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## **REVISED EUROPEAN SOCIAL CHARTER**

7th report on the implementation of  
the Revised European Social Charter

submitted by

**THE GOVERNMENT OF SLOVENIA**

(for the period 1/1/05 to 31/12/06:  
Articles 1, 9, 10, 15, 18, 20, 24 and 25)

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**CYCLE 2008**





REPUBLIC OF SLOVENIA

**7<sup>th</sup> Report of the Republic of Slovenia  
on the implementation of the European Social Charter (revised)**

***for the reference period***

from 1 January 2005 to 31 December 2006  
(Article 18 from 1 January 2003 to 31 December 2006)

**Articles 1, 9, 10, 15, 18/1, 18/3, 18/4, 20, 24, 25**  
**(thematic group on employment, training and equal opportunities)**

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## Article 1: RIGHT TO WORK

### 1/1 Full employment policy

Real GDP growth was 4.0% and 5.2% in 2005 and 2006, respectively. The employment rate edged up in 2006 from 2005, namely from 66.0% to 66.6%. The youth employment rate also rose from 34.1% in 2005 to 35.0% in 2006.

The unemployment rate was 6.5% and 6.0% in 2005 and 2006, respectively. It was below the EU average in both years (EU 8.7% in 2005 and 7.9% in 2006). Slovenia also had lower youth unemployment rate than the EU in both years (Slovenia 15.9% in 2005 and 13.9% in 2006; the EU 18.4% in 2005 and 17.3% in 2006).

Long-term unemployment rate was lower in 2005 and 2006 than in the previous years, however it was still above the long-term unemployment rate in the EU. In Slovenia it rose from 47.3% in 2005 to 49.3% in 2006 while in the EU it was 45.6% in both years. In absolute numbers the long-term unemployed fell from 42,917 at the end of 2005 to 39,667 at the end of 2006.

The Employment Service of Slovenia does not distinguish unemployed persons in terms of their association with a minority. The difference between the unemployment rate in the region with Italian minority and the region with Hungarian minority is due to differences in the economic development between the two regions and the related job opportunities. Regions in the west of the country perform better economically and offer more job opportunities resulting in lower unemployment rates. Employment opportunities in the country are identical for all citizens regardless of their ethnic origin.

### 1/2: Right to free choice of profession (prohibition of discrimination and forced labour)

#### Prohibition of discrimination

The prohibition of discrimination of job seekers (candidates) and employees during employment is laid down in Article 6 of the Employment Relationship Act (Official Gazette of the RS, nos. [42/2002](#), [79/2006-ZZZPB-F](#) and [46/2007](#) – Decision of the Constitutional Court, U-I-45/07, hereinafter: the ERA). Article 6 of the Act stipulates that an employer shall not put a candidate or an employee during employment and in relation to the termination thereof in **unequal position** on the basis of sex, race, colour of skin, age, health condition or disability, religious, political or other belief, membership in a trade union, ethnic or social origin, family status, pecuniary status, sex orientation or any other personal circumstance. Article 6, paragraph 3 prohibits both **direct and indirect discrimination** on the basis of personal circumstances, such as: sex, race, age, health condition or disability, religious or other belief, sex orientation or ethnic origin. The Act also stipulates that indirect discrimination occurs if apparently neutral provisions, criteria and practices have an effect of putting persons of a particular sex, race, age, health condition or disability, religious or other belief, sex orientation or ethnic origin in a detrimental position unless such provisions, criteria and practice are objectively justified as well as appropriate and needed. Additional and terminologically clearer provisions related to direct and indirect discrimination are envisaged in the draft Act Amending and Supplementing the Employment Relationship Act.

Exceptions related to equal treatment with regard to sex are based on Article 25 of the ERA enabling employers to post job vacancies for males or females only in case a particular sex is needed for performing a job. The facts permitting unequal treatment with regard to sex must stem from the type and nature of work and the burden of proof that justified reasons are given for unequal treatment is on the

employer. Accounting for the exception mentioned above, a job vacancy shall not indicate that an employer favours employment of persons of a particular sex.

As regards exceptions to equal treatment with regard to other personal circumstances, Article 6 of the ERA is pending amendment. A more detailed provision is proposed with regard to when unequal treatment based on a personal circumstance such as nationality, race, ethnic origin, national and social origin, sex, colour of skin, health condition, disability, religion or belief, age, sex orientation, family status, membership in a trade union, pecuniary status or any other personal circumstance does not constitute discrimination. The discrimination shall not occur if the nature of work or the circumstances in which the work is performed make a personal circumstance an essential and decisive condition for the work and if such requirement is proportionate and justified by a legal objective.

When concluding an employment contract, the employer has, accounting for legal prohibitions pursuant to Article 22 of the ERA, the right to choose freely the candidate meeting the conditions for performing the work with whom the employment contract will be concluded. Notwithstanding the above, an unselected candidate may within 30 days after receiving a notice from the employer request judicial protection before the competent labour court if (s)he believes that the legal prohibition of discrimination has been violated (Article 204(5) of the ERA). In case a candidate or an employee in an individual labour dispute states facts in favour of the alleged violation of the legal prohibition of discrimination, Article 6(4) of the ERA stipulates that the proof of burden that unequal treatment is justified by the type and nature of work lies with the employer.

The right of assembly and association (including trade unions) is enforced on the basis of the Constitution of the Republic of Slovenia (Official Gazette of the RS, no. 33/91) which among rights and fundamental freedoms enforced directly on the basis of the Constitution guarantees each individual the right of assembly and association (Article 42) and judicial protection and redress for any abuse (Article 15).

In accordance with Article 207 of the ERA, an employer shall provide trade unions with the conditions for expedient and efficient performing of their activities in line with the regulations protecting the rights of employees. The Act does not specify concrete conditions except for the undertaking of an employer to enable trade unions access to data required for performing their activities.

In the proceedings in individual and collective labour disputes before labour courts in the Republic of Slovenia, lay judges decide in legally specified disputes on the basis of the Labour and Social Courts Act (Official Gazette of the RS, no. 2/04, ZDSS-1) who are in accordance with Article 16 therein voted from a list of candidates of employees upon a proposal made by the representative trade unions in proportion to the number of their members. Article 35 of the Act with regard to counsels of parties to the extraordinary appeal proceedings stipulates that a party may perform procedural acts also through a counsel being a union representative if the trade union employs such a person for representing its members and if the person has passed the lawyer's state examination. In case an employee has no counsel, the court may pursuant to Article 36 of the Act caution the employee on the right, conditions and procedures for obtaining free-of-charge legal aid. Free-of-charge legal aid may be pursuant to Article 7 of the Free Legal Aid Act (Official Gazette of the RS, no. 48/01, ZBPP) approved for legal counselling, legal representation and other legal services for all types of judicial protection before all courts in the Republic of Slovenia and all bodies and institutions competent for out-of-court settlement of disputes.

In the case of violation of prohibition of discrimination, the employer shall be liable for damages to the candidate or employee in accordance with the general principles of civil law (Article 6(5) of the ERA).

The period of limitation for claiming receivables from employment and therefore also in relation to the violation of prohibition of discrimination is five years regardless of the fact whether an employee is still in employment.

### **Prohibition of forced labour**

As regards changes in work due to natural or other disasters it should be noted that in the case of a natural disaster or a pending natural disaster the type or location of work laid down in the employment contract may be changed even without the consent of the employee, however only for the duration of such circumstances. Pursuant to the Protection Against Natural and Other Disasters Act (Official Gazette of the RS, nos. 64/1994, 33/2000 Decision of the Constitutional Court U-I-313/98, 87/2001-ZMatD, 41/2004-ZVO-1 and 28/2006), natural disasters include earthquakes, floods, landslides, avalanches, high snow, strong winds, hail, sleet, frost, drought, epidemics of human transmittable diseases, animal or plant diseases and other disasters caused by natural forces. Other disasters include heavy accidents in road, railway and air traffic, fires, mining accidents, dam collapses, accidents caused by activities at sea, nuclear accidents, and other ecological and industrial accidents caused by human activity and conduct, wars, state of emergency and other forms of mass violence. Article 171 stipulates that the type and location of work can be changed without the employee's consent only in the case of natural or other disasters when human lives or health or property of the employer are at risk. This means that both conditions must be met at the same time, namely a natural disaster and danger to human lives or health or to property of the employer. The provision is intended as a potential contribution of employees to remedying and preventing consequences of natural or other disasters, saving human lives, protecting human health or preventing material loss.

### **1/3: Free-of-charge employment service**

According to data of the Employment Service of Slovenia, the coverage of job vacancies was 80.2% and 71.8% in 2003 and 2004, respectively. The coverage of job vacancies was 67.5% in 2005 and 68.4% in 2006. The underlying reason for smaller coverage of the needs for employees compared to the reported needs lies foremost in the legal obligation of employers applicable until July 2006 stipulating that employers must post a vacancy also for reemployment of the same person on the same job for a definite period of time. In such cases an "extension" of employment for a definite period of time did not count as a new employment, as employment of already employed persons has been extended in response to recurring needs. Smaller coverage was also partly affected by a mismatch between demand and supply presented in the form of a deficit in particular professions (metal industry, civil engineering and construction, IT, etc.).

### **1/4: Vocational guidance, training and rehabilitation**

As paragraph 1 of Article 4 relates to **Article 9**, **Article 10(3)** and **Article 15(1)**, information is given under chapters related to these articles.

## **Article 9: THE RIGHT TO VOCATIONAL GUIDANCE**

Vocational guidance is still free of charge in Slovenia. It is performed at schools, the Employment Service and various information centres.

The number of centres providing information and counselling on education and employment increased in 2005 and 2006:

- Counselling centres in adult education: 14 in 2005 (ACS);
- Information and Vocational Guidance Centres – CIPS: 23 in 2006 (Employment Service of Slovenia);
- Lifelong Learning Centres.

Furthermore, more information and advice in the field is available through youth and student organisations (e.g. MISSS), libraries and private companies.

### **Vocational guidance in the educational system**

Primary and secondary schools have a developed school counselling service providing for vocational guidance of pupils and secondary school students. Vocational guidance for university students began to develop in 2005 and 2006, previously only few university schools offered such services (for example the Faculty of Economics in Ljubljana).

The Employment Service of Slovenia also provides some vocational guidance to young people, notably in the Information and Vocational Guidance Centres. The number of pupils, secondary school and university students included in counselling was 8,367 and 8,106 in 2005 and 2006, respectively, representing nearly 5% of all young people in schools.

### **Vocational guidance on the labour market**

The Employment Service provides primarily for vocational guidance of the unemployed, however it offers some of its services to other users – employees, young people in school and counsellors. The Information and Vocational Guidance Centres (CIPS) offer information material, counselling and certain group activities. The Employment Service also forwards information material to other institutions engaged in vocational guidance. In particular, the Service cooperates with primary schools in the first choice of occupation.

The Employment Service of Slovenia provides and produces information and tools necessary for vocational guidance. They supply them to its employees and the users in the Information and Vocational Guidance Centres, to schools throughout the education system as well as offer them on its website. These are in particular data on movements on the labour market and information about occupations. Description of occupations is provided and updated by using a uniform methodology; there were 400 occupations in 2006. The Employment Service of Slovenia ensures that unemployed persons and young people in schools are better informed on the occupations with presentations, visits on work posts and discussions with employees. The Service, in cooperation with the education sector, issues the Vocational Guide textbook, which every pupil receives free of charge towards the end of the primary school. It is intended for reflection on career management. The Employment Service administers the Ploteus portal of the European Union intended for information on the possibilities for education at home and abroad. Alone and in cooperation with others, the Service provides tools for vocational guidance such as questionnaires, tests and the "Where and How" software.



The majority of activities provided by the Employment Service of Slovenia are intended for the unemployed. Roughly 250 employment counsellors work with them, ensuring the referral of unemployed persons, monitoring the entry on the labour market and including the unemployed in the appropriate active employment policy programmes. In addition to employment counsellors, the Employment Service of Slovenia also has vocational counsellors, who are specialised in career planning and management, assessing of oneself and one's options in the environment, setting goals and discovering and overcoming obstacles in the career path. They accomplish the above through individual sessions with the unemployed or through group counselling when better suited or more rational. Vocational guidance is a process and hence a person visits the counsellor more than once. Vocational counsellors also work with disabled persons, notably in the part involving setting realistic employment goals.

The Employment Service of Slovenia cooperates with school counselling services in managing the transition from the primary to the secondary school as it organises and in cooperation with schools implements the determining of abilities and surveying of pupils, thereby providing for the appropriate assessment used as the basis for individual counselling. Vocational counsellors of the Employment Service cooperate with school counselling services, homeroom teachers and physicians in examining career intentions of each pupil upon conclusion of the primary school. It is a way of identifying pupils in need of assistance in selection of occupation and determining the required intensity of such assistance.

As regards the question of the Committee whether there are any sanctions for students (secondary school students and pupils) if they disregard the advice of the counsellor, we would like to explain that the students (secondary school students and pupils) are not obliged to comply with the advice on the professional career.

### **Consumption, number of employees and assistance recipients**

The Employment Service of Slovenia employs eight persons at the central level, providing for material, methods and work techniques as well as the necessary tools for vocational guidance. There are 40-43 vocational counsellors working directly with the unemployed (and other users of vocational guidance) at the local level, providing counselling at the Employment Service of Slovenia and the Information and vocational guidance centres. The number is changing due to turnover and partly because the counsellors occasionally, as the need arises, perform other tasks that are not a part of vocational guidance.

In its previous report, the Committee stated that it requires the information on the share of unemployed persons included in vocational guidance. Vocational counsellors at the Employment Service of Slovenia helped in career planning and management of 13% and 14% of the registered unemployed persons in 2005 and 2006, respectively. The Information and Vocational Guidance Centres employing 14 informers counselled 97,283 persons in 2005 and 91,228 in 2006, the decrease was due to staffing problems of the institute being unable to provide its services in the entire territory of Slovenia. There are between 55% and 60% of unemployed persons among users of the Information and vocational guidance centres.

Vocational guidance is also included in certain active employment policy programmes taking place as courses, short lectures, seminars, workshops for job seekers and for determining the employment goal, motivation, etc. Workshops are a substantively integrated system. Some workshops are implemented by contractors selected through public invitations (external forms) while others are performed by counsellors of the Employment Service (internal forms). The Paths to Work and the Group Counselling workshops last two days, the Preparation for Learning workshop two to three days, the Second Opportunity workshop three months and the New Beginning workshop six months.

Such programmes included 8893 unemployed persons in 2006 or 5% of all persons registered at the Employment Service in that year.

### **Dissemination of information**

The Employment Service of Slovenia has been engaged in the past in vocational guidance and has informed various target groups and the general public on that activity. The Employment Service of Slovenia was in charge of the Guidance Forum project in 2005 and 2006, which resulted among other things in three publications aiming at bringing closer the position of the EU on the significance of vocational guidance in lifelong learning. These are:

- Overview of career orientation policy in the EU – the Resolution on Career Orientation;
- Career orientation – Manual for Policymakers (European Commission); and
- Improving Policies and Systems of Lifelong Learning Career Orientation (CEDEFOP).

The Employment Service of Slovenia disseminated the publications to all actors in the field and to policymakers.

The national Information and Vocational Guidance Centre is a member of the National Resource Centre for Vocational Guidance network and organises annual conferences in the field. The Centre prepares and disseminates promotional material and administers the Ploteus portal.

The Employment Service of Slovenia tries to bring vocational guidance closer to the users through the information material it prepares.

## Article 10: THE RIGHT TO VOCATIONAL TRAINING

### 10/1: Promoting technical and vocational training and providing opportunities for achieving higher vocational and university education

The level of openness to the knowledge obtained through informal learning is increasing in Slovenia. The Vocational and Technical Education Act (2006) introduced the option of acknowledging informally acquired knowledge in publicly certified programmes of technical and vocational education. Chapter V of the aforementioned Act states the requirements for inclusion: *'With an education programme, completed appropriate education programmes, work experience or a national vocational qualification may be laid down as a requirement for inclusion.*

*Appropriate work experience or a national vocational qualification may be taken into consideration in place of an appropriate education programme referred to in the preceding paragraph.*

*With an education programme, special talents and, exceptionally, psychophysical abilities, if these are required for successful completion of education, may be laid down as a requirement for inclusion.*

*A signed individual teaching contract may also be a requirement for inclusion in an education programme, if the programme does not provide for practical instruction but only practical training at work with an employer.'*

#### Credit evaluation

The Vocational and Technical Education Act introduced credit evaluation of education programmes through credit points<sup>1</sup>. The approximate number of credit points is set for education programmes at individual levels. Modules of technical knowledge in education programmes will also be subject to credit evaluation and the National qualification system will be (comparably) evaluated through credits.

The catalogue will be prepared on the basis of the vocational standard and will be valued through credits by using the same methodology as applies for evaluation of modules in technical and vocational education.

Vocational standards will be prepared as the basis for preparing the programmes of elementary and secondary vocational education, secondary and higher technical education and the catalogues of standards of technical knowledge and skills.

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<sup>1</sup> Article 14 of the ZPSI-1: 'An education programme shall be evaluated on the basis of credit points. A credit point is a measurement unit for evaluating all forms of work that have to be undertaken by a student in order to achieve the aims of the education programme.

All forms of educational work shall be evaluated: instruction, individual work (continuous learning, independent study with the literature, seminar papers, project work, etc.), organised preparation for examinations and work required for a product, service or assumption of duties which is a constituent part of the completion of education.

One credit point shall be used to evaluate 25 hours of educational work defined in the preceding paragraph.

The competent professional council shall evaluate an education programme by means of credit points, where the following numbers of points may be for educational programmes:

- lower vocational education: 120
- secondary vocational education: 180–240
- secondary professional education: 240–300
- vocational-technical education: 120
- vocational course programme: 60–90.

Sixty credit points are obtained from the examinations for the position of master, foreman and manager.

For the purposes of international comparability, the professional council may also lay down a different number of hours of educational work pertaining to one credit point, which shall thus affect the evaluation of individual education programmes referred to in this Article.'

The initiative for preparing or changing the vocational standards is given by the competent chambers, ministries, trade unions, education institutions as well as other legal entities on the basis of monitoring the development of work and occupations, as well as current and long-term needs. Hence, the vocational standards play a positive role on the labour market as the initiatives and preparations are coordinated between social partners.

### **National qualification system**

The National Professional Qualifications Act was adopted in 2000 (Official Gazette of the RS, No. 83/03) laying down the procedure for preparing the standards for technical knowledge and skills and examination and verification thereof. The Act emphasised the learning achievements regardless of the possible forms of acquiring knowledge, skills and abilities used in accomplishing them. Examination and certification of national professional qualifications is intended for adults only and takes place on the basis of direct proof of knowledge, skills and abilities or on the basis of documents and other proofs collected in the file of an individual.

The Act Amending the National Vocational Qualifications Act (ZNKP-B) entered into force at the end of 2006. The **basic new features** introduced by the Act are:

Within the framework of area boards for vocational standards, social partnership has been expanded to encompass the business sector, trade unions, the public sector and civil society.

Tasks of area boards for vocational standards are defined such that they build qualification structures for individual activities.

The Act introduces the appointment of committees for the verification and approval of national vocational qualifications pursuant to a public tender.

- It incorporates certificates into the Slovenian qualifications framework.
- It introduces the evaluation of certificates by means of credit points.
- It enables the acquisition of certificates at the 7<sup>th</sup> level of education.
- It amends the procedure for determining those charged with implementing procedures for assessing and approving national vocational qualifications.
- It defines the new tasks of the National Examinations Centre and the National Vocational Education Centre.

**The basic principles** introduced by the amended Act are:

The principle of integration of formal and informal education and work experience, meaning that catalogues of standards of professional knowledge and skills will be evaluated on the basis of credits according to the European Credit Transfer System (ECTS), and these recognised within the education system (modules and recognition of informal and occasional learning).

The principle of ensuring transparency in the implementation of certification procedures, which in turn ensures the uniformity of verification and approval procedures at the national level. Commissions for the verification and approval of national vocational qualifications shall be appointed by the minister on the basis of a public tender, while the register of bodies implementing procedures for assessing and approving national vocational qualifications shall be transferred to the National Examinations Centre.

The Plan for Improving Recognition and Promotion of Occupations for 2007-2013 was prepared in 2007. The partners include the Ministry of Labour, Family and Social Affairs, the Ministry of Education and Sports, the Chamber of Commerce and Industry of Slovenia, the Government Office for Development, the Employment Service of Slovenia, the Centre of the Republic of Slovenia for vocational education and training and other.

#### **10/2: Promoting apprenticeship**

Draft projects were prepared in 2007 for promoting apprenticeship included in the European Social Fund programme with implementation due to begin in 2008.

#### **10/4: Special measures for retraining and re-entry of long-term unemployed**

The Operational Programme of Human Resources Development 2007–2013 (OP ESS) is a joint programming document for Slovenia and the EU which was adopted at the proposal of the Member State after coordination with the European Commission. These operational programmes are taking place through a large number of organisations in both public and private sectors.

**The joint aim of this operational programme** is to achieve the following:

- greater employment
- social inclusion
- higher living standards
- a reduction in regional disparities

This will be made possible through increased investment in people, whose human capital will ensure higher levels of innovation, employability and economic growth.

The target groups to which special attention will be devoted in the operational programme are:

- **young people:** increasing the level of employment of young people, developing their enterprise potentials, supporting their education, and preventing exclusion (which is becoming an ever-more-common phenomenon among young people in today's world)
- **the elderly:** providing conditions for active old age is a value that contributes to economic growth, eases the burden on public finances and, above all, to greater social wellbeing and sustainable development.

### **Overview of employment programmes to be co-financed in 2007 by the European Social Fund:**

#### **1. Including Older People in the Job Market**

This programme will be aimed at encouraging the employment of unemployed people who are over the age of 50 and who have been registered with the National Employment Service for at least three months.

The employers selected by public tender will receive a subsidy for employing an older unemployed person. They will be obliged to employ that person for at least one year.

Through this programme we wish to:

- create new employment opportunities for older unemployed persons
- promote a policy of 'active old age'
- increase the number of older persons in active work
- encourage the employment of older women

Planned date of publication: January 2008

## **2. Including Young People in the Job Market**

This programme is aimed at young people up to the age of 25 who are looking for their first job or for new employment opportunities.

The employers selected by public tender will receive a subsidy for employing a young unemployed person. They will be obliged to employ that person for at least one year.

Through this programme we wish to:

- encourage young unemployed people to take an active approach to finding employment
- create new employment opportunities for young people
- increase the employability of young people, and therefore increase the numbers in active work

Planned date of publication: January 2008

## **3. Promoting Employment with Non-Profit Employers**

We have formulated this programme to promote the employment of the long-term unemployed in non-market employment projects.

The employers selected by public tender will receive a subsidy for employing a long-term unemployed person. They will be obliged to employ that person for at least one year.

Only non-profit employers will be able to apply to the public tender (i.e. those with a specific non-profit character according to their founding act or which return all revenue to the basic activity and do not divide profits).

Through this programme we hope to:

- strengthen and ensure the social inclusion of long-term unemployed people
- increase the employability of the long-term unemployed
- create an environment that will motivate the long-term unemployed to become more active.

Planned date of publication: January 2008

## **4. Education and Training for Competitiveness and Employability**

We are offering a programme of education and training to key staff within companies, as well as to those who, for various reasons, are at risk of losing their jobs, that aims to improve their employment opportunities. It will help participants to retain their jobs or to find a new position as quickly as possible by assisting them to raise their education level, improve their qualifications, and acquire skills and competences that will make them attractive to employers.

We are using this education and training programme to pursue the key objectives of employability:

- emphasising the importance of development and investment in employees within firms
- helping to improve the education structure and levels of training
- helping companies and employees alike to become more flexible and less sensitive to changes on the labour market.

This programme also pursues an emphasis on education in information and communication technologies, training in sustainable development, and the securing of equal opportunities.

Planned date of publication: January 2008

#### **10/5: Promoting full utilisation of opportunities provided by individual measures**

As a part of fully utilising the opportunities provided by individual measures, the regulations ensuring implementation of those measures (the Vocational and Technical Education Act, rules and other regulations) were adopted last year. Substantive bases for implementation of projects to be financed by the ESS were also prepared and are aimed at full utilisation of the opportunities provided by individual measures. The programmes in technical and vocational training were substantively fully amended and supplemented in 2007. The amendments and supplements to the programmes took into account the measures and possibilities for full utilisation of the opportunities provided by those measures in technical and vocational training.

## **Article 15: RIGHT OF DISABLED PERSONS TO INDEPENDENCE, INCLUSION IN SOCIETY AND PARTICIPATION IN COMMUNITY LIFE**

One of the main areas of activity of the Ministry of Labour, Family and Social Affairs is protection of disabled persons. The Ministry established the Directorate for Disabled in 2005. It was one of the steps taken by the current government and the Ministry showing that they are aware of the scope and complexity of the disability issue. The Ministry therefore within the scope of its area of responsibility deals with issues related to training and employment of disabled persons, disability insurance, family care, providing social security to persons with a mental development disorder, organisations of the disabled, etc. The Ministry closely cooperates and consults the disabled and their representative organisations in performing of its tasks. Special attention was given to three topics in the last two years, namely preparing a comprehensive national programme, improving the built environment, information and communications accessibility, and employment. On 7 December 2005, the Government adopted the National guidelines for improving Accessibility, the Vocational Rehabilitation and Employment of Disabled Persons Act has been fully enforced in 2007, and on 30 November 2006 the Government adopted the Action plan for Disabled People 2007-2013.

### **15/1: Measures for vocational training of disabled persons**

#### **Vocational training of children and young persons**

Centre for Guiding Children with Special Needs operates at the National Educational Institute, and is competent for conducting placement processes of children with special needs, and for operation of commissions for placement.

The available data are in accordance with Article 35 of the Placement of Children with Special Needs Act (Official Gazette of the Republic of Slovenia, No 3/UPB-1) and refer to the number of decisions issued for placement of children with special needs in a calendar year.

Young persons aged between 18 to 26 years, who are subject to provisions of the Act Concerning Social Care of Mentally and Physically Handicapped Persons, are included (most of them) in social welfare institutions or in centres for care and work. In social welfare institutions are included persons (on the basis of the institution estimation) with established disability at the age from 21 to 26; in 2005 there were 171, in 2006 162 and in 2007 183 persons included in those institutions.

Centres for care and work are mainly for preserving the acquired knowledge and skills.

| <b>Education levels/programmes</b>   | <b>No. of issued decisions for year 2005</b> | <b>No. of issued decisions for year 2006</b> |
|--|--|--|
| <b>KINDERGARTEN</b>  | <b>356</b>                                   | <b>458</b>                                   |
| programme for pre-school children with adapted teaching and additional professional help | 304  | 382  |
| Adapted programme for pre-school children  | 52   | 76   |
| <b>PRIMARY SCHOOL</b>  | <b>3479</b>                                  | <b>3595</b>                                  |
| Educational programme with adapted teaching and additional                               | 2927   | 3045   |



|  |            |            |
|--|------------|------------|
| professional help  |            |            |
| Adapted programme with lower education standard                              | 552        | 550        |
| <b>SECONDARY SCHOOL</b>  | <b>902</b> | <b>969</b> |
| Educational programme with adapted teaching and additional professional help | 657        | 791        |
| Lower vocational education programme   | 245        | 178        |

There are 29 independent primary schools with modified programme operating in Slovenia in the school year 2007/2008, and 20 primary schools which implement modified programme with lower education standard in their units.

There are also 6 institutions in Slovenia which are specialised with regard to an individual type of deficit, handicap or disorder, namely specialised institutions for care and education of children with motive impediments (Centre for Education and Rehabilitation of Physically Handicapped Children and Adolescents Kamnik, Centre for Education and Rehabilitation of Physically Handicapped Children Janko Premrl Vojko, Vipava), deaf and hard of hearing children (Institution for deaf and partially deaf persons Ljubljana, The Centre for Hearing and Speech Maribor, and Centre for the Correction of Hearing and Speech Portorož) and Institute for Blind and Partially Sighted Youth, Ljubljana.

In schools with the mainstream programme children with special needs are provided educational programme with adapted implementation and additional professional help. This programme is, by the rule, provided at all primary schools in Slovenia.

#### **How is mainstream school curriculum adapted to special needs?**

According to the Placement of Children with Special Needs Act, the children with special needs are placed in different programmes of care and education. At primary school level they can be placed in the following care and education programmes:

- educational programme with adapted implementation and additional professional help,
- modified education programmes with equal educational standard for deaf and hard-of-hearing;
- modified education programmes with equal educational standard for blind and partially sighted,
- modified education programme with equal educational standard for children with motive impediments,
- modified education programme with equal educational standard for children with speech disturbances,
- modified programme with a lower education standard;
- special education and training programmes.

Children with special needs are placed in the care and education programmes according to the type and level of deficits, handicap and disorders. However, the most important for each child with special needs is that, besides the placement in programmes, the Act provides also for establishing an **individualised care and education programme** for each individual child with special needs, regardless to the programme in which the child has been placed. Individualised programme is aimed at specifying forms of work in individual fields of care and education, at individual subjects or subject fields, the method of implementation of additional expert help, carrying out of physical assistance, transition between programmes as well as necessary adaptation in relation to organisation, knowledge assessment and

giving marks, progress and timetable of lessons. Individualised programme is complementary to the care and education programme, specifying for each individual child a method to attain education aims, to the maximum possible extent.

Children with special needs, placed in the *education programme with adapted implementation and additional professional help*, attend school together with their peers in the so-called "regular or mainstream" departments of primary schools. They must attain the standards of knowledge defined for the nine-year primary school programme (the so-called "mainstream programme"), but they can have an adapted organisation, method of knowledge assessment and giving marks, progressing and timetable of lessons, and be provided with additional expert help. We thus speak of modified implementation of school curriculum (e.g. implementation of lessons, organisation of lessons, assessment and giving marks...), but standards of knowledge remain the same.

In the case of all four *modified education programmes with equal educational standard for deaf and hard-of-hearing, for blind and partially sighted, for motive impaired children and for children with speech disturbances* the stipulated standards of knowledge are equal to the standards of knowledge for the primary school nine-year programme (i.e. mainstream school curriculum). Each of the four programmes has its own curriculum, however they do not differ significantly from the mainstream school curriculum concerning objects, contents, activities and inter-subject integrations. Only some of the objectives, which could not be attained in any way by a certain group of children with special needs on the account of specificity of their deficit, handicap or disorder, are left out or replaced by other objectives. Differences in curriculum are reflected in particular in special didactic recommendations for each individual group of children with special needs. These programmes are significant for their different special pedagogic activities (for example, the blind and partially sighted have the SPD Communication and the SPD Orientation and Mobility; the deaf and hard of hearing have the SPD Communication and the SPD Computing; etc.), which aim at attaining optimal development of an individual child and for which, unlike subjects, are not given marks.

These programmes are implemented in specialised institutions with lower norms, with much specialised providers, etc.

*Modified education programme with lower education standard* provides different standards of knowledge, which are not equivalent to the "mainstream programme", are significantly lower and set below the minimum standards of knowledge for the nine-year primary school programme. This could be considered as lowering of the minimum standards of knowledge for mainstream school curriculum and, furthermore, as a continuum of the goals and standards of knowledge, in the global sense, between two programmes.

This programme includes two special pedagogic activities for which are not given marks, namely computer literacy and social learning, which are necessary for optimum development of an individual child with special needs, in the light of ensuring learning and strengthening of social skills and communication, as well as acquiring basic computer literacy, as prerequisites for living in the contemporary society. Also norms and staff conditions are modified.

*Special education and training programme* has no regulatory standards of knowledge and instead of subjects it has six fields of activity: development of independence, general knowledge, exercise and sport education, music education, art education and work education. According to the child's abilities and capabilities, in his individualised programme, within the scope of general knowledge, objectives from some areas of the mainstream school curriculum shall be determined (language, mathematics, spatial education).

## **Does general training for teachers also include training for work with children/youth with special needs?**

We can answer in the affirmative.

Within the programmes for further education and training (the so-called seminars) there are more and more of them that, besides general topics, include also topics from the field of training for work with children with special needs. We offer seminars, which are somewhat specific, only for the area of education and training of children with special needs, as well as seminars for various subject areas, which include, besides the knowledge of some "parent" fields of expertise, also knowledge from the field of children with special needs. Two of the requisite seminars can be pointed out: Programme concerning individual and group help, providing knowledge to professionals concerning learning problems and the related help strategies, and Programme concerning special pedagogic expertise, informing the participants about the new paradigm of care and education of integrated children with special needs, with the role of teacher, with special-pedagogic approaches... Besides these, there are numerous other seminars to attend concerning adaptation of the school didactics, individualisation at individual subjects, etc. (for example, Ways towards the Individualisation of English Lessons in Primary Schools).

Besides the seminars, to educational institutions are offered also various consulting services (informing, counselling, written recommendations and opinions, instruction consulting, consultations, supervision ...). We organise and carry out study meetings at all educational levels. We organise, coordinate and carry out programmes for further education and training. Our National Education Institute's Publishing House with its publications provide a reasonable complement to the basic care for continual quality change in praxis and for professional growth of experts in schools and kindergartens.

We also conduct innovation projects, which represent a valuable form of searching for more effective solutions in relation to the problems of educational praxis in an individual educational institution, professionally supported by the National Education Institute in form of consulting services.

## **Vocational training**

Records of the Employment Service of Slovenia contained 24,678 unemployed disabled persons, all in the active employment age, as at the end of 2006.

The Vocational Rehabilitation and Employment of Disabled Persons Act was adopted in Slovenia in June 2004 introducing the welfare-social model of defining disability and abandoning purely medical view of disability. The criteria for establishing disability and the right to vocational rehabilitation are based on the international classification of functioning, reduced ability and health (ICF 2001).

The vocational rehabilitation programmes have been intended for disabled persons only since 2006. Previously, other persons with health or other impediments could be included in such programmes, while the status of a disabled person has been a condition for inclusion since 1 January 2006. In the case of new employments, subsidies for creating new jobs were available to employers applicable to all employees, disabled or not. In the case of employment of a disabled person, the subsidy was higher. Adaptations of work posts were intended for disabled persons only. Subsidies were also earmarked for self-employment with higher subsidies for disabled persons.

The Employment Service keeps records of disabled active job seekers. The records showed 9,138 unemployed disabled people as at the end of 2006, which were included in various measures for assisting employment. More than 3000 unemployed disabled persons were included in various training programmes in 2006 implemented as a part of the active employment policy. Additional 1,112 disabled

persons were included in vocational rehabilitation. The vocational rehabilitation is implemented by certified implementers of vocational rehabilitation, which concluded concession contracts with the ministry competent for protection of disabled people. The vocational rehabilitation for unemployed disabled persons is carried out as a public service. The rehabilitation institutions, thirteen of them, implement rehabilitation activities with their expert teams for the purpose of training disabled persons for working, finding work, getting a job, keeping employment and advancing in their jobs. The target group is adult persons in the active life-period between 15 and 65 years old, who are registered as job seekers by the Employment Service.

### **Occupational activity centre**

The term occupational activity centre (hereinafter: OAC) is understood today to be an institution providing the service of guiding, caring and employing under special conditions adults with physical and mental development disorders. The service is an organised form of care whereby adult disabled persons are given in accordance with their abilities the opportunity to be actively involved in life and the environment and to engage in useful work tailored to their abilities. The service is implemented by enabling such persons to preserve the obtained and to acquire new knowledge and work skills, acquire new social and working habits, implement their own ideas and creativity, and stimulating their sense of usefulness and self-fulfilment. The service also provides for other forms of care enabling the users and their families work and social activities.

The history of OAC began as the "special social institution" as the Social Institutions Act (Official Gazette of the SRS, no. 4/71) stipulated that a special social institution in addition to tasks performed by the general social institutions, i.e. to provide the persons under care with accommodation, food and health care, also organises appropriate forms of rehabilitation, employment and re-socialisation in line with the condition and the needs of persons under care.

The Social Care Act (Official Gazette of the SRS, no. 39/74) adopted in 1974 supplemented the activities of special social institutions described above with the service of employing disabled persons under special conditions, which was the foundation for establishing former workshops for work under special conditions (hereinafter: WWSC), predecessors of today's OAC.

The development of WWSC received a boost after 1984 with entry into force of the Act Concerning Social Care of Mentally and Physically Handicapped Persons (Official Gazette of the SRS, no. 41/83), which acknowledged the right of such persons to social care in various substantive forms.

The Social Security Act (Official Gazette of the RS, no. 54/92) for the first time defined the service in legal terms as a public service in social care with the conditions for its implementation provided by the Republic of Slovenia.

The service is directly provided 8 hours a day 5 days a week (hereinafter: the day care by OAC) with the contents exceeding that time framework (e.g. miscellaneous spare time activities, holidays, sporting and cultural activities, etc. – the so-called above-standard services) depend on the agreement between the user and the service provider.

The day care by OAC is provided free of charge to the users. Funding for the service is earmarked in the government budget while the funding for above-standard services is obtained from user contributions, non-governmental organisations, donations and other sources.

In addition to day care, OAC may also provide the service of institutional care (hereinafter: institutional care by OAC). The service is provided for 16 hours a day during the working days and 24 hours on weekends and holidays throughout the year. This form of care substitutes or supplements the function of a home or own family to the users. It is financed by user contributions and funding by municipalities in which the users have permanent residence.

The day care by OAC included 2,653 persons in 2007 of whom 880 were included also in institutional care by OAC.

The service is provided by 18 independent public OAC institutions, 5 OAC as units of special institutions for education of children and adolescents and 11 concessionaires.

Social care institutions for education (Article 54 of the Social Security Act) are institutions intended for institutional care of children and adolescents with moderate, severe or serious mental development disorder.

Institutional care (Article 16(1) of the Social Security Act) includes all forms of assistance in an institution, a family or other organised form substituting or supplementing the functions of a home or own family to the users and in particular accommodation, provision of nutrition and care, and health care.

Institutional care of children and adolescents with moderate, severe or serious mental development disorder (Article 16(3) of the Social Security Act) includes in addition to the abovementioned services also education in accordance with the specific law, nursing and guidance.

#### Overview of beneficiaries and budget spending

| Year | Beneficiaries | Budget funds for institutional care of children and adolescents in special institutions for education |
|------|---------------|---|
| 2005 | 506           | € 11,562,288.96   |
| 2006 | 506           | € 11,786,747.07   |

### 15/2: Employing disabled persons

Disabled persons are a priority group for inclusion in measures of the active employment policy and will also have priority in employment if a job is suitable and approved as suitable for disabled persons by an assessment / analysis of risk at the work post. The assessment is prepared by a physician specialised in occupational, transport and sports medicine. The previous report stated that blind people are as a rule employed as switchboard operators, however we would like to underline that above all by several measures are aimed at integration of the disabled in the open labour market and that they can be employed at any job which they can perform with or without adjustment of the work post, premises, access, etc. The cost of adjusting the work post for a newly employed and already employed disabled person is covered by the Fund for the Promotion of Employment of Disabled Persons and the Public Pension and Disability Fund, respectively.

The new legislation further increased the number of disabled persons entering into employment. Quotas for employing disabled persons, supported employment and sheltered employment were introduced for the first time in 2006. Those measures increased the number of newly employed disabled persons by

48% in 2006 (a total of 1,927 disabled persons were employed in 2006 while the respective number in 2005 was 1,298).

Article 49 of the Constitution guarantees the freedom of work as a constitutional right stipulating the right of each person to freely choose employment and prohibiting unjust discrimination in work opportunities available to each person. Article 52 of the Constitution further stipulates that the disabled shall be guaranteed security and the right to work-training as determined by statute and that mentally or physically handicapped children and other severely disabled persons shall have the right to education and work-training in order that they may lead an active life in society. Such education and training is financed from public funds.

Given the aforementioned constitutional provisions laid down in the chapter Human Rights and Fundamental Freedoms enforced directly on the basis of the Constitution, disabled persons are guaranteed special protection and therefore not only special rights enabling equal inclusion in employment and the constitutional right to equal access to any job but also protection against unequal and worse position and treatment resulting from their disability in exercising of any right related to employment.

Obligations of employers regarding ensuring of the rights of disabled persons during employment are generally specified in the Employment Relationship Act (ERA). Prohibition of discrimination on the basis of disability is expressly laid down in Article 6 of the ERA where in addition to other personal circumstances it is stipulated that an employer shall not put a candidate or an employee during employment and in relation to termination thereof in **unequal position** due to **disability**.

The ERA further stipulates special protection in different areas for the disabled persons. Thus Article 24 of the Act stipulates that an employer may conclude an employment contract without public notice in the case of employing a disabled person in accordance with the law regulating employment of disabled persons. Care for a seriously disabled person shall not be, pursuant to Article 100 of the Act laying down the criteria for determining redundant employees, a reason for determination of redundant employees in the case of a large number of redundant workers due to have their employment terminated for business reasons. Disabled persons enjoy special protection also pursuant to Article 145 of the ERA stipulating that an employer shall not order overtime work to an employee working part-time in accordance with the regulations on pension and disability insurance, regulations on health insurance or other legislation. The prohibition also applies in the case of uneven distribution or rearrangement of working hours (Article 147). Furthermore, Article 159 of the ERA stipulates that disabled persons and employees with at least 60% physical disability, older employees and employees taking care of a child with physical or mental disorder shall be entitled to an additional three days of the annual leave. Articles 199 and 200 of the ERA stipulate that employers shall provide for protection of all disabled persons, be them persons with work-related disability or disabled persons with the status recognised on the basis of other regulations, in employment, training or retraining in accordance with the regulations on vocational rehabilitation and employment of disabled persons and the regulations on pension and disability insurance. Employers shall also provide the following to employees with reduced work capacity:

- Performing of other work suitable for the reduced work capacity;
- Performing part-time work with regard to the reduced work capacity;
- Vocational rehabilitation; and
- Salary compensation in accordance with the regulations on pension and disability insurance.

Given the abovementioned provision of the ERA and with regard to the enforcement of the prohibition of discrimination of disabled persons during employment, the employer's duties and the procedures related

to exercising of rights of employees, who by a final decision obtain rights on the basis of established disability of category II or III, are laid down in the Pension and Disability Insurance Act (Official Gazette of the RS, no. 109/06, UPB4, hereinafter: the PDIA-1).

With regard to **protection against dismissal**, Article 89 of the ERA among other reasons lists disability as an unjustified reason for terminating the employment contract.

Article 116 of the ERA expressly and in detail stipulates that employers may not terminate the employment contract to disabled persons due to their disability and also not due to business reasons unless there is no opportunity to ensure another appropriate work post or part-time work in accordance with the regulations on pension and disability insurance. The same applies to disabled persons without a status of work-related disability – termination of the employment contract will be possible only if no appropriate work can be provided in accordance with the regulations on vocational rehabilitation and employment of disabled persons.

Article 101 of the PDIA-1 stipulates certain obligations of employers in providing rights to disabled persons and additional obligations in selecting another work post for a disabled person, taking into account the opinion of the disability committee on the reduced work ability and the possibility to request a supplement to the expert opinion of the disability committee on the appropriateness of the work post offered.

Only in case the employer is justifiably unable to provide to the employee – disabled person – the right to reassignment to another work post, they can, by taking into account Article 102 of the PDIA-1 and in accordance with the procedure laid down in Article 103 therein, terminate the employment contract.

This arrangement and the procedures for determining the fulfilled conditions – that it is not possible to provide another appropriate work post with the same or another employer – apply in accordance with the ERA, the PDIA-1 and the Vocational Rehabilitation and Employment of Disabled Persons Act (Official Gazette of the RS, no. 16/2007, hereinafter: the REDPA-UPB2) and the regulations issued on the basis thereof.

Pursuant to Article 110 of the Vocational Rehabilitation and Employment of Disabled Persons Act (Official Gazette of the RS, no. 100/2005, official consolidated text, REDPA-UPB2) stipulating that, notwithstanding Article 446(2) of the PDIA-1, Articles 102 through 105 of the PDIA-1 shall apply as of the date of entry into force of the [Decree establishing employment quota for disabled persons \(Official Gazette of the RS, no. 111/2005\)](#) the conditions were met on 1 January 2006 for employees to initiate with the commission the procedure for determining the basis for terminating the employment contract without offering a new employment contract to persons with work-related disability and persons without the status of a person with work-related disability in accordance with Article 116 of the ERA in conjunction with Articles 102 and 103 of the PDIA-1 and Article 40 of the REDPA-UPB1.

The employer may terminate the employment contract without offering a new employment contract only if serious and substantiated reasons exist for termination of the employment contract and if such reasons are verified by the commission while at the same time the employer objectively cannot provide to the disabled person another work post (the opinion of the commission is a procedural condition for terminating the employment contract without offering a new contract).

The applicants submit their applications to the Commission for establishing grounds for termination of employment contract, which has its office at the Pension and Disability Insurance Institute of Slovenia.

The proposal should be enclosed with the employment documentation used by the employer to prove the seriousness and substantiation of the reasons and grounds for dismissal.

The employment documentation to be enclosed by the employer to the application consists of the following in accordance with Article 4 of the Rules on the work methods of the Commission for establishing the grounds for terminating employment contracts:

- Statement by the employer on the intention of regular termination of employment to a disabled person with stated reasoning for such termination;
- Valid employment contract;
- Signed notice by the insured person that (s)he has been informed on the planned regular termination of employment;
- Proof of established disability or physical disorder (namely the appropriate documents specified in Article 8 of the Instructions for completing the insurance application form for the disabled (Official Gazette of the RS, nos. 10/2005 and 45/2005);
- The documentation consisting of data on the requirements for employment with the employer (the general regulations of the employer specifying the conditions for performing work on individual work posts or a regulation on job systemisation and a printout of the safety statement with a risk assessment);
- Proof of changes in the organised work process compared to the previous conditions if such changes are the underlying case;
- The programme for resolution of redundancies in the case of laying off of a larger number of employees for business reasons;
- Proof or explanation of the business reason for termination of the employment contract to a disabled person or the business reason and the impact of disability with regard to the possibility of providing another work post to the disabled person with the insured person's or another employer.

The Commission itself shall obtain the findings with the proposal of the Employment Service of Slovenia (ESS) on meeting of the conditions for termination of the employment contract, and may request from the employer additional documentation, an opinion from the Institute of the Republic of Slovenia for Rehabilitation or a supplementary expert opinion by the disability committee of the Pension and Disability Institute of Slovenia, and may also in order to clarify the existing situation request from the employer, the insured person, the Pension and Disability Institute of Slovenia, the ESS, the Labour Inspectorate of the Republic of Slovenia, social work centres and other government bodies and institutions any other necessary information, certificates and proofs.

The Commission shall give its opinion on determining of the grounds for termination of the employment contract on the basis of the obtained employment documentation with the findings and the proposal of the Pension and Disability Institute of Slovenia and forward it to the employer and the disabled person. In case the procedure is initiated at the request of the Pension and Disability Institute of Slovenia or the ESS, the opinion shall also be forwarded to them. The decision of the Commission is final.

It should be noted that the employer is the one terminating the employment contract without offering a new employment contract to the disabled person, hence the employer must inform the disabled person on the planned regular termination in writing, and upon the regular termination of the employment contract advise him/her (pursuant to Article 86(2) of the ERA) on the following:

- The rights arising from unemployment insurance;
- In the case of a person with work-related disability – the rights arising from disability insurance (the right to disability insurance allowance after expiry of the rights from unemployment insurance); and



- Legal protection.

As stated, the Vocational Rehabilitation and Employment of Disabled Persons Act (Article 5) adopted in 2004 stipulates prohibition of discrimination for disabled persons. The prohibition applies to direct and indirect discrimination in employment of disabled persons, during their employment, and in relation to termination thereof as well in any proceedings in accordance with the Act.

The purpose of the Act is to regulate the right to vocational rehabilitation and the areas related to employing disabled persons – prohibition of direct and indirect discrimination in employment of disabled persons and measures for encouraging employers to employ disabled persons. The new Act introduced a number of incentives for employers and disabled persons while at the same time making the market more flexible. After two years we can say that employers and disabled persons have accepted the measures to be good.

Slovenia has decided to regulate with the Vocational Rehabilitation and Employment of Disabled Persons Act the vocational rehabilitation as an individual right of disabled persons. The ministry used a public invitation to establish a network of providers of vocational rehabilitation following the basic principles such as equal access to all users regardless of their place of residence, the rehabilitation must be provided for all types of disability under equal conditions, the providers must cooperate between them and foremost with employers and finally, the system must be financially sustainable. Thirteen providers of services for unemployed and employed disabled persons form the network providing vocational rehabilitation in the entire territory of Slovenia.

Definition of a disabled person in the Act was based on the classification of the World Health Organisation – the "International Classification of Functioning, Disability and Health" and the "International Classification of Diseases". Permanent consequences of a physical or mental disorder or illness, problems in activities affecting the person's employability and hindrances in inclusion in the environment must be established for a person in order to obtain the status of a disabled person. Slovenia is one of the few countries already applying the psycho-social model as established by the "International Classification of Functioning, Disability and Health" in determining of disability.

A public finance fund was established in 2004 intended for promotion of employment of disabled persons – the Fund of the Republic of Slovenia to promote the employment of the disabled persons. The Fund allocates its funds to a number of incentives aimed at employment through public invitations and incentives for employers and disabled persons (job vacancies, adjustments of work posts, subsidising salaries of disabled persons, etc.).

The Vocational Rehabilitation and Employment of Disabled Persons Act was amended and supplemented in 2005 and 2006. Ten implementing regulations of the Vocational Rehabilitation and Employment of Disabled Persons Act were adopted in those two years:

1. [Vocational rehabilitation service standards](#)
2. [Rules concerning the working methods of the Commission establishing grounds for termination of employment contract \(Official Gazette of the RS, no. 117/2005\)](#)
3. [Rules on criteria and procedure to acquire the status of a person with disability and the right to vocational rehabilitation and to assess employment opportunities of persons with disabilities and on activities of rehabilitation commissions \(Official Gazette of the RS, no. 117/2005\)](#)
4. [Rules on criteria and procedure for determining the subsidy amount for salaries of disabled workers \(Official Gazette of the RS, no. 117/2005\)](#)

5. [Rules on employment centres \(Official Gazette of the RS, no. 117/2005\)](#)
6. [Rules on social enterprises \(Official Gazette of the RS, no. 117/2005\)](#)
7. [Decree establishing employment quota for disabled persons \(Official Gazette of the RS, no. 111/2005\)](#)
8. [Instructions for completing the insurance application form for the disabled \(Official Gazette of the RS, no. 10/2005\)](#)
9. [Instructions amending the Instructions on the completion of the insurance registration form for the disabled \(Official Gazette of the RS, no. 43/2005\)](#)
10. Tariffs of vocational rehabilitation

For the purpose of enforcement of the implementing regulations, the Ministry of Labour, Family and Social Affairs prepared a number of trainings for professionals, providers and enterprises with regard to new legislative solutions in training and employing disabled persons.

The quota system on the basis of the Act has been in force since 1 January 2005 and has been implemented since 1 January 2006. The quota system binds all employers with at least 20 employees to employ disabled persons. Slightly less than half of employers bound to fulfil the mandatory quota for employing disabled persons fails to meet the prescribed quota. Three tenths of employers employ disabled persons above the quota and nearly a quarter meets the prescribed quota for employing disabled persons.

The number of disabled persons employed in 2006 was 1,928 or nearly 50% more than in the same period in 2005 and significantly more than in individual years from 2000 till 2004. Men prevail among employed disabled persons with nearly 60%, most of them between 26 and 40 years old, an interesting fact is that more than a third of them are long-term unemployed. Disabled persons are in addition to the vocational rehabilitation programmes also included in the active employment policy programmes (3,093 disabled persons included in active employment policy programmes and 1,112 in vocational rehabilitation programmes).

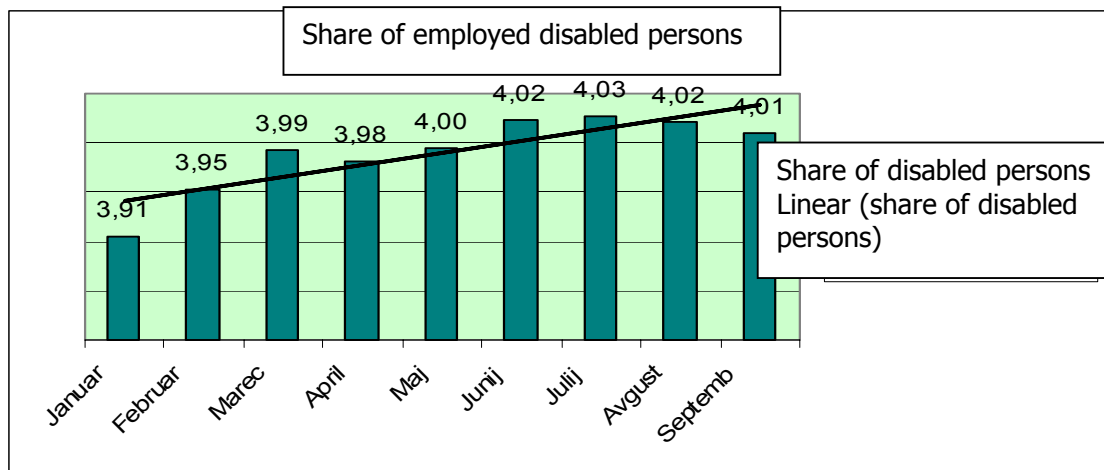
**Table: Number of unemployed disabled persons employed in a year**

| YEAR        | NO. OF NEWLY EMPLOYED |
|-------------|-----------------------|
| 2000        | 1131                  |
| 2001        | 874                   |
| 2002        | 949                   |
| 2003        | 830                   |
| 2004        | 987                   |
| <b>2005</b> | <b>1298</b>           |
| <b>2006</b> | <b>1927</b>           |

Nevertheless, the number of unemployed disabled persons in the records of the Employment Service remains high: 9,507 disabled persons are included in the records of active job seekers as at 31 December 2006, while the number of recipients of allowances in accordance with other regulations (here is the majority of persons with work-related disability receiving allowances from the Pension and Disability Insurance Institute and being unemployed for more than two years) is 15,455.

According to data of the Fund of the Republic of Slovenia to promote the employment of the disabled persons, 32,584 disabled persons were employed in Slovenia as at 31 January 2007.

**Table: Employed disabled persons as a share of total employed persons in Slovenia by month in 2006**



Source: Fund of the Republic of Slovenia to promote the employment of the disabled persons

### 15/3: Integral inclusion in the society and participation in community life

Pursuant to the Vocational Rehabilitation and Employment of Disabled Persons Act several solutions were introduced in Slovenia in order to provide to the most seriously disabled persons inclusion in work in social economy – sheltered employment. The purpose of social economy is integration of disadvantaged groups in the labour market while at the same time producing goods and services generating profit: the activity of social economy entities is intended to serve the public interest, the main purpose of social enterprises is not to maximise profit but to achieve social goals and obtain innovative solutions for solving the problem of unemployed disabled persons. A very common form in social economy in Slovenia is social enterprises with 168 of them operating in 2006. Enforcement of the Act has started to introduce a new form – the employment centre. Eight employment centres operated in Slovenia in 2006. Social enterprises and employment centres employed 6,472 and 109 disabled persons as at 31 December 2006, respectively.

Inclusion of disabled persons is also implemented through the European Social Fund which is the most important financial instrument supporting the European Employment Strategy. The Fund was established in 1957 and has the longest tradition of all structural funds of the European Union. The Fund helps to develop employment by promoting employability, the business spirit and equal opportunities and investing in human resources.

The priority activity areas of the European Social Fund are primarily:

- Active employment policy and labour markets;
- Social inclusion;
- Lifelong learning and mobility;
- Adjustment of individuals and companies and development of entrepreneurship;
- Improving equal opportunities.

Disabled persons are included in all programmes and are a particular target group of the Priority Area 2.

| <b>Programmes of the European Social Fund including disabled persons</b>                 | <b>Number of included disabled persons<br/>(1 January – 30 November 2006)</b> |
|--|---|
| On-the-job training in workshops providing training and practice companies               | 108   |
| On-the-job training and integrated employment programmes                                 | 90  |
| Subsidised employment in the on-the-job training programme and the integrated programmes | 38  |
| Improving computer literacy PHARE  | 875   |
| Co-financing part-time employments   | 10  |
| Promoting creation of new jobs   | 274   |
| Subsidising employment of women  | 2   |
| National qualification system  | 34  |
| Formal education   | 34  |
| On-the-job training programmes and integrated training programmes                        | 142   |

Despite favourable data for 2006 we have to conclude that disabled persons in Slovenia, as is the case in other European countries, remain a vulnerable group facing enormous problems in inclusion on the labour market as well as in developing professional and employment career.

#### **National guidelines for improving built environment, information and communications accessibility for disabled persons**

On 7 December 2005 the Government adopted the National Guidelines to Improve Built Environment, Information and Communications Accessibility for Disabled Persons. The programming period in which objectives are to be implemented is 2006-2015.

The built environment, information and communications accessibility enables integration of disabled persons and other functionally impaired people. However, accessibility is not only important from the point of view of social inclusion but is a precondition for exercising political and civil rights. Without a functionally built accessible environment and access to information it is hard if not impossible to exercise political rights.

Objectives of the guidelines are as follows:

- Alleviation of built and communications hindrances in existing buildings in public use and in public areas;
- An increasing number of residential buildings must be built so that they can be adjusted to physically and sensory impaired people with a minimum construction intervention in the building;
- Provide accessibility of education;

- Provide accessibility of jobs;
- Information in adjusted forms must be provided to sensory impaired disabled persons;
- Persons with mental development disorder must be adequately assisted in understanding of information and included in social developments to the greatest possible extent;
- Accessibility of public transport, both scheduled and urban;
- Adjustment of taxis for transport of physically impaired people;
- Providing transport for guide dogs of blind people in public passenger transport;
- Information.

The National Assembly Elections Act was amended and supplemented in 2006 with regard to accessibility of polling stations to disabled persons: disabled persons must have at least one polling station accessible in each district. The voting and election committee can enable voting with especially adjusted ballot papers and voting machines on that polling station. The amendment has enabled disabled persons to participate in elections.

Several researches related to accessibility were conducted in the last two years. Thus the disabled students studied accessibility of faculty schools and the Ministry of Culture examined libraries and museums. The need for expanding the basic knowledge in educational programmes in civil engineering and architecture is particularly worth noting. However, when pointing to the need for the arrangement of accessibility of the built environment we should not forget the people with sensory impairment, namely the blind and the deaf, who face serious problems in communications. The analysis of accessibility of museums was the one pointing to the lack of the necessary equipment and know-how related to the issue. On the other hand, the analysis showed that staff is particularly well prepared and skilled in dealing with people with mental development disorder. We can therefore see also with regard to accessibility how complex and demanding is the issue of disability – each group of disabled persons faces specific problems and needs special support.

### **Action plan for Disabled Persons 2007-2013**

On the International Day of Disabled Persons in 2006 – 3 December – the government adopted the Action Plan for Disabled Persons 2007-2013. The action plan was based on the Convention on the Rights of Persons with Disabilities, the Action plan of the European Union for Disabled Persons and the Action Plan of the Council of Europe. Slovenia has thus prepared the first development programme aimed at all groups of disabled persons and including objectives from all aspects of life of individuals and the society as a whole. We are convinced that the action plan is modern and feasible as disabled persons, experts and the government administration cooperated in preparation of the programme.

The purpose of the Slovenian action plan for disabled persons is to promote, protect and provide full and equal exercising of human rights by disabled persons and promote the respect for their dignity. The action plan consists of twelve basic objectives with 124 measures comprehensively dealing with all areas of life of disabled persons and relating to the 2007-2013 period.

Objectives of the Action Plan for Disabled Persons 2007-2013:

1. Increase awareness in the society of disabled persons, their contribution to the development of the society, rights, dignity and needs;
2. All disabled persons have the right to choose equally and without discrimination where and how they will live and to be fully included and participating in community life;
3. Provide accessibility of the built environment, transport, information and communications to disabled persons;

4. Provide an inclusive education system at all levels and lifelong learning on the basis of equal opportunities and without discrimination;
5. Provide access to disabled persons to work and employment without discrimination in the working environment which shall be open to disabled persons, inclusive and accessible;
6. Provide to disabled persons adequate living standards, financial assistance and social security;
7. Provide efficient health care to disabled persons;
8. Provide to disabled persons inclusion in cultural activities and participation regarding accessibility to cultural goods on equal basis;
9. Provide participation of disabled persons in sports and recreational activities;
10. Provide equal participation of disabled persons in religious and spiritual life in their communities;
11. Strengthening the activities of organisations of disabled persons;
12. Detecting and preventing violence against and discrimination of disabled persons.

The action plan concludes with the chapter on national implementation and supervision. A working group will be appointed to perform, monitor and supervise implementation of objectives and measures.

### **Act on the Use of Slovene Sign Language (2002)**

Slovenia is one of the few countries in the world where deaf persons are acknowledged the right to sign language as their natural language providing deaf persons with free-of-charge interpreting before all state institutions and additional free-of-charge interpreting for personal needs of deaf persons. The Act on the Use of Slovene Sign Language has been in force since 2002. Pursuant to the Act, deaf persons are entitled to use the Slovene sign language as the language of communication and as the natural means of communication and have the right to be informed in the forms adjusted for them.

A deaf person may exercise the right to use the Slovene sign language by presenting a card. Based on the records, 657 cards were issued in 2004 (the first cards issued in June 2004) and 102 in 2005. Each deaf person receiving a card also receives a voucher to pay an interpreter, which can be used when such a person deems an interpreter is needed for communication. In the proceedings before government authorities, local authorities, public powers holders and public service providers such authorities shall provide funding for an interpreter by themselves.

Sign language interpreters interpret Slovene spoken language into the sign language to deaf persons and the sign language into Slovene spoken language to hearing persons. The Act stipulates that a sign language interpreter must obtain a certificate for the sign language. The Interpreters' Association keeps the list of sign language interpreters, ensures coverage of interpreters in the entire territory of the country and develops the Slovene sign language. The Interpreters' Association is the only institution in the Republic of Slovenia carrying out the preparatory programmes and trainings for future interpreters, and is registered to grant certificates for interpreters.

In addition to the Interpreters' Association which gathers interpreters, the government has also appointed the Slovene sign language council reporting to the government on implementation of the Act at least once a year. The Council monitors implementation of the Act and has so far coordinated individual provisions with various ministries, and assesses that the Act is being successfully implemented. Naturally, there are still some problems in implementation of the Act, notably in education. The Council has set alignment of legislation in that area as a priority in the coming year.

The Act gives the opportunity to deaf persons to use the sign language without restrictions in all proceedings before state institutions which must ensure funding for the work of interpreters. Additionally, the state provides to each deaf person payment of costs of interpreting for 30 hours a year for the individual needs of deaf persons. Secondary school and university students needing more interpreting due to the needs related to education are entitled to paid interpreting of up to 100 hours a year. The funds for payment of those hours of interpreting are provided in the budget.

The government budget spent roughly € 58,000 (SIT 13,952,000) for interpreting in 2004 and € 169,000 (SIT 40,544,000) in 2005 or 290% more than the year before. Additionally, all budget users provide their own funds for interpreting to deaf persons.

The government budget paid for interpreting € 170,000 and € 192,526 in 2005 and 2006, respectively.

### **Forms of sheltered employment**

Forms of sheltered employment in addition to occupational activity centres also include social enterprises, which are a relatively widespread form of sheltered employment in Slovenia and developed from sheltered workshops. The first sheltered workshops in Slovenia were established back in 1947 on the basis of the decree of the government of the FPRY on social enterprises – sheltered workshops. There were as many as 23 sheltered workshops in Slovenia in 1963 and 51 social enterprises in 1991, 100 in 1995 and 168 at the end of 2006. Between those years the number of social enterprises was changing mostly due to societal conditions (e.g. bankruptcy proceedings resulting from the transition, etc.). Slovenia is aware that placing disabled persons on the open labour market is the primary tool for employing disabled persons. Only if disabled persons cannot be employed on the open labour market despite numerous supporting measures, sheltered employment forms can be made available (occupational activity centres and social enterprises). Wages in social enterprises are subsidised only to disabled persons. Other employees therefore receive no wage subsidies. Wage subsidies are intended as a compensation for lower productivity of disabled persons. Certain tax and other breaks are related to social enterprises.

Disability of persons included in occupational activity centres is more serious. Often occupational activity centres are established with institutions. Occupational activity centres also do not involve employment, the included disabled persons are not employed and do not receive salary. They do, however, receive a reward for work activity and a compensation for disability (disability grant) as well as other disability-related allowances for independent life (attendance allowance). In the case of difficult economic situation they also receive cash social assistance.

Pursuant to the Vocational Rehabilitation and Employment of Disabled Persons Act, employment centres are also a form of sheltered employment – see more on their operations in 2005 and 2006 reports. Pilot employment centres operated in 2005 and the centres began with regular operations in 2006.

### **Forms of economic assistance**

Various forms of economic assistance are available to disabled persons for covering additional costs of disability.

**The rights arising from pension and disability insurance** are based on a system social security comprising the system of compulsory pension and disability insurance.

Two allowances are intended for covering additional costs: attendance allowance and disability grant.

The attendance allowance is intended for payment of costs incurred by a person due to changes in health condition for performing the basic life needs because it needs attendance by another person. It is a monthly cash payment for which persons receiving old-age, disability, family or widow's pension as well as other categories of persons pursuant to law (blind and partially sighted, bedridden, etc.) are eligible. The attendance allowance may be paid in three amounts – 100% for the most seriously impaired beneficiaries requiring 24-hour assistance, and 70% and 50% for performing all or the majority of life needs, respectively.

The disability grant is an allowance received by a person for physical disorder. The disability grant is a monthly payment to which an insured person is entitled in the case of physical disorder occurring during the insurance period or during receiving of pension. Physical disorder is given in the case an insured person suffers from loss, material damage or material impairment of individual organs or body parts, which obstructs activities and requires large efforts in satisfying of life needs. Physical disorders are classified in eight levels from 30% to 100%.

Data on recipients of the attendance allowance and disability grant for June 2007:

- All persons receiving attendance allowance are 29,006 of which 418 with the most serious disability (1.4%) receiving € 369.49; 11,417 with the higher amount (€ 258.65); 16,515 with the lower amount (€ 129.32); and 656 with the proportionate amount.
- Recipients of disability grant are 55,635 of which 49,474 (88.9%) together with pension and others as an independent allowance. The amount of the disability grant ranges from € 36.95 to € 88.68 in employment and € 25.86 to € 62.07 outside employment.

Pursuant to the **Parental Protection and Family Benefit Act** it is possible to obtain benefit for child care for children requiring special care and attendance, which is intended for covering increased cost of living of the family resulting from caring for such a child. The monthly amount was € 87.88 and € 90.08 in 2006 and 2007, respectively. The monthly benefit for children with serious mental development disorder or seriously physically impaired children requiring special care and attendance was € 175.81 and € 180.21 in 2006 and 2007, respectively. The Act also envisages the right to partial payment for lost personal income received by a parent in case (s)he leaves employment or begins to work part-time in order to care for and attend to a child with serious mental development disorder or serious physical impairment. The monthly amount of this allowance was € 521.83 in 2006 and rose by 0.49% in 2007.

Pursuant to the **Social Security Act**, the attendance allowance may be received by persons, who are incapable to work due to age, illness or disability, urgently require the assistance of another person to perform basic life needs and do not receive this allowance in accordance with other regulations. The amount is identical to that in line with the regulations on pension and disability insurance.

The attendance allowance and the disability grant may be received by disabled persons also in accordance with the **Act Concerning Social Care of Mentally and Physically Handicapped Persons**. Such disabled persons cannot be trained to live and work independently. The right to such allowances is granted to persons when they turn 18. The disability grant equalled € 257.51 in 2006. The allowance was € 147.15 for persons requiring assistance in performing all basic life needs and € 73.57 for persons requiring assistance in performing the majority of basic life needs. The amounts are annually aligned with the annual consumer price increase.

Pursuant to the **War Disabled Act**, the disabled persons are entitled to the disability grant, the allowance for specific disability (in the case of a combination of the most serious handicaps), the



attendance allowance, and the disability allowance (in the case of incapacity to work) intended for war disabled to cover the increased cost of living due to their disability. Allowances are linked to the level of disability.

### **Technical devices in the health care system**

Insured persons are provided with medical technical devices needed for treatment and medical rehabilitation. This includes the right to prosthesis, orthosis and orthopaedic shoes, wheelchairs and other devices for moving, standing and sitting, eyesight devices, hearing devices and devices for speech and sight, oxygen concentrators and other devices for maintaining constant pressure in the respiratory system, prosthesis and orthosis, and includes the cost of regular maintenance in full and the cost of repair and part replacement of such devices up to 50% of the price standard or the purchase price of the device. The cost of repair required due to inappropriate handling by the insured person is covered by the insured person. The insured person also covers the cost of replacing batteries on wheelchairs on electromotor drive in the first two years. The cost of repair in the warranty period needed due to inadequate quality or defects in material is covered by the vendor.

As a rule, the devices become ownership of the insured person unless they were given only on lease and in the case of the right to a guide dog.

The Institute may exceptionally approve to an insured person a device or full or partial refund of the cost of purchasing a device which is otherwise not included in rights arising from compulsory health insurance.

Compulsory health insurance covers the full cost of only some health care services to insured persons. They primarily include health care for the most serious illnesses (e.g. muscle and muscle nerve diseases, paraplegia, tetraplegia, cerebral paralysis, mental illnesses, multiple sclerosis, etc.) and for services intended for particular groups of insured persons (including children and adolescents with mental development disorder). Payment of other health care services is granted to insured persons from compulsory health insurance only in a certain percentage of their value. Individuals may obtain supplementary health insurance for the difference to the full price of such services (voluntary supplementary health insurance) otherwise they are self-payers.

Notwithstanding the previous paragraph, health care services are paid in full to war disabled with the difference above the level covered by the compulsory insurance paid from the budget.

The Health Insurance Institute may approve full payment of an orthopaedic, orthotic or another device to disabled persons and other persons with the acknowledged need for attendance in performing the majority or all life functions, disabled persons with at least 70% disability under the law on pension and disability insurance, and persons receiving the disability grant under the Act Concerning Social Care of Mentally and Physically Handicapped Persons.

### **Domestic help and personal assistance**

The Ministry of Labour, Family and Social Affairs co-financed through a public invitation in 2007 four programmes for independent life with personal assistance in the total amount of € 155,489.28. The four programmes included 244 users receiving personal assistance in 2007. The programmes comprised personal assistance to users – disabled persons – ranging from 2 to 24 hours depending on their needs in independent life. They included both personal assistance in daily tasks and social inclusion of disabled persons in the society. Three programmes for independent life of disabled persons with

personal assistance include 156 users. The programme enabling independent life of students includes 88 users. Additionally, the main financiers of the personal assistance programmes for 2007 are: the Employment Service of Slovenia and its offices in the amount earmarked for personal assistants equalling € 873,564 and the Foundation for Financing Disability and Humanitarian Organisations (FIHO) € 320,203 for the four programmes.

**Family assistants** were introduced in 2004 and have an important role primarily in providing quality old age to disabled persons. They are intended foremost for those disabled persons, who believe that the institutions do not offer them sufficient intimacy, individuality, solidarity, personal communications, homeliness and warmth. New forms of care for disabled persons are thus sought.

The institute of family assistants is the right of persons eligible for institutional care to choose in the cases and subject to conditions laid down in the Social Security Act (Official Gazette of the RS, no. 3/2007 – official consolidated text, 23/2007 – corr., 41/2007 – corr. and 114/2007 – ZUTPG) a family assistant offering help in the domestic environment instead of 24-hour institutional care.

The institute of family assistants introduces changes in the comprehension of care for disabled persons by shifting the issue from family members and specialised institutions to an entire system of caring for such people. The basic right to choose a family assistant is therefore care of the society for disabled persons in their domestic environment.

Pursuant to the Rules on conditions and procedure for exercising the right to choose family assistant (Official Gazette of the RS, no. 19/2007) a disabled person is:

- A person with serious mental development disorder or a person with a reduced general or specific level of intelligence, reduced ability in cognitive, speech, motor and social area and lack of skills which is reflected in a mismatch between the person's mental and chronological age, a person who can only be trained to participate in individual activities, needs constant care, attendance, assistance and guidance, is physically impaired, additional serious impairments, illnesses and conditions are present, understanding and complying with instructions is severely limited.
- Seriously physically impaired person or a person with innate or acquired impairments, damage to the motor apparatus, central or peripheral nervous system, physical impairment is reflected in functional and physical impairments, possibly also in the limited accessibility of the social environment and in establishing social contacts, seriously physically impaired person has severe physical impairments causing total functional dependence, independent moving is not possible, may move independently by using electromotor wheelchair, needs special devices for sitting, has little functional movements of hands, possibly special adjustments for eating (a sound), dependent on assistance in all daily tasks, may partially eat independently, any defect of sphincters is serious and requires assistance by another person in activities.

Pursuant to the Social Security Act (Article 18a), the right to choose a family assistant is granted to a disabled person:

- For whom a parent took care before exercising the right to a family assistant, who received partial compensation for lost income in accordance with the regulations on parental care;
- Who is a disabled person pursuant to the Act Concerning Social Care of Mentally and Physically Handicapped Persons (Official Gazette of the RS, no. 41/1983) requiring assistance in performing all basic life needs; or

- For whom the committee for granting the right to choose a family assistant determines that it is a person with serious mental development disorder requiring assistance in performing all basic life needs or seriously physically impaired person requiring assistance in performing all basic life needs.

The status of a family assistant does not involve employment relationship as regulated by the labour laws and therefore includes no rights from employment (no holiday allowance, holidays, sick leave, etc.) and the relationship also has no formal employer.

A family assistant is a person offering the needed assistance to a disabled person. It may be a person having the same permanent residence as the disabled person, i.e. a family member (father or mother, son or daughter, brother or sister, uncle or aunt, grandfather or grandmother, etc.). A disabled person may under certain conditions stipulated by the law choose another person as family assistant (not only a parent).

A family assistant may be only a person, who has for the purpose of becoming a family assistant withdrew from the records of job seekers or left the labour market. A family assistant may also be a person working part-time.

A family assistant providing the disabled person with care in the domestic environment shall have appropriate attitude towards the disabled person and be skilled in communicating and dealing with the disabled person. A family assistant contributes to the appropriate care and satisfaction of the desires and needs of a disabled person by performing the tasks and duties of a family assistant, namely:

- Personal care: assistance in performing basic life needs, eating, drinking, dressing and undressing, washing, getting up, moving, turning, using the toilet, protection of the beneficiary
- Health care:
  - o Cooperation with the personal physician of the disabled person
  - o Organising access to the required health care services
  - o Ensuring abiding by the prescribed treatment and assistance in taking medications
  - o Performing certain physiotherapeutic procedures, dressing of wounds and prevention of and attendance to bedsores
  - o Getting the prescribed medications and devices by referral slip
  - o Assistance in movement
  - o Assistance in use and cleaning of devices
- Social care and organising spare time activities:
  - o Assistance in establishing and maintaining a social network
  - o Organising spare time activities
  - o Arranging mail of the disabled person, informing the institutions on the condition and needs of the disabled person
- Household assistance:
  - o Preparing the appropriate diet food and beverages
  - o Maintenance of premises in which the disabled person lives
  - o Making and changing the bed
  - o Cleaning and ironing
  - o Arrangement of the dwelling premises in accordance with the needs of the disabled person

## **Non-discrimination in housing**

Article 87 of the Housing Act (2003) stipulates that disabled persons and families with a disabled family member have priority in renting non-profit housing. Additionally, Article 3 of the Rules on renting non-profit apartments stipulates that disabled persons permanently depending on the use of a wheelchair or permanent assistance of another person may regardless of the location of their permanent residence apply for non-profit housing in another municipality with better job opportunities or where assistance by another person and health care is provided to them. The Rules also stipulate that as an exception for a disabled person or a family with a disabled family member with hindered or prevented normal moving, the upper limit for subsidising the rent will be the actual area of the apartment, and Article 15 stipulates that in granting non-profit housing the norms regarding the area may be exceeded by accounting for the additional living or sleeping quarters if so required by the family or social and health conditions, such as for example in the case of serious disability, serious illness requiring permanent care, etc. Article 16 of the Rules stipulates that in case the non-profit housing is intended for a disabled person or a family with a disabled family member with hindered or prevented normal moving, the need for abolishing architectural obstacles in the apartment or in access or exit from the residential building as well as sufficient areas for moving with a wheelchair shall be provided upon granting non-profit housing.

Article 17 of the Construction Act (2002) stipulates the obligations related to providing unhindered movement of functionally impaired persons. All newly built or reconstructed buildings in public use shall provide to functionally impaired people (physically impaired, blind, deaf people, etc.) access, entry and use with no built and communications obstacles whereby the Act specifically stipulates that entry, access and use of buildings with no built and communications obstacles is provided by design and construction.

In accordance with the National Housing Programme (2000) and the public invitations of the Housing Fund of the Republic of Slovenia, disabled persons or families with a disabled family member or child with physical and mental development disorder or with permanent incapacity for work, by taking into account the criteria of the invitation, have priority or a bigger loan is granted to them.

In 2007, the Ministry co-financed additional six programmes comprising living in residential communities and programmes offering assistance to disabled persons in independent life at home or in a residential community in the total amount of € 62,560.48. The total amount of co-financing of the abovementioned programmes by the Ministry was € 257,162.59 in 2007.

## **Telecommunications and access to information & communications technology for disabled persons**

The Decree on measures for disabled end-users (2005) stipulates end users – disabled persons – which pursuant to Article 2 include blind or partially sighted end users or subscribers for whom at least 90% physical impairment was established due to the loss of sight; deaf and hearing impaired end users or subscribers for whom at least 70% impairment was established due to the loss of hearing; end users or subscribers for whom at least 80% physical impairment was established whereby the lowest percentage of a physical impairment being added up is at least 70%.

Pursuant to Article 3 such users have the right to priority treatment in hook up to the public telephone network at a fixed location. End users – disabled persons – with no funds to satisfy the basic life needs in the amount enabling survival have the right to a 50% discount in hook up to the public telephone network at a fixed location.

The provider shall also give free-of-charge priority to end users – disabled persons – in the case of removing defects on the access line to the end user – disabled person. If end users – disabled persons – are not the subscribers, eligibility shall be proven by a proof of permanent or temporary residence at the address of the network access point they use.

Article 4 stipulates that:

- i. The general terms and conditions for access to public telephone service at a fixed location and the pertaining tariffs shall be available as a sound recording or in a form enabling reading in Braille;
- ii. Provider of a universal service shall give to disabled persons without funds to satisfy the basic life needs in the amount enabling survival a 5% discount on the monthly subscription for publicly accessible telephone service at a fixed location;
- iii. Provider of a universal service shall enable blind and partially sighted subscribers – disabled persons – to be informed on the bill amount by audio messages.

Pursuant to Article 5, the provider of a universal service shall with the appropriate previous verification of eligibility enable blind and partially sighted end users – disabled persons – to have available on a special free-of-charge telephone number data from the universal telephone book in audio form and that the number also provides assistance in call forwarding.

The eligibility criteria for access to the Arnes network ([www.arnes.si](http://www.arnes.si)) specify that disabled persons and organisations of disabled persons have the option to use the Internet services (e-mail address, web mail, space on the server for e-mail and a website, permanent IP address in the case of access via a cable network).

## **Transport**

The Self-management agreement on the right of blind people and the persons escorting them to discounted or free-of-charge tickets in domestic transport (1981) specifies the right of blind people and the persons escorting them and people with muscle and nerve muscle diseases to discounted or free-of-charge tickets in domestic public transport. Eligibility is proven by a valid document and may be used up to six times a year.

The ministry of Labour, Family and Social Affairs co-financed in 2007 through public invitations four transport programmes (three programmes for paraplegics and one programme for blind and partially sighted) enabling independent life of disabled persons in the total amount of € 39,112.83.

### **Cultural activities, recreation and sports**

The projects for cultural activities of disabled persons are performed through public invitations implemented by the Ministry of Culture. They are primarily projects for the blind and partially sighted and the deaf and hearing impaired. The legal grounds consist of the Public Media Act, the Libraries Act and the Act on Enforcing Public Interest in the Field of Culture. The public invitations and projects depend on the available funding.

Furthermore, the Foundation for Financing Disability and Humanitarian Organisations (FIHO) since 1998 when it was established annually allocates funding to the programmes of organisations of disabled persons, which implement special programmes tailored to the needs of disabled persons not met by the state in full. The programmes are financed by the Foundation for Financing Disability and Humanitarian Organisations (established by the government to be used for (co-)financing activities benefiting the society at large). The Foundation financed more than 300 various programmes in 2006. They primarily include programmes of rehabilitation and maintaining health, psychosocial assistance and technical devices by which disabled persons compensate for the high level of hindrances in performing of daily tasks. They are also programmes for social gatherings, recreational and sports activities, spare time activities, and programmes of specific and supplementary education.

The plan for 2006 was that FIHO would allocate € 3,195,307,678 among organisations of disabled persons for their programmes.

The core activity of the Foundation is financing or co-financing of the following:

- Special social programmes and services of organisations of disabled persons and programmes of humanitarian organisations for dealing with social issues and problems and social needs of individuals;
- Work of organisations of disabled persons and humanitarian organisations;
- Investments in fixed assets of organisations of disabled persons and humanitarian organisations and maintenance thereof.

FIHO manages assets obtained from gaming duties pursuant to the Gaming Act (Official Gazette of the RS, no. 27/95), namely by:

- Payment of concession fees for permanent organising of classic games of chance;
- Payment of concession fees for organising of special games of chance;
- Payment of concession fees for occasional organising of classic games of chance.

FIHO also manages funds obtained by donations, legacies and other revenues.

## **Article 18: THE RIGHT TO ENGAGE IN A GAINFUL OCCUPATION IN THE TERRITORY OF OTHER PARTIES**

### **18/1: The application of existing regulations in a spirit of liberality**

#### **Entry, exit and residence of aliens in the Republic of Slovenia**

The entry, exit and residence of aliens in Slovenia are regulated by the Aliens Act (Official Gazette of the Republic of Slovenia [Uradni list Republike Slovenije/Ur.l. RS] No. 107/06 - officially consolidated text). In accordance with this act, aliens entering Slovenia for employment or work, for research work, seasonal work, as workers on secondment or as daily migrant workers, must in order to enter and reside in Slovenia have a residence permit, which unless otherwise provided by the Aliens Act must be obtained prior to entering the country. This arrangement applies to aliens who are citizens of third countries, that is, aliens who are not citizens of one of the Member States of the European Economic Area.

Since 1 May 2004, that is, since the accession of Slovenia as a full Member State to the European Union, different provisions for entry and residence in Slovenia have applied to citizens of European Economic Area Member States, in other words citizens of the signatories to the Agreement creating the European Economic Area (in addition to the Member States of the European Union, this includes Norway, Iceland and Liechtenstein). On the day it acceded to full membership in the European Union, in accordance with Article 100 of the Aliens Act (Ur. l. RS, No. 108/02 - officially consolidated text) Slovenia began to apply directly the European Union directives in the area of the free flow of persons, including Council Directive 68/360/EEC of 15 October 1968 on the abolition of restrictions on movement and residence within the Community for workers of Member States and their families (OJ L 257 of 19 October 1968) and Council Directive 73/148/EEC of 21 May 1973 on the abolition of restrictions on movement and residence within the Community for nationals of Member States with regard to establishment and the provision of services (OJ L 172 of 28 June 1973). In accordance with the European Union directives in the area of the free flow of persons, since 1 May 2004 citizens of the European Economic Area Member States have been able to enter Slovenia with a personal identification document or a valid passport, in other words no permit such as a visa or residence permit have been required for entry, irrespective of the purpose of entry into Slovenia, in other words even if they have entered Slovenia for employment, self-employment, work or the performance or provision of services. For the first three months after entering Slovenia, they have required no residence permit, while for stays of longer than three months they must obtain a residence permit at the administrative unit in Slovenia in the area where they are residing. In accordance with Council Directive 68/360/EEC of 15 October 1968, residence permits have been issued to citizens of European Economic Area Member States on the condition that they hold a valid identity card or passport and confirmation from the employer that the citizen will be employed or confirmation of employment or the performance of work, where they have already been employed or already performed work. In accordance with Council Directive 73/148/EEC of 21 May 1973, residence permits have been issued to citizens of European Economic Area states who have been performing work as self-employed persons or provided and used services, if they hold a valid identity card or passport and evidence that they are self-employed or providing or using services.

These arrangements applied to European Economic Area citizens up until 20 November 2005, which marked the entry into force of the **Act Amending the Aliens Act (Ur. l. RS, No. 93/05), which**

**transposed into Slovenian law, that is, the Aliens Act (Ur. l. RS, No. 108/02 - officially consolidated text)** the new European Union directive in the area of the free flow of persons and repealing earlier directives, that is, Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (OJ L No 158 of 30 April 2004, p. 77). This revision provided the Aliens Act with a new chapter XII. A entitled Entry and residence of citizens of the European Union Member States and their family members and the family members of Slovenian citizens, the provisions of which also apply to citizens of the European Economic Area. Since the revision of the Aliens Act, in other words since 20 November 2005, citizens of the European Economic Area have been able to enter Slovenia, irrespective of the purpose of residence, with a valid identity card or passport, requiring no entry permit (visa or residence permit), and on the basis of such identification documents they may stay in the country for three months. For stays longer than three months they must apply at the administrative unit in Slovenia in the area where they are residing for a certificate of registration of residence, in other words no longer a temporary residence permit. The conditions for issuing confirmation of registration of residence are determined in view of the reason for the stay, where the reasons for issuing such certificates include employment or work, self-employment and the provision of services. Citizens of the European Economic Area who intend to take employment or work in Slovenia, and citizens of the European Economic Area who are already employed or have already worked in Slovenia, may be issued with certificates of registration of residence if they hold a valid personal identity card or valid passport, and confirmation from the employer that they will be employed, or confirmation of employment or having performed work, if they are already employed or have performed work. Under the aforementioned conditions, certificates of registration of residence are also issued to European Economic Area citizens who perform seasonal work in Slovenia or perform work on the basis of a contract between a foreign provider and a client in Slovenia (seconded workers), who must also hold proof of secondment for work in Slovenia. Certificates of registration of residence may be issued to citizens of European Economic Area states who perform work as self-employed persons or provide services in Slovenia, if they hold a valid identity card or passport and evidence that they are self-employed or providing services.

Citizens of the European Economic Area, including those who enter Slovenia for employment or work as self-employed persons and as service providers, are therefore subject to special, relaxed conditions of entry and stay in Slovenia. As has already been stated, in order to enter Slovenia they require only a valid identity card or passport, and not an entry permit, in other words a visa or residence permit. On the basis of a valid personal identity card or passport, they may stay in Slovenia for three months from the day of entry, irrespective of the purpose or reason for their stay, while for longer stays they must obtain a certificate of registration of residence, which they request at the administrative unit in Slovenia in the area where they are staying. In comparison with the conditions which other aliens, i.e. citizens of third countries, must fulfil for obtaining temporary residence permits, the conditions for obtaining certificates of registration of residence have also been relaxed. Furthermore the Act Amending the Aliens Act (Ur. l. RS, No. 93/05) also provides for cases where certificates of registration of residence do not expire for citizens of the European Economic Area residing in Slovenia on the basis of registration of residence for the purpose of employment or work, even though their employment in Slovenia has ceased. Certificates of registration of residence do not expire for European Economic Area citizens if their employment ceases for reason of temporary incapacity to work owing to sickness or accident, and if they lose their employment through no fault of their own, where such employment in Slovenia has lasted for more than one year, and the person is registered as a job seeker, which must be confirmed by the competent employment authority, and in the event of being enrolled in vocational training. Where a European Economic Area citizen is registered as unemployed following the termination of employment based on a fixed term employment contract of less than one year, or if through no fault of their own the person



becomes unemployed in the first 12 months of working in Slovenia and is registered as a job seeker, that person's registration of residence expires six months after the termination of employment, if they do not fulfil the conditions for the issuing of a certificate of registration of residence for another purpose or reason for staying in Slovenia.

The Act Amending the Aliens Act (Ur. I. RS, No. 93/05) also made new provisions for the conditions under which European Economic Area (EEA) citizens may obtain permanent residence permits, which are issued for an unlimited period of residence in Slovenia. Permanent residence permits may be issued to EEA citizens who have resided in Slovenia without interruption for five years on the basis of a certificate of registration of residence and if there exist no grounds to suspect that they might pose a threat to public order or state security. The act further provides what absences do not count as interrupting the aforementioned five-year period, including a single absence from Slovenia up to a maximum of 12 consecutive months owing to professional training or posting to a job in another country. The act also enables the obtaining of a permanent residence permit before completion of the five-year period. Thus a permanent residence permit may be issued to a citizen of the EEA prior to the completion of five years of uninterrupted residence in Slovenia, on the basis of a certificate of registration of residence, where such citizen has been employed or self-employed in Slovenia and has ceased working, and is according to Slovenian regulations entitled to receive an old-age pension; it may also be issued to an EEA citizen who has been employed in Slovenia for the past 12 months and has taken early retirement, if that person has resided without interruption for more than three years on the basis of a certificate of registration of residence; also to an EEA citizen who was employed in Slovenia or performed work as a self-employed person and ceased work owing to long-term incapacity to work, if they have resided in Slovenia without interruption for more than two years on the basis of a certificate of registration of residence, although where the long-term incapacity to work is a consequence of an accident at work or occupational disease and the person is entitled to a disability pension in Slovenia, the length of residence is not a condition; and to an EEA citizen who as an employed or self-employed person, after three years of uninterrupted employment or work as a self-employed person and uninterrupted residence in Slovenia on the basis of a certificate of registration of residence is employed in another Member State of the EEA and every day or at least once a week returns to Slovenia.

**The Act Amending the Aliens Act (Ur. I. RS, No. 93/05), also transposed into Slovenian law, that is, the Aliens Act (Ur. I. RS, No. 108/02 – officially consolidated text) Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents (OJ L No 16 of 23 January 2004, p. 44) for which reason since 20 November 2005 there has been a slight change to the arrangements for issuing permanent residence permits for citizens of third countries; the period of residence for an alien in the country as a condition for obtaining a permanent residence permit has been shortened from eight to five years of uninterrupted residence in Slovenia on the basis of a temporary residence permit.**

The Act Amending the Aliens Act (Ur. I. RS, No. 93/05) also made new provisions where in the event of the issuing of a permit for the first temporary residence for the cross-border performance of services with seconded workers, the legal representative of the contracting parties may submit an application for the permit for a seconded worker to an administrative unit in Slovenia and not just to a Slovenian diplomatic or consular mission abroad. Since 20 November 2005, therefore, the legal representative of contracting parties has been able to submit applications for a first residence permit for seconded workers either at an administrative unit in Slovenia, or at a Slovenian diplomatic or consular mission abroad, in other words exactly as it was possible prior to the revision for employers requesting a first permit for seasonal workers.

The Act Amending the Aliens Act (Ur. l. RS, No. 79/06) entered into force on 26 August 2006, and just like the Act Amending the Aliens Act (Ur. l. RS, No. 93/05), it was drafted and adopted primarily for the purpose of harmonising national law, i.e. the Aliens Act, with the European Union acquis. The new amendments transposed into the Aliens Act Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research (OJ L No 289, 3 November 2005, p. 15). In this way aliens (researchers) intending to perform research work in Slovenia may be issued with temporary residence permits, if they have a formal agreement on being a guest at a research organisation in Slovenia and if they fulfil the other conditions for the issuing of a residence permit, that is, they hold a valid passport, adequate health insurance and adequate funds to live on. Applications for temporary residence permits may be submitted by researchers or research organisations. Researchers must submit applications for a permit for first residence at a Slovenian diplomatic or consular mission abroad, and the research organisation may submit such applications at a Slovenian diplomatic or consular mission abroad or at the competent authority in Slovenia, that is, at the administrative unit in the area where the researcher intends to reside. In either case, however, the researcher must remain abroad while waiting for a decision on the application for a first permit, since the issued permit for first residence is handed over personally to the researcher at the competent Slovenia diplomatic or consular mission abroad. Permits for first residence are issued to researchers for the period of their work under the guest agreement, but for no longer than one year. Prior to the completion of work under the guest agreement, the permit may be extended for one year.

Once the Schengen Convention begins to apply to Slovenia entirely, entry and residence in Slovenia will be eased for those researchers who are citizens of third countries and who have a guest agreement and a research permit in another Member State of the European Union, and who in order to do certain work under that agreement will stay in Slovenia for up to three months. Such researchers will be able to enter Slovenia without a visa or residence permit and stay in the country for up to three months on the basis of the permit issued in another European Union Member State. For stays longer than three months, however, they must obtain a residence permit, for which they themselves or the research organisation may apply at a Slovenian diplomatic or consular mission abroad or at the competent administrative unit in Slovenia within three months of the researcher's arrival in Slovenia, or prior to the expiry of validity of the residence permit issued in the other European Union Member State. In the above case, therefore, researchers can themselves apply for a first residence permit at the competent administrative unit in Slovenia, in other words within the country, and they may also stay in the country while awaiting the outcome.

In its report, the European Committee of Social Rights states that foreign workers entering Slovenia for the first time may enter only on the basis of a previously issued temporary residence permit, where in accordance with the second paragraph of Article 5 of the Aliens Act (Ur. l. RS, No. 107/06 – officially consolidated text) there may be certain quotas for these permits. In relation to the quotas, we should explain that the valid Aliens Act allows for the possibility of setting quotas, that is, fixing the number of residence permits which may be issued to aliens in the current year and in this way limiting the number of permits issued, but the Slovenian Government, which is empowered under the Aliens Act to set quotas, has for the moment not yet set any quotas.

The European Committee of Social Rights further states that the system as provided by the Aliens Act, whereby temporary residence permits are usually issued for a fixed period and for a fixed purpose of stay in Slovenia, is restrictive, since it does not enable access by foreigners to various jobs or work. In this connection we should explain that employment or work is one of the purposes for which temporary residence permits are issued to aliens to stay in Slovenia. The Aliens Act distinguishes and provides separately for the issuing of temporary residence permits for employment or work, then temporary residence permits for research work, temporary residence permits for seasonal work, temporary

residence permits for seconded workers and temporary residence permits for daily migrant workers, but in no way does the Act restrict aliens in their choice of employer or job. Thus for instance an alien who holds a temporary residence permit for employment or work may take employment at any employer whatsoever in Slovenia that obtains a work permit for them, and if the alien wishes after the employment has ended to perform, for example, seasonal work in Slovenia, prior to the expiry of the temporary residence permit they may apply for a further temporary residence permit in order to perform seasonal work.

As the European Committee of Social Rights correctly ascertains, aliens entering Slovenia for employment or work, must in order to enter and reside in Slovenia have a residence permit, which unless otherwise provided by the Aliens Act must be obtained prior to entering the country. In connection with this system we would again stress that it applies only for aliens who are citizens of third countries, in other words aliens who are not EEA citizens, and it is a consequence of harmonising national law, that is, the Aliens Act, with the European Union acquis. Citizens of EEA states, in other words the great majority of Council of Europe Member State citizens, who enter Slovenia for employment or work, are able under the system in force to obtain certificates of registration of residence in Slovenia, since they can apply for such registration at the competent administrative unit in Slovenia in the area in which they are staying, in other words after their arrival in Slovenia, and they require no such registration at all for stays shorter than three months.

The official records of temporary and permanent residence permits kept pursuant to the first paragraph of Article 85 of the Aliens Act show that in the period from 1 January 2005 to 31 December 2006, a total of 77,500 temporary residence permits were issued to citizens of Council of Europe Member States, of which 40,958 were issued for employment or work, 11,787 for the performance of seasonal work, 4,157 for seconded workers and 2,182 for daily migrant workers. The highest number of temporary residence permits were issued to citizens of Bosnia and Herzegovina, followed by citizens of Serbia and Montenegro, FYR Macedonia and Croatia.

In the aforementioned period, 11,825 permanent residence permits were issued to citizens of Council of Europe Member States.

Since 20 November 2005, when the Act Amending the Aliens Act (Ur. l. RS, No. 93/05) entered into force, a total of 2,025 certificates of registration of residence were issued to Council of Europe Member State citizens who are also EEA citizens, and of that total, 1,194 were issued for employment or work and 40 for self-employment and the provision of services.

### **Work permits**

The European Committee of Social Rights (ECSR) has determined that in accordance with migration policy and taking into account the situation and trends in the labour market, the Slovenian Government sets an annual quota of work permits (the quota) whereby it limits the number of aliens in the labour market, which number may not exceed annually 5% of the active population. Here the ECSR cites an incorrect legal basis, which is not Article 5 of the Aliens Act but the second paragraph of Article 5 of the Work and Employment of Aliens Act. On this basis in 2004, 2005, 2006 and 2007 the Slovenian Government adopted Decrees setting the quota of work permits serving to limit the number of aliens in the labour market. In the first three years the quota set in the decree was not entirely used. In 2007 the Slovenian Government increased the quota in June and in this way ensured the unimpeded issuing of work permits. Quotas are set for the purpose of employing aliens, seconded aliens, training and development, seasonal work by aliens and individual services of aliens. Personal work permits and permits for the work of foreign representatives are issued irrespective of whether the quota is used up.

At the end of 2006 there were 50,734 valid work permits in existence, and only 18,601 of them were counted in the work permit quota.

An overview of the level of use of work permit quotas since 2004:

| year | Level of use of work permit quotas |
|------|------------------------------------|
| 2004 | 88%                                |
| 2005 | 93%                                |
| 2006 | 96%                                |

### **Access to the national labour market**

In connection with the possibility of aliens being able to settle all formalities in relation to obtaining work permits both in the country of which they are citizens and in the country which they are entering, we should explain that work permits for aliens are requested by the employers in Slovenia by which the alien wishes to be employed, and such employers also settle all other formalities in connection with this procedure. Both employment permits and work permits are issued to employers which apply for them, provided that the alien and employer fulfil all the legally prescribed conditions and that the quota is not yet used up. Aliens themselves apply only for personal work permits, the condition for which is a residence permit, in other words, that the alien is already in Slovenia.

The ECSR also notes that the regulations governing the entry of aliens into Slovenia and the labour market are strict. This highlights two procedures for issuing work permits and residence permits, and also Slovenia's requirement that work permits be issued to alien workers only in the event that no suitable Slovenian candidates are available.

We believe that it would be worth considering in the long term the proposal for introducing a single residence and work permit, since this would contribute to the removal of administrative barriers in the procedure of issuing work permits and residence permits in the light of the adoption of new EU legislation – the proposed framework directive on the rights of migrants from third countries and a single permit. By linking up the records of the competent institutions involved in the procedure of issuing work permits and residence permits, we have already taken a step forward towards simplifying the system.

With regard to the currently valid legislation in Slovenia regulating the employment and residence of aliens (the Employment and Work of Aliens Act and the Aliens Act), which are two separate procedures, in order to achieve the objective – the issuing of single permit for residence and work and one contact institution for migrant workers – two systemic laws would need to be amended. With regard to the implementation of the proposed introduction of a single permit for residence and work, a feasibility study will first need to be carried out.

In order to protect the Slovenian labour market, the second paragraph of Article 11 of the Employment and Work of Aliens Act provides that employment permits for aliens may be issued upon the application of employers, in the event that employment of an alien will not adversely affect the labour market, especially regarding the level of national unemployment, the structure of employment and the regional needs to create new jobs within branches of the economy.

The ECSR draws on the legislative provisions for the employment of aliens from 2001, so we should add that the Employment and Work of Aliens Act was amended and supplemented in 2005 and 2007.

These amendments and supplements expanded the circle of aliens who can apply for personal work permits for three years, while for employment permits for professions of which there is a lack in the labour market, there is no longer the requirement that there are no suitable candidates in the records of unemployed persons. The first employment permit is issued for a period of three years, and this may then be extended for a further year, for which the procedure has been greatly simplified. After two years an alien with at least professional education, who has been for the past two years employed without interruption at the same employer or legal successor thereto, may apply for a personal work permit valid for three years.

Since 25 May 2006 the Slovenian Government has observed reciprocity, and has introduced the free movement of workers who are EU and EEA citizens, who no longer require work permits for employment and work in Slovenia.

With regard to the ECSR question concerning the average time for the issuing of work permits (personal work permit, work permit, employment permit) we should explain that in the procedure for obtaining an employment permit for an alien, in addition to the conditions that must be met by the employer and the alien, the Employment Service of Slovenia is bound to check whether the records of unemployed persons show any suitable Slovenian candidates or persons who in terms of the right to employment are equal to Slovenian citizens, and this requires a special determination procedure in which the Employment Service of Slovenia must issue a decision within two months, in accordance with the General Administrative Procedure Act.

In procedures for the issuing of employment permits, where in view of the nature of the work the employment of an alien is not tied to the labour market and the domestic labour market is not scrutinised (such as for the employment of executive staff which are lacking in the Slovenian labour market), the Employment Service of Slovenia must issue a decision within one month.

The Employment Service of Slovenia decides on applications for personal work permits for an indefinite period within one month, and on applications for other personal work permits within two months. The Employment Service of Slovenia must decide on applications for work permits within two months.

### **Consequences of loss of employment**

The report states that alien workers must return their work permits in the event of the termination of their employment contract with the employer or the conclusion of such contract prior to the expiry of the work permit. This assertion is not accurate; employment or work permits must be returned by the employer, since they are issued on the application of the employer.

The report also mentions the strict regulations in the event of early termination of employment or independent activity by self-employed workers.

In this connection we should point out the amendments to the Employment and Work of Aliens Act, which enables aliens who have been self-employed in Slovenia for two years and aliens with at least professional education after two years of employment at the same employer to obtain personal work permits for three years. In the area of employment, aliens with personal work permits are equal to Slovenian citizens and may take employment at any employer, and they may also register as unemployed persons at the Employment Service of Slovenia.

The amendments and supplements to the Employment and Work of Aliens Act in 2007 removed administrative barriers and the requirement for unnecessary evidence. Emphasis is placed on the

procedure for obtaining the first work permit, with the procedure for extending it having been greatly simplified. Moreover in the procedure the Employment Service of Slovenia must obtain all the evidence which it can obtain ex officio.

The right of citizens to leave the country

Citizens of the Republic of Slovenia may be prevented from leaving Slovenia in the following cases:

1. Pursuant to Article 195 of the Criminal Procedure Act (ZKP-UPB4, Ur. I. RS No. 32/07) persons under charges may have their passports temporarily withdrawn, or the use of their passports may be prohibited for crossing the border, where it may be feared that such charged persons might during the procedure go into hiding or abscond to an unknown location or abroad. At that point the court may require from such person that they bind themselves not to go into hiding or without court permission leave their temporary or permanent residence. If a person has been charged owing to a crime committed abroad, and there is a danger of such person repeating the crime abroad, that person may be required to bind themselves not to go abroad without court permission. Such promise is entered in the record, and in the event of a violation detention may be ordered for such person if the promise might be broken.
2. Equally, convicts granted permission to exit prison may not leave Slovenian territory. In exceptions the minister competent for justice may permit departure from the country. This restriction is dealt with by the Enforcement of Penal Sentences Act (ZIKS-1, Ur. I. RS No. 70/06) in the second paragraph of Article 77.

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

### **Equal rights**

The prohibition on discrimination in Slovenia relates also to privileges deriving from formal employment. Pursuant to Article 6 of the Employment Act (the Act), employers may not place any worker during the period of formal employment in an unequal position owing to gender, race, skin colour, age, state of health or disability, religious, political or other beliefs, membership of a trade union, national and social origin, family status, material status, sexual orientation or for any other personal circumstance. Employers must also provide all privileges and benefits deriving from formal employment and pertaining to workers during formal employment equally to all female and male workers. The Act states that women and men must be guaranteed equal opportunities and equal treatment in employment, promotion, training, education, retraining, salaries and other receipts deriving from formal employment relationship, absences from work, working conditions, working hours and notice period.

In accordance with Article 23 of the Act, employers must advertise vacancies publicly. Advertisements of vacancies must contain the conditions of the job. Here employers can generally not include requirements regarding gender among the conditions for holding the position. The software application with which the Employment Service of Slovenia processes and publishes vacancies itself allocates or highlights the condition M/F, since vacancy advertisements may not show that an employer is giving priority to a specific gender. In exceptions, employers may specify as a condition the gender of the candidate, but only in the event that the nature or conditions of work justify such action. This possibility is provided by Article 25 of the Act, which states that employers cannot advertise vacancies only for men or only for women, unless a specific gender is an essential condition for doing the job.

The Act further provides that payment for work is tied to the work performed, since in accordance with Article 133 of the Act, employers are bound to pay workers equally irrespective of gender for equal work or work of equal value. Collective contracts ensure equal pay for work through the formulation of tariff classes, into which jobs are categorised taking account of their complexity, while for each tariff class a minimum monthly basic wage and a minimum basic wage per hour are determined. Tariff classes for public servants are regulated by a special law (the System of Salaries in the Public Sector Act, Ur. l. RS, No. 110/06, 57/07), which categorises jobs depending on the education required to do the work in a given position.

### **Special protection measures**

The legal provisions in the Act surrounding the ban in principle on women working in industry and construction and performing underground work in mines, are a consequence of the fact that based on the act of succession (Ur. l. – MP RS No. 15/92) Slovenia is still a signatory to ILO Convention 45 Concerning the Employment of Women on Underground work in Mines of all Kinds, which prohibits women from working in mines, and ILO Convention 89 Concerning Night Work of Women Employed in Industry, which prohibits women from working at night in industrial enterprises.

Here we should point out that a proposal has already been formulated for withdrawing from Convention 45, and this has also been deliberated over and confirmed by the social partners in Slovenia. Withdrawal in accordance with Convention 45 takes effect one year after registration of the withdrawal at the ILO. The procedure for withdrawal from Convention 89 can only be started after the expiry of the period in which withdrawal in accordance with the Convention is not permitted, this being 2012, and up until withdrawal Slovenia is bound by its provisions.

Slovenian national law also observes the Protocol to ILO Convention 89 of 1990, which allows women to perform night work without the individual permission of a state authority, if the social partners agree that such work is necessary in a specific line of business. This possibility is provided by point 1 of the second paragraph of Article 153 of the Act, and on this basis the social partners have already agreed on the conditions and permissibility of night work for women in agriculture and the foodstuffs industry for lines of business performed in an industrial manner and in the chemical and rubber industries.

With regard to women performing night work in industry and construction, Article 153 of the Act states that an employer in industry and construction can only employ a female worker for night work if the worker is a member of the employer's family, if the worker performs management work or manages a work unit or performs work relating to ensuring the safety, health or social security provisions for workers, if that work must urgently be done due to force majeure or to prevent damage to raw materials or other perishable material – within 24 hours of its introduction the employer must notify the competent labour inspector of such night work – and if the work has been given prior approval by the minister competent for labour in the national interest.

The Act also provides that with the consent of the minister competent for labour, night work may be introduced for women in industry and construction for the better exploitation of the means of work, expansion of employment possibilities and similar economic or social reasons.

For the above reasons night work may be introduced:

- in a specific line of business or occupation, provided that the representative unions and the association of employers have agreed to this or given their consent;
- at one or more employers provided that an agreement has been made between the unions at the employer and the employer, that consultation has taken place between employer(s) and the employers' association and the representative union in the line of business or
- at a certain employer provided that an opinion has been requested from the unions at the employer, the representative union for the line of business and the employers' association, and that the labour inspector has made prior verification of the fulfilment of conditions for introducing night work for women.

The special treatment of night work in industry and construction therefore relates to all employed women in these sectors, with the above-listed exceptions. Where in accordance with the provisions of the Act summarised above women perform night work in industry or construction on the basis of consent from the minister competent for labour, the Act provides additional security for certain categories of female worker, specifically workers during pregnancy and the period of breastfeeding and also during parenthood, as well as older female workers and those under 18 years old.

With regard to protection during pregnancy and parenthood in relation to night work, Article 190 of the Act provides that women workers caring for children under three years old may only be required to work at night with their prior written consent. Female workers during pregnancy and for one year after childbirth, or for the entire time they are breastfeeding a child, may not perform work at night, if a risk assessment regarding such work indicates a danger to the health of the worker or her child. Equally, women workers with children under seven years old or seriously ill children or children with physical or mental impairment who live alone with such children and provide care and upbringing for them, may only be required to work at night with their prior written consent.



Moreover older female workers may be ordered to work at night only with their written consent, while female workers who are under 18 may not work at night at all, except in cases of force majeure, when such work lasts only for a fixed time and must be performed immediately, while insufficient adult workers are available.

Article 186 of the Act prohibits the performing of underground work by women, with certain exceptions. For instance the prohibition does not apply to female workers who are in management positions or who head a work unit and are authorised to make independent decisions, who must for the purpose of professional training perform a certain period of practical work underground in mines and who are employed in health and social services, and in other cases where they must go to underground works to perform non-physical work. However in these cases, too, they must adhere to the special provisions of Article 189 of the Act, which protects female workers during pregnancy and the breastfeeding period. Indeed women in those situations may not perform work which might endanger their health or that of their child owing to exposure to factors of risk or working conditions which are laid down in the Rules on the protection of health in the work of pregnant workers, workers who have recently given birth, and breastfeeding workers (Rules, Ur. I. RS, No. 82/03). Employers must provide other suitable work for them. For pregnant or breastfeeding workers who perform work where they are exposed to factors of risk, procedures and working conditions which are set out in detail in the Rules, where the risk assessment indicates a danger to their health and the health of their children, the employer is bound to adopt adequate measures through the temporary adaptation of their conditions of work or working hours. If in this way it is not possible to avoid danger to the health of the female worker or her child, other suitable work must in this case be provided for her.

Article 6 of the Act expressly prohibits employers from treating candidates unequally on the basis of gender when employing new workers. Both direct and indirect discrimination are prohibited. Here we should point out Article 35 of the Defence Act (ZObr – UPB1, Ur. I. RS No. 104/04), which expressly provides that the completion of national service is not a condition for women candidates to be formally employed, as it is for male candidates.

### **The position of women in employment and training**

In Slovenia the level of employment of women in 2006 stood at 61.8% (EU 57.2%), and the level of employment of men at 71.1%, so 9.3% more men were employed than women in 2006. Women represent almost half of all employees and like men, they work for the most part full-time. In 2006 male unemployment stood at 4.9%, while that of women was 7.2%. There has also been a reduction in the difference between the average earnings for the same work. In 2006 women earned on average for the same work 8% less than men (EU 15%). The difference between men's and women's pay was greatest among machinery and apparatus operators and industrial production and assembly workers, with women's wages amounting to only 75% of men's in these occupations. In official occupations this difference was less, with women's wages amounting to 94% of men's.

### **Measures to promote equal opportunities**

On the regulatory level it should be mentioned that on 27 October 2005, pursuant to the Equal Opportunities for Women and Men Act, the Slovenian National Assembly adopted the **resolution on the National Programme of Equal Opportunities for Women and Men, 2005 – 2013 (Ur. I. RS, No. 100/05)**. **This resolution represents a strategic document which defines the fundamental policies of gender equality in Slovenia for the period from 2005 to 2013. Its primary purpose is to improve the position of women and to ensure sustainable development in establishing gender equality.** The resolution sets out special objectives and measures in the following areas:

- The labour market and employment;
- Coordinating professional and private life;
- Education and sport;
- Science and research;
- Culture, the media and advertising;
- Health; social inclusion;
- Family life and partnership;
- Violence against women;
- Political decision-making;
- Public administration and justice;
- The socio-economic field.

Specific tasks and activities for achieving goals and implementing measures will be defined in periodic plans, which are drawn up every two years and which also provide detailed timetables and the method of implementing individual tasks and activities. The first **Periodic Plan for implementing the national programme (2006 – 2007)** was adopted in April 2006. The Periodic Plan defines in detail the necessary funds for carrying out tasks and activities, the timetable and the method of implementing individual activities. The Periodic Plan defines the main actors and providers of activities and sets out the anticipated results or changes in individual areas. The Slovenian Government reports to the National Assembly on the implementation of the resolution on the national programme every two years. A comprehensive review of measures and activities carried out on the basis of the first Periodic Plan will be made at the end of 2007. Responsibility for implementing measures and activities under the Periodic Plan tied to employment is held by the Ministry of Labour, Family and Social Affairs together with the Employment Service of Slovenia, while competence for raising the self-employment of women and women's entrepreneurship is held by the Ministry of the Economy. Within the framework of activities defined in the first Periodic Plan, the Equal Opportunities Office has implemented or is still implementing the following activities:

- consultation for persons who have been treated unequally on the basis of gender on a free telephone line,
- dealing with cases of suspected discrimination at the offices of the equal opportunities advocate and the principle of equality advocate,
- the organisation of consultations, information provision, awareness-raising (the consultation "Partnership of women and men in the labour market" – 8 March 2006; conference "Equal opportunities for women and men: a driving force of European and Slovenian development" – 21 June 2006; consultation "Coordinating professional and family life for women and men: **challenge for the new programming period of Structural Funds, 2007 – 2013**" – 14 September 2006; **Expert seminar on gender equality – 28 September 2006**).

In 2005 and 2006 the Equal Opportunities Office carried out activities under the slogan "Daddy, get active!" ["**Očka, aktiviraj se!**"] This was a promotional activity started in 2005 as part of the international project "Men and parenthood – active fatherhood", and this continued in 2006 as part of the new international project "Men at work – achieving gender equality". Both projects were cofinanced by the European Commission. In 2005 TV Slovenia broadcast a TV spot of the same name, and in 2006 a series of five radio educational broadcasts were transmitted, firstly in November and December on 13 radio stations, and then the media campaign continued with the documentary educational film "Daddy, get active!", which was broadcast on TV Slovenia. The film was intended for a wide audience, and at the same time it was planned to be used in awareness-raising among employers and unions, as a teaching aid in schools, for use in parenting schools and other programmes for parents and so forth. The film was distributed in DVD form to various organisations that can play a part in promoting active fatherhood and

changing the traditional roles of women and men in the family and in society. Alongside all of the above, in cooperation with five urban municipalities in September and October 2006 the Equal Opportunities Office carried out what were called Fathers' Runs, in which fathers participated together with their children. **All the fathers and children who took part in the Fathers' Runs received the prize of a promotional sports T shirt.** In 2006 the Equal Opportunities Office also carried out the action "Father Counter", in which ministries participated and through which we sought to determine how many men employed in various ministries took paternity leave and/or shared leave with the mother to care for a child. The purpose of the activities pursued under the slogan "Daddy, get active!" is to promote a more active role of men in family life and to eliminate stereotypes and cultural barriers that define the roles of women and men in family life and in employment. The aim of the activities is to enable the easier coordination of professional and family or personal life for employed women and men. This will contribute to easing the burden on women in the family and the greater inclusion of women in the labour market.

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

In accordance with the valid Employment Act (the Act), employers may cancel employment contracts only for reasons laid down by law. Employers may cancel the employment contracts of workers in regular or extraordinary procedures. Employers may cancel employment contracts in regular procedures where there is a justified reason for such cancellation (second paragraph of Article 81 of the Act). Employers may cancel employment contracts in extraordinary procedures in cases or for reasons laid down by law (third paragraph of Article 81 of the Act).

The reasons for cancellation of employment contracts in regular procedures on the part of the employer are set out in Article 88 of the Act and are:

- commercial reasons (termination of the need to perform certain work),
- reasons of incapacity (non-achievement of expected results or non-fulfilment of the conditions for performing work on the part of the worker),
- reasons of culpability (breach of contractual or other obligations stemming from formal employment on the part of the worker).

Here account should also be taken of the fact that employers may cancel a worker's employment contract only if the aforementioned reasons are real and substantiated and they prevent the continuation of the employment relationship between the worker and employer.

The reasons for cancellation of employment contracts in extraordinary procedures on the part of the employer are set out in Article 111 of the Act, and employers may cancel an employment contract in an extraordinary procedure:

- if the worker breaches a contractual or other obligation stemming from employment and such breach bears all the signs of a criminal act,
- if a worker deliberately or through grave negligence makes a serious breach of a contractual or other obligation stemming from employment,
- if a decision with the force of law has been issued prohibiting a worker from performing certain work in employment or if such worker has been ordered to undergo a correctional, security or protection measure, for which reason that worker cannot perform the work for more than six months, or if such worker must be absent from work for more than six months in order to serve a prison sentence,
- if a worker does not successfully pass the trial period,
- if within a deadline of five working days after the termination of reasons for suspension of an employment contract the worker without justification does not return to work,
- if during a period of absence from work owing to sickness or injury a worker does not heed the instructions of the competent physician or competent health committee or if in that time the worker performs work for gain or without the approval of the competent physician or competent health committee travels away from the location of his residence.

Unjustified reasons for cancellation of employment contracts in regular procedures are set out in Article 89 of the Act. The following are deemed to be unjustified reasons for cancellation of an employment contract in regular procedures:

- temporary absence from work owing to incapacity to work for reasons of sickness or injury or to care for family members under the regulations on health insurance or absence from work to use parental leave pursuant to the regulations on parenthood,
- the filing of a suit or participation in proceedings against an employer in order to claim a breach of contractual or other obligations stemming from employment at an arbitration, judicial or administrative body,
- membership in a trade union,
- participation in union activities outside working hours,
- participation in union activities during working hours in agreement with the employer,
- participation in strikes organised in accordance with the law and rules governing strikes,
- candidacy for the office of worker representative and current or past performance of such office,
- race, skin colour, sex, age, disability, marital status, family commitments, pregnancy, religious and political beliefs, national or social origin.

In accordance with the Act, the following enjoy special legal protection from termination of employment:

- worker representatives (Article 113 of the Act)
- older workers (Article 114 of the Act)
- parents (Article 115 of the Act)
- disabled persons and those absent from work through sickness (Article 116 of the Act).

Article 116 of the Act provides expressly and in detail that employers may not cancel the employment contract of a disabled person owing to disability, not even in the case of commercial reasons, unless it is not possible for the employer to provide suitable alternative work or part-time work in accordance with the regulations on pension and disability insurance. The same applies to disabled persons who do not have the status of disabled worker – cancellation of their employment contract is only possible if it is not possible to provide them with suitable work in accordance with the regulations governing employment rehabilitation and the employment of disabled persons.

Insured persons who have been granted rights on the basis of category II or III disability in a final ruling and who have open-ended employment contracts in Slovenia may have their employment contracts cancelled by an employer without being offered a new employment contract, if owing to the determined category II or III disability for commercial reasons the employer cannot justifiably ensure the right to transfer to another job without or after vocational rehabilitation or the right to part-time work (first paragraph of Article 102 of the Pension and Disability Insurance Act, ZPIZ-1).

Employers who have at least five employees cannot themselves directly through the unilateral declaration of their will cancel the employment contract of a disabled worker. The employment contract may only be cancelled in the event that on the employer's request a special Committee for determining the grounds for the cancellation of employment contracts (hereinafter: committee) determines that there are substantiated reasons for the employer not being able to fulfil his duties regarding the disabled worker in accordance with pension and disability legislation. Employers may not cancel the employment of disabled workers before obtaining an appropriate opinion from the committee, since the opinion of the committee is a procedural precondition for cancellation of an employment contract without offering a new employment contract to a disabled person.

Employers with less than five employees generally do not require a decision from the committee referred to above, unless this is required by the Pension and Disability Insurance Institute, the

Employment Service, the employer or the disabled worker. (Detailed information on protection from cancellation of contract in the case of disabled persons is also given in Article 15)

Pursuant to Article 204 of the Act, workers have the right to judicial protection at the competent labour court in the event of cancellation of employment contract. Workers may request the court to determine the legality of the cancellation of their employment contract. Workers have thirty days to file suits to determine the legality of cancellation of their employment contract at the competent labour court. This period begins to run on the day of delivery of the cancellation, and the court abides by this period ex officio.

In accordance with Article 118 of the Act, workers also have the right to compensation if their employment contract is terminated without legitimate reason, and specifically if the court determines that the cancellation of contract by the employer was unlawful, and the worker does not wish to continue the employment, on the proposal of the worker it determines the duration of the employment, but at most up to the decision of the court of first instance and recognises for the worker a period of employment and other rights from formal employment and also grants the worker compensation pursuant to the rules of civil law.

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

In response to the question of the ECSR regarding practices for the protection of workers in the event of insolvency of enterprises within the EU compared with enterprises in non-Member States of the EU, we should explain that in 2006 in the area of the functioning of the guarantee fund Slovenia adopted the Act Amending and Supplementing the Public Guarantee and Maintenance Fund of the Republic of Slovenia Act (Ur. l. RS, No. 61/06) was adopted, and this is dictated by the European Union Directive 2002/74/EC of 23 September 2002. In view of the principles of the European Union on the free flow of labour, services, capital and regarding the single market, the rules on guarantees for workers' claims in the event of insolvency of their employer needed to be adapted to the new circumstances. This involves primarily the definition of a competent national guarantee institution in what are called transboundary cases, where there is a company registered in an EU or EEA country operating in the territory of several EU and EEA Member States and employing workers in those states. In such cases it is the national institution where workers perform or usually perform their work that has jurisdiction. The insolvency procedures which are the basis for guarantees are defined in Corrigendum to Council Regulation (EC) No. 603/2005 of 12 April 2005 amending the lists of insolvency proceedings, winding-up proceedings and liquidators in Annexes A, B and C to Regulation (EC) No. 1346/2000 on insolvency proceedings.

This regulation does not apply to branch offices of companies based in non-Member States of the EU and EEA, and insolvency proceedings are not conducted in that manner. In our experience to date, on the closure of such branch offices all workers have had their claims settled in full. In all the years of operation of the guarantee fund since 1997 we have not received a single application of this kind.

The graph and table below show the number of eligible persons who were granted and paid the right deriving from wages, unused annual leave and severance pay by year of payment:

| <b>year/right</b>    | <b>1998</b>  | <b>1999</b> | <b>2000</b> | <b>2001</b> | <b>2002</b> | <b>2003</b> | <b>2004</b> | <b>2005</b> |
|----------------------|--------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| <b>wages</b>         | <b>17110</b> | <b>3091</b> | <b>2671</b> | <b>1932</b> | <b>2220</b> | <b>2345</b> | <b>1887</b> | <b>2830</b> |
| <b>leave</b>         | <b>22257</b> | <b>3737</b> | <b>2552</b> | <b>2180</b> | <b>2142</b> | <b>2104</b> | <b>1688</b> | <b>2256</b> |
| <b>severance pay</b> | <b>28635</b> | <b>4437</b> | <b>4048</b> | <b>2504</b> | <b>2528</b> | <b>2873</b> | <b>2014</b> | <b>1993</b> |

The fund started operating on 3 November 1997 and rights were recognised for workers retroactively from 1994. For this reason the number of eligible persons who received payment was greatest in 1998.

Regarding the ECSR question why a third of claims had not been granted, we would wish once again to explain that guarantees for rights deriving from the rights of workers in the event of insolvency of an employer are limited. The right deriving from unpaid wages and unpaid payment in lieu for the last three months prior to termination of employment is limited to the amount of three minimum wages as defined by law on the day the decision is issued, the right deriving from unused annual leave to the amount of half of one minimum wage defined by law on the day the decision is issued, and the right deriving from severance pay to the amount of one minimum wage defined by law on the day the decision is issued.

A total of 66% of the payment of claims in the report for 2003 represent the share of total claims against employers relating to all three rights that has been settled by the fund. Workers had their claims settled in full if their claims against employers in relation to rights which the fund guarantees were at least in the

amount for which the guarantee is provided. In the event of workers having larger claims, they continue to exercise them in insolvency proceedings, and in the event of workers having lower claims, they are settled up to the amount owed by the employer.

In accordance with the provisions of the act regulating general administrative procedure, the Fund is bound to accept each application and decide on it. Thus we also accept applications from workers who for instance have given notice and are in a dispute with their employer, while the employer is still operating normally and so forth.

The statistics for 2003 are: 3,189 decisions issued, of which 3,052 were positive and 137 were rejections, representing 4% of decisions.

In 2004 there were 2,185 decisions issued, of which 2,040 were positive and 145 were rejections, representing 6.6% of decisions.

In 2005 there were 3,112 decisions issued. Of these 3,050 were positive and 62 were rejections, representing 2% of decisions.

The main reason for rejection was that workers had their claims against the employer settled before the fund's decision was issued, and on the day of the decision we had no open claims against employers for which the fund provides guarantees.