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EUROPEAN SOCIAL CHARTER

13th National Report on the implementation of the European Social Charter

submitted by

THE GOVERNMENT OF SLOVENIA

(Articles 2, 4, 5, 6, 21, 22, 26, 28 and 29

for the period 01/01/2009 – 31/12/2012)

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Thirteenth National Report of the Republic of Slovenia

on the implementation of the European Social Charter (revised)

Articles 2, 4, 5, 6, 21, 22, 26, 28, 29
(Group 3: Labour rights)

Reference period:
1 January 2009 to 31 December 2012

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Introduction

The European Social Charter (revised) (hereinafter: ESCR) was adopted by the Council of Europe in 1996. The Republic of Slovenia signed the ESCR on 11 October 1997; the Act ratifying the ESCR was adopted by the National Assembly on 11 March 1999 (*Uradni list RS* [Official Gazette of the Republic of Slovenia] – *MP* [International Treaties] no. 7/99). The ESCR was ratified on 7 May 1999 and has been applicable since 1 July 1999.

The system of reporting on the implementation of the ESCR was established by the Committee of Ministers (2006); it provides for annual reporting by four thematic groups. The 2013 Report covers labour rights. Slovenia submitted its most recent report on the implementation of the articles covering labour rights (Articles 2, 4, 5, 6, 21, 22, 26, 28, 29) to the Council of Europe in March 2010 for the reporting period from 1 January 2005 to 31 December 2008.

In its conclusions for Slovenia, adopted in December 2010, the European Committee of Social Rights found conformity in 18 situations and non-conformity in 1 situation (Article 4§1 – Appropriate remuneration) on the grounds that 'the minimum wage is manifestly unfair'. As regards the implementation of Articles 2§1, 2§2 and 6§2, the Committee deferred its conclusion pending receipt of additional information to be provided by Slovenia in the present report.

The thirteenth report of the Republic of Slovenia on the implementation of the ESCR covers the reporting period from 1 January 2009 to 31 December 2012; with the exception of legal regulation of the minimum wage/salary and the adoption of a new Health and Safety at Work Act, no significant legislative amendments related to the implementation of the ESCR Articles concerning the thematic group labour rights were adopted in this period. Therefore, the Republic of Slovenia places the main focus of its thirteenth report on explanations and answers to the questions posed by the European Committee of Social Rights in its 2010 conclusions. We hereby also inform the Committee that the new Employment Relationship Act (*Uradni list RS*, no. 21/2013) was adopted in March 2013; it falls outside this reporting period and will therefore be included in the next report on the implementation of the ESCR Articles on labour rights.

Article 2: THE RIGHT TO JUST CONDITIONS OF WORK

2§1: Reasonable daily and weekly working hours

Committee asks if the authorities have given consideration to any means or measures aimed at ensuring that employees who live at their workplace are not obliged -pursuant to their employment contract- to work unreasonably long hours.

The Committee asks the next report to indicate what is the exact situation of employees in the private sector as regards work on-call.

Finally, it asks the next report to provide information on the supervision of working time regulations by the Labour Inspection, including the number of breaches identified and penalties imposed in this area.

On-call work

The Employment Relationship Act (*Uradni list RS*, nos 42/02, 103/07 and 21/13 – ZDR-1) does not regulate on-call work; however, in Article 158 it provides the basis for an act or collective bargaining agreement to make different arrangements for working hours, night work and breaks and rest periods. An Act or sectoral collective agreement may lay down that the statutory average minimum daily or weekly rest periods are to be assured within a longer time period – not exceeding six months (paragraphs 3 and 4 of Article 158 of the Employment Relationship Act) – for activities or workplaces, types of work or occupations, activities requiring permanent presence or continuous provision of work or services, and in cases where irregular or increased scope of work is foreseen.

An examination of the collective agreements concluded at national level shows that the majority of collective agreements in the private sector refer to on-call work at home in connection with the allowance to which the worker is entitled when on-call (as a rule at a 10% rate, some at a 15% rate). On-call work is regulated in more detail in some collective agreements, as summarised below.

The Collective agreement of the metal products and foundry industry (*Uradni list RS*, nos 14/2006, 87/2006, 76/2007, 46/2008, 70/2008, 53/2009, 10/2010, 70/2011, 84/2011, 70/2012), the Collective agreement for Slovenia’s electrical industry (*Uradni list RS*, nos 108/2005, 95/2006, 71/2007, 82/2007, 32/2008, 70/2008, 47/2009, 75/2009, 10/2010, 84/2011, 104/2011, 32/2013) and the Collective agreement for Slovenia's metal industry (*Uradni list RS*, no. 108/2005, 97/2006, 90/2007, 33/2008, 70/2008, 53/2009, 10/2010, 84/2011, 51/2013) set the amount of the allowance and specify that on-call time at home must not exceed 5 days per month and is not included in the working hours. The Collective agreement for Slovenia's insurance business (*Uradni list RS*, no. 24/11) defines on-call work as a specific working condition of a workplace requiring the worker to be accessible at the relevant time in order to perform urgent tasks. On-call work means that the worker who is not at his workplace can be reached by telephone or through other means with a view to ensuring consulting services and, if necessary, arrival at the workplace. The time at which the worker is expected to arrive at the workplace is established by the employer. The worker on on-call work at home is entitled to an allowance amounting to at least 10% of the basic salary/wage. The amount of the allowance for on-call work or standby is the same regardless of whether the worker is on-call or standby during the day, at night, on a business day, on Sunday, a public holiday or on the day provided by law as a work-free day.

The Collective agreement for the railway transport industries (*Uradni list RS*, no. 95/2007) specifies that the employer can only order a worker to be on-call at home on the basis of a previously prepared monthly plan for on-call work at home and if the employer provides the worker with a mobile phone. The total on-call at home time cannot exceed 150 hours per month. The on-call work at home is not included in full-time hours. Irrespective of the full time work and total hours of on-call work at home, the employer must ensure the worker has at least one free weekend in accordance with this Collective agreement.
The Collective agreement for the Slovenian electricity industry (*Uradni list RS*, nos 38/1996, 100/2004,

81/2005, 105/2007) stipulates that the required stay at home time (on-call work at home) is not included in the working hours. Staying at home for on-call work only entitles workers to the rights and obligations explicitly provided in this Collective agreement.

Pursuant to the Collective agreement for workers and companies in the small-business sector (*Uradni list RS*, nos 94/2010, 58/2011), on-call time is not included in the working hours.

Pursuant to the Collective agreement for Slovenia's banking sector (*Uradni list RS*, nos 5/2011, 81/2004, 14/2013), on-call work is defined as time outside regular working hours ordered by the employer in advance in writing; the worker must be available during the time specified in the written order and be ready to come to work immediately and perform the ordered tasks. The worker is entitled to receive an allowance for the time spent on-call.

The Collective agreement for the Slovenian industry of extraction and processing of non-metallic minerals (*Uradni list RS*, no. 55/2013) provides that on-call work at home may only be ordered when the provisions of the Employment Relationship Act concerning breaks and rest periods are not violated and if action on the part of the worker is necessary.

Some collective agreements also refer to standby at the workplace in connection with the allowance (20%); only some of them include further provisions. The Collective agreement for Slovenia's insurance business identifies standby duty as a specific working condition of a workplace requiring the worker to be present at the workplace to perform urgent tasks; in terms of the right to breaks and rest periods, standby duty is included in the working hours; the worker is entitled to the allowance for overtime work in accordance with the collective agreement for the hours of standby duty over the full-time hours. In addition to the allowance, the Collective agreement for the Slovenian electricity industry specifies that the effective work performed while on standby is paid as overtime work; under the Collective agreement for railway transport industries, full-time hours include regular working hours plus the hours on standby at the workplace. The Collective agreement for Slovenia's coal mining industry (*Uradni list RS*, nos 44/1996, 100/2004, 81/2005, 105/2007) lays down that in addition to the basic salary/wage, a worker performing standby duty in the company outside regular working hours is also entitled to all other allowances.

Supervision of working hours

Supervision of observance of the provisions on working hours is carried out by the Labour Inspectorate of the Republic of Slovenia; in the reporting period, the Inspectorate established breaches as follows.

Table 1: The number of established breaches of working hours, 2009–2012

Types of most common breaches of working hours	**2009**	**2010**	**2011**	**2012**
Distribution of working hours	422	379	199	353
Overtime work	145	125	106	94
Provision of breaks and rest periods	147	188	159	223
Other	22	13	6	15
Breaches of working hours – TOTAL	**736**	**705**	**470**	**685**

Source: Labour Inspectorate of the Republic of Slovenia

The table shows that the majority of breaches related to the distribution of working hours, followed by breaches of the right to breaks and rest periods. The number of breaches related to overtime work has been decreasing since 2009.

If breaches are detected, labour inspectors act under the administrative procedure; when a minor offence is established, a fine is imposed; in cases of the most severe breaches of labour legislation, criminal complaints are lodged with the competent state prosecutor's office. No data on sanctions by the type of breach are collected.

2§2: Public holidays with pay

The Committee asks whether the base salary is maintained, in addition to the increased pay rate.

The Republic of Slovenia explains that Article 127 of the Employment Relationship Act lays down the components of the employee's salary/wage; the amount of allowances, including the allowance for work on public holidays, is negotiated bilaterally between the social partners. The salary/wage is composed of the basic salary/wage, job performance pay and additional payments, including the allowance for work on a public holiday. A worker who works on a public holiday is entitled to the basic salary/wage, job performance pay and additional payments, including the allowance for work on a public holiday. Taking account of the collective agreements, the allowance is calculated as a percentage of the basic salary/wage of the worker concerned for full-time hours or for an appropriate hourly rate. The allowance for work on a public holiday is added to the basic salary/wage, job performance pay and additional payments.

Article 4: THE RIGHT TO A FAIR REMUNERATION

4§1: Appropriate remuneration

The Committee concludes that the situation in Slovenia is not in conformity with Article 4§1 of the Revised Charter on the ground that the minimum wage is manifestly unfair.

The Republic of Slovenia explains that a new act regulating the minimum salary/wage was adopted in 2010 increasing the minimum salary/wage from EUR 593 (in the previous year) to EUR 734.15. This **Minimum Wage Act** (*Uradni list RS*, no. 13/2010) lays down the right to the minimum salary/wage, sets its amount, sets out the conditions for paying a provisional minimum salary/wage, the method of determining its amount and its publication. Article 3 lists the indicators used in determining the amount of the minimum salary/wage: a rise in consumer prices, salary/wage trends, economic conditions or economic growth and employment trends. Article 5 provides for a regular adjustment of the minimum salary/wage at least to a rise in consumer prices. The Minimum Wage Act also includes penal provisions specifying fines imposed on employers failing to pay salaries/wages in accordance with the Act.

The table below shows that the ratio between the minimum and the average salary/wage in Slovenia has been on a steady rise since 2009; in 2012, it stood at 50%.

Table 2: **The average paid minimum gross salary/wage, the average gross salary/wage and their ratio; Slovenia 2000–2012**

	Minimum gross salary/wage, EUR	**Nominal minimum salary/wage increase, in %**	**Real minimum salary/wage increase, in %**	**Average gross salary/wage, in EUR**	**Nominal gross salary/wage increase, in %**	**Real gross salary/wage increase, in %**	**Minimum and average salary/wage ratio, in %**
2000	322	10.3	1.3	800	10.6	1.6	40.3
2001	366	13.5	4.7	895	11.9	3.2	40.9
2002	408	11.5	3.7	982	9.7	2.0	41.5
2003	445	9.0	3.2	1,057	7.5	1.8	42.1
2004	476	7.0	3.3	1,117	5.7	2.0	42.6
2005	499	4.9	2.4	1,157	4.8	2.2	43.1
2006	516	3.3	0.9	1,213	4.8	2.2	42.5
2007	529	2.5	-1.1	1,285	5.9	2.2	41.2
2008	571	8.0	2.2	1,391	8.3	2.5	41.1
2009	593	3.7	2.8	1,439	3.4	2.5	41.2
2010	679	14.6	12.6	1,495	3.9	2.1	45.4
2011	718	5.7	3.8	1,525	2.0	0.2	47.1
2012	763	6.3	3.6	1,525	0.1	-2.4	50.0

Source: Institute of Macroeconomic Analysis and Development.

4§2: Increased rate of remuneration for overtime work

The Committee asks whether any categories of workers are excluded from the right to increased remuneration for overtime, such as senior state officials or senior managers.

It also asks if it is possible to replace remuneration for overtime with time off.

Finally, the next report should provide information on whether the Labour Inspection has identified any breaches related to the failure to pay overtime.

The Republic of Slovenia clarifies that the Employment Relationship Act applicable in the reporting period excluded no categories of workers from the right to remuneration for overtime work; the same holds for the new Employment Relationship Act adopted in 2013.

The Republic of Slovenia also explains that the replacement of remuneration for overtime with time off was envisaged neither in the Employment Relationship Act applicable in the reporting period nor in the new Employment Relationship Act adopted in 2013. Some collective agreements in the private sector provide for the offset of overtime work; in the public sector, this issue is regulated by the Decree on working hours of public administration bodies (*Uradni list RS*, no. 115/07).

An examination of the collective agreements in the private sector concluded at the national level shows that only a few provide for offsetting the overtime hours of work by taking time off. The Collective agreement for Slovenia's trade sector (*Uradni list RS*, nos 111/2006, 127/2006 – amended, 109/2007, 21/2008 – extended scope, 94/2008, 34/2009, 68/2009 – interpretation, 26/2011 – interpretation, 30/2011, 104/2011 – interpretation, 51/2012, 47/2013) lays down employer's obligation to keep a record of actual overtime hours regardless of whether they are paid as overtime hours or offset in any other way. The Collective agreement for Slovenia's chemical and rubber industry (*Uradni list RS*, nos 37/2007, 38/2007, 95/2007, 89/2008, 104/2009, 73/2010, 109/2010, 107/2011, 55/2013) requires the employer to pay all overtime hours that are approved or ordered in writing; it also provides that the employer and

worker can agree to offset the overtime hours worked by taking time off, in which case only the relevant allowances are paid.
The Collective agreement for railway transport industries (*Uradni list RS*, no. 95/2007) lays down that the employer must pay the worker for performed overtime hours in accordance with this collective agreement when paying wages, unless the worker concerned and the employer agree that the overtime hours are offset by time off. In this case, the overtime hours worked entitle the worker to time off in a 1:1 ratio if an allowance for overtime work is paid; this ratio is increased to 1:1.4 if the allowance for overtime work is not paid. The detailed manner of using overtime hours is regulated by the employer's general act.

Overtime hours worked in the public sector are offset on the basis of the Decree on working hours of public administration bodies (*Uradni list RS*, no. 115/07); in accordance with Article 19, a public employee may be granted time off or a day off in lieu of overtime; the overtime hours worked may also be carried forward to the recorded excess or deficit of obligatory hours within the flexible start-and-end work hours (in 1:1 ratio); in this case, the employee is entitled to allowances for work performed during less favourable working hours.

Supervision of overtime payment

The implementation of overtime payment provisions is supervised by the Labour Inspectorate of the Republic of Slovenia. The Republic of Slovenia clarifies that the allowance for overtime work is paid together with the salary/wage and that it is not possible to establish the exact amount of unpaid overtime from the statistical data available.

Breaches related to the failure by employers to pay overtime to workers are included in the statistical data on breaches related to salary/wage payment under Article 134 of the Employment Relationship Act which refers to the payment date[1]. We point to the fact that these statistics include all violations related to the payment date, i.e. also those instances where employers failed to pay workers for the work carried out in their regular working hours.

Only data concerning the failure by employers to pay particular allowances to workers are collected separately (allowances for night work, for overtime work, for Sunday work, for work on public holidays and work-free days, etc.). Statistics for breaches related to the failure to pay allowances include irregularities concerning several allowances, and not just the allowance for overtime work.

Table 3: Established breaches related to salary/wage payment, 2009–2012

	2009	2010	2011	2012
Breaches related to salary/wage payment	759	1455	1379	1751
Breaches related to allowance payments	61	65	66	127

Source: Labour Inspectorate of the Republic of Slovenia

[1] Pursuant to Article 134 of the Employment Relationship Act, salaries/wages were paid for payment intervals which were not to exceed one month and were to be paid 18 days after the end of the payment interval at the latest (if the day of payment was a work-free day, the salary/wage was paid on the first subsequent working day at the latest). The employer had to inform the worker of the day of payment and each change of the day of payment in advance by written notice. Pursuant to this Article any payments in kind were provided in a manner laid down in the employment contract with regard to the nature of work and existing practice. The new Employment Relationships Act brought no substantial changes to these provisions.

4§3 Non-discrimination between men and women regarding equal pay for work of equal value

The Republic of Slovenia explains that – in addition to the prohibition of any discrimination at work, in employment and elsewhere based on gender – equal treatment of men and women in respect of work of equal value is provided in Article 133 of the Employment Relationship Act (*Uradni list RS*, no. 42/02, 103/07). The Article reads as follows:

"(1) The employer shall be obliged to provide equal pay for equal work and for work of equal value to workers regardless of their sex.

(2) Provisions of an employment contract, a collective agreement or the employer's general act which are contrary to the preceding paragraph shall be regarded as invalid."

The statistical data show that Slovenia records the lowest gender pay gap in the European Union, which is evident from table below.

Gender pay gap in unadjusted form
% - NACE Rev. 2 (Structure of Earnings Survey methodology)

geo\time	2002	2006	2007	2008	2009	2010	2011
EU (27 cou	**:**	**17,7**	**:**	**17,3**	**17,2 (p)**	**16,2 (p)**	**16,2**
Belgium	:	9,5	10,1	10,2	10,1	10,2	10,2
Bulgaria	18,9	12,4	12,1	12,3	13,3	13	13
Czech Rep	22,1	23,4	23,6	26,2	25,9	21,6	21
Denmark	:	17,6	17,7	17,1	16,8	16	16,4
Germany	:	22,7	22,8	22,8	22,6	22,3	22,2
Estonia	:	29,8	30,9	27,6	26,6	27,7	27,3
Ireland	15,1	17,2	17,3	12,6	12,6	13,9	:
Greece	25,5	20,7	:	22 (d)	:	:	:
Spain	20,2	17,9	18,1	16,1	16,7	16,2	16,2
France	:	15,4	17,3	16,9	15,2	15,6	14,8
Croatia	:	:	:	:	:	15,5	17,6
Italy	:	4,4	5,1	4,9	5,5	5,3	5,8
Cyprus	22,5	21,8	22	19,5	17,8	16,8	16,4
Latvia	:	15,1	13,6	11,8	13,1	15,5	13,6
Lithuania	13,2	17,1	22,6	21,6	15,3	14,6	11,9
Luxembou	:	10,7	10,2	9,7	9,2	8,7	8,7
Hungary	19,1	14,4	16,3	17,5	17,1	17,6	18
Malta	:	5,2	7,8	9,2	13,8	13,4	12,9
Netherland	18,7	23,6	19,3	18,9	18,5	17,8	17,9
Austria	:	25,5	25,5 (e)	25,1 (e)	24,3 (e)	24	23,7
Poland	7,5	7,5	14,9	11,4	8	4,5	4,5
Portugal	:	8,4	8,5	9,2	10	12,8	12,5
Romania	16	7,8	12,5 (d)	8,5 (d)	7,4 (d)	8,8	12,1
Slovenia	**6,1**	**8**	**5**	**4,1**	**-0,9**	**0,9**	**2,3**
Slovakia	27,7	25,8	23,6	20,9	21,9	19,6	20,5
Finland	:	21,3	20,2	20,5	20,8	20,3	18,2
Sweden	:	16,5	17,8	16,9	15,7	15,4	15,8
United Kin	27,3	24,3	20,8	21,4	20,6	19,5	20,1
Iceland	:	:	:	:	:	:	:
Norway	:	16	15,6	17	16,5	16,1	15,9
Switzerlanc	:	18,6	:	18,4 (d)	18,4 (d)	17,8	17,9
Turkey	:	-2,2	:	:	:	:	:

:=not available p=provisional d=definition differs, see metadata e=estimated
:
Source of I Eurostat

Article 4§5 Limited deductions from salaries/wages

The Committee asks for examples of cases covered by the 2/3 deductions as well as whether in general, deductions take into account the income of the family as a whole.

No changes were made to the limitations on tax foreclosure of cash receipts during the reporting period. Tax foreclosure may be enforced pursuant to the Enforcement and Securing of Civil Claims Act (*Uradni list RS*, no. 3/07 – as amended), as described in the previous report of the Republic of Slovenia, and also

pursuant to the Tax Procedure Act (*Uradni list RS*, nos 13/11 – official consolidated text, 32/12 and 94/12). According to Article 160 of the Tax Procedure Act the tax foreclosure on the debtor's cash receipts deemed income from employment relationship pursuant to the act governing personal income tax may not exceed two thirds of the income, whereby the amount left to the debtor must represent at least 70% of the minimum salary/wage pursuant to the act regulating the minimum wage. Notwithstanding the first paragraph of the aforementioned Article, tax foreclosure may not be executed on cash receipts referred to in the first paragraph unless it exceeds the basic amount of the minimum income pursuant to the act regulating social assistance.
In the second half of 2012, the basic amount of the minimum income was EUR 260. The limitation on tax foreclosure on cash receipts does not take into account the total household or family income.

Article 5: THE RIGHT TO ORGANISE

The Committee notes from the report that protection exists concerning dismissal (89. člen starega ZDR) but asks what protection there is in the areas of recruitment and promotion, and what compensation there is for victims of such discrimination.

The Republic of Slovenia explains that in the reporting period workers were afforded protection against ordinary cancellation of the employment contract in cases of exercising their right to organise. The Employment Relationship Act includes a provision prohibiting discrimination in employment and work on the basis of any personal circumstance, including trade union membership. In the event of a violation of the prohibition of discrimination, the employer is liable to provide compensation to the candidate and/or worker under the general rules of civil law.

Article 6: THE RIGHT TO COLLECTIVE BARGAINING

6§1: Joint consultations (levels of and matters for joint consultations)

As to the public sector, it requested for some clarification with regard to the matters for joint consultation within the relevant institute councils, in particular whether these included occupational issues such as working conditions, vocational training, safety and welfare of the employees concerned. The Committee notes that the report does not provide the requested clarification and thus reiterates its request.

Legislation governing public employees includes social partnership and provides that the Government or the competent minister must enable the representative sectoral and professional trade unions in state authority bodies and local community administrations to submit their opinions prior to adopting regulations affecting employment relationships or the status of civil servants in the bodies and administrations concerned. Before a general act affecting the rights and obligations of public employees is adopted, the head of the state body concerned must enable a representative trade union operating within this body to submit an opinion. Representative trade unions in the body or representative sectoral and professional trade unions in state bodies and local community administrations are deemed representative trade unions operating within the body if they have a representative appointed in the body.
A draft act or draft decision must be submitted to the representative trade union in the body, and a reasonable deadline for the formation of the opinion must be set. If the representative trade union in the body submits its opinion in the set time limit, the proposer must take it into account or invite the representative trade union to negotiate it. If the proposer fails to harmonise the draft act or the draft decision with the opinion of the representative trade union in the body, a non-harmonised act or decision may be adopted. However, the reasons for not taking into consideration the opinion of the representative trade unions in the body must be given in a written explanation and submitted to the representative trade unions whose opinions were not considered.

Within the framework of negotiations on the public sector salary system, a negotiating committee was set up consisting of two negotiation parties: the Government of the Republic of Slovenia and the

representative trade unions of the public sector. The committee's work is governed by the Rules of procedure regulating harmonisation of the laws and regulations, including government measures in the area of salaries and other income of public sector employees, and governing negotiations to amend the Collective agreement for the public sector; Article 6 of the Rules specifies that the negotiation parties can set up a joint working group to draft the texts of individual subject areas contained in annexes or laws and regulations. The head of the special joint working group is also the rapporteur at negotiations.

We are confident that the aforementioned issues (social contract, social rights and rights under compulsory insurance such as pensions, disability allowances, social assistance, other allowances, employment and employment relationships issues, the collective bargaining system, legal certainty, trade union rights and freedoms, etc.) are addressed by the Economic and Social Council, a tripartite body composed of social partners and the Government of the Republic of Slovenia, which considers issues and measures concerning economic and social policies, and other issues related to the specific fields of the partners' dialogue (source: http://www.ess.si/).

6§2: Machinery for negotiations

The Committee asks whether issues such as minimum wages, job classifications, collective guarantees on supplementary social insurance and the pooling of funds earmarked for vocational training are excluded from the scope of the exemptions allowed or not. More generally, it also asks whether and to which extent it is possible to deviate from sector level agreements in collective agreements concluded at enterprise level to the detriment of employees as far as their rights guaranteed under the Revised Charter are concerned.

Private sector

The Republic of Slovenia clarifies that some collective agreements concluded at enterprise level may only deviate from the provisions of the collective agreements in very limited scope and in exceptional cases.
Article 10 of the Collective agreement on extraordinary adjustment of salaries/wages for 2007 and on the salary/wage adjustment method, reimbursement of work-related expenses and other personal income for 2008 and 2009 (*Uradni list RS*, no. 62/2008) provides that as regards salaries/wages the employer and the trade union at the employer can agree to standards lower than those stipulated by the collective agreement and applicable for 6 months subject to extension provided such measure contributes to preserving jobs.

Some other collective agreements permit deviations from the minimal standards only in cases of substantial deterioration of business operations, provided that such measures can prevent major damage and preserve jobs, and subject to a written agreement concluded between the employer and the trade union.

The Collective agreement for Slovenia’s trade sector (*Uradni list RS*, nos 111/2006, 127/2006 – as amended, 109/2007, 21/200894/2008, 34/2009, 68/2009, 26/2011, 30/2011, 104/2011, 51/2012, 47/2013) stipulates that deviation from standards is permitted on the basis of a written agreement between the employer and the representative trade union at the employer in cases of substantial deterioration of business performance which could threaten the existence of the employer, jobs and in other similar justified instances.

The Collective Agreement for Slovenia’s agriculture and food-processing industry (*Uradni list RS*, nos 36/2011, 107/2011, 109/2012) stipulates that deviation from the minimum standard is only permissible on the basis of a special written agreement concluded between the employer and the representative trade union at the employer. This written agreement must be approved by a representative trade union at the national level. An agreement to deviate from minimum standards can be concluded in cases of substantial deterioration of business operations, provided that it can prevent major damage and preserve jobs. The duration of this measure is limited.

The Collective agreement for the utilities sector (*Uradni list RS*, nos 94/2004, 8/2005, 71/2005, 14/2006, 82/2006, 66/2007, 18/2008, 5/2009, 10/2010, 10/2010, 95/2010, 14/2011, 62/2011, 74/2011, 19/2012,

43/2012, 4/2013) provides that deviation from minimum standards is permissible subject to special written agreement of a defined duration concluded between the employer and the representative trade union at the employer, especially in cases of substantial deterioration of business operations during the past year, a recession in the sector and in similar justified instances.

The Collective agreement for Slovenia's industry of extraction and processing of non-metallic minerals (*Uradni list RS*, no. 55/2013) provides that deviation from minimum standards is allowed on the basis of a special written agreement between the representative trade union at the employer and the representative trade union at the sectoral level and the employer, especially in cases of substantial deterioration of business operations during the past year, a recession in the sector and in similar justified instances.

The Collective agreement for the textile, clothing and leather industry (*Uradni list RS*, nos 55/2009, 28/2010) stipulates that the provisions contained therein represent uniform minimum standards save for those cases and under conditions where a deviation from these standards is agreed upon. Similarly, the Collective agreement for Slovenia's chemical and rubber industry (*Uradni list RS*, nos 37/2007, 38/2007, 95/2007, 89/2008, 104/2009, 73/2010 , 109/2010, 107/2011) stipulates that the provisions and amounts set therein and in the Wage annex to the Collective agreement represent the required uniform minimum standards for employers referred to in Article 2 of the Collective agreement, unless otherwise provided by this Collective agreement.

The Collective Agreement for Slovenia's road passenger services (*Uradni list RS*, nos 35/2009, 49/2009, 95/2009, 3/2011, 14/2012, 52/2012) stipulates that an agreement to deviate from minimum standards is allowed in any severe business operation crisis if concluded between the employer and the trade union in writing, and if these measures can prevent major damage and preserve jobs.

The Collective agreement of the pulp, paper and paper products industry (*Uradni list RS*, nos 7/1998, 78/2000, 37/2002, 101/2004, 79/2005, 91/2006, 10/2007, 86/2007, 16/2008, 85/2008, 97/2008, 14/2009, 65/2009, 91/2010, 25/2011, 48/2011) provides for a gradual wage increase if employers' business results do not support the payment of wages in the amount set in the annex or where an immediate wage rise would cause severe difficulties in business operations; however, wages must be adjusted to basic and minimum wages referred to in Articles 2 and 3 not later than within six months of the date of basic and minimum wage increases for the particular year.

The Collective agreement for postal and courier services (*Uradni list RS*, nos 50/2003, 94/2004, 61/2005, 84/2008, 91/2009) provides that deviation from minimum standards is allowed on the basis of a special written agreement between the representative trade union at the employer and the employer, especially in cases of substantial deterioration of business operations caused by objective reasons during the past year, a recession in the sector, and in similar justified instances; however, this deviation must not go below the statutory lower threshold of the rights concerned.

The Collective agreement for Slovenia's banking sector (*Uradni list RS*, nos 5/2011, 81/2004, 14/2013) stipulates that deviation from minimum standards is only permissible subject to special written agreement between the trade union and the employer in cases of extraordinary deterioration of business operations during the past year that puts the employer's positive result and operations at risk, provided this measure contributes to preserving jobs at the employer.

It should also be noted that none of the aforementioned collective agreements regulate collective guarantees on supplementary social insurance and the pooling of funds earmarked for vocational training; the minimum wage is governed by the Minimum Wage Act (*Uradni list RS*, no. 13/2010).

Public sector

As regards the public sector and salaries of public sector employees, the Republic of Slovenia clarifies that the Public Sector Salary System Act (Uradni list RS, nos 108/2009 – official consolidated text 13, 8/10; Constitutional Court Decisions: U-I-244/08-14, 13/10, 16/10; Constitutional Court Decisions: U-I-256/08-27, 50/10; Constitutional Court Decision: U-I-266/08-12, 59/10, 85/10, 94/10-ZIU, 107/10, 35/11,

110/11, 27/12; Constitutional Court Decisions: U-I-249/10-27, 40/12, 104/12, 20/13 Constitutional Court Decision: U-I-128/11-18, 46/13) and the uniform public sector salary system as a rule do not allow for salary deviations at the level of individual institutes. This also applies to the catalogue of posts and titles; as a rule posts and titles are classified into salary grades under the collective agreement for public sector and collective agreements for individual industries and professions. Employers in the public sector may not include posts not listed in the acts classifying posts into salary grades in their respective instruments regulating the classification of posts. As already mentioned, posts are not classified into salary grades by the collective agreements at the level of individual institutes. Furthermore, no deviations regarding reimbursements and other remuneration from employment have been allowed in the collective agreements at the level of individual institutes since 2012, i.e. since the entry into force of the Fiscal Balance Act (*Uradni list RS*, nos 40/12, 105/12).

Within the intervention measures in the public sector, Article 165 of the Fiscal Balance Act (determining the amount of income and reimbursement of expenses) provides that notwithstanding the provisions of the general acts and collective agreements, reimbursements and other remuneration from employment granted to an employee through an employment contract or decision must not deviate from the respective amounts set by this Act. After the adoption of the aforementioned Act, an annex to the Collective agreement for public sector, annex to the Collective agreement for non-commercial activities and annexes to the Collective agreements for industries and professions were concluded; they dealt with salaries and other remuneration in the public sector but not in the way that these amounts would exceed those statutory amounts set for state officials and employees for whom these rights are not governed by the collective agreements (e.g. directors appointed by the Government). Compared with this Act, the collective agreements contain some deviations but only as regards the conditions for payment of certain allowances; for example, the collective agreement for non-commercial activities and annexes to the collective agreements for industries and professions stipulate that the right to solidarity assistance in case of long-term illness is granted for a three-month absence from work, while under the Act a six-month absence from work is deemed a long-term illness.

The provisions of collective agreements concluded at the level of individual institutes that did not regulate the amounts and conditions for payment of reimbursements and other remuneration from employment to public employees in the same way as the annexes to collective agreements for individual industries and professions concluded on account of urgent fiscal balance measures ceased to apply with the entry into force of the Fiscal Balance Act.

Consequently, the collective agreements at the level of individual institutes (RTV Slovenia, the Pension and Disability Insurance Institute of the Republic of Slovenia, the Health Insurance Institute of Slovenia) cannot regulate the rights concerning the amounts of salaries and other remuneration from the employment relationship of public employees in a way that is different (which also means more favourable) from that stipulated by the collective agreements for individual industries and professions.

As to the validity of collective agreements, the ZKolP introduces the principle of general validity according to which a collective agreement is valid for all workers employed by an employer to whom the collective agreement applies, regardless of trade union membership. (Section 11 of the Act). The ZKolP also regulates how to extend the validity of a collective agreement (Sections 12 to 14 of the Act). The Committee asks for the next report to contain information ***on how these new rules are applied in practice.***

The Republic of Slovenia agrees with the Committee's finding that pursuant to the Collective Agreements Act (*Uradni list RS*, no. 43/06) a collective agreement is valid for all workers employed by the employer to whom the collective agreement applies, provided it has been concluded by one or several representative trade unions. The Ministry of Labour, Family, Social Affairs and Equal Opportunities does not have information about the implementation of this rule in practice at its disposal.

As regards the extended validity of the collective agreements, the Republic of Slovenia notes that to date, eight collective agreements have been extended by the Minister's decision: the Collective agreement for Slovenia’s trade sector (*Uradni list RS*, nos 111/2006, 127/2006 – as amended, 109/2007, 21/2008 ,

94/2008, 34/2009, 68/2009, 26/2011, 30/2011, 104/2011, 51/2012, 47/2013), the Collective agreement for Slovenia's hospitality and tourism industries (*Uradni list RS*, nos 83/1997, 84/2001, 87/2004, 139/2004, 71/2005, 100/2005, 83/2006, 83/2007, 124/2007, 42/2008, 55/2009, 52/2010, 82/2010, 37/2011, 109/2011, 90/2012, 99/2012), the Collective agreement of the metal products and foundry industry of Slovenia (*Uradni list RS*, nos 14/2006, 87/2006, 76/2007, 46/2008, 70/2008, 53/2009**,** 10/2010, 70/2011, 84/2011, 70/2012), the Collective agreement for Slovenia's electrical industry (*Uradni list RS*, nos 108/2005, 95/2006, 71/2007, 82/2007, 32/2008, 70/2008, 47/2009, 75/2009, 10/2010, 84/2011, 104/2011, 32/2013), the Collective agreement for Slovenia's metal industry (*Uradni list RS*, nos 108/2005, 97/2006, 90/2007, 33/2008, 70/2008, 53/2009, 10/2010, 84/2011, 51/2013), the Collective agreement for the textile, clothing and leather industry (*Uradni list RS*, nos 5/1998, 6/2001, 108/2001, 35/2002, 5/2003, 114/2003, 106/2004, 46/2005, 94/2005, 10/2006, 121/2006, 127/2006, 138/2006 – as amended, 67/2008, 55/2009, 28/2010), the Collective agreement for Slovenia's road passenger services (*Uradni list RS*, nos 6/2007, 99/2008, 35/2009, 49/2009, 95/2009 , 3/2011, 14/2012, 52/2012), the Collective agreement for Slovenia's chemical and rubber industry (*Uradni list RS*, nos 9/1998, 78/2004, 81/2004, 83/2004, 91/2004, 79/2005, 37/2007, 38/2007, 95/2007, 89/2008, 104/2009, 73/2010, 109/2010, 107/2011, 55/2013).

The Committee asks the next report to provide updated information on collective agreements concluded in the private and public sector at enterprise, sectoral and national level and on the number of employers and employees covered by these agreements.

The Ministry of Labour, Family, Social Affairs and Equal Opportunities only keeps records of collective agreements concluded at the national level; there were 44 such agreements concluded in 2012. The majority of these agreements were concluded for individual industries and/or groups of related industries. The Ministry of Labour, Family, Social Affairs and Equal Opportunities does not keep records of the collective agreements concluded at enterprise level and is therefore not able to submit this data.

In the reporting period, the following new collective agreements were concluded at the national level: the Collective agreement for Slovenia's agriculture and food-processing industry (*Uradni list RS*, no. 36/2011 – new, 107/2011, 109/2012), the Collective agreement for Slovenia's hospitality and tourism industries (*Uradni list RS*, nos 109/2011, 90/2012, 99/2012), the Collective agreement for the Slovenia's industry of extraction and processing of non-metallic minerals (*Uradni list RS*, no. 55/2013), the Collective agreement for the textile, clothing and leather industry (*Uradni list RS,* nos 55/2009, 28/2010), the Collective agreement for Slovenia's road passenger services (*Uradni list RS*, nos 35/2009, 49/2009, 95/2009, 3/2011, 14/2012, 52/2012), the Collective agreement for workers and companies in the small-business sector (*Uradni list RS*, nos 94/2010, 58/2011), the Collective agreement for police officers (*Uradni list RS*, nos 41/2012, 97/2012), the Collective agreement for Slovenia's banking sector (*Uradni list RS*, nos 5/2011, 81/2004, 14/2013). We point to the fact that the collective agreements existed for all the aforementioned industries beforehand, with the exception of the collective agreement for police officers.

The Ministry of Labour, Family, Social Affairs and Equal Opportunities does not keep relevant records and can therefore not submit data about the number of workers and employers covered by individual collective agreements.

Public sector

The Committee asks for the next report to contain detailed information on this new Act and whether introduces new rules and how they are applied in practice.

As regards the Public Sector Salary System Act (*Uradni list RS*, no. 108/09, 8/10 Constitutional Court Decision: U-I-244/08-14, 13/10, 16/10 Constitutional Court Decision: U-I-256/08-27, 50/10 Constitutional Court Decision: U-I-266/08-12, 59/10, 85/10, 94/10-ZIU, 107/10, 35/11, 110/11, 27/12 Constitutional Court Decision: U-I-249/10-27, 40/12, 104/12-ZIPRS1314, 20/13 Constitutional Court Decision: U-I-128/11-18, 46/13), the Republic of Slovenia points to the following changed arrangements laid down by its

amendments (*Uradni list RS*, no. 59/10):

– supervision of the implementation of regulations and collective agreements governing salaries in the public sector by the Public Sector Salary Inspectors within the Public Employees System Inspection;
– arrangements for remuneration for standby duty introducing standby posts and reducing the amount of certain allowances paid for standby;
– arrangements for grade-related allowance and the diminished range of its amount;
– the provisions of this Act do not apply to determining the salaries of those employed in the public sector for a fixed term on the basis of a special contract concluded between a budget user and the European Commission or another EU body, international organisation, foreign institute or another foreign employer (co-contractor) if such remunerations are fully financed from the funds provided by the co-contractor.

The adverse macroeconomic conditions necessitated interventions in salaries and other labour costs in the public sector. In 2009, the Intervention Measures to Tackle the Economic Crisis Act (*Uradni list RS*, no. 98/09) intervened in salaries in the public sector; this Act was followed by other intervention acts: the Intervention Measures Act (*Uradni list RS*, no. 94/10); Additional 2012 Intervention Measures Act (*Uradni list RS*, nos 110/11, 43/12); the Fiscal Balance Act (*Uradni list RS*, nos 40/12, 105/12) and the amendments to collective agreements. During the reference period, the Government of the Republic of Slovenia and the representative trade unions of the public sector concluded the following agreements:

- Agreement on measures relating to salaries in the public sector triggered by the changed macro-economic situation for the period 2009–2010, signed on 24 February 2009;
- Agreement on measures relating to salaries in the public sector for the period from December 2009 to November 2010, signed on 19 October 2009;
- Agreement on measures relating to salaries and other remuneration in the public sector for 2011 and 2012, signed on 5 November 2010;
- Agreement on measures of fiscal balance relating to salaries, reimbursements and other remuneration in the public sector for the period from 1 June 2012 to 1 January 2014, signed on 10 May 2012.

Besides the aforementioned Agreements, the Agreement on the settlement of strike demands was signed with the strike committees of representative public sector trade unions on 13 October 2010; the Government's negotiation team and the police trade union strike committee signed an agreement on 4 November 2010.

6§4: Collective action

No statistical data on strikes are available.

Article 21: THE RIGHT TO INFORMATION AND CONSULTATION

The Committee asks the next report to provide updated information on the workers' right to take part in the determination and improvement of the working conditions and working environment in the undertaking.

Consequently, the Committee asks whether this is the scope of Slovenia's legislation, particularly as regards the calculation of these minimum thresholds.

The Committee also asks what penalties may be imposed on employers when they have failed to respect their employees' right to be informed and consulted.

The Republic of Slovenia explains that the Worker Participation in Management Act (*Uradni list RS*, no. 49/2007) was adopted in 2007; it integrated the provisions of Directive 2002/14/EC into the national legal system. No amendments have been made to the relevant legislation during the reporting period.
Pursuant to Article 8 of the Worker Participation in Management Act (*Uradni list RS,* nos 42/93, 61/2000

Constitutional Court Decision: U-I-302/97, 56/2001, 26/2007, 42/2007, 45/2008, 23/2009 Constitutional Court Decision: U-I-268/06-35) a works council is formed at the employer if the company employs more than 20 workers having the right to vote. Article 12 stipulates that all employees who have worked in the company for at least six consecutive months have the right to elect representatives onto the works council. The director, employees with a contract of employment concluded in accordance with Article 72 of the Employment Relationship Act (*Uradni list RS*, no. 42/02) and company secretaries (hereinafter: management) are not entitled to vote representatives onto the works council. The family members of management have no right to vote representatives onto the works council. Within the meaning of this Act, family members include spouses, children (legitimate, illegitimate, adopted and foster-children), grandchildren, parents (father, mother, foster father, foster mother), adoptive parents, brothers and sisters. We draw attention to the fact that workers are not deprived of representation: Article 9 of the Worker Participation in Management Act provides that workers participate in management through the workers' representative when a company employs less than 20 workers who have the right to vote. A worker as an individual also has the right to give initiatives and receive answers to his initiatives if they relate to his job or his work or organisational unit, to be swiftly informed of changes in his sphere of work, state his opinion about all questions bearing upon the organisation of his job and the work process, ask the employer, or the person authorised by him, to answer questions relating to salaries/wages and other spheres of labour relations, and questions relating to the contents of that Act.

Pursuant to Article 107 of the aforementioned Act, an employer in breach of the obligation to inform and consult workers is fined as follows: penalties ranging from EUR 4,000 to 20,000 can be imposed on the employer/legal person and a fine of between EUR 1,000 and 2,000 on its responsible person; in the case of sole proprietorship, penalties range from EUR 2,000 to 4,000.

Article 22: THE RIGHT TO TAKE PART IN THE DETERMINATION AND IMPROVEMENT OF THE WORKING CONDITIONS AND WORKING ENVIRONMENT

The Committee asks for information on the real extent of the participation of workers in the determination and improvement of working conditions and working environment.

In addition to the clarifications submitted in the last report, the Republic of Slovenia also explains that in accordance with the Collective Agreements Act (*Uradni list RS*, no. 43/06) the regulatory part of the collective agreement may comprise provisions governing the rights and obligations of workers and employers regarding the conclusion of an employment contract, employment relationship and its termination, pay for work, other remuneration and reimbursement of work-related expenses, safety and health at work and other rights and obligations arising from the employment relationship; it may also stipulate conditions for the operation of the trade union at the employer. We hereby submit explanations concerning workers' participation through works councils or workers' representatives elected by the workers at the employer.
Pursuant to Article 91 of the Worker Participation in Management Act, the employer must inform the works council of and request joint consultations on the status of the company, personnel issues and safety and health at work before taking decisions on these issues The necessary information must be provided to the works council at least 30 days before taking the decision, while joint consultations must be organised at least 15 days before taking the decisions. It falls within the duty of the employer to arrange consultations between the works council and the employer to keep the works council informed of planned decisions concerning status, personnel, and safety and health at work issues, to seek advice from the works council and to try and harmonize points of view.
Pursuant to Article 94 of the aforementioned Act, personnel issues include the need for new workers (number and profile), the classification of posts, the assignment of a larger number of workers outside the company, the relocation of a larger number of workers from one place to another, the adoption of acts in the area of supplementary pension, disability and health insurance, the downsizing of the workforce, and the adoption of general rules of disciplinary accountability.
Pursuant to Article 95, the employer must submit to the works council for approval any draft decisions laying down the basis for the use of paid leave and other absences from work, the criteria for the assessment of performance at work, the criteria for the remuneration of innovative activity in the company,

the management of the company housing fund, holiday homes and other worker welfare facilities, and employee promotion criteria.

Besides the aforementioned rights of the works council, a worker as an individual also has the right to give initiatives and receive answers to his initiatives if they relate to his job or his work or organisational unit, to be swiftly informed of changes in his sphere of work, state his opinion about all questions bearing upon the organisation of his job and the work process, ask the employer, or the person authorised by him, to answer questions relating to salaries/wages and other spheres of labour relations, and questions relating to the contents of that Act.

Since 12 April 2013, when the new Employment Relationship Act (*Uradni list RS,* no. 21/2013) entered into force, the employer's general act may also lay down the rights and obligations otherwise regulated in collective agreements if no trade union is organised at the employer; the employer must submit its draft to the works council or workers' representative to deliver the opinion. If there is no trade union or workers' representative at the employer, workers must be familiarised with the draft general act in the usual manner and prior to its adoption.

Article 26: THE RIGHT TO DIGNITY AT WORK

26§1 – 2. : Sexual and moral harassment

*The Committee asks the next report to provide information on **prevention activities** that the Government has carried out with a view to informing on the right to protection against **sexual/moral harassment** at work.*

The Employment Relationship Act (*Uradni list RS*, nos. 42/02 and 103/07) explicitly prohibits sexual and other harassment at the workplace:

'(1) Sexual and other forms of harassment shall be prohibited. Sexual harassment shall mean any form of undesired verbal, non-verbal or physical action or behaviour of a sexual nature with the effect or intent of adversely affecting the dignity of a person, especially where this involves the creation of an intimidating, hateful, degrading, shaming or insulting environment. Harassment shall mean any undesired behaviour associated with any personal circumstance with the effect or intent of adversely affecting the dignity of a person or of creating an intimidating, hateful, degrading, shaming or insulting environment.
(2) Sexual and other forms of harassment referred to in the preceding paragraph shall be deemed to be discriminatory pursuant to the provisions of this Act.
(3) Rejection of action or behaviour referred to in the first paragraph of this Article on the part of an affected candidate or worker may not serve as a ground for discrimination in employment or work.
(4) Workplace mobbing shall be prohibited. Workplace mobbing shall mean any repeated or systematic wrong or clearly negative and offensive treatment or behaviour directed at individual workers at the workplace or in connection with work.'

The data of the Report on Psychosocial Risks at the Workplace in Slovenia[2] – which is based on the results of the 5th European Working Condition Survey (2010) and the Slovenian Module regarding psychosocial risks at workplace (2010) – indicate that one tenth of respondents, with a slightly higher prevalence in women, were exposed to psychological violence at the workplace in 2010. Psychological violence is defined as a hostile action that is conducted systematically by one or more persons and is targeted at another person with the aim of discrediting, humiliating or isolating that person so as to eventually make this person leave her or his job.

[2] The authors are Prof. Dr. Aleksandra Kanjuo-Mrčela and Assist. Prof. Dr. Miroljub Ignjatovič, the Faculty of Social Sciences, University of Ljubljana.

Table: **Workers having experienced various forms of violence and abuse at work in the past 12 months (%)**

	Slovenia	EU27
Physical violence at work (in the last 12 months)		
Total	**1.5**	**1.9**
Male	1.9	2.0
Female	1.0	1.7
Bullying/harassment at work (in the last 12 months)		
Total	**4.8**	**4.1**
Male	4.6	3.9
Female	5.0	4.4
Verbal abuse at work (in the last month)		
Total	**8.5**	**10.8**
Male	8.0	10.8
Female	9.1	10.7
Threats and humiliating behaviour at work (in the last month)		
Total	**6.6**	**5.0**
Male	6.6	4.9
Female	6.6	5.1
Discrimination (index) (in the last 12 months)		
Total	**6.8**	**6.2**
Male	7.3	5.6
Female	6.1	6.9

Source: *Eurofound, 2012*

Source: Report on psychosocial risks in the workplace in Slovenia (2012)

Article 28: THE RIGHT OF WORKERS' REPRESENTATIVES TO PROTECTION IN THE UNDERTAKING AND FACILITIES TO BE ACCORDED TO THEM

The Committee refers to its interpretative statement on the facilities to be granted to workers' representatives in the general introduction as well as to its question on travelling expenses and asks the next report to provide any further information.

The Republic of Slovenia explains that no amendments were made to the legislation governing this area during the reporting period. We point to the fact that pursuant to the Employment Relationship Act employers must reimburse expenses for travel to and from work to workers.

Article 29: THE RIGHT TO INFORMATION AND CONSULTATION IN COLLECTIVE REDUNDANCY PROCEDURES

The Committee asks that next report provides information on the content of prior information and the aim of consultation process.

Pursuant to Article 97 of the Employment Relationship Act (also pursuant to Article 97 of the new Employment Relationship Act, *Uradni list RS*, no. 21/13), in the case of collective redundancy the employer must inform the trade unions at the employer in writing and as soon as possible about the reasons for redundancies, the number and the categories of all employed workers, the foreseen categories of redundant workers, the foreseen term in which the work of workers will no longer be needed and the proposed criteria for the determination of redundant workers. The consultation must be

undertaken with a view to reaching an agreement with the trade unions about the proposed criteria for the determination of redundant workers; within the elaboration of the dismissal programme for redundant workers, consultation must address the possible ways of avoiding and limiting the number of dismissals and the possible measures for the prevention and mitigation of harmful consequences.