



European
Social
Charter

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COUNCIL
OF EUROPE

CONSEIL
DE L'EUROPE

21/08/2012

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EUROPEAN SOCIAL CHARTER

REPLIES TO SUPPLEMENTARY QUESTIONS

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

submitted by

THE GOVERNMENT OF SLOVENIA

(Article 1§2
for the period 01/01/2007 – 31/12/2010)

Report registered by the Secretariat on 8 August 2012

CYCLE 2012



REPUBLIC OF SLOVENIA
MINISTRY OF LABOUR, FAMILY AND SOCIAL AFFAIRS

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ADDITIONAL INFORMATION CONCERNING THE IMPLEMENTATION OF THE ARTICLE 1.2:

Pursuant to Article 92 of the Defence Act, the employment contracts with

— junior officers, officers and military employees may be concluded for an indefinite period or for a fixed-term of up to ten years with potential extensions for equivalent periods, while the employment contracts with

— soldiers may be concluded for up to ten years and extended for equivalent periods, but only until a soldier reaches 45 years of age.

An employment contract may be terminated consensually at any time prior to the expiry of the period fixed therein or subject to a notice period. Article 56 of the Decree on the internal organisation, classification of posts, work posts and titles within bodies of public administration and judicial bodies (Uradni list RS (Official Gazette of the Republic of Slovenia), no. 58/03, as amended), stipulates a three-month notice period for officials (officers, junior officers and senior military employees) under tariff class VII, a two-month notice period for technical public servants (civilians) under tariff class VII, and one month notice period for other public servants.

Members have no obligations to the employer when the employment relationship is terminated in line with the aforementioned conditions, with the exception of obligations that arise from the employment contract and those arising from a potential education and training contract concluded with the Ministry of Defence of the Republic of Slovenia during their employment in the Slovenian Armed Forces.

An employee referred to attend education and training must continue the employment relationship with the Ministry of Defence of the Republic of Slovenia for a period twice as long as the duration of the education and training course that lasted longer than one year, and at least two years if the course was shorter than one year. The employees who conclude a contract on the basis of a participation fee amount must remain in an employment relationship with the ministry for at least two years if the fee exceeds the average monthly gross wage in the Republic of Slovenia, but not for more than five years.

The period stipulated by the contract is longer for those employees who participate in education and training with a view to subsequently carrying out work of particular importance to the ministry, but must not exceed ten years.

An employee who terminates employment prior to the expiry of the mandatory period of employment with the ministry, stipulated by the rules, must repay the ministry a proportionate part of the costs for education and training.

The costs of education and training include wage compensation for the period of absence from work and direct costs of education and training. The costs of education and wage compensation

are calculated in gross amounts, including gross amounts of contributions paid by the employer; valuation adjustments are made according to the Slovene Accounting Standards.

Members of the Slovenian Armed Forces are not obliged to repay the costs if education and training were terminated for health reasons.

SECRETARIAT GENERAL

DIRECTORATE GENERAL
HUMAN RIGHTS AND RULE OF LAW

DIRECTORATE OF HUMAN RIGHTS

*HEAD OF THE DEPARTMENT
OF THE EUROPEAN SOCIAL CHARTER
AND THE EUROPEAN CODE OF SOCIAL SECURITY,
EXECUTIVE SECRETARY
OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS*

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Ms Katja Rihar Bajuk
Under-secretary
Labour Relations and
Labour Rights Directorate,
Ministry of Labour, Family and Social Affairs
Kotnikova 28
1000 Ljubljana
Slovenia

Strasbourg, 14 June 2012

Dear Ms Rihar Bajuk,

The European Committee of Social Rights is currently examining the States' reports on the European Social Charter with respect to the thematic group on "employment, training and equal opportunities" and has instructed me to forward to you the enclosed questions.

The Committee would be grateful if you could reply to these questions before 27 July 2012 in order to allow the information to be taken into account in Conclusions 2012.

Yours sincerely,

Régis Brillat



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EUROPEAN COMMITTEE OF SOCIAL RIGHTS

COMITE EUROPEEN DES DROITS SOCIAUX

14 June 2012

Questions addressed to Slovenia

Article 1§2 (prohibition of discrimination in employment/ forced labour/ right to earn one's living in an occupation freely entered upon):

- *What is the length of, if any, compulsory minimum period of service required of those serving in the professional armed forces?*
- *Are there circumstances, such as specialised training or specific operational requirements, which entail a different compulsory minimum term of service in the professional armed forces and under what conditions may the persons concerned leave the service before the expiry of this term?*