decision about the issuance of a residence permit for the purposes of highly qualified employment will be made by a single authority after the consent for highly qualified employment is obtained in a special procedure, as defined in the law regulating employment and work of aliens. The permit for temporary residence will be issued to the highly qualified workers in the format of an EU Blue Card, which allows its holder to enter, and reside and work in the Republic of Slovenia. This eliminates the need to obtain a work permit for the aliens to be able to prove their right to work in the Republic of Slovenia, facilitates control of the legality of the work and residence of the aliens in the Republic of Slovenia, and reduces the possibilities of abuse.

It is envisaged that the 'one-stop shop' regulation will also be used in cases of issuing temporary residence permits for the purposes of employment or work for all other migrant workers who wish to work or take up employment in the Republic of Slovenia. However, it will only come into effect with the adoption and implementation of the directive that specifies the uniform procedure of issuing work permits and residence permits; the directive is to be adopted shortly.

In the event of early termination of the employment relationship, the competent authority *ex officio* revokes the residence permit that was issued to the alien for the purposes of employment or work. In the newly adopted Aliens Act (ZTuj-2), the legislation has included a safeguard that protects aliens in case of loss of employment through no fault or choice of their own. According to the law, the aliens must meet the following conditions: the aliens must have been employed in the Republic of Slovenia for at least a year, and they must be registered as employment seekers and be in possession of a confirmation of receipt by the competent authority responsible for employment. If the aliens meet these conditions, their residence permit is not revoked, despite the termination of the work permit. The purpose of this measure is to protect foreign workers from the consequences of arbitrary layoffs by employers.

18:4 The right of nationals to leave the country

Citizens of the Republic of Slovenia may be prevented from leaving the country for the reasons determined by Article 195 of the Criminal Procedure Act (hereinafter: the CPA), Article 195b of the CPA on obligatory regular appearances at a police station, Articles 196 to 199 of the CPA on bail, Article 199a of the CPA on house arrest, and Article 77 of the Enforcement of Criminal Sanctions Act.

The Act on the Protection of the Citizens of the Socialist Federal Republic of Yugoslavia Temporarily Employed Abroad is still in effect, except for the provisions restricting temporary work abroad, since they apply to citizens of the SFRY, who no longer exist, and the provisions on mandatory military service, which was abolished. The competent ministry will study the possibilities of ending the validity of the mentioned law.

Article 20: THE RIGHT TO EQUAL OPPORTUNITIES AND EQUAL TREATMENT IN MATTERS OF EMPLOYMENT AND OCCUPATION WITHOUT DISCRIMINATION ON THE GROUNDS OF SEX

Since the last report, the following legislation has been adopted:

- Act amending The implementation of the Principle of Equal Treatment Act (Official Gazette of the Republic of Slovenia, No. 60/07);
- Decree on measures for protecting worker's dignity at work in state administration (Official Gazette of the Republic of Slovenia, No. 36/09);
- Periodic Plan for the Implementation of the National Programme for Equal Opportunities for Women and Men 2008-2009;
- Periodic Plan for the Implementation of the National Programme for Equal Opportunities for Women and Men 2010-2011

Additional explanation regarding the European Committee of Social Rights's Conclusions 2008 (page 27)

EQUAL RIGHTS

Equal pay cases – comparison of pay and jobs outside the company directly concerned

The Higher Labour and Social Court (hereinafter: the HLSC; unless stated otherwise, the judgements cited here are from this Court) has, in its case law, never had a case where salaries and work positions were compared to ones outside the company in question.

Such a comparison was made merely to establish what kind of salary a worker could have or what kind of salary a worker had for the needs of pension insurance when precise data on the salary was unknown.

Only two cases in relation to the salaries of so-called comparable workers should be added:

- Judgement and Decision No. Pdp 804/2010I, dated 22 November 2010: The salaries of two comparable workers were taken into account when establishing what kind of salary the plaintiff would have had if their employment relationship had not been unlawfully terminated;
- Judgement No. Pdp 1261/2010, dated 18 November 2010: In a similar case, the salary of a comparable worker was taken into account;
- Judgement No. Pdp 139/2011, dated 19 May 2011: Since data on the plaintiff's salary for specific years was not in the register, the pension rating basis was established by taking into account the salaries of comparable workers;
- Judgement No. Pdp 513/2009, dated 21 October 2009: A similar case.

Otherwise, salaries for individual industries or sectors are determined in salary annexes to collective agreements, if such exist. The salary annexes are subject to agreement between the employers' representatives and workers and they represent the minimum standard (minimum salary depending on the skills required in the work position) which must be followed by all employers that are subject to a specific collective agreement. It could therefore be concluded that workers who work for different employers in the same industry or sector have similar or comparable salaries.

ILO conventions No. 45 and No. 89

In 2007, the Republic of Slovenia ended the validity of ILO Convention No. 45 concerning the Employment of Women on Underground Work in Mines of all Kinds. In October 2011, the procedure for ending the validity of ILO Convention No. 89 on a national level was concluded and will soon be submitted to the Director-General of the International Labour Office. In accordance with the provisions of the Convention, it will cease to be valid a year after this is registered with the International Labour Office.

In accordance therewith and on the basis of the aspirations to abolish discriminatory provisions in the legislation of the Republic of Slovenia, labour legislation will be changed accordingly as well.

SITUATION OF WOMEN IN THE LABOUR MARKET AND MEASURES FOR PROMOTING EQUAL OPPORTUNITIES

Because of inequalities in the labour market (although some of them may come from personal choice, taken by women and men), the difference in salaries of women and men is present also in Slovenia; however, the difference is among the lowest in the Member States of the European Union. The difference in payments between women and men amounted to 8.3 percentage points in 2007 and to 8.5 percentage points in 2008, while the average wage gap in the Member States of the European Union in 2007 amounted to 17.6 percentage points. Among the EU Member States, Slovenia has the lowest gender pay gap (GPG, unadjusted pay gap) measuring imbalances in terms of pay between men and women, that is, the pay of women is lower only by 3% than the pay of men according to the data by Eurostat for October 2010.

In addition, it is worth recalling that the Employment Relationships Act specifically states that the employer is obliged to pay the same amount of payment to employees, if their work is equal or of equal value, regardless of gender. Any kind of distinction is illegal. With regard to the availability of employment it should also be added that, according to the Employment Relationships Act, an employer may not publish a job only for men or only for women and a vacancy may not indicate that an employer gives preference in employment to a specific gender, except where sex constitutes an essential and decisive condition for such work and the requirement is justified as a proportionate way of achieving a legitimate aim.

In recent years, the gap between unemployed women and men in Slovenia has been decreasing. On average, in 2009 there were less unemployed women than men (49.1 % of all registered unemployed persons).

Table 41: Structure of registered unemployment in %

	2003	2004	2005	2006	2007	2008	2009
- up to 26 years	26.1	26.2	24.2	21.2	16.7	14.4	15.4
- first-job seekers	23.2	25.2	24.3	22.3	19.4	16.9	14.3
- women	52.8	53.1	53.8	54.8	54.9	52.8	49.1
- long-term unemployed persons	48.6	46.2	47.3	48.8	51.2	51.1	36.5
- unskilled persons	44.2	41.6	40.8	39.3	39.3	40.1	39.4
- older than 40 years	44.1	42.8	43.6	46.3	52.1	55.4	51.3

Source: Employment Service of Slovenia

Considering the difference of access to employment and equal earnings, the Ministry of Labour carried out a programme "Assistance in employing long-term unemployed women" in the period 2005-2008. As shown in the figure above, in 2008 the percentage of unemployed women decreased and in 2009 it was even lower than the percentage of unemployed men (the table on the previous page – in 2009, 50.87 % of unemployed persons were male and 49.13 % female; in the first two months of 2010 the gap had increased – 52.73 % were male and 47.27 % female). Unfortunately, the gap in earnings remains also due to the fact that in

industries where the majority of employees are female, the jobs have a lower added value and therefore the level of personal income is lower as well.

As already stated by Slovenia in the previous report, in October 2005 the **Resolution on the National Programme for Equal Opportunities for Women and Men 2005-2013** has been adopted. It is a strategic document that sets out basic policies for gender equality in the Republic of Slovenia for the period from 2005 to 2013 and whose purpose is to improve the situation of women and ensure sustainable development in the implementation of gender equality.

Based on the National Programme, in April 2010 the Republic of Slovenia adopted the third **Periodic Plan for the Implementation of the National Programme for Equal Opportunities for Women and Men 2010-2011** that sets priorities and activities, institutions and providers of activities for the new two-year period, detailing the necessary resources to implement tasks and activities, the timetable and method of implementation of individual activities. The method of implementation of execution means that carriers or providers of activities are determined and that expected results and changes in the respective fields are defined.

On the basis of previous reports it has been noted that the strategy for achieving gender equality at the national level is being implemented and progress in overcoming inequality between women and men has been made; however, significant challenges remain. One of the key challenges is to maintain a commitment to the implementation of measures for gender equality in times of economic and financial crisis. Given that gender equality is a prerequisite for sustainable growth, employment, competitiveness and social cohesion, the period of crisis may be the very opportunity for further changes in the various fields of social life. In terms of gender equality in employment and occupation, the following measures and activities that are defined in the Periodic Plan are particularly important:

Strategic objective: I. ADEQUATE ORGANISATIONAL STRUCTURE AND ABILITY OF STAFF FOR THE EFFICIENT IMPLEMENTATION OF GENDER MAINSTREAMING

Specific objective: Strengthening the institutional capacity for gender mainstreaming

Measure 1: Introduction of the system for education, basic and advanced professional training of staff at the ministries, offices and other governmental bodies and local self-governing communities on gender equality integration

Activities:

1. Training on gender equality integration for staff at the ministries and governmental bodies

- **Expected results:** Increased ability to use methods and tools for gender mainstreaming
- **Holder of activities:** Office for Equal Opportunities
- **Method of implementation:** Training based on the educational module for gender equality integration, that has been developed by the Office for Equal Opportunities in terms of the project "Making Gender Mainstreaming Work" under the PROGRESS programme, was launched in 2009 and will continue in 2010. It will be carried out within the framework of regular activities of the Office for Equal Opportunities in cooperation with coordinators of various ministries. The purpose of training is to ensure the proper and continued use of methods and tools for integrating the principle of gender equality into all policies.

The Office for Equal Opportunities will be holding seminars on gender equality integration and a seminar for judges regarding implementation of the gender equality principle and the principle of non-discrimination; the office will also issue books and introduce tools in order to increase its institutional capacity in order to implement gender mainstreaming.

2. Implementation of seminars on gender equality integration at local level

- **Expected results:** Capacity building in self-governing local communities in terms of gender mainstreaming
- **Holders of activities:** Government Office for Local Self-Government and Regional Policy, representative associations of municipalities (Association of Municipalities and Towns of Slovenia (SOS), Association of Municipalities of Slovenia (ZOS))

- Method of implementation: In cooperation with both representative associations of municipalities, the Government Office for Local Self-Government and Regional Policy will introduce a professional education programme on the policy of gender equality and gender mainstreaming. In this way all actors involved in policy-making will acquire relevant knowledge on the particular situation of women and men and on the integration of the gender equality principle into the design and implementation of various regulations, measures and projects in self-governing local communities.

The Office for Equal Opportunities will be holding seminars on gender equality integration and a seminar for judges regarding implementation of the gender equality principle and the principle of non-discrimination; the office will also issue books and introduce tools in order to increase institutional capacity to implement gender mainstreaming.

This measure will strengthen coordination and cooperation among the government, local communities and civil society with respect to gender mainstreaming. To this end, workshops regarding implementation of the principle of gender equality and non-discrimination will be conducted for NGOs. The Government Office for Local Self-Government and Regional Policy will contribute to the implementation by co-financing projects of NGOs.

3. Implementation of a seminar for judges on realizing the gender equality principle and the principle of non-discrimination

- Expected results: Increased gender equality and non-discrimination awareness of judges
- Holders of activities: Office for Equal Opportunities, Ministry of Justice, an external agent
- Method of implementation: In 2010, the Office for Equal Opportunities will prepare a seminar for judges in cooperation with a selected external organisation in the framework of the "Equal in Diversity" project, financed under the European PROGRESS programme, in order to raise awareness of gender equality policy and of the existence, prohibition and negative effects of discrimination.

Measure 2: Setting up methods and tools for mainstreaming gender into all policies

Activities:

A handbook and a tool for mainstreaming gender into the budget

Expected results: Increased awareness of the importance and ability of gender mainstreaming in the budget

Holder of activities: Office for Equal Opportunities

Method of implementation: The Office for Equal Opportunities has translated a handbook of the Council of Europe "Gender Budgeting: practical implementation" in order to help all actors involved in policy-making with specific methods and tools for mainstreaming gender into the budget in terms of preparing the budget and drawing funds from it. On the basis of the handbook, the Office will develop a tool for mainstreaming gender into the budget. The handbook and tools, primarily intended for government employees, shall be presented in the context of training for gender mainstreaming for individual ministries and government offices. The handbook will also be interesting for other interested groups.

Measure 3: Strengthening coordination and cooperation among the government and at local level, as well as in civil society with respect to gender mainstreaming

Activities:

1. Cooperation of governmental and local coordinators for equal opportunities in order to strengthen the gender equality policy at governmental and local level

- Expected results: Strengthening cooperation among governmental and local coordinators for equal opportunities
- Holder of activities: Office for Equal Opportunities
- Method of implementation: The Office for Equal Opportunities is regularly involved with coordinators at the ministries and in municipalities, but it needs to strengthen mutual cooperation among governmental and local coordinators, since the issue of gender equality is present at both levels. The Office will organize joint meetings of governmental and local coordinators and promote their interaction and action in the field of gender equality policy.

2. Implementation of a workshop for NGOs on how to realise gender mainstreaming and the principle of non-discrimination

- Expected results: Increased gender equality and non-discrimination awareness of NGOs
- Holders of activities: Office for Equal Opportunities, an external agent
- Method of implementation: In 2010, the Office for Equal Opportunities will prepare a workshop for NGOs in cooperation with a selected external agent in the framework of the "Equal in Diversity" project, financed under the European PROGRESS programme, in order to raise awareness of the existence, prohibition and negative effects of discrimination, with particular emphasis on the issue of gender discrimination.

3. Co-financing of projects of NGOs

- Expected results: Strengthening the activities of NGOs in the field of equal opportunities for women and men
- Holder of activities: Office for Equal Opportunities
- Method of implementation: In the period 2010-2011, in the framework of the invitation to tender for the co-financing of projects of the NGOs, the Office for Equal Opportunities will support projects for gender equality promotion. The subject of the invitation to tender: projects in the field of gender mainstreaming, balanced gender representation in decision-making processes, reconciliation of work and private life, violence against women, the health of women, vulnerable groups of women, elimination of gender stereotypes and training for gender equality.

Strategic objective: II. EQUAL OPPORTUNITIES FOR WOMEN AND MEN IN MATTERS OF EMPLOYMENT AND WORK

1. Specific objective: Reducing the incidence of gender based discrimination in matters of employment and work

Measure 1: Focusing the inspection system on different forms of discrimination, methods of their monitoring and prevention

Activity:

Inspection of the implementation of the Employment Relationships Act in matters ensuring equal opportunities for women and man

- Expected results: Control enhancement over the incidence of gender based discrimination in matters of employment and greater awareness
- Holders of activities: Ministry of Labour, Family and Social Affairs / Slovenian Labour Inspectorate
- Method of implementation: Within the framework of its regular inspections, the Slovenian Labour Inspectorate will closely observe to the implementation of the provisions of the Employment Relationships Act relating to equal treatment and equal opportunities for women and men with respect to job search, employment, occupation, promotion, vocational training, rights relating to parenting, etc. In the future, the Labour Inspectorate will pay extra attention to the aforementioned issues in the context of individual targeted campaigns and following its own programme orientations. The findings will be presented in its annual reports.

Measure 2: Analysing and investigating the incidence of gender based discrimination in matters of employment and work and raising awareness on the mechanisms for its prevention

Activities:

1. Analysing and reporting on cases of gender based discrimination in matters of employment and work on the basis of complaints filed at the telephone advisory service of the Office and at the advocate of equal opportunities for women and men

- Expected results: Analysis of discrimination cases in matters of employment and occupation and greater awareness of the forms of discrimination and on the mechanisms for its prevention
- Holders of activities: Office for Equal Opportunities / advocate for equal opportunities for women and men and for the principle of equality
- Method of implementation: The Office for Equal Opportunities will continue to offer its free telephone counselling service, usually used by women and men having issues regarding gender based

discrimination in matters of employment and occupation. Based on the cases handled, the Office prepares an annual report and then publishes it on web pages. Cases of alleged gender based discrimination in employment and occupation are also examined by the advocate for equal opportunities for women and men, and for the principle of equality, who publishes his annual report on the web pages of the Office.

2. A study on diversity in the labour market

Expected results: Analysis of the situation, the preparation of measures and implementation of a seminar for employers and trade unions

Holders of activities: Office for Equal Opportunities, a research institution

Method of implementation: The Office for Equal Opportunities will prepare a study on diversity in the labour market in cooperation with a selected research institution in the framework of the "Equal in Diversity" project, financed under the European PROGRESS programme; the objective of the study is to determine: what kind of difficulties and obstacles in the labour market are encountered by the members of social groups, that are more exposed to discrimination on the grounds of their personal circumstances; what kind of basic opportunities they have to enter the labour market; to what extent and how employers are considering the principle of non-discrimination in their working environment. In the study, the horizontal aspect of gender equality will be taken into account. The study results will be presented at a seminar for employers and trade unions, where the main focus will lie on raising awareness of the existence, prohibition and negative effects of discrimination in the labour market.

2. Specific objective: Reducing the gaps in the employment and unemployment rates of women and men

Measure 1: Implementation of special programmes for the promotion of employment and work activity of women within the framework of the active employment policy

Activities:

1. Promotion of the employment of long-term unemployed persons 2009/2010

- Expected results: Increasing the employment of long-term unemployed persons from the target group (of which 60 % are women)
- Holders of activities: Ministry of Labour, Family and Social Affairs / Employment Service of Slovenia
- Method of implementation: The programme will promote on-the-job training and employment of long-term unemployed persons with subsidies for full-time employment for a period of 18 months.

In accordance with the adopted programme, the share of maintained employment is calculated in the 12 months following the end of employment, meaning that the share will begin to be measured in 2013.

In 2008, 282 jobs of the 915 predicted were realized, which is 30.82 %. Of 282 persons employed, 184 were women, representing 65.25 %.

In 2009, they managed to realize the integration of 138 persons of 500 predicted, which 27.6 % is. 87 of 138 persons were women, representing 63.04 % of all persons included. The low rate of integration is due to the late publication of the notice (September 2009).

By the end of May 2010, 281 inclusions were realized.

During the period from September 2009 to June 2010, all 5 tender submission deadlines expired. The Employment Service of Slovenia, as a holder of activities, received 1271 applications, of which 376 were selected for 570 people. 252 applications are still in the selection process, and 7 applications were withdrawn by the applicants. 351 contracts were concluded with providers of work and 449 with people.

2. In-service training 2009/2010

- Expected results: Increasing the competitiveness of unemployed persons in the labour market by in-service training (55 % of women)
- Holders of activities: Ministry of Labour, Family and Social Affairs / Employment Service of Slovenia
- Method of implementation: The programme will enable the acquisition and strengthening of skills, knowledge, abilities and competences of unemployed persons who cannot find employment with their existing knowledge and experience. The training will be conducted at the actual workplace of the training provider, selected through open invitation.

More people were included in the "on-the-job training" activity than predicted for 2009. A total of 4,556 people participated in the activity, of which 2,973 were women.

The programme contributes to the promotion of equal opportunities in the labour market, as a 55 % integration of women is one of its main objectives. The overall goal has been achieved since 63.1 % of women were included in the programme. Equal opportunities promotion is also incorporated in the criteria of the public tender, so in this way training programmes suitable for women receive 10 points and programmes suitable for handicapped and disabled persons receive 20 points.

Table 42: Data regarding persons participating in the »In-service training 2009/2010«

	Number of integrations			
	I - XII 2008		I - XII 2009	
	total	wome n	total	wome n
total	3,314	2,358	4,556	2,973
In-service training 2007/2008	1,106	758	0	0
In-service training 2008	2,208	1,600	1,618	1,099
In-service training 2009	0	0	2,507	1,581
In-service training 2009/2010	0	0	431	293

Source: Employment Service of Slovenia; these are the same programmes, which are issued several times based on financial arrangements

The number and percentage of employments after the successful completion of the programme in a year amounted to 1,583 or 34.7 %. Due to the time distance, it is more realistic to indicate the number of entries into employment of persons integrated in the year 2008 – 2,183 of 3,314 or 51.8 % of all included persons received employment. In year 2009, 197 persons or 4.3 % interrupted their training due to justifiable reasons and 25 persons or 0.5 % due to unjustifiable reasons.

3. In-service training 2009/2011

- Expected results: Increasing the competitiveness of unemployed persons in the labour market by in-service training (55 % of women)
- Holders of activities: Ministry of Labour, Family and Social Affairs / Employment Service of Slovenia
- Method of implementation: The programme will enable the acquisition and strengthening of skills, knowledge, abilities and competences of unemployed persons who cannot find employment with their existing knowledge and experience.

In 2009, 431 of 915 predicted integrations were realized, which is 43.1%. The difference between the realization and the plan occurred because, in addition to planned activities, other measures for overcoming the consequences of the economic crisis have been launched into the labour market as well; consequently the need for training of unemployed persons was lower than originally expected. 293 women were included or 68.0 % of all.

Table 43: Data regarding persons participating in the »In-service training 2009/2011«

	Number of integrations			
	I - XII 2008		I - XII 2009	
	total	wome n	total	wome n
In-service training 2009/2010	0	0	431	293

Source: Employment Service of Slovenia; these are the same programmes, which are issued several times

4. On-the-job training of graduates and employment subsidy for graduates / GRADUATES - BECOME ACTIVE AND GET EMPLOYMENT!

- Expected results: Improving the employment prospects of graduates and increasing their competitiveness in the labour market (55 % women)
- Holders of activities: Ministry of Labour, Family and Social Affairs / Employment Service of Slovenia
- Method of implementation: The activation of students in the period of study in preparation for a degree, to actively begin acquiring knowledge and skills that they need for easier entry into the labour market, and promoting employment of graduates with employment subsidies for full-time jobs for a period of 6 months. Indirectly the programme will shorten the time of study and contribute to the linking of economic and educational spheres, preventing the transition of young people to open unemployment, a more effective integration of graduates in the labour market and creating and strengthening the social network for graduates.

A period in-service training may last from one to a maximum of six months, with no more than 100 hours per month. After a period of training has been completed successfully, the provider (employer) may claim a subsidy for employing a graduate, if he employs him full-time for 6 months, within 8 days after graduation and before his registration in the register of unemployed persons, and if there have not passed more than 6 months since the date of the completion of training.

In 2009, investors were able to apply twice as candidates for implementing a project under the tender, on 30.9.2009 and 30.11.2009. A total of 91 applications were submitted until the due dates and, by the end of the year 2009, 44 training applications have been granted and 51 people received employment. 38 contracts were concluded for an implementation of on-the-job training and 44 contracts for a subsidized employment. Since the first contracts were not signed with the providers until the second half of November 2009, the first periods of in-service training took place at the beginning of 2010.

5. Employ.me (zaposli.me) / promoting the employment of disadvantaged unemployed people

- Expected results: Increasing employment of disadvantaged unemployed persons from the target groups (55 % of women)

Holders of activities: Ministry of Labour, Family and Social Affairs / Employment Service of Slovenia

Method of implementation: This programme will promote employment of disadvantaged unemployed persons from the target groups through subsidies for full-time employment of at least one or two years at employers in the market.

In 2009, the budget of the tender was increased twice because of an unexpectedly high response of the investors.

Table 44: Indicators of the »Employ.me« activity

Indicator	Starting situation	Planned value	Achieved value 1-12/2009
Number of integrated persons	0	2,350	2,902
Number of integrated persons women	0	1,293	1,319
Number of employed persons 12 months after completion of the project*	0	2,143	*

Source: Employment Service of Slovenia; *information is not yet known

The project contributes to the employment and reintegration of unemployed persons, reducing their social exclusion and poverty and improving their chances of employment. Despite extremely high interest (in 2009, also the funds originally scheduled for 2010 were used), the objective of integrating 55 % of women has not been achieved, as only 25.5 % of women altogether were included in the project in 2009.

6. Promotion of employment of people who are seeking their first job in social assistance - "trainees"

Expected results: First job of professionals under the Social Assistance Act (95 % of women)

Holders of activities: Ministry of Labour, Family and Social Affairs / Social Chamber

Method of implementation: The programme will contribute to the employment, training and, consequently, greater employability of first-time jobseekers who meet the conditions of access to the traineeship in the field of social protection for a period of 12 months.

On 16 July 2010, a tender for the promotion of employing persons who seek their first job in social assistance was issued. In the coming years until 2014, three equal tenders will follow, in an estimated total value of EUR 10 million financed under the European Social Fund; in the framework of these tenders an inclusion of 500 first-time jobseekers is predicted.

3. Specific objective: Increasing self-employment of women and women's entrepreneurship

Measure 1: Implementation and support to special programmes promoting self-employment of women and women's entrepreneurship

Activities:

1. An overall promotion of the development of entrepreneurship and entrepreneurial culture

- Expected results: Information and counselling on entrepreneurship
- Holders of activities: Ministry of the Economy / Public Agency of the Republic of Slovenia for Entrepreneurship and Foreign Investments
- Method of implementation: Through the institution in charge of carrying out the process – the Public Agency of the Republic of Slovenia for Entrepreneurship and Foreign Investments – and in the framework of an overall promotion of the development of entrepreneurship and entrepreneurial culture, the Ministry of the Economy will implement activities for the development of entrepreneurial culture, which will be targeted to the needs of specific target groups of users. Through the implementation of comprehensive support services in the framework of the entry points of VEM, entrepreneurs will gain comprehensive information on establishing companies and other support information on entrepreneurship. Via the voucher programme on the growth and development of enterprises, counselling and training services will be offered for affordable prices and in accessible locations. The programme is aimed at SMEs and potential entrepreneurs who opt for an entrepreneurial path.

2. Promoting entrepreneurship through subsidies for self-employment (40 % of women)

- Expected results: Contribution to the promotion of self-employment of women and women's entrepreneurship
- Holder of activities: Ministry of Labour, Family and Social Affairs
- Method of implementation: In the framework of programmes for the development of employment opportunities under the European Social Fund, The Ministry of Labour, Family and Social Affairs will promote entrepreneurship and self-employment through subsidies, with a target of 40 % inclusion of women in these programmes.

Due to the situation in the labour market, many unemployed persons decided on self-employment, so the planned budget for 2009 increased from EUR 5,000,000.00 to EUR 13,250,000.00.

Table 45: Indicators of the »Promoting entrepreneurship through subsidies for self-employment« activity

Indicator	Starting situation		Planned value		Achieved value	
	Year	Value	Year	Value	Year	Value
Number of funded newly established enterprises – self-employment	0		2009	2,944	2009	2,959
Number of funded newly established enterprises – self-employment of women	0		2009	1,178	2009	1,076

Source: Employment Service of Slovenia

The objective of the operation is self-employment for at least 40 % of women and to thereby contribute to equal opportunities for women and men. During the reporting period, 1,076 women were self-employed, which is 36.36 % of all self-employed persons.

Promoting self-employment is one of the most successful programmes, which are measured by maintenance of employment after the expiry of the contractual obligation of maintaining self-employment for a minimum of two years. Thus, 70 % of people who became self-employed in 2005, 77 % of people who became self-employed in 2006 and 78.5 %¹⁰ of people who became self-employed in 2007, have retained their self-employment also after the expiry of contractual obligations.

¹⁰ Considering contractual obligations (a two-year period), final results on the number of maintained self-employment in 2008 and 2009 are not yet available.

Article 24: THE RIGHT TO PROTECTION IN CASES OF TERMINATION OF EMPLOYMENT

SCOPE

Changes/novelty

Within the meaning of **compliance with the principle of "voluntary nature of arbitration"**, the possibility of a worker and employer to decide on an arbitral method of solving conflict in the employment contract in advance, was crossed out. Taking into account the fact that the worker is the weaker party in an employment relationship, and does not often have the possibility of negotiation upon conclusion of the employment contract, only a special agreement that must be concluded, at the latest, within 30 days from the passing of the eight-day period set for employer to remedy the violation or fulfil the obligation, shall be considered as an expression of free will.

The deadline for the arbitral decision has been extended (from 60 to 90 days), since it was proven in practice that the previously valid deadline was unrealistic (Article 79 of the ZDR-A and Article 205 of ZDR).

Valid reasons for termination of the employment contract

Changes/novelty

Within the meaning of clearer and more effective solutions regarding termination of the employment contract relating to arrangement in special laws (Vocational Rehabilitation and Employment of Disabled Persons Act and Pension and Disability Insurance Act), an **additional reason for termination, namely the inability to perform work under the conditions laid down in the employment contract due to disability**, was included.

Additional explanations regarding the Conclusions, 2008 (pages 28-29)

Relevant case law demonstrating how reasons for the termination of employment contracts (Articles 88 and 111 of the Employment Relationship Act) are interpreted in practice by the courts.

The HLSC has extensive case law examining the lawfulness of terminated employment contracts or reasons for ordinary and extraordinary termination of employment contracts which are regulated by Articles 88 and 111 of the Employment Relationship Act (hereinafter: the ERA) (Official Gazette of the Republic of Slovenia Nos. 42/02 and 103/07).

Article 88 of the ERA determines four reasons for ordinary termination of an employment contract: business reasons, culpability, incapacity, and disability. In all cases, the burden of proof that the reason is true (i.e. exists) and substantiated lies with the employer. In the case of a business reason, the employer must prove, as stated in several cases (Judgements Nos. Pdp 15/2011, dated 7 July 2011, Pdp 300/2011, dated 7 July 2011, etc.), that their need for work to be carried out by a certain worker under the conditions pursuant to the employment contract ceased for economic, organisational, or similar reasons. The lawfulness of the termination is not affected by the fact that this work is continued in a different form, e.g. it is transferred to external providers or other employees. The employer is not required to provide reasons for making changes in the manner of operation and organisation of work or to prove their necessity, since such decisions are not assessed by the Court, except in relation to their existence.

In the case of ordinary termination of an employment contract, the culpability must be serious and substantiated to the degree that it prevents the continuation of the employment relationship between the parties. In one particular case (Judgement No. Pdp 84/2011, dated 15 April 2011), it was assessed that the fact that the plaintiff transferred the work to a co-worker who was also assigned this work, is not a violation

which would prevent the continuation of the employment relationship. However, culpability is indicated when the worker violates contractual or other obligations in the work relationship defined by the above-mentioned provisions of the ERA, i.e. basic worker's obligations, when the worker violates obligations determined by the employment contract, or when the worker contravenes the employer's instructions, as referred to in several cases (Judgements Nos. Pdp 1131/2010, dated 25 November 2010, Judgement No. Pdp 934/2010, dated 21 October 2010, etc.).

Incapacity is the reason at issue when a worker fails to achieve the expected work results due to work not being done on time, professionally, or with due quality, or due to the non-fulfilment of the conditions for carrying out work provided by a specific regulation as a condition for carrying out particular work. As stated in one of the cases (Judgement No. Pdp 841/2010, dated 2 December 2010), the non-fulfilment of work obligations for unjustified reasons is deemed to be a violation of the contractual and other obligations in the work relationship due to the worker failing to carry out the work in due time or with due quality and not meeting expectations. Thus, the employer may initiate the procedure for the ordinary termination of the employment contract for reason of incapacity. Such situation arose when the plaintiff, employed as an organiser of sales discussions, failed to achieve the expected and required quota of discussions in more than three consecutive months. A similar position was taken in several other cases as well. In one of the cases (Judgement No. Pdp 439/2008, dated 4 December 2008), it was crucial that the plaintiff had not achieved the expected results, with regard to which no objective circumstances existed which could not have been influenced by the plaintiff. It was irrelevant in what manner and with what actions the plaintiff as a manager could have achieved those results. Ordinary termination of an employment contract for reason of incapacity is not lawful, as was stated in another case (Judgement No. Pdp 157/2009, dated 9 April 2009), if the employer monitors the worker while working in an unsuitable work position as regards the employment contract, i.e. a work position unsuitable to the worker's health capacities. A slightly different situation was demonstrated in cases (Judgements Nos. Pdp 505/2010, dated 2 September 2010, and Pdp 917/2009, dated 4 March 2010) where reason of incapacity was represented by the fact that the worker did not meet or no longer met the conditions required for the position either because their appointment to the position that required the performance of the work or the post itself terminated.

The fourth reason for ordinary termination of an employment contract, i.e. invalidity, was stated in several HLSC cases (Judgements Nos. Pdp 937/2010, dated 15 July 2010 and Pdp 41/2009, dated 11 June 2009) when the employer could not provide the worker, i.e. a person with a disability, with employment in another suitable work position. In such a case, the employer must acquire an opinion of the Commission Establishing the Grounds for the Termination of an Employment Contract prior to terminating the employment contract. This opinion is examined according to the substance in the individual labour dispute concerning the lawfulness of the ordinary termination of an employment contract for reason of invalidity, since no independent judicial protection is provided against such.

Extraordinary termination of an employment contract is lawful only if one of the eight exhaustively determined reasons determined by Article 111 of the ERA exists for the most severe cases of violation, as was indicated in several cases (Judgements Nos. Pdp 332/2011, dated 23 June 2011, Pdp 311/2010, dated 1 July 2010, etc.), when the worker's work relationship is immediately terminated and when such reasons prevent the work relationship from continuing, while taking into account all the circumstances and interests of both contracting parties, until the expiry of the notice period or the period for which the employment contract was concluded. In the case law of the HLSC, the most common cases of extraordinary termination are a violation of contractual and other obligations arising from the work relationship, unjustified absence from work, and sick leave abuse. In relation to violations of contractual and other obligations arising from the work relationship or any other reason for extraordinary termination of the employment contract, the position adopted in several cases (Judgement No. Pdp 536/2010, dated 17 November 2010, Judgement and Decision No. Pdp 386/2008, dated 8 January 2009, etc.) was that the violations must be specified in time and content, while the Court only examines violations stated in the termination. In case of violations which have all the characteristics of a criminal offence, the position adopted in several cases (Judgement No. Pdp 10/2011, dated 9 June 2011, etc.) was that in the termination the employer must specify the violation and characteristics of the criminal offence alleged against the worker, however, they are not required to state the legal qualifications of the criminal offence. However, stating an incorrect legal qualification does not affect the lawfulness of the termination. One precondition for lawful termination, as stated in several cases (Judgements Nos. Pdp 143/2011, dated 20 May 2011, Pdp 481/2007, dated 6 March 2008, etc.), is that the worker is capable of working and understands the meaning of his or her actions, which are also under their control (or their unjustified absence from work cannot

be alleged). With regard to extraordinary termination of an employment contract for any reason, it is essential that the work relationship immediately ceases upon the termination being served (for civil servants, on the day the decision on termination becomes final), because, as stated in several cases (Judgement No. Pdp 16/2006, dated 9 March 2007, etc.), if the defendant determined the period of notice for the plaintiff, it could not be deemed that, in accordance with the circumstances and interests of both contracting parties, the work relationship could not continue until the expiry of the period of notice.

In any case, as stated above, the burden of proof regarding the existence and truthfulness of the reason for termination lies with the employer. Furthermore, the position adopted in several cases (Judgements Nos. Pdp 203/2011, dated 12 May 2011, Pdp 920/2010, dated 30 September 2010, etc.) should be noted, in which the Court, while examining the lawfulness of the termination, cannot establish the type of termination or change it from an extraordinary to an ordinary one (based on reason of culpability) but can merely assess whether the termination, as given, was lawful.

The competence of courts to examine the facts serving as a basis for termination of an employment contract by the employer for business reasons

The Court assesses whether the business reason exists, i.e. whether it is truthful and substantiated, on the basis of the established facts of the dispute, while the burden of proof lies with the employer. As stated in several cases (Judgements Nos. Pdp 1065/2010, dated 17 February 2011, Pdp 1117/2010, dated 3 February 2011, etc.), the employer is not required to give reasons for making changes in the manner of operation and organisation of work or to prove their necessity, since such decisions are not assessed by the Court, except in relation to their existence.

Explanations regarding Article 144 of the ZDR

The Pension and Disability Insurance Act (Official Gazette of the Republic of Slovenia, No. 109/06 – official consolidated text, 112/2006, Constitutional Court's Decision: U-I-358/04-13, 114/2006-ZUTPG (Act Regulating Adjustments of Transfers to Individuals and Households in the Republic of Slovenia), 10/2008-ZVarDod (Minimum Pension Support Act) and 98/09-ZIUZGK (Act of Intervention Step because of Economic Crises), hereinafter: ZPIZ-1) defines the **minimum requirements that must be fulfilled for acquiring the right to old-age pension** in Article 36. For acquiring the right to the old-age pension, both the age requirement and the requirement of pension or insurance qualifying period must be fulfilled. The requirements vary according to sex. To acquire the right to an old-age pension, men must meet the age of 58 with 40 years of pension qualifying period, the age of 63 with a minimum of 20 years of pension qualifying period or the age of 65 with a minimum of 15 years of insurance qualifying period. Women must

- in 2010, for acquiring the right to an old-age pension, meet the age of 56 years and 8 months with 37 years and 3 months of pension qualifying period, the age of 61 with a minimum of 20 years of pension qualifying period or the age of 63 with a minimum of 15 years of insurance qualifying period;

- in 2009, meet the age of 56 years and 4 months with 37 years and 3 months of pension qualifying period, the age of 61 with a minimum of 20 years of pension qualifying period or the age of 63 and a minimum of 15 years of insurance qualifying period;

- in 2008, meet the age of 56 and 36 years with 9 months of pension qualifying period, the age of 61 with a minimum of 20 years of pension qualifying period or the age of 63 with a minimum of 15 years of insurance qualifying period;

- in 2007, meet the age of 55 years and 8 months with 36 years and 6 months of pension qualifying period, the age of 60 years and 8 months with a minimum of 20 years of pension qualifying period or the age of 62 years and 8 months with a minimum of 15 years of insurance qualifying period.

Women can lower the age requirement on account of having children or being employed before the age of 19, and men can lower the age requirement on the account of having children.

In the event that a worker fulfils the minimum requirements for acquiring the right to an old-age pension, the provisions on special protection against notice for business purposes (Article 114 of ZDR) shall no longer apply, meaning that the employment relationship can be terminated under the same conditions as those that apply to the other workers.

Unfounded reasons for termination of the employment contract

Changes/novelty

(Article 36 of ZDR-A and Article 89 of ZDR)

A change to the sixth indent of Article 8 of the ZDR is a consequence of harmonisation with the Strike Act. Under the first paragraph of Article 13 of the Strike Act, organisation or participation in a strike under conditions set by the law does not constitute a breach of working obligations, shall not be a basis for the commencement of procedure of establishing disciplinary and material liability of a worker, and shall not result in the termination of a worker's employment relationship. This protection does not apply for an organiser or participant in a strike contrary to this Act (fourth paragraph of Article 13). In article 89, the ZDR, inter alia, set that as unfounded reason for regular termination of the employment contract also participation in a strike, organised in accordance with the law and strike rules, applies. Strike rules are rules according to the determination in the collective agreements adopted by the unions themselves, and thus, constitute a form of self-regulation of the unions upon conducting a strike. Since it is merely the law that can define limitations of the right to strike, compliance and non-compliance with the strike rules cannot be decisive for examining the legality of a strike. Taking the above-stated and the fact that strike rules apply merely for the union members to take them into account, the provision that considered participation in a strike organised in accordance with the strike rules as an unfounded reason for regular termination of an employment contract is discriminatory for the non union members, therefore, in accordance with the change, **protection relates merely to a strike organised in accordance with the law.**

With regard to the requirements of Directive 2001/23/EC (Directive on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses), it explicitly indicates (in the new eighth indent) that **a change of employer itself does not constitute a founded business reason for termination of an employment contract.**

Supplementing the ninth indent with the text "**of nationality or ethnical origin**" was necessary due to Council Directive 2000/43/EC (implementing the principle of equal treatment between persons irrespective of racial or ethnic origin).

The new tenth indent defines cause for dismissal for the mere fact that an employed person has **concluded a contract for volunteer military service, a contract for performing military service in the Slovenian Armed Forces reserve, a contract for service in the Civil Protection and volunteer participation of citizens in protection and rescue in accordance with the law**, as unfounded. Namely, it was pointed out that it is not rare for individual workers to be faced with pressures from employers to terminate a concluded contract on volunteer military service or performing military service in the Slovenian Armed Forces reserve, since otherwise, they are threatened with termination of an employment contract. Mutatis mutandis applies for cases of volunteer participation of citizens in protection and rescue in accordance with the law.

LEGAL MEANS AND SANCTIONS

Changes/novelty

With amendments to the ZDR, there are **violations by employers constituting minor offences and being sanctioned with a fine defined and supplemented** in the penal provisions. By means of **differentiating the amount of the fine**, the importance of the role on the labour market and economic situation of smaller employers are taken into consideration, regardless of status. By determining the amount of fines due to infringement of the provisions of the labour law, which are generally being reduced in comparison to the sanctioning of illegal work, adequate motivation for employment in regular forms of employment on the basis of employment contracts in relation to undue and illegal use of other forms of work that do not provide workers equal labour status and social position, is being established. Thus, the system of penal provisions was adjusted to the new Minor Offences Act (Official Gazette of the Republic of Slovenia, No. 70/06, ZP-1-official consolidated text 3). Therefore, **a fine in a specified range is set as a sanction for a minor offence instead of financial penalty.** The option of the imposition of a penalty term is being eliminated, since in

accordance with ZP-1, official consolidated text 3, work inspection as a minor offence authority shall adjudicate under an expedited procedure, unless otherwise determined by the law (Article 52). On an expedited basis, the offender is fined the amount as prescribed, and if the fine has a prescribed range, in the minimum prescribed size of the fine, unless otherwise determined by the law.

Additional explanations regarding the Conclusions, 2008 (pages 28-29)

In 2007, the provision of Article 118 of the Employment Relationship Act was changed with regard to setting the amount of indemnity due to illegal termination of an employment contract, namely by establishing the amount limit for the indemnity that should direct the judicial decision on the indemnity in a concrete case instead of reference to general provisions of civil law. If the court establishes that the termination by an employer is illegal and the worker does not wish to continue the employment relationship, it can, in accordance with Article 118 of the Employment Relationship Act on the worker's proposal, establish the duration of the employment relationship, at most until the decision of the Court of First Instance, and recognise the worker's period of employment, other rights from the employment relationship and proper pecuniary indemnity up to a maximum amount of 18 of his/her monthly salaries, paid in the last three months before the termination of the employment contract.

Article 25: THE RIGHT OF WORKERS TO THE PROTECTION OF THEIR CLAIMS IN THE EVENT OF THE INSOLVENCY OF THEIR EMPLOYER

Additional explanations regarding the Conclusions, 2008 (pages 30-31)

Workers employed by a company from a non-EU member operating through a subsidiary (not covered by Directive 2002/74/EC) would be eligible for the Guarantee Fund if such a case were to present itself.

Table 46: Number of workers who were reimbursed in respect of wages due, unused annual leave and in respect of severance pay in the reference period

Year/No of beneficiaries	Wages	% of wages covered	Unused annual leave	% of unused annual leave	Severance	% of severance covered by fund	Overall % covered by Fund
2003	2345	91,6 %	2104	57%	2873	30%	66%
2004	1887	87,97%	1688	76,61%	2014	25,85%	63,48%
2005	2830	88,55%	2256	68,22%	1993	15,82%	57,53%
2006	1168	90,71%	885	64,21%	1200	20,55%	58,49%
2007	419	90,32%	342	68,27%	395	18,85%	59,14%
2008	427	88,58%	323	62,26%	402	22,03%	57,62%
2009	5998	84,04%	4714	77,40%	5953	14,03%	58,49%
2010	4004	84%	3310	72,18%	3913	27,78%	61,32%

According to the figures provided, in the course of the reference period 7,062 persons were reimbursed in respect of wages due, 6,048 in respect of unused annual leave and 6,880 in respect of severance pay.

Some workers had their claims settled in full, others received only a proportion, in accordance with the maximum amounts imposed by legislation.