REPUBLIC OF SLOVENIA

Sixth Report of the Republic of Slovenia

on the implementation of the European Social Charter (revised)

for the reference period
from 1 January 2001 to 31 December 2004

Articles 1/4, 2, 3, 4, 9, 10, 15, 21, 22, 24, 26, 28 and 29
(non hard-core provisions)

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ARTICLE 1: THE RIGHT TO WORK

1:4 Vocational guidance, training and rehabilitation

Since the first paragraph of Article 4 refers to Art. 9, Art. 10:3 and Art. 15:1, the information is provided under the chapters referring to the said articles.

ARTICLE 2: THE RIGHT TO JUST CONDITIONS OF WORK

2:1 Reasonable daily and weekly working hours

Upon the employer's request, the worker is obliged to perform work exceeding full working hours – overtime work:

- in cases of an exceptionally increased amount of work,
- when continuation of work and production process is required in order to prevent material damage or threat to human life or health,
- when this is necessary to prevent damage to work equipment that would cause cessation of work,
- when it is necessary to ensure the safety of people and property and safety in traffic
- and in other exceptional, urgent and unforeseen cases provided by the law or by the sectoral collective agreement.

Overtime hours may not exceed 8 hours a week nor 20 hours a month nor 180 hours a year. Working-day may not exceed 10 hours. Daily, weekly and monthly time limit may be regarded as an average limitation over a period not exceeding six months which is laid down by the law or a collective agreement.

An employer may not impose overtime work under Articles 143 and 144 of the Employment Relationships Act on:

- a male or female worker referred to in the provisions on the protection during pregnancy and parenthood (Article 190),
- an older worker (Article 203),
- a worker under the age of 18,
- a worker, whose health condition could, in the opinion of a health commission, deteriorate as a result of such work,
- a worker, whose full-time working hours are reduced to less than 36 hours a week due to work which involves higher risks of injuries or damage to health in accordance with Article 142 of the Act,
- a worker, who works part-time in accordance with the regulations on pension and invalidity insurance, regulations on health insurance, or other regulations.

2:2 Public holidays with pay

A worker has the right to absence from work on public holidays of the Republic of Slovenia, specified as work-free days, and on other work-free days defined as such by the law (first paragraph of Article 168 of the Employment Relationships Act, Uradni list RS, 42/02, hereinafter referred to as ERA). Public holidays and work-free days in the Republic of Slovenia are laid down in the Public Holidays and Free Days in the Republic of Slovenia Act (Uradni list RS/I, 26/91).

There are the following public holidays in Slovenia:
- 1 and 2 January, New Year
- 8 February, Prešeren Day, Slovenian Cultural Holiday
- 27 April, Day of Uprising Against Occupation
- 1 and 2 May, Labour Day
- 25 June, National Day
- 17 August, Slovenians in Prekmurje Incorporated into the Mother Nation
- 15 September, Restoration of the Primorska Region to the Motherland
- 1 November, All Saints Day
- 23 November, Rudolf Maister Day
- 26 December, Independence and Unity Day

Work-free days in Slovenia are:
- Easter Sunday and Monday
- Pentecost
- 15 August, Assumption Day
- 31 October, Reformation Day
- 25 December, Christmas

A public holiday or work-free day falling on Sunday is not carried over to the next work day.

It has to be emphasised that only in exceptional cases an employer may distribute working time so that work is performed on a public holiday or work-free day, on condition that:
- work process is continuous, or
- the nature of work requires that it be performed on public holidays.

Considering that public holidays and work-free days are related to a specific event, we would like to stress that the purpose of such absence is to allow a worker to celebrate. The absence is tied to a specific purpose, therefore, we believe that there is no reason to provide free time on some other day, although we agree that such work should be additionally evaluated.

Pursuant to ERA, the work on statutory public holidays or work-free days is considered as a work in special working conditions due to the distribution of working time. A worker obliged to work on such a day according to the distribution of working time has a right to an extra payment under Article 128 of ERA. The amount of such extra payment is laid down by the sectoral collective agreement. On the basis of the review of sectoral collective agreements, we have established that the amount of extra payment for work on a statutory holiday or work-free day in sectors were such work is most frequently necessary ranges from 100 % to 200 % (e. g. collective agreements for trade, small businesses, passenger and road transport, hotels and restaurants and tourism industry, health and social insurance).

2:3 Annual holiday with pay

As the Committee of Social Rights has already established in its conclusions, ERA in its Article 159 provides that a worker has a right to annual leave in a particular calendar year, which may not be less than four weeks, regardless of whether the worker works full time or part time. The minimum number of days of a worker's annual leave depends on the distribution of his working days within a week. This means that a worker has a right to at least 20 days of annual leave in the case of a five-day working week and to at least 24 days of annual leave in the case of a six-day working week. Pursuant to ERA, in addition to the minimum annual leave a worker has a right to additional days of annual leave depending on his personal and social circumstances (older worker, disabled person, a worker with at least 60 % physical impairment, a worker, who takes care of a physically or mentally handicapped child, and a worker with a child under the age of 15). Longer duration of annual leave than stipulated in ERA is determined by a collective agreement or an employment contract.

2:4 Reduction of working hours or additional paid holidays for workers engaged in inherently dangerous or unhealthy occupations

New legislative acts are presented in the chapter on the right to safe and healthy working conditions (Article 3 of ESC).

2:5 Weekly rest period

With regard to the Committee's question on the coincidence of ensured weekly rest and work-free days, we would again like to emphasise that an employer may only by way of an exception distribute working time so that work is performed on a public holiday or work-free day on condition that:

- work process is continuous, or
- the nature of work requires that it be performed on public holidays.

Considering that public holidays and work-free days are related to a specific event, we would like to stress that the purpose of such absence is to allow a worker to celebrate. The absence is tied to a specific purpose, therefore, we believe that there is no reason to provide free time on some other day, although we agree that such work should be additionally evaluated.

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2:6 Written information on the essential aspects of employment relationship

The Committee would like to know whether the contract on employment relationship has to include information on periods of notice to be observed by the employer and the employee.

By way of explanation, we cite Article 29 of ERA, which lays down the essential elements of the contract. It is evident from the citation that the contract has to include the length of the periods of notice to be observed by the employer and the employee.

" The employment contract shall contain:
- data on the contracting parties including their residence or registered office,
- date of commencement of work,
- title of the position or data on the type of work for which the worker is to conclude the employment contract, including a brief description of the work he should carry out pursuant to the employment contract,
- place where the work is to be carried out; if the exact place is not stated, it shall be presumed that the worker is to carry out the work at the employer's registered office,
- duration of employment relationship and the manner of taking annual leave, if a fixed-term employment contract is concluded,
- stipulation stating whether the employment is part or full-time,
- stipulation on normal daily or weekly working time and the distribution of working time,
- stipulation on the amount in Slovenian Tolars of the basic wage the worker shall receive as remuneration for carrying out work in accordance with the employment contract and on eventual other remunerations,
- stipulation on other components of the worker's wage, on the payment period, on the payment day and on the manner of payment of the wage,
- stipulation on the annual leave and/or the manner of determining the annual leave,
- **<u>the length of periods of notice,</u>**
- collective agreements binding the employer and/or employer's general acts stipulating the worker's conditions of work, and
- other rights and obligations in cases laid down by this Act."

2:7 Night work

In answer to the Committee's question and for a detailed information on night work we cite the part of ERA regulating night work (Arts. 149 through 153):

"5. Night work

Article 149

(Night Work)

Night work shall mean work between 11 p.m. and 6 a.m. of the following day.
If a distribution of working time provides for a night shift, the night work shall mean eight uninterrupted hours between 10 p.m. and 7 a.m. of the following day.

Article 150

(The Rights of Workers Performing Night Work)

(1) A worker who works at night at least three hours of his daily working time and/or a worker who works at night at least one third of full annual working time (hereinafter referred to as: night worker) shall have the right to special protection.

(2) If, according to the opinion of a health commission, such work could cause the deterioration of the worker's health, the employer shall be obliged to transfer him to a suitable day work.
(3) The employer must ensure the night workers the following:
- longer annual leave,
- suitable food during the work,
- professional management of the work and/or the production process.
(4) If the work that is organised in shifts includes a night shift, the employer is obliged to assure the periodical rotation of shifts. A worker in one shift may not work at night longer than one week. Within such organisation of work, the worker may only work at night for a longer period of time if he explicitly agrees to such work in writing.
(5) An employer may not assign a worker to night work if there is no transport to and from the work organised for that worker.

Article 151
(Restrictions of Night Work)
(1) In a period of four months, the working time of a night worker may not exceed an average of eight hours a day.
(2) The working time of a night worker in a workplace where according to the risk assessment there is a higher risk of injuries or damage to health may not exceed eight hours a day.

Article 152
(Consultation with the Trade Union)
Prior to the introduction of the night work, or if night work is carried out regularly by night workers at least once a year, the employer must consult with trade unions at the employer on the determination of the time considered as night work, on the forms of organisation of night work, on the measures of safety and health at work, and on the social measures.

Article 153
(Night Work of Women in Industry and Construction)
(1) The employer in industry or construction may only assign female workers to night work in the following cases:
- if they are members of his family,
- if they carry out work of a managerial character or lead work units or carry out work related to the protection of safety and health, or social protection of workers,
- if such work is necessary due to force majeure *or in order to prevent the damage to raw materials or other perishable material; the employer must notify the competent labour inspector of such work within 24 hours of its introduction,*
- if such work has previously been assessed as being in the national interest and approved by the minister responsible for labour.

(2) In order to better exploit work equipment, expand employment possibilities and for similar economic or social reasons, the night work of female workers may be introduced in industry and construction with the approval of the minister responsible for labour:
- *in a specific activity or occupation on condition that this was agreed or approved by the representative trade union and the employers' association;*
- *at one or several employers not included in the decision referred to in the first indent of this paragraph provided that:*

- an agreement has been concluded between the trade unions at the employer and the employer,

- a consultation between the employer(s) and the association of employers and the representative trade union has been carried out;

- *at a specific employer not included in the decision referred to in the first indent of this paragraph when no agreement under the second indent of this paragraph has been concluded, provided that:*

- an opinion is required from the trade unions at the employer, the representative trade union and the employers' association,
- the labour inspector has previously verified the fulfilment of the conditions for the introduction of night work.

(3) The minister responsible for labour shall issue a consent to the employer for the night work of female workers in case referred to in the third indent of the previous paragraph for a period of not more than one calendar year. The minister responsible for labour shall withdraw the consent for the night work of female workers under the previous paragraph when the conditions, on the basis of which the approval was issued, no longer exist."

ARTICLE 3: THE RIGHT TO SAFE AND HEALTHY WORKING CONDITIONS

New legislation

In the reference period from 1 January 2001 to 31 December 2004 the following regulations concerning safety and health at work were adopted in Slovenia:

- Health and Safety at Work Act (Uradni list RS, 56/1999, 64/2001)
- Rules on health and safety requirements for the use of work equipment (Uradni list RS, 101/2004)
- Rules amending the Rules on the programme and method of training for safety and health at work co-ordinators on temporary and mobile construction sites (Uradni list RS, 89/2004)
- Rules concerning the taking of certification examination in the field of safety and health at work (Uradni list RS, 35/2004)
- Resolution on the national programme for safety and health at work, (Uradni list RS, 126/2003)
- Rules on the requirements for ensuring safety and health of workers and on technical measures for surface and underground operations not related to the exploration and exploitation of minerals (Uradni list RS, 95/2003)
- Rules concerning the list of occupational diseases (Uradni List RS, 85/2001)
- Rules on the protection of health at work of pregnant workers, workers who have recently given birth and breastfeeding workers (Uradni list RS, 82/2003)
- Rules on the protection of health at work of children, adolescents and young persons (Uradni list RS, 82/2003)
- Rules on health and safety regulations and technical regulations for the exploration and extraction of mineral resources in underground mining (Uradni list RS, 68/2003)
- Rules on health and safety regulations and technical regulations for the exploration and extraction of mineral resources in surface mining (Uradni list RS, 68/2003)
- Rules on health and safety regulations and technical regulations for the exploration and extraction of mineral resources by drilling (Uradni list RS, 68/2003)
- Decree amending the Decree on safety and health protection on temporary and mobile construction sites (Uradni list RS, 57/2003)
- Decree on standards and criteria for identifying workplaces subject to the compulsory supplementary invalidity insurance (Uradni list RS, 56/2003)

- Rules on conditions and procedure for obtaining work permit for carrying out professional tasks in the field of safety at work (Uradni list RS, 42/2003)
- Rules concerning preventive medical examinations of workers (Uradni list RS, 87/2002, 29/2003-correction)
- Rules on the programme and method of training for safety and health at work co-ordinators on temporary and mobile construction sites (Uradni list RS, 59/2002)
- Rules on the protection of workers from risks related to exposure to biological agents at work (Uradni list RS, 4/2002 and 39/2005)
- Rules on the protection of workers from risks related to exposure to chemical substances at work (Uradni list RS, 100/2002 and 39/2005)
- Rules on the content and manner of drawing-up the general document on the safety and health at work to be drawn up by the mining operator prior to the commencement of work (Uradni list RS, 68/2001)
- Rules on minimum requirements for medical treatment of crew on board vessels (Uradni list RS, 28/2001)
- Rules on training and knowledge assessment for workers handling hazardous chemicals (Uradni list RS, 22/2001)
- Rules on the protection of workers from risks related to exposure to noise at work (Uradni list RS, 7/2002)
- Rules on safety and health requirements for work on board fishing vessels (Uradni list RS, 6/2001 and 39/2005)
- Rules on the preparation of a safety statement with risk assessment (Uradni list RS, 30/2000)
- Rules on safety and health requirements for work with visual display units (Uradni list RS, 30/2000 and 73/2005)
- Rules on personal protective equipment used by workers at work (Uradni list RS, 89/1999 and 39/2005)
- Rules governing safety and health signs at work (Uradni list RS, 89/1999 and 39/2005)
- Rules on requirements for ensuring safety and health of workers at workplaces (Uradni list RS, 89/1999 and 39/2005)

3:1 Health and safety and the work environment

Training of safety officers

Article 18 of the Safety and Health at Work Act (Uradni list RS, 56/99 and 64/01) lays down that every employer has to appoint one or more safety officers to perform specialist tasks pertaining to safety at work.

Pursuant to the fourth paragraph of Article 18 of the said Act, an employer has to ensure that a safety officer has the full autonomy in the execution of his tasks, adequate time and access to all required information and has to allow him to get advanced training. A safety officer must not be placed at a disadvantage or suffer other damaging consequences due to his work.

An employer may entrust certain or all tasks of organizing and ensuring safety at work referred to in Article 19 of the Act to external experts or services that have a licence to perform tasks under Article 46 of the Act.

By not laying down general statutory conditions for performing specialist tasks but only conditions for certain tasks requiring specific knowledge and skills, the state has placed the responsibility on the employer to an choose optimum solution for himself. The state, however, guarantees that the legal and natural persons to whom it issues a licence to work under special procedure and criteria laid down in an executive regulation are qualified for that work.

An employer has the same obligations to external expert services as to the safety officer employed by him to perform specialist tasks concerning safety at work. External services must have access to all information on hazards and risks at work and to data on adopted safeguards and fire safety measures, first aid measures and evacuation measures, including the names of persons responsible for the implementation of these measures.

A safety officer may perform tasks referred to in Points 3, 4, 5 and 9 of the first paragraph of Article 19, if he fulfils the conditions required for these tasks by the regulation referred to in the first paragraph of Article 48 of the Act.

A safety officer whom the employer has entrusted with certain or all specialist tasks must pass a certification examination on the safety and health at work required by the regulation referred to in the second paragraph of Article 48 of the Act.

Some tasks, especially technical and operational ones, require specific knowledge and skills and a special equipment, which has to be handled correctly. These tasks include in particular periodic analyses of harmful chemical, physical and biological factors in the working environment, periodic examinations and tests of work equipment, as well as the preparation of expert groundwork for the risk assessment where it is reasonable to expect a high risk of injuries and damage to health due to demanding or dangerous technological processes or the use of harmful substances. The Act stipulates that safety officers employed by the employer to perform these tasks must fulfil the same conditions regarding the level and field of education and work experience and that the employer must provide them with the same technical equipment as is laid down in the executive regulation for natural and legal persons who whish to acquire a licence of the ministry to perform such tasks. Considering that the Act

gives an employer relative freedom in choosing a safety officer, at least as concerns the level and field of education, and that in practice many employers in technologically undemanding or less demanding sectors have assumed the function of a safety officer themselves, it was necessary to lay down at least minimum requirements regarding the knowledge and competence for working in this field. Therefore, the Act has stipulated that any person performing certain or all of the tasks concerning safety at work must pass a certification exam under the programme and in the scope laid down by the executive regulation issued pursuant to the Act.

Research

Even though Slovenia has limited possibilities due to its small size, a few basic studies in this field are nevertheless needed. Therefore, the Resolution on national programme for safety and health at work (Uradni list RS, 126/2003), adopted by the General Assembly in December of 2003, foresees that within the tenders for programmes for particular fields the Ministry of Education, Science and Sport provides for the formation of a group for the field of safety and health and facilitates its work. The group would consist of researchers from institutions already involved in safety and health at work.
The Ministry of Education, Science and Sport and the Ministry of Health should, according to the Resolution, provide the resources for individual applicative studies in this field on the basis of priorities to be established by the Council for Safety and Health at Work. To this end the Ministry of Education, Science and Sport and the Ministry of Health would, in accordance with their budget titles for development and research projects, every year issue a public tender for the implementation of these projects.

Information system and records on safety and health at work

In 2004 and 2005 the Ministry of Education, Science and Sport carried out a computerisation of safety and health at work pursuant to the Resolution on national programme for safety and health at work. The Ministry set up at the Labour Inspectorate a data collection system on work-related injuries, collective accidents and dangerous events based on the ESAW methodology and a data collection system on occupational diseases based on the EODS methodology. The project is being upgraded so that aggregated data, which will be used for the monitoring of the state required for the planning of policy and measures concerning safety and health at work, are collected at the Ministry.

Certification and accreditation system

At present, Slovenian legislation concerning safety and health at work does not foresee the possibility of certain services being performed by accredited laboratories or legal persons. But on the basis of discussions in specialist circles, the system of accreditation for certain services will be determined as soon as the Safety and Health at Work Act is first amended.

Although the Act and the Rules on conditions and procedure to obtain work permit for carrying out professional tasks in the field of safety at work (Uradni list RS, 42/2003), which were adopted pursuant to the Act, stipulate that natural or legal persons who perform, develop or carry out

- periodic and other studies of harmful physical, chemical and biological factors in the work environment
- periodic examinations and tests of work equipment

- expert groundwork for the safety statement (including the risk assessment)
- training of workers in safety during worktime

must fulfil personnel, organisational, technical and other conditions to obtain a work permit. The work permit is issued by the minister by a decision under the administrative procedure.

The personnel conditions laid down by the Act and the rules on work permits include the required level and field of education, work experience and passed certification examination in accordance with the Rules concerning the taking of certification examination in the field of safety and health at work (Uradni list RS, 35/2004).

Obligation of the employer to train workers in safety and health during worktime

An employer must not assign a worker to a job before the worker is trained in safe methods of work in the workplace. The employer must also train a worker when the worker is transferred to a new workplace, when new work equipment, substances or work procedures are introduced and in case of any other change in the work process that could cause a hazard or change the risk level.

The training must conform to the requirements of a specific workplace. The programme of workplace training has to be drawn up in advance and updated according to the changes in working conditions. It has to comply with the workplace risk assessment. The programme has to be individualized, it has to take account of the workers capabilities, knowledge and experience. In must comprise an instruction on basic skills, practical training with a demonstration and an instruction on the conduct in the case of immediate danger. All workers, including the management, must go through the training.

An employer must test a worker's theoretical and practical competence to work in a specific workplace.

Knowledge and skills have to be regularly refreshed, particularly in workplaces where there is a high risk of injury. Periodic tests and examinations of competence are also necessary in workplaces where injuries or health damage are frequent or where inspectors often note dangers.

The Act leaves it to the employer to decide how often to organise training and tests in "dangerous" workplaces, although it does stipulate the maximum of two years for testing the competence in these workplaces.

The Labour Inspection Act offers a labour inspector a possibility to interfere with a regulatory decision in the event of any irregularities. Notwithstanding this general authority of a labour inspector, the Act authorises inspectors to order a different training programme to be carried out when the programme foreseen by the employer is not adequate with regard to the risk assessment for the specific workplace. Similarly, inspectors may order a test of competence when they are in doubt about the competence of workers.

An employer must ensure, in accordance with the Act, that workers' representatives, members of the workers' council or workers' safety representative are suitably trained to enable them to competently deal with the matters of safety and health at work.

One of the basic principles of governing the safety and health at work is that safety and health protection must not impose any financial obligation on the worker. As the training is one of the most important measures for the employer to ensure safety at work, it has to be cost-free

for workers. The Act also lays down that, if possible, it should take place during workers' working hours.

3:2 Safety and health regulations

As regards the observation that some implementing regulations covering individual industries and specific risks are old and need to be amended, it has to be underlined that Slovenia's health and safety at work regulations had been thoroughly updated, including the regulations governing the areas of construction, agriculture, mining and exploitation of mineral resources.

Data on adopted regulations are listed in the introduction to this Chapter.

Exposure to asbestos

In October 1996, the Act Prohibiting Production and Trade in Asbestos Products entered into force (*Uradni list RS*, no. 56/96, 35/98 and 86/00). The aim of the Act was to cease production and trade in asbestos and asbestos products as well as to provide funds for the conversion of asbestos production to non-asbestos production.

Rules on the protection of workers from the risks related to exposure to asbestos at work (*Uradni list RS*, no. 33/01) lay down employer's obligations in ensuring safety and health of workers who are or may be exposed to dust arising from asbestos or materials containing asbestos in the course of their work. These Rules also determine the occupational exposure limit values for asbestos. Provisions of the said Rules as well as the limit values are in compliance with provisions and limit values set in the Council Directive 83/477/EEC and the Council Directive 91/382/EEC.

The Ministry of Labour, Family and Social Affairs has already issued Rules containing provisions in compliance with the requirements set by the Directive 2003/18/EC of the European Parliament and of the Council of 27 March 2003 amending Council Directive 83/477/EEC on the protection of workers from the risks related to exposure to asbestos at work.

Exposure to radiation

Report on the ionising radiation protection and nuclear safety in the Republic of Slovenia for 2004 is enclosed (***Annex 1***).

Consultation with employers and workers organisations

Social partners, i.e. representatives of employers organisations and trade unions are engaged in the preparation of health and safety at work regulations and participate in their adoption. The Safety and Health Council does not discuss these regulations, though all regulations governing this field are submitted to the tripartite Economic and Social Council for consideration before they are issued or discussed in the National Assembly.

Workers engaged under a contract of employment for a specified period

Responding to the Committee, we would like to clarify that Article 26 of the Employment Relationship Act lays down rights and obligations of employers in concluding employment contracts and does not differentiate between the employment contracts for a fixed-term and indefinite duration. Paragraph 5 of Article 26 stipulates that in order to establish the candidate's health capability for carrying out work, the employer shall at his costs refer the candidate to the preliminary medical examination in accordance with the provisions on safety and health at work.

3:3 Ensuring supervision

Injuries at work and occupational diseases

In 2004, a total of 13,886 occupational injuries requiring absence from work for more than three consecutive days were recorded and 13 accidents at work resulting in death. Workplace fatalities occurred predominantly in small employers; in as many as 6 cases they were sustained in the construction industry (fall from a height or into a depth).

According to the data from the Slovenian Labour Inspectorate Annual Report for 1004, the highest rate of serious accidents at work was recorded in construction industry, followed by the manufacture of fabricated metal products, manufacture of wood and wood products, manufacture of machinery, manufacture of furniture and manufacture of basic metals. Accordingly, the situation in mining and exploitation of mineral resources sector is not critical as noted by the Committee for 2000.

Activities and measure of the Labour Inspectorate of the RS

In 2004, the Labour Inspectorate employed 82 inspectors, out of which 38 were inspectors competent for occupational safety and health. In 2004, the Labour Inspectorate supervised 176,335 business entities and carried out 8,162 inspections in the field of safety and health at work, i.e. 1,789 inspections more than in 2000 when there were only 140,629 business entities in Slovenia.

3:4 Development of occupational health services

Legal basis for the operation of **occupational health service** is provided by:

- Safety and Health at Work Act;
- Health Services Act;
- Guidelines on the provision of primary preventive health care;
- Rules on preventive health examinations of workers and other implementing regulations in the field of preventive health examinations for different professions.

Article 20 of the Safety and Health at Work Act requires the employer to ensure that occupational health care tasks are carried out by the authorised physician. The most important tasks include:

– engagement in workplace and working environment risk assessment; and
– identification and examination of causes of occupational and work related diseases.

Under the Safety and Health at Work Act the authorised physician must be a specialist in occupational medicine.

We wish to stress that in Slovenia occupational medicine practitioners do not provide curative services (i.e. medical treatment and determination of incapacity for work). All residents of the RS (indeed including employees) are covered by the compulsory health insurance within the compulsory health insurance system and have the right to choose a personal general or family practitioner.

Consequently, the occupational medicine practitioner's responsibilities relate only to ensuring safety and health at work, as defined by Article 20 of the Safety and Health Act. There are approximately 135 active specialists in occupational medicine in Slovenia. Considering the fact that they only carry out activities imposed by the law and the fact that according to data for 2006 Slovenia had a working population of approximately 830,000 residents (i.e. one authorised occupational medicine practitioner responsible for app. 6,149 employees), we are of the opinion that the number is appropriate and on no account too small. We would also like to emphasise that the majority of workers in the RS are employed in small enterprises with a small number of employees, therefore the employment of occupational medicine practitioner at the seat of the undertaking would not be reasonable. Nevertheless, it is the employer's legal obligation to ensure occupational medicine services for employees. Compliance with these provisions is supervised by the Labour Inspectorate.

Geographical distribution of occupational medicine practitioners in the RS is appropriate, therefore their accessibility to employers is satisfactory.

ARTICLE 4: THE RIGHT TO A FAIR REMUNERATION

4:1 Fair remuneration

Committee considered that situation in Slovenia is in line with the provisions of the ESC; no legislative amendments were adopted in this field in the reference period.

4:2 Increased rate of remuneration for overtime work

As to the question concerning the provisions of the General Collective Agreement for Economic Activities, we would like to information the ECSR that the mentioned Collective Agreement was terminated; the Agreement and its substantive annex were in force until 31 December 2005, while its procedural part will continue to apply until 30 June 2006.
We will provide more detailed information on a new collective agreement and its provisions in the next reports.

4:3 Equal pay for work of equal value

In recent years, Slovenia has noted a general trend of improving labour market conditions – a gradual increase in employment and consequently a lower unemployment rate – but these trends have not developed in favour of women.
In 2004, the working population aged 15 to 64 amounted to 65.3 % (while in 2003 it was 62.6 %), namely 60.5 % of women and 71.8 % of men. As compared with 2003, the unemployment rate decreased from 6.8 % to 6.5 % in 2004. In 2004, the unemployment rate among men was 6.1 %, while among women it stood at 7.0 %. But the difference between women and men increased both in the employment and unemployment rate. The rate of male working population exceeded women working population by 11.3 %, while there were 0.9 % more unemployed women than men.
The greatest gender difference is noted in the unemployment rate of young people aged 15 to 24 where the unemployment rate of young women is more than 5 percentage points higher than the unemployment rate of young men. Data on registered unemployment indicate a decrease in the unemployment rate; yet, in the last year unemployment decreased mainly among men while the unemployment rate among women remained virtually unchanged. The data also show that the rate of women among the first-time job seekers holding a university degree is as high as 75 %.
Full-time employed persons represent the predominant group of the working population. In 2004, the share of employed women and men engaged in part-time employment was 11 % and 7.9 % respectively. Approximately 22 % of working population typically work on Saturdays and 13 % on Sundays; the share of women is 44 %. In recent years, the rate of temporary employment has increased and is slightly higher among women. Out of the total number of employed persons in 2003, the rate of temporary employments amounted to 14.9 % of all employed women and to 12.7 % of all employed men. New forms of work are also more frequent. Share of employed population teleworking at home is 5.4 % (6.1 % of women and 4.8 % of men).

In recent years, the percentage of self-employed has been in decline among men and women. In 2004, the share of self-employed persons among working population was 9.8 %, out of which women represented one quarter. The share of family members engaged in family work amounted to 5.7 % of working population; the share of women was approximately 60 %.

The analyses of Slovene labour market reveal vertical as well as horizontal gender segregation in the labour market.
The 2003 data indicate that the share of women in the highest ranking and best paid positions (senior official and management positions, legislators) amounts to only one third (33.2 %), even though women are better educated than men and attain higher level of education and skills. Professions where woman are represented above average are: officials (65.4 %), jobs in services and trade (64.9 %) and specialists services (59.6 %); they are least represented in non-industrial production (8.0 %).
As to the sectors, women prevail among employed in the service sector (54.9 %), in particular in the field of health care and social assistance, education, financial intermediation as well as in catering and tourism. In non-agricultural activities, the share of women amounts to one third of the entire working population, while the smallest number of women is employed in the construction sector.

The data on gross salaries show that on average women earn 10 percentage points less than men with equal level of professional qualifications. The greatest salary discrepancies between women and men occur with skilled workers (24 percentage points), workers holding a university degree and high-skilled workers (20 percentage points). In recent years, the most significant reduction in gender related salary differences has been noted among employees holding a doctor's degree, namely by 10 percentage points and presently amounts to 8 percentage points.
The analyses of sick leave due to illness, injury, nursing and other reasons indicate some significant gender discrepancies. On average, men are absent 14 days per year and women 17 days. Sickness absence caused by injuries not related to work and injuries at work is approximately 2.5 times higher in male population. Absence due to illness is slightly more frequent in women. The greatest discrepancy occur in absence due to nursing; among women such absence is as much as 6-times more often than among men.

National programme for equal opportunities was adopted in October 2005.

The Resolution on the National Programme for Equal Opportunities for Women and Men is a strategic document that defines gender equality policies in the Republic of Slovenia in the period 2005-2013. The National Programme sets objectives and measures as well as key policy makers to establish gender equality in different fields of life of women and men in Slovenia.

Basic objective of the National Programme for Equal Opportunities for Women and Men is to define principal guidelines of the equal opportunities policy in all key domains of social life, which cover areas such as:

- equal opportunities to attain economic independence;
- equal conditions and opportunities regarding business, employment, career prospects;
- equal access to education and training and equal opportunities to develop personal ambitions, interests and talents;
- elimination of prejudice and stereotypes on gender roles in the family;
- sharing family and domestic responsibilities;
- liberation from all forms of gender related violence;
- balanced sharing of power and influence.

The National Programme for Equal Opportunities of Women and Men aims at setting general guidelines to attain gender equality to which the Government of the RS is bound. The objectives and measures of the National Programme are defined as guidelines to Ministries and other government bodies that are to integrate those measures into the planning of their respective policies and programmes. Objectives and measures will be implemented through activities determined by individual Ministries in periodic planes for two-year period.

4:4 Reasonable notice period

As already noted in the conclusions of the Committee of Social Rights, minimum notice periods are set in Article 92 of the Employment Relationship Act. The minimum statutory notice period depends on the reason for the termination of employment contract and on the years of service with the employer.
If the employment contract is terminated by the worker, the notice period is 30 days. A longer notice period – however not exceeding 150 days – may be agreed upon in the employment contract or Collective Agreement.

When the employment agreement is terminated by the employer for business reasons, the minimum notice period is as follows:
– 30 days for workers with less than five years of service with the employer;
– 45 days for workers with at least five years of service with the employer;
– 75 days for workers with at least fifteen years of service with the employer;
– 150 days for workers with at least twenty-five years of service with the employer.

When the employment agreement is terminated by the employer on grounds of incompetence, the minimum notice period is as follows:
– 30 days for workers with less than five years of service with the employer;
– 45 days for workers with at least five years of service with the employer;
– 60 days for workers with at least fifteen years of service with the employer;
– 120 days for workers with at least twenty-five years of service with the employer.

When the employment agreement is terminated by the employer for reasons on the part of the worker, the minimum notice period is 30 days.

Length of service with the employer also include years of service with employer's legal predecessors.

4:5 Deduction from wages

The Committee of Social Rights requested additional information with regard to cases where deduction from wages are made under the Execution of Judgments in Civil Matters and Insurance of Claims Act (*Ur. l. RS,* 40/2004).

In 2004, the Execution of Judgments in Civil Matters and Insurance of Claims Act was amended; its Chapter 9 *Execution on money claim of debtor* provides as follows:

Article 101

(Income exempt from execution)

The following shall be exempt from execution:
1. income from statutory maintenance and damages for the loss of maintenance occasioned by the death of the person paying it;
2. income from damages for a physical injury under the provisions on disability insurance;
3. income from cash social assistance under the legislation regulating social assistance;
4. income from parental allowance, child benefit, childcare allowance and childbirth allowance;
5. income from scholarships and assistance to students;
6. income received by army conscripts at the time of their military service, income received by citizens at the time of their alternative civilian service or training for the purpose of protection and rescue, and income received by persons training for service as police reservists;
7. income received on the basis of merits, medals, war memoranda, and other decorations and awards;
8. compensation for a handicap under legislation governing social care for mentally and physically handicapped persons;
9. attendance allowance;
10. income from temporary work of disabled persons included in institutional care and gaining income off the criteria of regular employment pursuant to the legislation governing social assistance;

Article 102

(Restrictions upon execution)

Salaries, pensions, salary compensations, damages for the loss or impairment of capacity to work, benefits for temporary unemployment, and payment for work undertaken by prisoners in penal institutions may be attached:
1. in respect of money claims other than those stated in point 2 of this paragraph, in the amount not exceeding two-thirds of the income upon which execution is carried out, with the provisio that the debtor shall keep at least the amount of minimum salary less the payment of taxes and statutory social security contributions; when the debtor maintains other persons, the amount shall be at least equal to the amount of income fixed for the debtor and his family members or persons he is required to maintain under the legislation; the amount shall be fixed in accordance with criteria set by the legislation governing social assistance in respect of granting cash social assistance;
2. in respect of money claims for statutory maintenance or damages for the loss of maintenance occasioned by the death of the person paying it, in the amount not exceeding two-thirds of the income upon which execution is carried out, with the provisio that the debtor shall keep at least the amount of minimum salary less the payment of taxes and statutory social security contributions; when the debtor maintains other persons, the amount shall be at least equal to the amount of income fixed for the debtor and his family members or persons he is required to maintain under the legislation; the amount shall be fixed in accordance with criteria set by the legislation governing social assistance in respect of granting cash social assistance;
Income of war disabled servicemen and civilian war-disabled persons deriving from disability grant, allowance for orthopaedic devices or disability allowance may be subject to execution only in respect to money claims for statutory maintenance and damages for the loss of maintenance occasioned by the death of the person paying it, in which case they may be attached in an amount not exceeding one-half of the income in question.
Income from life care contracts, life annuity contracts and life insurance contract may be attached in such an amount as exceeds the highest permanent social contribution under legislation governing social assistance benefits.

Article 103

(Taxes and contributions exempt from execution)

Claims of the State and of self-governing local communities regarding the payment of taxes and mandatory levies, as well as claims of public institutions and funds regarding the payment of mandatory contributions for pension, disability and health insurance, shall not be subject to execution.

3. Acts of execution

Article 104

(Method of execution)

If not otherwise provided by this Act, execution upon a money claim shall be carried out by the attachment and transfer of the claim.
Upon the lodging of an application for execution, the creditor may apply only for the attachment of a money claim; in such cases he shall be obliged subsequently to apply for the transfer of the claim within three months of the day the decree for attachment was served upon him or of the day the statement of the debtor's debt (third paragraph of Article 111) was served upon him.
If the debtor fails to apply for transfer by the set time limit, the Court shall stay the execution.

Article 105

(Extent of execution)

The attachment and transfer of a money claim shall be permitted to such an extent as is necessary for the repayment of the creditor's claim, except in cases of indivisible claims (Article 116).
If several creditors apply for execution upon the same divisible claim, the Court shall permit the attachment and transfer of appropriate amounts to the credit of each particular creditor.

Article 106

(Periodic payments)

If under a decree for execution a debtor is ordered to make periodic payments that fall due in time intervals during a period of one year after the lodging of the decree for execution (payments for loss of enjoyment of life, the loss or impairment of capacity to work, or the death of the person providing maintenance, maintenance itself, etc.), the debtor's debtor shall execute such payments upon their respective maturity, without the creditor having to file another application for execution.
In the case referred to in the first paragraph of this Article, the order of execution of all future payments shall be determined by the time of the reception of the decree for execution by the debtor's debtor.
For the purpose of the collection of future periodic payments, the debtor's debtor shall keep a special record of decrees for execution.

4. Attachment of claims

Article 107

(Legal effect)

Under a decree permitting the attachment of a money claim (decree for attachment), the Court shall prohibit the debtor's debtor to repay the claim for the debtor, while the debtor shall be prohibited from enforcing, even on the basis of a mortgage or a lien by which the claim has been secured, or otherwise disposing of the claim.
The attachment shall be carried out on the day the decree for attachment is served upon the debtor's debtor.
The creditor shall acquire a lien upon the debtor's claim which was attached by the Court upon his application.
A debtor shall have no right to appeal against a decree for attachment.

Article 108

(Attachment of claims arising from securities)

The attachment of a claim arising from a security transferable by endorsement and of a claim whose enforcement is conditional upon the submission of this security shall be executed so that the execution officer shall seize the security or part thereof which is to be produced to enforce the claim, and shall deliver it up to the Court.

Legal acts required for the preservation or exercise of rights arising from the seized security shall be performed by the debtor. For this purpose the execution officer shall hand the seized security back to the debtor for the time necessary for the performance of such acts, and shall issue a confirmation note to this effect.

Article 109

(Lien upon interest)

A lien taken in a claim that bears interest shall also be acquired in interest that falls due after attachment.

ARTICLE 9: RIGHT TO VOCATIONAL GUIDANCE

Vocational orientation and scholarships

1. Vocational orientation

The Employment Service provides vocational orientation to all persons who need and want assistance in career decision-making. Through this activity users are provided with all information required for career planning. We assist individuals in setting and attaining goals relating to employment, education and training, as well as in acquiring skills to facilitate the transition from unemployment to employment, education and training or from education to the labour market. Vocational orientation programme is carried out by vocational counsellors in labour offices, primary schools, vocational information and counselling centres (VICC), in information points and information corners.

1. 1. Vocational orientation for young people

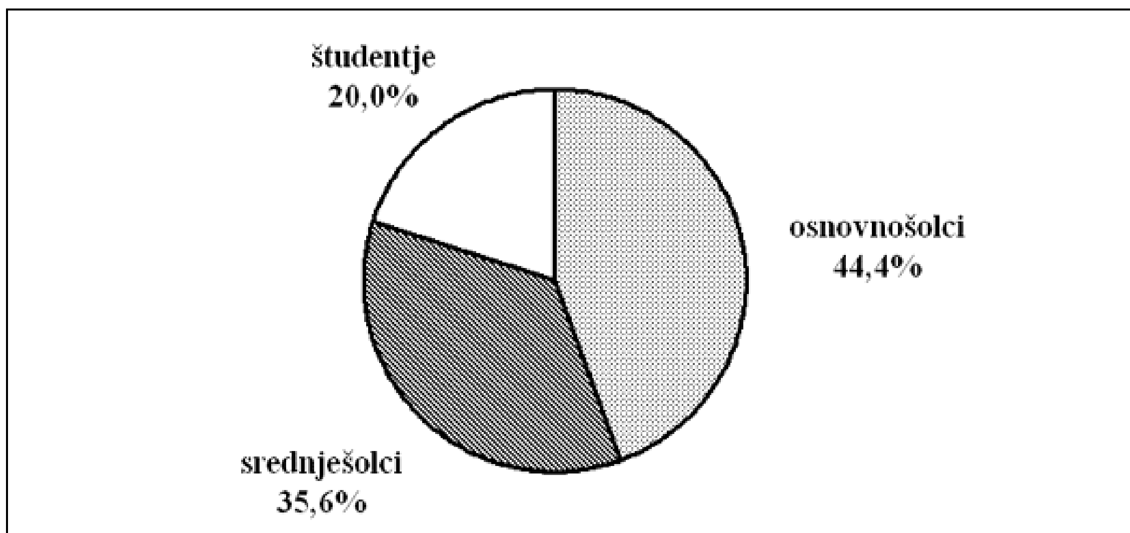
Vocational counsellors of the Employment Service only carry out part of vocational orientation for young people, the predominant part is carried out in schools. The share of work performed by the vocational counsellors of the Employment Service is defined in the work programme for school youth and is brought into line with education sector.

In 2004, the vocational counsellors carried out all planned tasks; some were performed by the counsellors themselves while others were carried out with the assistance of providers selected through a tender procedure:

- team consultations in schools – discussion of vocational intensions of primary school pupils in transition to secondary schools; identification of young people with more substantial impediments which will later on use the counselling services of the Employment Service; identification of talented individuals to be nominated for the Zois scholarship by the primary schools; in 2004, there were 19,976 pupils discussed at team consultations;
- lectures for parents (information on the labour market and career development) – only 66 lectures were held as the Employment Service had eliminated lectures from its regular activity from 2004 on;
- aptitude testing of seventh-grade pupils (in the period from April to June there were 21,001 pupils tested for the purpose of selecting the Zois scholarship recipients (external providers);
- preparation and distribution of a publication *Poklicni kažipot za sedmošolce* – Vocational waymark for seven-graders – (in cooperation with the National Education Institute of the Republic of Slovenia and the National Institute for Vocational Education and Training);

- preparation and distribution of a *Questionnaire on career path for primary school;*
- individual vocational guidance and information for primary and secondary school pupils and students; and
- organisation of a programme *On professions – in a different way* (external provider).

Figure: Young people counselled by vocational counsellors – by status



Legend:
»študentje« - students
»osnovnošolci« - primary school pupils
»srednješolci« - secondary school pupils

Primary school pupils visit the Employment Service primarily because of difficulties encountered in entering secondary education, secondary school pupils due to switch over and support needed in pursuing career path and students because of changed professional goals.

Group work with young people

In 2004, the vocational counsellors carried out:

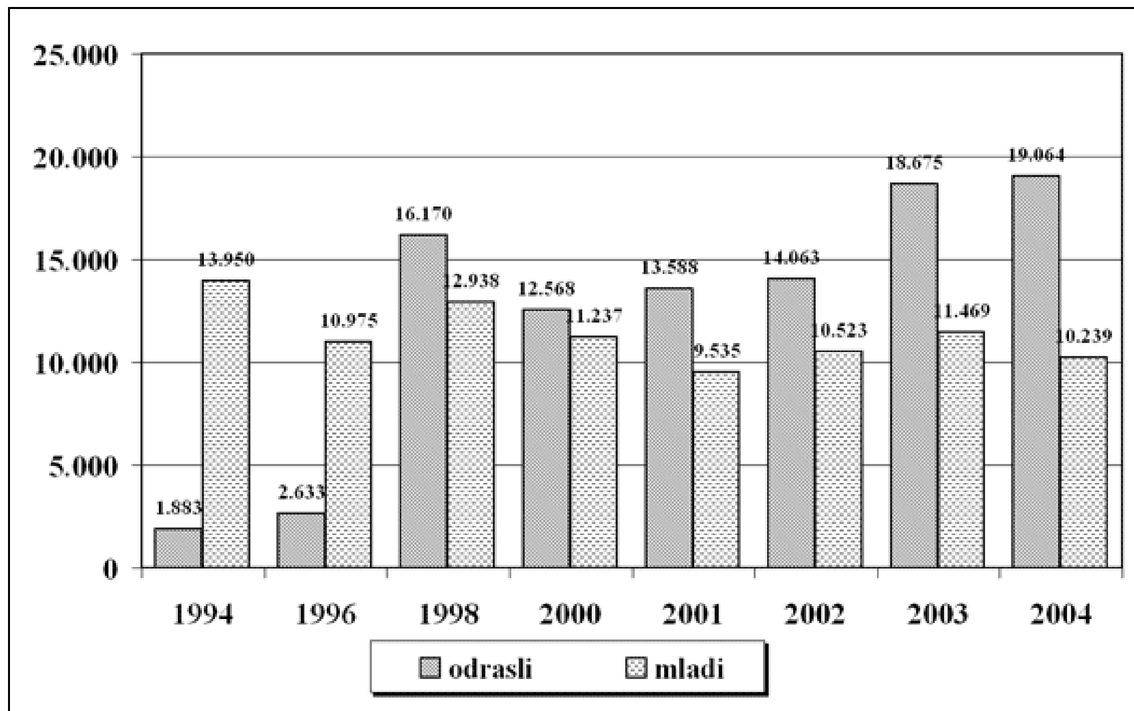
- 4 workshops on career planning for students entitled *Employment playschool* (prepared and managed by the Employment Service and organised by the Student Organisation).

1. 2. Vocational orientation of adults

Basic aim of vocational orientation provided by the Employment Service is to support unemployed persons in seeking a new career paths; 65.0 % of counselling is intended for the unemployed.

Vocational counsellors work with unemployed people hindered in employment, in particular with those that do not have defined employment goals; as a priority, counselling services are provided to people without education and to others intending to enter education. The role of the vocational counsellor is to motivate for education, provide support in decision-making on appropriate education programme and related assessment of abilities, interests, motivation and difficulties concerning successful education. During the education process, the vocational counsellors pay additional attention to less successful, identify learning difficulties and motivation problems and help to eliminate them.

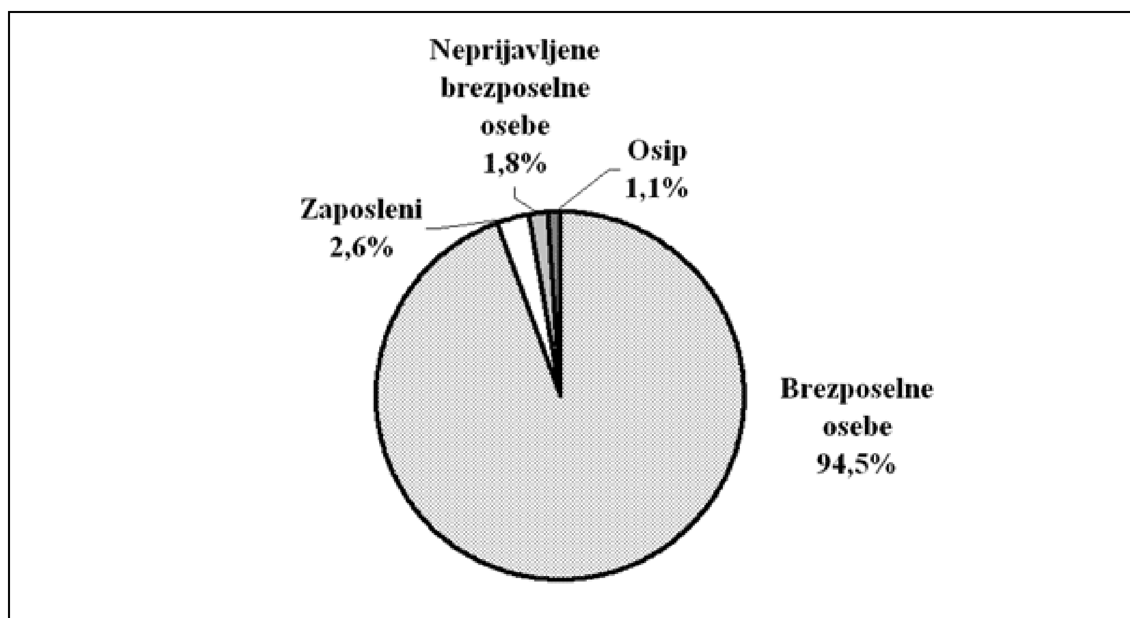
Figure: Number of individual counselling provided to young people and adults in the period from 1994 to 2004



Legend:
»odrasli« - adults
»mladi« - young people

In 2004, the vocational counsellors provided counselling to 19,064 adults, of which there were more women (60.0 %) than men (40.0 %); the situation was the same as in 2003.

Figure: Structure of counselled adults – by status



Legend:

»zaposleni« - employed

»neprijavljene brezposelne osebe« - unemployed persons not entered into the register

»osip« - drop out

»brezposelne osebe« - unemployed persons

The programme *On professions – in a different way* is provided to school youth as well as to unemployed persons by providers selected through a tender procedure. The programme aims at acquainting participants with various professions with the purpose of entering appropriate education programme, seeking the most appropriate employment and promoting skill shortage occupations.

Group work with adults

In 2004, the vocational counsellors carried out:

- 120 workshops *Ways to work and employment*;
- 42 motivation workshops aimed at participants entering education programmes;
- 12 workshops *Finding the right profession;*
- 7 workshops for the unemployed persons who were concluding education programmes;
- 7 workshops for female workers in textile and footwear industry;
- 7 workshops for functionally illiterate;

- 6 information-motivation workshops for seasonal labour in agriculture and for employment with Revoz company;
- 6 workshops for the unemployed persons entered into the unemployment register because of the unsuccessful study;
- 4 workshops *Discovering professional goal*;
- 2 workshops organised before the bankruptcy of a company;
- 1 workshop for unemployed disabled persons.

Within an internal Employment Service project *Reshaping of group work*, a new workshop was developed in 2004; it forms part of the vocational guidance provided to the unemployed persons needing stronger impulse to achieve their goals.

Team counselling

In 2004, the vocational counsellors participated in 2,832 team-counselling sessions for the unemployed persons; the number is slightly lower than in 2003.

2. Vocational Information and Counselling Centre (VICC)

The first VICC was opened in December 1998 in Ljubljana within an international PHARE project with the aim to provide information and vocational counselling services in the environment encouraging life-long learning. In the past six years, the Centre or the network of 28 Centres – their establishment started in 2000 in all Slovene regions (linked by the national VICC or NVICC) – developed various forms of vocational information and counselling (individual and group work, presentation of professions, etc.). In the framework of vocational orientation, we have prepared materials and web tools that are regularly maintained and updated (PLOTEUS, European portal on learning and training opportunities – Slovenian page and computer programme *Where and How* aimed at identifying career interests, etc.). Since the initial preparations for the opening of the first Centre, the specialised staff members of the National Vocational Information and Counselling Centre (NVICC) have been closely cooperating with the European network National Resource Centre for Vocational Guidance (NRCVG) that coordinates and prepares programmes and tools in support of the European education dimensions, and establishes ways to implement the concept of life-long learning.

The Centre is intended for young people facing the choice of occupation, for adults (unemployed and employed) changing their career, and for all those seeking new employment or wishing to continue their education who need appropriate information to facilitate their individual decision-making. Materials and reports kept by the Centre serve as support to vocational counsellors, employment counsellors who need such collected information to achieve better working results, as well as to all others facing educational or professional mobility.

The Centre provides information in different forms: written materials, the internet, different videos, catalogues, foldouts and a range of professional literature. In providing this

information we cooperate with the Ministry of Labour, Family and Social Affairs, the Ministry of Education and Sport, the Ministry of Higher Education, Science and Technology, the National Education Institute of the Republic of Slovenia, the Chamber of Commerce and Industry of the Republic of Slovenia, the Chamber of Craft of Slovenia, the National Institute for Vocational Education and Training, the Slovenian Institute for Adult Education, with Slovenian Universities and other schools, establishments and institutions.

The number of users is growing. In 2004, there were 78,744 visitors to the VICC and in 18,350 cases information was provided by telephone. The majority of users were unemployed persons, followed by primary and secondary school pupils, students and employed persons. School youth – primary school children pay their first visit to the Centre in organised groups, a substantial increase in the number of visits is noted before the school enrolment closing date. Students from the Faculty of Arts and the Faculty of Social Sciences participate in informative seminars on the role of the Employment Service, vocational orientation and the VICC in choosing an occupation and in providing support in seeking employment.

The number of unemployed adults who visited the VICC to obtain information on employment possibilities increased in 2004; their percentage exceeded 50.0 %. The unemployed persons examine the advertised vacancies and write job application letters on computer using the support provided in the instructions on a job search.

Network of VICCs and VICCs information points

In addition to the VICCs in Ljubljana and Maribor, the VICC started to operate in Koper in 2004. VICC information points operate within the labour offices Ribnica and Brežice, elementary school Celje, labour offices Jesenice, Škofja Loka, Domžale, Kamnik, elementary schools Velenje, Ptuj and Ajdovščina, within the library in Novo mesto, labour office Postojna, Adult Education Centre Žalec, library in Kočevje and business premises of Impol Kadring company in Slovenska Bistrica. In 2004, two new VICC information points were opened in Murska Sobota and Lendava.

The VICC information corners are set up in: the labour offices Ptuj, Novo mesto, Trbovlje, Murska Sobota, Ljutomer and Gornja Radgona and the most recent one located in the labour office Zagorje; we also provide materials to some information points within youth centres in the area of primary school Velenje.

National Vocational Information and Counselling Centre (NVICC)

In 1999, the NVICC became a member of the European network of vocational information centres – **N**ational **R**esource **C**entre for **V**ocational **G**uidance (NRCVG) – we cooperated with the network on a contractual basis also in 2004. Network membership guarantees easier access to information on vocational education and study opportunities in the network member states, a possibility to cooperate in different European projects and monitor developments in

the area of vocational orientation in this part of the world; it also enables the transfer of the equivalent information on Slovenia across the network.

We participated in regular meetings of the NRCVG network in Brussels and Malta and in the international conference of the IAEVG in La Coruna, Spain. Within the framework of cooperation with other NRCVGs, the NVICC was visited by a number of foreign delegations (Sweden, Italy, Ireland, Great Britain, Turkey, Croatia).
In October 2004, the fourth NVICC seminar was held for the school counsellors, secondary school headmasters and vocational counsellors of the Employment Service. The representatives of all three Slovene Universities presented novelties relating to the Bologna package or process; from the viewpoint of vocational counsellors the most important feature of the high school education reform related to the support of a professor/mentor to a young student in establishing contacts with employers from the selected education/work field. We presented a web tool for career planning – Virtueorientation portal, novelties of the Centre of the Republic of Slovenia for Mobility and European Education and Training Programmes (*CMEPIUS*), the European YOUTH programme, EURES and experience of a group of secondary school counsellors acquired during their study visit to Finland. A Resolution on strengthening policies, systems and practice in the field of guidance throughout life in Europe was also presented.

A computer programme *Where and How* has been updated and upgraded. 150 primary and secondary schools and other users decided to purchase a new version of the programme. We organised a training seminar for all vocational counsellors who had not been acquainted with this programme. In the first half of the year, we launched preparations for the new version of the programme that will be available soon.

In cooperation with the National Education Institute of the Republic of Slovenia and the National Institute for Vocational Education and Training we issued a publication *Vocational waymark for seven-graders*. All pupils attending seventh grade got a copy.

We prepared a presentation at the *Student Arena* fair in Ljubljana in cooperation with the EURES team members responsible for employment in the EU area within the Employment Service; Together with the Chamber of Craft of Slovenia and other partners we worked on promotion of vocational and professional education; the VICC representatives took active part in the *Life-long learning week*.

VICC library

Currently, the VICC library offers:

- more than 360 descriptions of occupations in different professional fields requiring different skill levels;

- information on education and study possibilities in all Slovene secondary schools, technical colleges, higher technical schools and faculties both for regular and adult education, as well as for post-graduate studies; all current enrolment notes for secondary and post-secondary education;
- information on the possibilities to reside in residence halls for pupils and students;
- information on the possibilities of further education and training, enrolment notice for adult education;
- calls for various financial assistance: national, Zois, company scholarships, as well as loans and funds and foundations invitations for application for scholarships;
- tools and instructions for seeking employment, computer programmes for individual study path planning; different videos featuring profession groups, occupations and presenting job-seeking strategies, particular schools;
- other required or interesting literature in the field of education and employment at home and abroad, job-seeking, legislation and regulations governing this field; and
- more than 100 videos presenting different professional activities.

The above-mentioned materials are updated regularly and sent to other VICCs and to all primary schools.

The answers to the Committee's questions concerning vocational training of unemployed persons are provided in the third paragraph of Article 10 (Chapter **10:3**).

ARTICLE 10: THE RIGHT TO VOCATIONAL TRAINING

10:1 Promotion of technical and vocational training and granting of facilities for access to higher technical and university education

Since 1996 the participation rate in vocational and technical secondary education has fallen from 75.4% to 57.6%. The proportion of students and apprentices enrolled in particular first-year programmes of secondary education shows that the entries into programmes in agro-food processing, chemistry, pharmacy and civil engineering have stayed approximately the same since 2000. In the fields of textile industry, wood processing and economy the entry has decreased. But the entry in the programmes in computer science and electrical engineering and in medicine has increased. Data show that the proportion of repeat students has fallen from 4.5% in 1996 to 3.32% in 2005/2006. Even though projects and activities to reduce drop-out rate have been financed in recent years, the Ministry of Education and Sport has initiated a reform of vocational and technical education. The aim of the reform is to develop programmes that are more in line with the needs of social partners and more attractive to young people entering secondary education. Taking into account the circumstances and experience in Slovenia and the experience of other European countries, basic premises for vocational and technical education reform have been drawn up. The reformed programmes take greater account of social partners' initiatives. Trial reformed programmes have been introduced to schools. Evaluation and monitoring procedures have been carried out, and the results show that students are more successful.

Modern principles have been included in the programme reform: team teaching, integration of general and technical education, lower norms (number of students in a class), all of which has increased the cost of the programmes. Therefore, the Ministry of Education and Sport has invested more resources to improve the quality of education in these programmes.

In the next two years, 200 more programmes will be reformed with the aid of funds from the European Social Fund.

In addition to the above, normative bases have been amended to allow an evaluation of informal education and national classification framework has been developed, where vocational and technical education is given a more appropriate status.

Amendments to the legislation have increased the options for horizontal transfers between different categories of education (vocational, technical, general secondary education) and vertical transfers to post-secondary technical education and higher education. In the last three years 7 million euros have been invested in raising the level of education and reforming vocational education. Dynamics of investment in these areas will step up in the following six years.

For this period the Ministry has also approved an education quality assurance project entailing activities aimed at ensuring a systematic monitoring and improvement of quality of vocational and technical education.

Furthermore, the Ministry has provided additional resources for students with learning difficulties and students with special needs, in particular in vocational and technical education programmes. In 2002 it ensured 715 hours of additional specialist help and in 2005 3686 hours.

In the said period the Ministry also improved norms for the work of specialists and thus increased the number of consultants per student. All the above measures should contribute to better quality of vocational and technical education and consequently to the attractiveness of such programmes.

Recently the Ministry has increased the funds for adult education, cofinancing in particular the programmes that contribute to the rise in the level of education.

10:2 Promotion of apprenticeship

Calculation of the minimum emolument for apprentices (for August 2005)

The Act on the Provisional Determination of the Basis for Fixing Wages and Other Remuneration Deriving from Employment Relationship (Ur. l. RS, No. 19/97) provisionally laid down a new basis for fixing such remunerations, including the average gross wage in the commercial sector of the Republic of Slovenia.

Pursuant to Article 3 of the Act on Provisional Determination of the Basis for Fixing Wages and Other Remuneration Deriving from Employment Relationship, the basis for fixing wages and other remuneration deriving from employment relationship is, as of **1 July 2005,** SIT **181,262.00 since (Ur. l. RS, No. 64/2005).** This information is published by the Minister of Labour, Family and Social Affairs in the Official Gazette RS.

With the Pension and Disability Insurance Act, which entered into force on 1 January 2000, the basis for payment of contributions for apprentices has also changed. Thus Article 211 (ZPIZ-1) lays down that the basis for payment of contributions for apprentices can be no lower than half the minimum wage.

Calculation of the minimum emolument for apprentices (Article 36 of the Vocational and Technical Education Act lays down the minimum gross emolument for apprentices.)

Year	Emolument in %	Gross emolument	Percentage of contributions for pension and disability insurance 24.35%	Net emolument
1st Year	10%	18,126.20	14,926.55 SIT	3,199.65
2nd Year	15%	27,189.30	14,926.55 SIT	12,262.75
3rd Year	20%	36,252.40	14,926.55 SIT	21,325.85

Provisional basis for calculation of the emolument for apprentices = SIT 181,262.00
Minimum wage = SIT 122,600.00
50% of the minimum wage = SIT 61,300.00
24.35% (contributions) of SIT 61,300.00 = SIT 14,926.55

Gross emoluments for apprentices from years 1 to 3 are lower than half the minimum wage, therefore contributions for pension and disability insurance for apprentices in these

years are paid at the level of 24.35% of SIT 61,300.00.

Data on wages and contributions is published on a monthly basis also in the Information of the Association of Employers of Slovenia.

Flat-rate contribution for injuries sustained at work and occupational diseases

During practical training of apprentices, employers are also obliged to pay a flat-rate contribution for injuries sustained at work and occupational diseases, which (currently) amounts to: **SIT 672,00.**

Other information the Committee requested on apprentices was provided in Slovenia's Fifth Report under Article 7:5.

With regard to Committee's question on the duration of the residence of an alien required for obtaining a permit for permanent residence, we would like to explain that in October 2005 the first paragraph of Article 41 of the Aliens Act was amended and now reads:
" (1) A permit for permanent residence may be issued to an alien who has resided in the Republic of Slovenia uninterruptedly for five years on the basis of a permit for temporary residence and who fulfils other conditions for the permit laid down herein, provided that there are no reasons for refusing the permit pursuant to Article 43 hereof. The condition of a five-year uninterrupted residence in the Republic of Slovenia on the basis of a permit for temporary residence is fulfilled even if in that period the alien was temporarily absent from the Republic of Slovenia and did not have a permit for temporary residence, provided that any single absence was shorter than six months and that all absences together did not exceed ten months. The duration of the alien's residence in the Republic of Slovenia on the basis of a permit for temporary residence for reasons of study and vocational training shall be counted in the period required for a permit for permanent residence as half that duration. The duration of the alien's residence in the Republic of Slovenia on the basis of a permit for temporary residence as a seasonal worker, a posted worker or a frontier worker and the duration of the alien's residence in the Republic of Slovenia as a person enjoying temporary protection shall not be counted in the period required for a permit for permanent residence."

10:3 Vocational training of adult workers

The Committee refers to a percentage of persons included in the education and training programmes. It states that 19% of unemployed persons were included in these programmes in 1999, while there is no data available for 2000.

In the academic year 1998/1999, Programme 5000 was launched which meant the integration of unemployed persons into regular education programmes (adapted to adults). Within this Programme, integration into shorter education and training programmes, which are not bound to an academic year, was carried out at the same time.

Since 2000, participants in Programme 5000 and participants in other forms of education have been presented separately.
In the academic year 2003/2004, the Programme changed its name to Programme 10,000.

The most relevant data on the participants in Programme 5000 is the number of participants in an academic year, while the most relevant data on the participants in other programmes is the number of participants in a calendar year.
Data referring only to the "Programme 5000"

Academic Year	**Plan of new participants**	**All participants**	**New participants**	**Participants continuing education from previous ac. y.**
1998/1999	5,000	6,927	6,927	0
1999/2000	5,000	5,528	2,526	3,002
2000/2001	5,000	5,228	3,329	1,899
2001/2002	5,000	4,268	2,582	1,686
2002/2003	5,000	5,500	3,760	1,740
2003/2004	10,062	7,351	5,119	2,232
Total	**35,062**	**34,802**	**24,243**	**10,558**

The Committee also asks whether the unemployed persons also participate in some other education programmes?

The unemployed persons may also participate in regular forms of adult education (which include adults who wish to obtain education); however, they bear the costs of education (tuition fees) themselves.

In 2004, 69,514 persons were slated to participate in various education and training programmes (including motivation programmes, counselling programmes, information programmes, programmes teaching job search skills, etc.), which represents a participation of 76.6% of unemployed persons. If we take a more focussed look and take into account only formal education, functional training, on-the-job training and project learning for young adults, 19,966 persons were slated to participate, which represents 22%.

2004 also saw the beginning of integration into a programme called National Vocational Qualifications. This is **officially recognised vocational or technical qualification** required for performing an individual profession or a set of tasks in the framework of a profession at a certain level of difficulty.
The programme means verification of all skills and knowledge needed to practice a profession; however, obtaining this qualification does not mean obtaining a certain level of formal school education.

Information on the costs of further education and training

According to the data published in the RESOLUTION ON THE MASTER PLAN FOR ADULT EDUCATION IN THE REPUBLIC OF SLOVENIA, the funds intended for adult education ranged from SIT 5,926.3 million in 1999 to SIT 4,734.5 in 2003.

Public funds for adult education from 1999 to 2003
(in current prices) in SIT mil

SOURCE YEAR	1999	2000	2001	2002	2003
MINISTRY OF EDUCATION, SCIENCE AND SPORT	1,292.4	1,482.8	1,482.1	1,779.2	1,605.3
MINISTRY OF LABOUR, FAMILY AND SOCIAL AFFAIRS	4,591.3	2,288.4	3,430.0	2,598.0	2,404.4
OTHER MINISTRIES*	No data	No data	138.2	31.1	155.0
MUNICIPALITIES*	No data	No data	210.1	229.0	235.0
EU	42.6	10.4	22.2	25.0	334.8
TOTAL	**5,926.3**	**3,781.6**	**5,282.6**	**4,662.3**	**4,734.5**

**Data from the survey by the Ministry of Education, Science and Sport*

Information on the preventive measures against the deskilling of still active workers at risk of becoming unemployed as a consequence of technological and economic progress

In 2004, the Ministry of Labour, Family and Social Affairs began the programme "Co-financing of Training and Education of Employees" within the framework of Single Programming Document. The programme is thus co-financed with funds from the European Social Fund.

The programme of training and education of employees is an instrument pursuing the goals of Measure 4 of the Single Programming Document 2004-2006 (hereinafter referred to as: SPD). The basis for implementation is Programme Complement 2004-2006, which within Measure 4 "Fostering entrepreneurship and adaptability" defines goals, eligible activities, indicators and target values, target beneficiaries, procedures for project selections, coherence with horizontal priorities and a financial framework.

Training and education of employees is included also in the National Action Plan for Employment in the RS (NAP). As implementing instrument of Measure 4 of the SPD, it is additionally defined in the annual Active Employment Policy Programme and takes into account, in addition to legal bases, also the EU rules, which apply to the implementation and management of structural funds.

It comprises two activities:

ACTIVITY 2.4.1. Training and education of employees, especially from the sectors in reorganisation (restructuring)
The incentives are intended to raise the education level of employees, to acquire appropriate knowledge and skills, which employees today are required to constantly upgrade in order to keep their jobs and to prevent the transition of redundant workers into open unemployment. The activity is intended for companies, entrepreneurs and employees in eligible organisations. The objectives are to increase the education and qualification level of employees with a view to keeping their jobs, preventing the transition of redundant workers into open unemployment and increasing the possibilities for employment of redundant workers.

ACTIVITY 2.4.2 Training of employees in promising sectors with a quick growth rate in profit and non-profit sectors

Within the group of sub-activities, activities are carried out which are related to increasing the education level of employees as well as to obtaining appropriate knowledge and skills which employees today are required to constantly upgrade in order to meet the needs of the labour market. The activity is intended for companies, entrepreneurs and employees in eligible organisations.

A more detailed overview of the funds of the Ministry of Labour, Family and Social Affairs:

	1999	2000	2001	2002	2003	2004
Adult education – research & development	105,000,000	103,789,900	149,374,770	162,204,430	176,042,960	188,580,000
Information, motivation, education and training of the unemployed	4,406,282,000	2,115,394,460	3,182,462,200	2,334,577,900	2,163,560,290	1,646,752,061
Information, motivation, education and training of the unemployed – own contribution to the funds of the European Social Fund						131,202,914
Co-financing of training and education of employees			9,052,560	15,792,300	19,851,000	342,983,864
Co-financing of training and education of employees – own contribution to the funds of the European Social Fund						46,924,634
Human Resource Development Fund	80,000,000	69,198,250	27,329,990	3,403,760		
Phare own contribution			61,747,130	82,045,450	45,959,970	
TOTAL MINISTRY	**4,591,282,000**	**2,288,382,610**	**3,429,966,650**	**2,598,023,840**	**2,405,414,220**	**2,356,443,473**
EU Phare				118,475,440	299,124,560	
EU European Social Fund						534,382,651

10:4 Special measures for retraining and reintegration of long-term unemployed persons

Information on the evaluation of "Programme 5000"

At the request of the Ministry of Labour, Family and Social Affairs and the Employment Service of Slovenia, the evaluation was carried out by the Slovenian Institute for Adult Education (ACS) in 2000.

Evaluation summary:
The target group was unemployed adults who attended education programmes of formal secondary vocational and technical adult education within Programme 5000 and who had an education contract concluded with the Employment Service in the period from 1 September to 31 December. The sample comprised around 30% of the unemployed, 990 were included in a telephone survey and 330 in a group interview. The ACS interviewed 66 headmasters and heads of education in 46 secondary schools, 18 directors of people's universities and 9 directors of private education organisations as well as 190 teachers; in regional offices and labour offices, they interviewed all education organisers (13) and carried out a written survey with 43 advisers; they interviewed 8 top politicians and experts at the Ministry of Education and Sport, the Ministry of Labour and the Employment Service of Slovenia. The ACS used the results of the comprehensive empirical evaluation as well as theoretical, expert and selected legal starting points to assess:
- the quality of selection of the key entities of Programme 5000,
- the quality of education processes of the unemployed from the perspective of providing possibilities for producing suitable education effects,
- the achievement of the basic goals of Programme 5000, and
- broader social impacts of the Programme on individuals, education participants and the network of organisations and programmes.

The evaluation study is very development oriented; it is aimed at increasing the quality of work of all entities. At the starting point, it is also defined as longitudinal – it envisages the monitoring of programme implementation over three academic years with annual integration of the newly enrolled. After three years, it envisages the gathering of data from all persons included in the evaluation. The evaluation report presents the results in three parts:

1. The unemployed in the education process;
2. The quality of education preparation and implementation;
3. Programme 5000 effects.

Based on the evaluation results after first year of implementation of Programme 5000 implementation, the ACS made recommendations and defined the tasks to improve Programme 5000 planning and implementation:

- the quality and transparency of the processes for the selection of participants and programmes could be improved; based on the evaluation results, the Employment Service of Slovenia prepares an action plan to address the deficiencies found;
- greater coherence between short-term goals of employers and long-term goals of Programme 5000 has to be ensured. The unemployed participate in the education programmes for professions, for which there is demand in the regional offices. However, this demand may have very short-term effects, especially with less demanding levels and

less demanding jobs. On the other hand, Programme 5000 sets long-term goals (raise education level of active inhabitants, reduce structural imbalance). Therefore, Programme 5000 cannot aim at "the shortest path to a profession and to employment" without opening possibilities for advancement in education (vertical transition) and greater flexibility on the labour market (transition into employment, between organisations or into self-employment). Programme 5000 thus has to provide the participants with opportunities to continue their education after having completed some education, after employment (planning of education path and vocational education suited to their capabilities and expectations). This could reduce and gradually remove the imbalances between offer and demand which arise from the short-term perspective of a company and long-term national interest. When orienting the unemployed towards the Programme, both have to be taken into account;

- to improve the quality of selection of education programme providers (motivational programmes and programmes for obtaining education); on the basis of the deficiencies found, the Ministry of Education and Sport prepares an action programme to address those deficiencies;
- to ensure stability in planning: Programme 5000 shall be clearly defined as a 10-year project and shall be operatively planned for a period of at least three years;
- when determining the scope, the contents and the forms of education in the middle-term and long-term periods, the operative goals of the Adult Education Master Plan in the second priority area as well as the results of the international survey Adult Literacy and Participation in Education have to be taken into account;
- at the implementation level, the Programme has to provide a suitable scope of education also in the four-year programmes and a transition to higher and high education; flexible programme at a less demanding level has to allow for education of less motivated, unqualified unemployed persons in order for them to gradually obtain a higher degree of education at the level of a four-year secondary school. Within the programme offer, the development of programmes or parts thereof has to be ensured, which would allow the unemployed first to obtain qualifications for work at Level II, while the qualifications obtained at this level would also allow them to pursue education at a higher level;
- it is necessary to increase the integration of the unemployed into longer-term motivational programmes or longer programmes to prepare for continuing education and to ensure the development and functioning of the networks of these programmes;
- it is necessary to increase participation of the unemployed without completed primary school and of older unemployed persons;
- education in order to raise education level or improve qualifications must also be allowed for less educated and qualified employees (responsibility of the Ministry of Labour, Family and Social Affairs, the Ministry of the Economy to be included).

The long- and middle-term plans have to be well presented also to the managers of the adult education organisations. This would do away with one of the more significant deficiencies of Programme 5000, to which the organisations involved in the evaluation pointed as follows: *"we are not sufficiently acquainted with the plans related to Programme 5000; we do not know how long it will last and for what level of enrolment it will be possible to plan"*. Long-term planning and stability of conditions for implementing Programme 5000 have a direct influence on the policy and development functioning of education organisations: on the staff structure, programme offer, quality of implementing the education process for the needs of the unemployed.

Systematic and stable functioning can result in the establishment of a network of public adult

education organisations, which will systematically develop adult education. This would also mean that the Programme would no longer include those education organisations, to which the project represents nothing more than an "emergency exit" (with the loss of a profit – profitable programmes, removal of redundancies).

Programme 5000 can be a model for the planning and implementation of measures to raise education levels and qualifications of less qualified employed persons. Systematic and coherent work in both areas is a necessary but not entirely sufficient condition for achieving the goals of the adopted employment policy and the life-long learning strategy.

In order to consistently follow the effects of Programme 5000, key indicators will be determined at all four levels: at the state level (monitoring of changes in the education structure along the entire vertical, increasing employability), at the local – regional level (removing structural imbalances, removing regional differences as regards the participation of unemployed and less qualified employed persons in education), at the level of education organisations and the level of an individual (indicators of quality in education organisations with regard to adapting the education to unemployed and less qualified employed persons; improving access to education). On the basis of three-year experience with monitoring and control of the Programme 5000 implementation, the Employment Service of Slovenia prepares a precise description of information sources together with the assessment of their suitability and the analysis of validity and reliability of information and presents the systematic nature of monitoring, reviewing and removing the defects. On the basis of the analysis results, the key indicators could be determined for all three levels. When determining the indicators, it is necessary to take into account the competence and organisation of the information users for consistent evaluation and provision of feedback information. Furthermore, it is necessary to reduce or eliminate the gathering of information which allows only administrative control, but does not provide a basis for improving the quality of work of the Programme providers and the achievements of the education participants. Education providers would thus have more possibilities for development and monitoring of qualitative data. The third recommendation refers to removal of differences in the control and monitoring of organised departments and individual participations.

Advanced training of staff in education organisations is among the essential conditions for the efficiency of Programme 5000.

- the selection of organisations for implementation of Programme 5000 has to, in addition to the assessment of organisation suitability, take into account the data on how many teachers participate in the in-service teacher training programmes for education of adults and unemployed;
- adult education institutions have to be encouraged to upgrade the system of adult education and to increase the offer and diversity of education programmes;
- the staff who participate in the in-service teacher training should be allowed an organised and technically supported exchange of experience, cooperation and search for joint solutions to individual problems they encounter in their work.

In the future, it will be necessary to provide more efficient possibilities for improved professionalism and qualifications of staff in adult education.

The recommendations of the evaluation have been taken into account with the preparation of the Programmes for education of the unemployed in the following academic years.

10:5 Encouraging the full utilisation of the facilities provided by appropriate measures

Measures and activities described below are carried out within joint activities of the Ministry of Labour, Family and Social Affairs and the Ministry of Education and Sport. They are supported by public institutions under the Ministry of Labour, Family and Social Affairs and the Ministry of Education and Sport, such as the Slovene Adult Education Centre, the Vocational and Professional Education Centre ...

Full use of facilities provided by particular measures has been ensured at several levels by:

- providing information on different possibilities,
- promoting cooperation among institutions and ministries,
- reforming the programmes of vocational and technical education,
- providing adequate normative bases (amendments to the Vocational and Technical Education Act)
- issuing co-financing invitations to tender for projects raising the level of education
- financing projects for reducing drop-out rate, for greater social integration
- improving the cooperation with social partners
- financing projects such as PLYA (Project Learning for Young Adults), OQEA (Offering Quality Education for Adults)
- financing quality assurance projects

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

15:1 Measures for vocational training of persons with disabilities

The data on the labour market for persons with disabilities provided by Slovenia in 2000: 43,534 persons with disabilities on the labour market, of whom 26,355 employed and 17,179 unemployed: all of this data refers to persons of working age, i.e. from 15 to 65 years of age. The data on persons who could work, but are not registered as unemployed, are not gathered.

The definition of disability according to the ICF 2001 – the explanation on which measures Slovenia has introduced to move away from a medical definition of disability towards a more social definition is included in the part referring to the rules adopted pursuant to the Vocational Rehabilitation and Employment of Disabled Persons Act, which defines the status of a person with disabilities on the basis of the ICF.

The data for 2004 (31 December) - the data of the Employment Service of Slovenia on the integration of persons with disabilities into the Active Employment Policy Programmes. All the data apply to unemployed adults with the status of a person with disabilities. The Employment Service of Slovenia recorded 20,251 unemployed persons with disabilities and 28,307 employed persons with disabilities (the unemployment rate of persons with disabilities was thus 41.70%).

The Active Employment Policy Programmes which are intended for the unemployed included:

- the programme group for education and training:

- included in the education and training programmes: 839 persons with disabilities,
- included in the vocational rehabilitation services: 1,150 persons,
- included in the labour inclusion programmes: 293 persons with disabilities;

- included in the programme group for employment:

- transfers into employment: 987 employments,
- adaptation of new jobs for persons with disabilities: 2 adaptations,
- reimbursement of labour costs for disabled companies: for 6,356 employees with disabilities per month,
- salary compensation for a person with disabilities and for a hard-to-employ unemployed person: 169 persons,
- subsidies for new employment: 265 persons included,
- subsidies of employment providing home help and personal assistance and care for persons with disabilities: 494 persons included,
- reimbursements of employers' contributions: 50 persons with disabilities included,
- included in the public works programmes: 345 persons with disabilities.

Which measures ensure the integration into the rehabilitation programmes (transport, other assistance)?

As an example, let us look at cash benefits under vocational rehabilitation which allow persons with disabilities to take integration measures. Pursuant to the Vocational Rehabilitation and Employment of Disabled Persons Act (2004):
A disabled person who has been recognised as having the right to vocational rehabilitation shall have the right to cash benefits with regard to the type, scope and duration of services, i.e.:

- payment of public transport costs for a disabled person and a person accompanying him, if required,
- payment of the costs of living up to 20% of the minimum wage per month if the vocational rehabilitation services are carried out several days in a row and if a daily visit by a disabled person to a vocational rehabilitation provider is made difficult,
- cash benefit for the time of vocational rehabilitation in the amount of 30% of the minimum wage per month if the vocational rehabilitation services last at least 100 hours and if the disabled person does not receive financial compensation or financial assistance according to the regulations under the rights of unemployed persons or other financial compensation according to the regulations under the disability insurance.

With integration into other active employment policy programmes, persons with disabilities have the following rights:

- costs of other person's assistance: assistance costs are covered in the amount of up to 20% of the minimum wage per month (102 EUR per month in 2005) for persons with severe disabilities included in the education and training programmes, on-the-job training programmes and work trial programmes,
- mentor's costs: up to 10% of the minimum wage per month for a person with severe disabilities included in the on-the-job training,
- costs of living: they are covered in their entirety if persons with disabilities participate in education and training in special training centres or institutes which are more than one-and-a-half hours by public transport in one direction from the place of residence unless the training is provided under a contract of employment.
- Reimbursement of costs of living: the costs of living of persons with disabilities are covered at up to 70% of the minimum wage per month (358 EUR per month in 2005) for on-the-job training under a contract of employment.
- Costs of purchase of special teaching aids: costs are covered in the amount of up to 5 minimum wages per month (up to 2554 EUR in 2005) for persons with disabilities if they participate in education or training.

Question: Which are special institutions providing vocational rehabilitation for persons with disabilities?
Active employment policy programmes are carried out through public tenders, by means of which programme providers are chosen. Providers are therefore different depending on the criteria of a public tender; these are largely ordinary institutions and very rarely are they special institutions for persons with disabilities.
Let us mention vocational rehabilitation providers which were chosen via a public tender in 2003. In this case, there were more special institutions since the public tender referred to programmes for training of persons with disabilities – among the providers, there were 7

disabled companies, 1 institution in the area of special education, 4 societies or associations of persons with disabilities, 2 occupational activity centres, 2 health institutions, 4 general institutes and 1 general company.

The 2000 report includes the following numbers:
3,062 persons included in vocational training,
930 persons included in vocational rehabilitation (adults, persons with disabilities),
1,232 persons included in education and training programmes,
900 persons included in public works.

Education of children with special needs

Placement of Children with Special Needs Act was adopted in 2000. The Act adopted a new paradigm – inclusion of children with special needs in the system of education. In practice this means that children are no longer placed in particular education programmes according to their difficulty or disability alone, but on the basis of their ability to learn, etiology and prognosis. At the same time the Act introduces the requirement to develop different education programmes that would provide greater possibility for successful inclusion of such children in education system. These are in particular:

- adapted teaching with additional specialist help, and
- adapted programmes with equal or lower education standard.

These programmes include rehabilitation, as well as learning assistance, and provide better network of programme providers and thus increase the accessibility of different programmes.

All programmes foreseen in the Act were adopted (at the programme level) in the period from the Act's entry into force to 2004/2005. They have been gradually introduced in practice since 2003/2004.

In accordance with the new paradigm (inclusion) more and more students are included in programmes of adapted teaching with additional specialist help. This is also reflected in the available data, the number of hours of additional learning assistance provided by the state to improve the inclusion of children with special needs rising rapidly. For example, in 2004 the index of approved hours of additional specialist help was 189.

The majority of children with special needs are children with learning difficulties, following are children with mental development disorder.

The number of students in special institutions is decreasing. In 2005 only 1317 children were enrolled in schools with lower education standard and 736 in special institutions.

Question: Which persons (children, adults) participated in these programmes and where were these programmes carried out (non-specialised or special institutions)?

Explanation of the data:
The data on unemployed persons with disabilities, which the Ministry of Labour provided for 2000: The data refer to adult persons with disabilities registered with the Employment Service of Slovenia. Among them in 2000, 1,232 participated in regular education and training programmes:

- 29.2 % in personal development programmes,
- 21.6% in introduction to work programmes with a contract of employment,
- 14.1% in programmes for obtaining publicly accredited education,
- 12.9 in programmes of career planning and job seeking,
- 9.9% in training and advanced training programmes,
- 5.4% in introduction to work programmes without a contract of employment,
- 3.8% in work trials, and
- 3.1% in job seekers' clubs.

900 persons with disabilities (adults) participated public works programmes. A public works programme is a programme in which a person is employed.
The above-mentioned programmes are general programmes, in which any unemployed person may participate.
In addition to these general programmes, persons with disabilities also enjoy special programmes:
- vocational rehabilitation, which contains the following programme groups: rehabilitation evaluation of ability to work, pre-vocational and psychosocial rehabilitation, work training, counselling and monitoring, labour and social inclusion. In 2000, 930 persons (adults) participated in vocational rehabilitation programmes.

Special programmes intended for persons with disabilities also included: adaptation of jobs, new jobs for persons with disabilities (employer's stimulation) and co-financing of salary (reimbursement of part of costs for persons with disabilities employed in disabled companies). All programmes are carried out on the basis of public tenders. The majority of providers of training and employment of persons with disabilities are general, non-specialised organisations.

Question: How many funds were intended for this purpose from mainstream and how many from special institutions? Data on this is not gathered. By and large, the providers of all programmes are "mainstream" or non-specialised ones.

The 2000 report indicates the preparation of the Act on Equalisation of Opportunities for Persons with Disabilities. The Act will be ready in 2007. In 2005, an international conference was organised, at which European solutions in the area of equalisation of opportunities for persons with disabilities were presented.

15:2 Employment of persons with disabilities

For more detailed information, see ***A report on the unemployment situation of persons with disabilities and on the implementation of measures to promote the employment of persons with disabilities in the Republic of Slovenia for the period 2001–2004*** ***(Annex 2)*** at the end of this report.

When a person with disabilities can be dismissed and whether this applies to all persons with disabilities or only to disabled workers?

The Employment Service of Slovenia takes into account all unemployed persons with disabilities regardless of the type, cause and time of occurrence of disability.

Priority in employment is based on the Employment Relationship Act, which lays down that a disabled person may be employed without a public advertisement of vacancies.
Relief and exemptions in disabled companies employing at least 40% of persons with disabilities apply to all employees, with and without disabilities.
All unemployed persons receive the same benefits, regardless of whether they are disabled or not, while persons with disabilities have the right to additional measures or resources (e.g. personal assistance, costs of living, transport, etc.).

The Committee is interested in measures applying to sheltered employment. This is described in the following Chapter referring to the adoption of the Vocational Rehabilitation and Employment of Disabled Persons Act.

General legislation framework between 2000–2004

On 29 November 2002, the **Act on the Use of Slovene Sign Language** entered into force, which gives deaf persons the possibility of using Slovene sign language as a language of mutual communication and as a natural means of communication and the right to be informed in the techniques adapted to them.

The Act defines a deaf person as a person whose hearing is totally impaired or as a person who, due to hindered communication, uses a sign language as his natural language.

For deaf persons, the Slovene spoken language is interpreted in sign language, and for hearing persons, sign language is interpreted in the Slovene spoken language by sign language interpreters. In areas inhabited by Italian and Hungarian national minorities, interpreters interpret the Italian or Hungarian spoken languages into the Italian or Hungarian sign languages and vice-versa.

The Act provides the deaf with the possibility of using the sign language without restrictions in all procedures before all state institutions which are obliged to ensure the necessary means for the work of interpreters. Moreover, the state pays to each deaf person the costs of interpretation in the amount of 30 hours per year for individual needs of a deaf person. Pupils and students, who on account of their education require a greater amount of interpretation services, are entitled to the payment of interpretation services in the amount of up to 100 hours per year. The funds for the payment of such interpretation hours are provided in the budget of the Republic of Slovenia.

The Act on the Use of Slovene Sign Language lays down that social work centres decide in the first place on the deaf persons' rights under the Act. A deaf person submits a request for the acquisition of rights under the Act to a social work centre. On the basis of an opinion delivered by an expert commission, the centre issues a decision on the rights of the deaf person concerned. A deaf person is also issued a card and vouchers for the payment of interpreters.

The expert commission, which delivers an opinion on the basis of which a social work centre issues a decision on the rights of a deaf person, is composed of three members, namely: a doctor of appropriate specialisation (Chairman), a representative of the Association of the Slovene Sign Language Interpreters and a representative of the regional society of the deaf,

which has the status of a society functioning in the public interest in the area of social security. The commission is appointed by the Minister of Labour, Family and Social Affairs.

In 2005, the rights under the above-mentioned Act were exercised by 759 persons who applied for cards entitling them to the exercising of these rights. In total, the Ministry of Labour, Family and Social Affairs paid SIT 40.8 million (EUR 170,000) for interpretation services. In addition to this, other state bodies, local self-government bodies, bodies entrusted with the exercise of public authority or public service providers paid interpretation services from their own funds. Data on these funds has not been gathered.

In 2002, the Disabled Persons Organizations Act was adopted which regulates the status, the area of work, financing and ownership of disabled persons organisations. The Act defines a disabled persons' organisation as a society or an association of societies operating in the public interest in the area of protection of disabled persons. Disabled persons organisations cooperate in the forming of national policies and measures for the provision of equal opportunities and equal treatment of persons with disabilities. The Act imposes an obligation on state bodies to consult disabled persons organisations on all matters related to the forming of national policies and measures for the provision of equal opportunities and equal treatment of persons with disabilities.

In 2004, Article 14 of the Constitution of the Republic of Slovenia was amended, which guarantees equal human rights and fundamental freedoms irrespective of personal circumstances, among which disability was included. The amended Constitution entered into force upon its promulgation in the National Assembly on 15 June 2004:

"Article 14
(Equality before the Law)

In Slovenia 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.*

All are equal before the law."

In 2004, Implementation of the Principle of Equal Treatment Act was adopted, which guarantees equal treatment of everyone in the exercising of his or her rights and obligations and in the realisation of his or her fundamental freedoms in any area of the life of society, but in particular in the spheres of employment, labour relations, membership of trade unions and interest associations, education, social security, access to goods and services and provision of the same, irrespective of personal circumstances such as national origin, race or ethnic origin, gender, state of health, disability, language, religious or other belief, age, sexual orientation, education, material standing, social status or any other personal circumstance.

In May 2004, the Republic of Slovenia adopted the Vocational Rehabilitation and Employment of Disabled Persons Act and amended it in 2005. The Act adapted the system of employment possibilities of persons with disabilities to modern trends in the employment area and to the existing economic changes. The previous Act which regulated training and employment of disabled persons, i.e. the Act Regulating the Training and Employment of Disabled Persons, was adopted as early as in 1976 and ceased to apply with the adoption of the above-mentioned Act.

The Vocational Rehabilitation and Employment of Disabled Persons Act regulates the rights of persons with disabilities to vocational rehabilitation, the forms, measures and incentives for employment of persons with disabilities, the method of their financing and certain issues related to the employment of persons with disabilities (prohibition of discrimination, possibility of dismissal, the network of vocational rehabilitation providers).

The Act lays down prohibition of discrimination: both direct and indirect discrimination are prohibited in the employment of persons with disabilities during employment, in relation to termination of employment and in the procedures according to this Act.

The Act introduces the criteria according to which one obtains the status of a disabled person. These criteria are based on the International Classification (WHO) of Functioning, Disability and Health. The criteria and the procedure to obtain the status of a disabled person are defined in the "Rules on criteria and procedure on disability status, right to employment rehabilitation, assessment of employment capabilities and rehabilitation commissions". In addition to assessing medical characteristics, it is necessary to obtain educational, psychological, employment, social-economic and environmental data which influence the disability. The status of a disabled person and the degree of disability depend on the degree of difficulties and obstacles the person concerned encounters. (Difficulties refer to the person's particular disabilities and obstacles to environmental factors). The assessment procedure uses the coding of functions according to the International Classification of Functioning, Disability and Health and the coding of diseases according to the International Classification of Diseases.

Vocational rehabilitation services, which a disabled person requires, are defined with regard to the obstacles and difficulties of an individual person. Upon completed vocational rehabilitation, the Employment Service issues a decision on the assessment of employment capabilities, which defines the environment in which a disabled person can be employed. The Vocational Rehabilitation Act offers the following solutions:

- **Supported employment**: Persons with disabilities who are assessed to be capable of working in a normal working environment with professional, technical and personal assistance, where their work performance is not lower than 70%, are issued a decision on supported employment. The support is ensured in the amount of 30 hours of services a month, be it in the form of personal assistance or professional services.
- **Sheltered employment:** Sheltered jobs are provided by employment centres. In 2005, four pilot projects with employment centres with 60 employed persons with disabilities were carried out in Slovenia. In 2006, the pilot forms should transform into regular ones and in addition to these first projects other employment centres should be established. The establishment and functioning of employment centres are defined by special Rules. The employment centres employ persons with disabilities who are considered not to be able to expect employment in a normal working environment or supported employment and whose work performance is lower than 70%, but higher than 30%, and who, due to a high degree of difficulties and obstacles in employment require a high level of professional help in the form of counselling, information, training, psychosocial support and assistance in work.
- **Unemployability of a disabled person:** A disabled person is found to be unemployable when his work performance does not reach the 30% level. Such persons with disabilities are proposed for programmes of social integration.

- **Normal working environment (mainstream) or companies for persons with disabilities:** This environment employs persons with disabilities who do not obtain a decision on supported or sheltered employment or a decision on unemployability.

Articles 39 and 40 of the Act define the possibility of terminating the contract of employment of a disabled person, which is related to the work of the Commission for the establishment of reasons for termination of an employment contract within the Ministry of Labour, Family and Social Affairs. The procedure is regulated by special Rules.

The Vocational Rehabilitation and Employment of Disabled Persons Act introduces the obligation of employment of persons with disabilities – a quota system – for all employers employing at least 20 persons. The quota according to activities is determined in the government's regulation, which lays down the share of employed persons with disabilities with employers. Quotas according to activities are determined in the range between 2% and 6% and apply to the public as well as the private sector. Disabled companies are obliged to employ at least 40% of persons with disabilities.

The following incentives should encourage employment of persons with disabilities:

- Wage subsidies for persons with disabilities
- Payment of the costs of adaptation of jobs and of the means required for the work of persons with disabilities
- Payment of the costs of services in supported employment
- Exemption from the payment of contributions for pension and disability insurance of employed persons with disabilities
- Bonuses for exceeding quotas
- Annual awards to employers for good practice in the area of employment of persons with disabilities

Wage subsidies for persons with disabilities are the right of persons with disabilities who are employed in sheltered jobs (in employment centres). Subsidies can also be obtained by persons with disabilities employed in disabled companies or in supported employment. The right to a subsidy can be exercised by a person with disabilities whose work performance is lower due to their disability.

Payment of the costs of adaptation of jobs and of the means required for the work of persons with disabilities can be claimed by an employer who intends to employ an unemployed person with disabilities.

Payment of the costs of services in supported employment can be claimed by an employer who employs a disabled person with a decision on supported employment when he employs him for at least 24 months and when the disabled person is employed over the prescribed quota.

Employers, with whom persons with disabilities are employed over the prescribed quota and whose disability is not a result of an accident at work or an occupational disease with the same employer, are exempted from the payment of contributions for pension and disability insurance. This provision applies also to self-employed persons with disabilities and employers employing less than 20 persons. Moreover, they are granted bonuses for exceeding

the quota in the amount of 20% of the minimum wage per month for each disabled person over the prescribed quota for the period of not more than 6 months.

Annual awards for good practice in the area of employment of persons with disabilities: an annual tender is envisaged for employers employing persons with disabilities in a normal environment. So far, the Ministry of Labour, Family and Social Affairs carried out one tender; however, the award was not granted due to the poor results of applications.

Vocational rehabilitation services are performed by vocational rehabilitation providers chosen by a public tender. Vocational rehabilitation is performed as a public service within the network of vocational rehabilitation providers, whereby the number of persons with disabilities is taken into account as well as their needs according to the type of disability and the regional distribution of vocational rehabilitation providers. The network includes public institutions and other natural and legal persons fulfilling the conditions for performance of vocational rehabilitation services.

15:3 Overall integration into society and participation in the life of the community

In 2002, Government Office for Disabled and Chronically Sick ceased its activity by Government decision; its competencies were distributed between the Ministry of Labour, Family and Social Affairs and the Ministry of Health. Government consulting body – the Government Council for the Disabled – acts within the Government and performs the following functions:

- Follows and gives incentives for development and implementation of programs,
- Issues opinions on laws and other regulations,
- Partakes in the preparation of and issues opinions on reports on the implementation of national programmes,
- Gives the Government incentives, proposals and recommendations regarding protection of disabled persons,
- Handles professional and disability organisations' materials,
- Ensures cooperation between ministries, professional institutions and disability organisations,
- Reports to the Government on its work once per year.

Forms of economic assistance

Several sources of finance are available:

- Benefit for child care of children in need of special care and protection. The legal basis for it is the Parental Protection and Family Benefit Act. The cash allowance is intended for covering increased living expenses a family has due to nursing and caring for such child. For 2005 it amounted at 19,300 SIT (80 euros) or 38,590 SIT (160 euros) per month.
- Partial payment for lost income: under the Parental Protection and Family Benefit Act. The compensation received by one of the parents upon termination of employment relationship or changing to part time work due to nursing and caring for a severely mentally or physically handicapped child. The monthly amount of

partial payment is equal to the minimum wage (in 2005 the minimum wage was 122,600 SIT gross – 511 euros).

- Entitlement to compensation for disability under the Act Concerning Social Care of Mentally and Physically Handicapped Persons: the beneficiaries are disabled persons beginning from the day of their 18th birthday, or the day their disability was established, whichever occurs first. The compensation amounts at 35% of the average monthly net income of an employed person in the Republic of Slovenia (in 2005, the compensation totalled at 58,871 SIT or 245 euros per month.
- Attendance allowance for disabled workers under the Pension and Disability Insurance Act: it is intended for covering the expenses incurred by the beneficiary (blind and visually impaired, mobility impaired, retirees).
- Disability grant for physical handicap, under the Pension and Disability Insurance Act. The disability grant is intended for persons with specific physical handicaps. The amount of the disability grant was, in 2005, from a minimum of 8,180 SIT (34 euros) up to19,664 SIT (82 euros) monthly.
- Allowance for care and assistance by a third person for other persons, who do not receive an allowance under the previously mentioned Act; it is claimed through the Department of Social Security. The legal basis is the Act Concerning Social Care of Mentally and Physically Handicapped Persons. There are two types of allowances - for people who require assistance in fulfilling all their vital needs – an allowance in the amount of 20-30% of the average monthly net income of an employed person in the RS, and assistance in fulfilling most of their vital needs – an allowance in the amount of a minimum of 10% and a maximum of 20% of the average monthly net income of an employed person in the RS.
- Allowance for the duration of occupational rehabilitation under the Pension and Disability Insurance Act: the allowance, received by a disabled worker for the time of occupation rehabilitation, amounts at 40% of the disability pension he would be entitled to on the day of the occurrence of the disability. In 2004, 211 disabled persons in occupational rehabilitation received this allowance.
- Allowance for the wait period for a new employment: under the Pension and Disability Insurance Act, a disabled person is entitled to a temporary allowance, which he receives from the date of termination of occupational rehabilitation to the beginning of work at a new position of employment; it amounts at a 100% of the disability pension, and 20% of the pension upon beginning of work at the new position of employment.

ARTICLE 21: RIGHT TO INFORMATION AND CONSULTATION

As regards the EOSP question as to whether nationality is a condition for candidates applying to join any official body in which the social partners are represented, such as the Economic and Social Council, we must stress that there is no such condition in our legislation.

ARTICLE 22: THE RIGHT TO PARTICIPATION IN THE SETTING AND IMPROVEMENT OF WORKING CONDITIONS AND WORKING ENVIRONMENT

As regards the question from the EOSP, concerning the General collective agreement for the commercial sector, we wish to bring to attention the fact that the General collective agreement for the commercial sector was cancelled; the agreement with the rate annex was effective until 31/12/2005, while the regulatory provisions shall be applicable until 30/06/2006.
We will report on the new Collective agreement in more detail in our future reports.

ARTICLE 24: RIGHT TO PROTECTION IN CASE OF TERMINATION OF EMPLOYMENT

General information

The Employment Act (Official Gazette of the RS, no. 42/02 – hereinafter: ZDR; effective as of 01/01/2003) fully regulates, in the 12th Subchapter of Chapter II, the termination of employment contract, stating i.e. giving an exhaustive list of the modes of employment contract termination, defining them, laying out the procedure for giving notice to terminate an employment contract, and setting out rights and obligations of employees and employers with regard to employment contract termination. ZDR bases its definition of employment contract termination on the fundamental principle of employment protection, as a worker loses not only his employee rights, but his social security as well, with the employment contract termination.

The employment contract may be terminated by either of the contractual parties; however, ZDR gives more attention to the regulation of contract termination by the employer.

In the Chapter on employment contract termination, the following types of employment contract termination are listed:

- Regular employment contract termination (Articles 88 – 109 of ZDR),
- Collective lay-offs (Articles 96 – 102 of ZDR),
- Employment contract termination due to an employer's liquidation or compulsory settlement (Articles 103 – 107 of ZDR),
- Termination of employment due to other cases of an employer's dissolution (Article 108 of ZDR),
- Extraordinary employment contract termination (Articles 110 – 112 of ZDR).

In addition to general provisions concerning protection against employment termination, ZDR also contains provisions (Articles 113 – 117 of ZDR) on special legal protection against employment termination for specific categories of employees:

- Employee representatives,
- Older employees,
- Parents,
- Disabled persons and employees absent owing to sickness.

Special protection for the abovementioned protected categories of employees does not apply in the cases of employment contract termination due to an employer's dissolution (bankruptcy, court liquidation and other modes of employer's dissolution under the provisions of the Companies Act).

The notion of giving notice to terminate an employment contract as a special mode of employment contract termination is defined in Article 80 of ZDR. The possibility of the contractual parties giving notice to terminate the employment contract derives from the contractual nature of the employment relationship.
The first paragraph of Article 80 of ZDR thus defines regular, and the second paragraph – extraordinary employment contract termination. The difference between regular and extraordinary employment termination consists mainly in the notice period. If one of the contractual parties terminates the employment with the specified notice period, it is considered to be a regular employment termination. A regular employment contract termination on the employer's part is only possible provided there is a valid reason for it, while the employee may terminate the employment contract without stating his reasons. An extraordinary employment contract termination on the part of either the employer or the employee is only possible on grounds of reasons set out in ZDR, and provided it is not possible, all circumstances and both contractual parties' interests taken into account, to continue the employment relationship until the expiry of notice period, or the expiry of the period of duration for which the employment contract was concluded. ZDR lays out, in Article 111, reasons on the part of the employee allowing for extraordinary employment termination by the employer, and in Article 112, reasons on the part of the employer allowing for extraordinary employment termination by the employee.
The third paragraph of Article 80 of ZDR sets out the principle according to which it is only possible to terminate an employment contract fully through an employment termination notice constituting an expression of will to terminate an employment relationship concluded for an unlimited period of time at a specific moment. ZDR does not allow for partial employment termination.

The employer and the employee do not have equal rights as regards employment contract termination. Thus ZDR protects the employee, as the weaker party in the employment relationship, against uncontrolled and groundless employee dismissal, by defining a special pre-termination procedure on the part of the employer. The strictness of the pre-termination procedure mainly depends upon the type of contract termination grounds. Grounds for regular employment contract termination are laid down in the first paragraph of Article 88 of ZDR, which defines them as follows:

- Grounds of business reasons,
- Grounds of ineptitude and

- Grounds of fault.

In case of regular employment termination on grounds of fault, the employer must notify the employee in writing of his obligation to fulfil his duties and of the possibility of dismissal in the event of repeated violation. It is the employer's obligation, in the event of specific employee's faulty actions of such nature as to give grounds for regular employment contract termination on grounds of fault (third indent of the first paragraph of Article 88 of ZDR: violation of contractual obligation or other obligation deriving from employment relationship), but not grounds for extraordinary employment contract termination under the first and second indents of the first paragraph of Article 111 of ZDR, to pre-warn the employee in writing of the unacceptability of his actions. The employer may thus regularly terminate the employment contract only in case of repeated violations. In the written warning, the employer must notify the employee of his obligation to fulfil his duties and of the possibility of dismissal in the event of repeated violation. The warning itself, which must be issued in a written form, fulfils the employer's legal obligation, and the employee has no special protection against the warning. If the employer fails to warn the employee of his violations in writing prior to regular employment contract termination on grounds of fault, the contract termination shall be considered as unlawful due to procedural violations.
The second paragraph of Article 83 of ZDR lays out the employer's obligation to provide the employee with the possibility of pleading his case prior to regular employment contract termination on grounds of ineptitude or fault, unless there are circumstances which would make it unreasonable to expect the employer to do so, or the employee expressly declines this possibility, or he unjustifiably fails to respond to the invitation to discussion.

The employer is also liable to notify the employee in writing of an intended regular employment contract termination on grounds of business reasons (the first indent of the first paragraph of Article 88 of ZDR: cessation of need for a specific job to be done, under the conditions of the employment contract, for economic, organisational, technological, structural or other reasons on the part of the employer). A written notification to the employee willl suffice. The provision defining the role of the union in the pre-termination procedure (Article 84 of ZDR) requires the employee to play an active role in getting the union involved, as the employer will only have to notify the union whose member the employee is at the time of the initiation of the procedure at the employee's specific request. The main purpose of this provision is to ensure complete information to employees in the event of regular employment termination on all three grounds (grounds of business reasons, grounds of ineptitude and grounds of fault). The employer is also liable to send a written notification of his intention to give the employment termination notice to the employee to the union whose member the employee is at the time of the initiation of the procedure in the event of extraordinary employment contract termination. The union must state its opinion within eight days, and may contend the employment termination decision if it deems that there are no sound grounds for it, or that the procedure was not conducted in accordance with ZDR.

The employee, as the weaker party in an employment relationship, is also protected by the "in-writing" principle laid down by Article 86 of ZDR. Thus both regular and extraordinary employment contract termination must be expressed in writing, the employer must state the termination grounds and explain them in writing, as well as notify the employee of his entitlement to legal protection and his rights in respect of unemployment insurance. A written notification is thus the condition for the lawfulness of employment contract termination.

Under the provision of the second paragraph of Article 88 of ZDR, the employer may terminate the employment contract only if his reasons for regular employment contract termination (grounds of business reasons, grounds of ineptitude – third indent of the first paragraph of Article 88 of ZDR: failure to achieve expected work results, employee's failure to carry out his work in a timely, professional and quality manner, or non-fulfilment of conditions for the performing of work laid down in legal acts or implementing regulations issued on the basis of law, leading to the employee's non-fulfilment or inability to fulfil contractual or other obligations deriving from the employment relationship - , grounds of fault) are serious and well-grounded, so as to make impossible the continuation of the employment relationship between the employee and the employer.

In case of employment contract termination on grounds of ineptitude or business reasons, the employer must verify whether it is possible to employ the employee under modified conditions or for different jobs, i.e. whether it is possible to additionally train him for the work he performs, or retrain him for a different job. If this possibility exists, the employer must offer the employee the option to conclude with him a new contract. If the employee declines the employer's offer for the conclusion of a new employment contract for an appropriate position of employment and for an unlimited period, and terminates the employment relationship, he will not be entitled to severance pay in accordance with the provision of Article 109 of ZDR.

Under the provision of Article 89 of ZDR, the following are considered as unfounded reasons for regular employment contract termination:

- Temporary absence from work for reasons of incapacity to work due to sickness or injury or nursing of family members in accordance with health insurance regulations, or absence from work for reasons of use of parental leave in accordance with parenting regulations;
- Initiation of legal proceedings or participation in the proceedings against the employer with a view to claiming violation of contractual and other obligations deriving from the employment relationship before an arbitration, judicial or administrative body;
- Membership in a union;
- Participation in union activities outside of working hours;
- Participation in union activities during working hours in agreement with the employer;
- Participation in a strike organised in accordance with the law and strike regulations;
- Application for the office of employee representative and current or past holding of this office;
- Race, skin colour, sex, age, disability, marital status, family obligations, pregnancy, religious and political beliefs, national or social background.

Special legal protection against employment termination

1. *Employee representatives*

Under the provision of the first paragraph of Article 113 of ZDR, the employer may not terminate an employment contract to:

- A member of the employees council, employee representative, a member of the supervisory board representing employees, employees representative in the institute council or to
- An appointed or elected union representative, without the consent of the body whose member he is, or of the union, provided he acts in accordance with the law, the collective contract or employment contract, except if he declines, in the case of employment contract termination on grounds of business reasons, the appropriate employment offered to him, or in case of employment contract termination due to the employer's dissolution.

Protection against employment termination for persons referred to in the first paragraph of Article 113 of ZDR will be effective for the entire duration of their office, and another year upon its termination.

2. *Older employees*

Article 114 of ZDR specifies the general prohibition of employment contract termination to an older employee on grounds of business reasons, as an employer may not terminate the employment contract to an older employee on grounds of business reasons without his written consent. An employer may terminate the employment contract to an older employee despite the general prohibition, in cases clearly specified as exceptions in this Article:

- If the older employee consents to employment termination, in which case his expression of will must be submitted in written form,
- If the older employee already fulfils minimum requirements for the acquiring of the right to retirement pension,
- If the older employee would, in the period of entitlement to the unemployment insurance allowance, fulfil minimum requirements for the acquiring of the right to retirement pension.

The employment contract termination must be expressed in a written form, the reasons for it must be clearly stated, and the employee must be notified of his entitlement to legal protection and his rights in respect of unemployment insurance under the provision of Article 86 of ZDR

The definition of an older employee entitled to special protection against employment contract termination on grounds of business reasons due to his advanced age and problems with finding and keeping employment connected therewith must be observed in accordance with Article 201 of ZDR. The specially protected category of employees includes employees older than 55 years of age. At the same time, the transitional provision of Article 236, laying out that, without prejudice to the provision of Article 201 of ZDR, female workers who fulfilled the age requirement of 51 at the time of the coming into force of ZDR (01/01/2003) are also entitled to special protection, must also be observed. In the period until 01/01/2014, or the full enforcement of equal minimum age for all employees as one of the conditions for the acquiring of the right to retirement pension, the required age of female workers is increased by four months every year.

The prohibition of employment contract termination to an older employee only includes the prohibition of the institution of regular employment termination on grounds of business reasons under the first indent of the first paragraph of Article 88 of ZDR; it does not comprise the possibility of regular employment termination under the second and third indents of the

first paragraph of Article 88 of ZDR, i.e. regular employment termination on grounds of ineptitude and fault. Nor does the prohibition of employment termination comprise the use of the institution of extraordinary employment contract termination by the employer for reasons on the employee's part under Article 111 of ZDR (extraordinary employment termination by the employer), regardless of the fact that the employee in question is an older person.

In the case of an older employee the employer is also liable to verify the possibility of his further employment at an appropriate position. The institution of employment termination with offer of new employment contract (Article 90 of ZDR) applies, obliging the employer to verify whether it is possible to employ the employee under modified conditions at a different appropriate position, or whether it is possible to additionally train him for the work he performs, or retrain him.

3. *Parents*

Article 115 of ZDR provides for relative legal protection against employment termination for pregnant women, nursing mothers and parents; we distinguish between two different situations in relation to special protection against employment termination. Under the first paragraph of the abovementioned Article, the employer may not terminate the employment contract to a pregnant employee, nursing employee, or parents using their parental leave, while, under the second paragraph, the employment relationship of the abovementioned categories of employees may not be terminated due to a dismissal by the employer. This applies to situations when the employer gives the employee notice of regular employment termination, and the employee becomes pregnant during the period of notice; this means that her employment relationship would have ended during her pregnancy, which is expressly prohibited under the legislative provision. In case the employer terminates the employment relationship to a pregnant employee despite the specified protection conditions due to unawareness of her state, the special protection provision shall still apply on condition that the employee immediately, or immediately after the cessation of obstacles which are not due to her fault, submits to the employer a medical certificate proving the pregnancy.

The protection of pregnant women, nursing mothers and parents against employment termination is relative. Under the third paragraph of Article 115 of ZDR, the protection shall not apply in case extraordinary employment termination was substantiated with reasons, or in case of the initiation of the employer's dissolution procedure. However, even in these cases employment termination will not be dependent on the employer's unilateral decision, as, prior to extraordinary or regular employment termination for abovementioned reasons, he will have to receive consent from a labour inspector, who will verify whether employment termination is really inevitable in the case in fact.

4. *Disabled persons and employees absent owing to sickness*

Disabled persons and employees absent from work for reasons of temporary incapacity for work due to sickness or injury are entitled to special legal protection against employment contract termination, i.e. termination of employment relationship, under the provisions of Article 116 of ZDR:

- Disabled workers for established second and third category disability, on grounds of business reasons,

- Disabled persons having no status of disabled workers, on grounds of business reasons, and
- Persons absent owing to temporary incapacity to work due to sickness or injury, whose employment is being terminated on grounds of business reasons or ineptitude. In this case, it is not, by contents, legal protection against employment contract termination, but deferral of effectiveness of regular employment contract termination. The third paragraph of Article 116 or ZDR lays down that the employment relationship of an employee whose employment contract was terminated on grounds of business reasons or ineptitude, and who is, at the time of expiry of the period of notice, absent from work owing to temporary incapacity to work due to sickness or injury, shall end on the day of establishment of capacity for work, or within six months of expiry of the period of notice at the latest.

In accordance with the provision of the fourth paragraph of Article 116 of ZDR, the protection against employment termination for disabled workers, disabled persons having no status of disabled workers, and persons absent owing to temporary incapacity for work due to sickness or injury, shall not apply in case of initiation of the employer's dissolution procedure.

Penalties applicable to infringements (penal provisions)

Penalty in the amount of at least 1,000,000 SIT shall be imposed on the employer – legal entity (the first paragraph of Article 229 of ZDR), penalty in the amount of at least 500,000 SIT on the employer – natural person (the second paragraph of Article 229 of ZDR) and penalty in the amount of at least 80,000 SIT on the responsible person of the employer – legal entity, or the responsible person of a state body, state organisation or local community, in, but not limited to, the following cases:

- If they fail to notify the union in writing of intended regular or extraordinary employment contract termination to the employee (the first paragraph of Article 84 of ZDR),
- If they fail to express in writing regular or extraordinary employment contract termination (Article 86 of ZDR), or to present the regular or extraordinary employment contract termination decision to the employee in accordance with Article 87 of ZDR,
- If they terminate the employment contract in contravention of the provision of Article 83, and the third, fourth and fifth paragraphs of Article 88 of ZDR,
- If they carry out extraordinary employment contract termination in contravention of the second paragraph of Article 110 of ZDR,
- If they terminate the employment contract to the employee in contravention of the provisions of Articles 113, 114, 115 and 116 of ZDR.

Under the provision of Article 204 of ZDR, the employee deeming that the employer fails to fulfil his obligations from the employment relationship, or violates one of his rights from the employment relationship, is entitled to require in writing that the employer remedy the violation, or fulfil his obligations. If the employer fails to fulfil his obligations from the employment relationship, or to remedy the violation, within 8 days of the presenting of the employee's written request, the employee may, within 30 days of expiry of deadline for fulfilment of obligations or remedying of violations by the employer, request court action before the competent Labour Court.

ARTICLE 26: RIGHT TO DIGNITY AT WORK

26:1 Sexual harassment

The subject of legal regulation of the Employment Relationships Act (Official Gazette of the RS no. 42/02 – hereinafter: ZDR; effective as of 01/01/2003) are individual employment relationships. Under the first paragraph of Article 1 of ZDR, they are defined as legal relationships that arise from the concluding of the employment contract between the employee and the employer. Labour protection, under ZDR and other regulations and autonomous sources of law adopted in accordance with ZDR, is intended for persons in a (subordinate) employment relationship, whose legal basis is the employment contract.

The general legal provision contained in Article 44 of ZDR lays down that the employer must protect and respect the employee's integrity and protect his privacy, while two special provisions apply to the protection of the employee's dignity (Article 45), limited to regulation of the establishment of an environment in which the employee will not be subject to unwanted conduct of sexual nature, and protection of the employee's personal data (Article 46).

The employer is liable, under the provision of Article 45 of ZDR, to provide a working environment in which no employee will be subject to unwanted conduct of sexual nature, or other sex-related conduct offending the dignity of men and women at work, on the part of the employer, superiors or co-workers.
The employee is entitled to reject conduct constituting unwanted conduct of sexual nature or other sex-related conduct. In the event of dispute connected with protection of the employee's dignity, the employer must prove that he acted in such a manner as to prevent the unwanted conduct.
Under the provision of Article 204 of ZDR, an employee deeming that the employer does not fulfil his obligations from the employment relationship or violates one of his rights from the employment relationship, is entitled to require in writing that the employer remedy the violation, or fulfil his obligations. If the employer fails to fulfil his obligations from the employment relationship, or to remedy the violation, within 8 days of the presenting of the employee's written request, the employee may, within 30 days of expiry of deadline for fulfilment of obligations or remedying of violations by the employer, request court action before the competent Labour Court.
Failure to provide protection against sexual harassment in accordance with the provision of Article 45 of ZDR is one of the reasons for which an employee may submit a request for extraordinary employment contract termination (the eighth indent of the first paragraph of Article 112 of ZDR). An employee may submit a request for extraordinary employment contract termination within eight days of having warned the employer of the fulfilment of his obligations in writing, and informed the labour inspector of the violations in writing. In the event of employment termination on grounds of abovementioned conduct, the employee is entitled to severance pay set out for cases of regular employment contract termination on grounds of business reasons, and to compensation in the minimum amount of earnings lost during the notice period.

An employer failing to protect his employees from sexual harassment is committing a violation punishable by a fine of at least 1,000,000 SIT (Article 229 of ZDR).

The activities of the Office of Equal Opportunity

The Office of Equal Opportunity employs an Equal Opportunity for Women and Men Advocate, whose job is to deal with requests for settlement of cases of suspected unequal treatment of sexes. The legal basis for her activity and the procedure for the handling of requests can be found in the Equal Opportunities for Woman and Men Act (Official Gazette of the RS, no. 59/2002), in Articles 20 – 29.
The purpose of settlement of cases of suspected unequal treatment of sexes is primarily to detect the existence of discrimination in specific spheres of social life.
Settlement of cases is informal and free of charge.

Women or men – private persons, non-governmental organisations, unions and other civil society organisations or other legal entities, may submit a written request for settlement of a case to the Advocate. The Advocate may also settle anonymous written requests, if they provide enough data to allow settlement of the case.

Settlement of a case is usually carried out in writing, but the Advocate may invite both involved parties to an interview, if she deems that this will facilitate the clearing up of the case.

The Equal Opportunity Advocate may request in writing from the opposing party to submit, within a set period of time, an explanation, which will enable her to settle the case. If the opposing party fails to submit the requested explanation, the Advocate will form an opinion on the basis of the available data.

At the conclusion of case settlement, the Advocate will draw up a written opinion stating her findings and her assessment of case circumstances as regards unequal treatment of sexes under the Law in question, and will inform the involved parties of her opinion. In her statement she will point out the established irregularities and recommend a remedy, and call upon the opposing party to inform her, within a set period of time, of the measures it intends to take.

The Implementation of the Principle of Equal Treatment Act adopted in 2004 (Official Gazette of the RS, no. 50/2004), a general act prohibiting discrimination based on any personal circumstances, including sex, provides the Advocate with the possibility, under Article 20, to send her written statement to the competent inspection service, in case the suspected violator fails to remedy established irregularities in accordance with the Advocate's recommendations, or to inform her within the set period of time of the measures taken, and the suspected violation has, according to the Advocate's opinion, all the characteristics of discrimination.

The competencies of an inspector are specified under Article 21 of the Act, laying down that the inspector is liable to consider the Advocate's opinion and to propose initiation of an infringement procedure to the competent authority, if he himself deems that all the characteristics of discrimination are present. The inspector may, depending on the specific case circumstances and within the framework of his competencies in the carrying out of the inspection procedure, prior to initiation of infringement procedure, perform other actions necessary to establish the essential facts of the violation and remedy its consequences, as well as request from the Advocate other data of the suspected violation case he is handling. If the suspected violator did not act in accordance with the Advocate's instructions and the person discriminated against is still subject to victimisation, the inspector has the right and the obligation to set the appropriate measures to protect the person discriminated against from victimisation in the given circumstances, or to designate remedies for harmful consequences of victimisation.

Article 24 of the Act defines violations and penalties, designating an act or an omission committed in the implementation of laws and other regulations, collective contracts and general acts regulating a specific sphere of social life regulated by law, and having all the characteristics of discrimination, as a violation punishable by the following fines issued to the offender: for natural persons, a fine of 50,000 to 300,000 SIT, for legal entities and individual private entrepreneurs by which the violation was committed, a fine of 500,000 to 10,000,000 SIT, for responsible persons of a state body or a self-governing local community by which the violation was committed, a fine of 50,000 to 500,000 SIT.

The Advocate took up office on July 2003 and handled, from that date to 31/12/2004, two requests connected with sexual harassment at the workplace; in both cases she pronounced the opinion that they were sex-related discriminations.

26:2 Moral harassment

The general legal provision contained in Article 44 of ZDR lays down that the employer must protect and respect the employee's integrity and protect his privacy, while two special provisions apply to protection of the employee's dignity (Article 45), and protection of the employee's personal data (Article 46).

The right to privacy in labour law groups together several rights, all connected to the employee's person or his personal relations. We may divide the right to privacy in working relations into specific categories, including a person's private data, his personal relations, civil status, his activities and his appearance. Employment relationship is a special relationship between an employee and an employer, arising from the employment contract. An employment contract typically puts one of the parties in a subordinate position, usually establishes a continuing obligation, and the relationship established is based on special relations of mutual trust.

Right to privacy is a personality right, which, due to its continuous development, cannot be fully defined in terms of content, nor can an exhaustive list of its characteristics be made. In labour law it is a right grouping together several rights connected to the employee's person and his working relations. It is a personal non-property right, which has effect against everybody. The scope of the right may be continuously changed and supplemented, while protection of privacy is regulated by international regulations, the constitution, labour regulations and general regulations.

In the sphere of working relations, it is possible to infringe on privacy prior to the concluding of the employment contract, during the employment relationship, and upon termination of employment relationship; the scope of possible violations is very wide in an employment relationship. Privacy violations are possible in the sphere of personal data protection, personal relations, personal situation, extra work activities, as well as the employee's appearance.

Under the provision of Article 204 of ZDR, an employee deeming that the employer is not fulfilling his obligations from the employment relationship or is violating one of his rights from the working relationship, is entitled to require in writing that the employer remedy the violation, or fulfil his obligations. If the employer fails to fulfil his obligations from the employment relationship, or to remedy the violation, within 8 days of the presenting of the employee's written request, the employee may, within 30 days of expiry of deadline for

fulfilment of obligations or remedying of violations by the employer, request court action before the competent Labour Court.

An employee may give notice for extraordinary employment contract termination if the employer insulted or committed acts of violence against him, or failed, despite his warnings, to prevent such treatment on the part of other employees (the sixth indent of the first paragraph of Article 112 of ZDR. The employee may give notice for extraordinary employment contract termination within eight days of having warned the employer in writing of the fulfilling of his obligations, and informed a labour inspector of the violations in writing. In case of employment contract termination on grounds of the abovementioned actions, the employee is entitled to severance pay set for the cases of regular employment contract termination on grounds of business reasons, and to compensation in the minimum amount of earnings lost during the notice period.

The activities of the Office of Equal Opportunity

The Office organised, at the end of 2003, a professional conference with the topic of sexual harassment at the workplace in the light of the provisions of the Employment Relationships Act. The results of the survey of Slovene public opinion on the issue, the competencies of the inspectorate concerning equal treatment of women and men on the labour market, and the issue of sexual harassment itself, as well as possible measures to be taken by employers, were presented. An example of anti-sexual harassment policy statement and an example of a guideline for protection of human dignity were also presented. Representatives of employers, unions, Office of the Prosecutor, judicial administration, police, non-governmental organisations and professional public attended the conference.
The Office sent conference materials to unions, non-governmental organisations, public sector organisations and numerous employers (approximately 2,000 addressees).

The Office also published, in 2003, a pamphlet entitled "My Rights – Equal Treatment of Women and Men on the Labour Market" (reprinted in 2004) and sent approximately 75,000 copies to unions, employers and public institutions for further distribution. The pamphlet also contains a presentation of Article 45 of the Employment Relationships Act, dealing with protection of employees' dignity.

The Office organised, in 2003, with financial support of the European Commission, a conference on "A New Approach to Achieving Equality between Women and Men" (Practices in Advocacy of Equal Opportunities for Women and Men). The objective of the conference was a promotion of the institution of advocacy. The Austrian Ombudsman for Equal Opportunities for Women and Men in Employment and the Norwegian Ombudsman for Equality of the Sexes also took part at the conference beside the Slovenian Advocate. A publication on "Advocacy of Equal Opportunities for Women and Men in the EU and Slovenia", and a pamphlet on the Advocate were also published within the framework of the project. The Office distributed both to interested public.

ARTICLE 28: RIGHT OF EMPLOYEE REPRESENTATIVES TO PROTECTION WITHIN THE UNDERTAKING AND PRIVILEGES THEY ARE ENTITLED TO

EOPS has established that Slovenia fulfils its obligations arising from the abovementioned Article. The committee of experts had no additional questions, and as there were no significant changes in the field in question, we refer you to our previous report.

ARTICLE 29: RIGHT TO INFORMATION AND CONSULTATION IN COLLECTIVE LAY-OFF PROCEDURES

Collective lay-off falls within the category of regular employment contract termination for reasons of cessation of need for a specific job to be done, under the conditions of the employment contract, for economic, organisational, technological, structural or other reasons on the part of the employer (grounds of business reasons). This means that, in addition to all the specificities pertaining to collective lay-offs, general provisions concerning individual regular employment contract termination must be taken into account, particularly:

- Full employment contract termination (the third paragraph of Article 80 of ZDR),
- Existence of a well-grounded reason for employment termination (Article 81 of ZDR),
- Burden of proof placed on the employer (Article 82 of ZDR)
- Form and contents of the employment termination notice (Article 86 of ZDR), in which the employer must state and explain the reason for employment termination, and notify the employee of his rights in respect of unemployment insurance,
- Presentation of the employment termination notice (Article 87 of ZDR).

The employer must also take into account, in addition to legal provisions on employment termination to a larger number of employees on grounds of business reasons, certain other legal provisions from the Chapter on regular individual employment contract termination on grounds of business reasons (Article 90 of ZDR), and the provisions concerning the period of notice (Articles 91 to 95 of ZDR). Minimum notice period in case of employment contract termination on grounds of business reasons is specified in the second paragraph of Article 92 of ZDR, and ranges from 30 to 120 days, depending on the employee's seniority with the employer. The employer must also take into account legal provisions on severance pay (Article 109 of ZDR) in case of employment contract termination to a larger number of employees on grounds of business reasons.

Unlike the previous legal regime, ZDR does not recognise the institution of temporarily redundant employees, and thus does not distinguish between temporarily and permanently redundant employees. ZDR only regulates employment contract termination for reasons of cessation of need for a specific job to be done.

Additional obligations of the employer, i.e. additional rights of employees in case of collective lay-offs are as follows:

- The employer must make out a financially sound programme for relieving redundant employees from duty,
- The employer is liable to keep the unions within the undertaking informed and to consult them,
- The Employer is liable to keep the Employment Office informed, and to consider and take into account any suggestions given by it,

- The employer must take into account the criteria for selection of redundant employees,
- Employees have a one-year employment priority in case of a new recruitment process.

1.) Article 96 of ZDR – larger number of employees

An employer having established that need for a specific job to be done will cease within 30 days is liable to make out a programme for relieving the redundant employees from duty for:

- A minimum of 10 workers at the employer employing more than 20 and less than 100 employees,
- A minimum of 10% of employees at the employer employing no less than 100 and no more than 300 employees,
- A minimum of 30 workers at the employer employing 300 or more employees.

An employer having established that jobs of 20 or more employees will become redundant within three months on grounds of business reasons must also make out such a programme.

2.) Article 97 of ZDR – obligation to keep informed and consult the union

The employer must inform in writing the unions at the undertaking, as swiftly as possible, of the reasons for cessation of need for employees' work, number and categories of all the employees, expected categories of redundant employees, expected period within which the need for employees' work will cease, and on proposed criteria for designation of redundant employees. The employer must send a copy of the written notification to the Employment Office.
In order to reach an agreement, the employer must first consult the unions at the undertaking on the proposed criteria for designation of redundant employees, and, in the preparation of the programme for the relieving from duty of redundant employees, on possible ways of avoiding or limiting the number of employment contract terminations, and possible measures for prevention and mitigation of harmful consequences.

3.) Article 98 of ZDR – obligation to keep informed the Employment Office

The employer must inform the Employment Office in writing of the procedure of the establishment of cessation of need for a larger number of employees' work, consulting carried out with the unions, reasons for cessation of need for employees' work, number and categories of all the employees, expected categories of redundant employees, and expected period within which the need for their work will cease.

The employer must send to unions a copy of the written notification to the Employment Office. The employer may terminate employment contracts to redundant workers taking account of the adopted programme for relieving of redundant employees from duty, but not before the expiry of a 30-day period of the notification of the Employment Office.

4.) Article 99 of ZDR – programme for relieving of redundant employees from duty

The programme for relieving of redundant employees from duty must be financially evaluated and contain:

- Reasons for cessation of need for the employees' work;

- Measures for avoiding or maximal limiting of employment relationship terminations; the employer must also verify the possibilities of further employment under modified conditions;
- A list of redundant employees;
- Criteria for selection of measures for mitigation of harmful consequences of the cessation of employment relationship, such as: offer of employment with a different employer, securing of financial assistance, securing of assistance for the starting up of self-employed activities, purchase of additional insurance period.

5.) Article 100 of ZDR – criteria for designation of redundant employees

In setting the criteria for designation of redundant employees, the following must be taken into account:

- Professional education of the employee, i.e. work qualifications and required additional knowledge and skills,
- Work experience,
- Work performance,
- Seniority,
- Health condition,
- Social status and
- The case of parents of three or more minor children or sole providers of families with minor children.

In designating employees whose work has become redundant, in case of equality by all other criteria, the priority in keeping their jobs goes to employees with a weaker social status. Temporary absence from work due to sickness or injury, nursing of a family member or a disabled person, parental leave or pregnancy, cannot be criteria for designation of redundant employees.

6.) Article 101 of ZDR – cooperation with and role of the Employment Office

The employer is obliged to consider and take into account any suggestions offered by the Employment Office on possible measures for avoiding or maximal limiting of employment relationship terminations to employees, and measures for mitigation of harmful consequences of cessation of employment relationship. At the Employment Office's specific request, the employer may not terminate the employment contract to employees before the expiry of a 60-day period of the fulfilment of the obligation specified in the first paragraph of Article 98 of ZDR.

7.) Article 102 of ZDR – employment priority

If an employer employs new workers within a one year period, the employees whose employment contract was terminated on grounds of business reasons are given priority in acquiring employment, provided they fulfil the conditions for the performance of the work.