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EUROPEAN SOCIAL CHARTER

Addendum to the
12th National Report on the implementation
of the European Social Charter
submitted by

**THE GOVERNMENT OF REPUBLIC
OF SLOVENIA**

(Article 23 for the period
01/01/2008 – 31/12/2011)

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CYCLE 2013



REPUBLIC OF SLOVENIA
MINISTRY OF LABOUR, FAMILY,
SOCIAL AFFAIRS AND EQUAL OPPORTUNITIES
LABOUR AND LABOUR RIGHTS DIRECTORATE

**ADDITIONAL CLARIFICATION on Article 23 – The right of elderly persons to social protection –
in respect of the question posed by the European Committee of Social Rights**

Adequate resources

The Committee asked us to specify what additional cash benefits/allowances are available for recipients of the minimum old age pension or the guaranteed pension for low income elderly persons, and what the amounts of such benefits are. Moreover, we were asked to indicate the applicable minimum income guarantee for low income elderly persons.

1. Cash benefits/allowances for low income elderly persons

The report on the implementation of Article 23 of the ESC (revised) outlines the changes introduced by the new social legislation, which was adopted in 2010 and took effect on 1 January 2012. The right to a state pension and a minimum pension support has been modified and transferred from the pension insurance to social assistance scheme, with a view to providing for the social protection of elderly persons in a more appropriate manner. The state pension, as an autonomous benefit, ceased to exist on 1 January 2012. The former recipients of the state pension and/or a minimum pension support are now entitled to financial social assistance and/or a minimum income supplement under the requirements stipulated by law. In addition to financial social assistance and a minimum income supplement, which are social assistance benefits, elderly persons are also entitled to attendance allowance and/or disability allowance under certain requirements provided by law.

1.1. Financial social assistance and minimum income supplement

The eligibility for financial social assistance applies to 1) citizens having a permanent residence in the Republic of Slovenia, 2) foreigners in possession of a permanent residence permit and having a permanent residence in the Republic of Slovenia, and 3) persons who may assert the right to these social assistance benefits on the basis of international legal acts binding upon the Republic of Slovenia. With the transferral of the right to a state pension from the pension and disability insurance scheme to the social assistance scheme, **the requirement of a registered permanent residence of at least 30 years' duration thus lost its relevance and has not been applied since 1 January 2012.**

Like any other right to public funds, the rights to financial social assistance and a minimum income supplement are granted **according to the principle of needs assessment**. The right to public funds is granted when the income of a person does not reach the **income ceilings** laid down by the law for a particular right to public funds and where other requirements have also been met that are specified by rules regulating individual rights. The income ceilings for establishing the eligibility for the rights to public funds are determined on the basis of the average monthly salary, less taxes and compulsory social security contributions, per employed person in the Republic of Slovenia according to the data of the Slovenian Statistical Office (average monthly salary in 2012: EUR 991.44). In 2012, the income ceilings (census) for acquiring the right to social assistance and the minimum income supplement were EUR 260.00 and EUR 449.80 respectively.

In assessing the needs and/or establishing the eligibility for financial social assistance and a minimum income supplement, the following is considered: 1) the income of an individual and/or his/her family members and 2) their property.

1.2. Attendance allowance

In addition to financial social assistance and a minimum income supplement, which are social assistance benefits, elderly persons who meet the statutory requirements are also entitled to an attendance allowance pursuant to the Pension and Disability Insurance Act. This allowance should

enable beneficiaries to cover the costs incurred due to permanent changes in their health condition that prevent them from satisfying basic personal needs and therefore urgently and permanently need care and assistance from other persons.

The acquisition of the right to attendance allowance is contingent on:

- the person's status defined by law (pension recipient, certain insured persons, including recipients of financial social assistance etc.);
- the opinion of the Invalidity Committee or other expert of the Pension and Disability Insurance Institute establishing that in order to satisfy his/her basic personal needs, the relevant person urgently needs permanent attendance and that (owing to certain health circumstance) the person in question is eligible to assert this right under the relevant law.

1.3. Invalidity Allowance

In addition to financial social assistance and a minimum income supplement, which are social assistance benefits, elderly persons who meet the statutory requirements are also entitled to attendance allowance and/or disability allowance under the Pension and Disability Insurance Act (until 31 December 2012).

The recipients of pensions and certain insured persons with physical impairment under the list of physical impairments, the existence of which is established by an expert of Slovenia's Pension and Disability Insurance Institute, are entitled to disability allowance. The disability allowances depend on the reason for the occurrence and the degree of physical impairment.

Through the entry into force of the Pension and Disability Insurance Act (ZPIZ-2) (Uradni list RS (Official Gazette of the Republic of Slovenia), no. 96/12) on 1 January 2013, the disability allowance for a physical impairment **no longer belongs to the rights under the pension and disability insurance**, but under the protection of persons with disabilities. New rules relating to the protection of persons with disabilities will regulate the procedures of establishing the type and the degree of physical impairments. Until their entry into force, insured persons can still acquire the rights to disability allowance, however, on a limited basis that only covers physical impairments as a result of a work-related injury or an occupational disease. In granting the right, the rules applicable until 31 December 2012 are considered.

2. Amount of benefits for elderly persons in 2012

The amount of financial social assistance depends on the level of earnings, the number of family members, property, savings, the attendance provided and the potential existence of culpability.

In 2012, the maximum amount of the financial social assistance for the first adult person in a household, a single person or an adult in institutional care was EUR 260.00. When a single person has certain assets not achieving this amount, the financial social assistance may only equal the difference in relation of a specific amount. In 2012, the maximum amount for the second adult person in a household was EUR 130.00. In 2012, the amount for a household with two adult (elderly) persons without savings and property was thus EUR 390.00.

The persons entitled to financial social assistance are also eligible for supplementary health insurance.

The amount of the minimum income supplement varies and also depends on other earnings of an individual and/or family:

- **if a person is already a recipient of financial social assistance** or meets the requirements for this assistance: **EUR 189.80** in 2012;
- **if a single person also has his/her own income**, the minimum income supplement is determined in the amount of the difference between EUR 449.80 and own income.

A single person who meets the statutory requirements and his/her monthly income did not exceed **EUR 449.80** in 2012 is entitled to a minimum income supplement.

A household with two adult (elderly) persons, in which both persons meet the requirements for a minimum income supplement, could receive EUR 673.40 per month in 2012. However, a two-person (elderly) household in which only one person meets the requirements for a minimum income supplement could receive EUR 483.60 per month in 2012.

Amount of the attendance allowance

Pension beneficiaries and certain insured persons, in respect of whom a need for care and assistance from another person was established by an expert of the Slovenian Pension and Disability Insurance Institute, are entitled to attendance allowance. The previous Pension and Disability Insurance Act (ZPIZ-1) specified two possible amounts of the attendance allowance. In 2012, the higher amount was EUR 290.15 and the lower amount EUR 145.08 on average. ZPIZ-1 also envisaged the payment of the attendance allowance to the most severely affected categories of persons. In the previous year, its average monthly amount was EUR 414.50.

The new Pension and Disability Insurance Act (ZPIZ-2) lays down **three** possible amounts of the attendance allowance in relation to the minimum pension base in effect in December 2012 (EUR 551.16) that have been paid since the aforementioned act has come into effect. The amounts are as follows:

- 53% of this base if the allowance is earmarked for all the basic activities of the daily living of a blind and an immobile person (EUR 292.1 in 2013);
- one half of this amount if it is earmarked for all basic activities of daily living and a partially sighted person (EUR 275.6 in 2013), and
- 76% of this base if it is earmarked for a pension beneficiary who needs a 24-hour supervision of his/her relatives (non-professional assistance) and a compulsory professional assistance (by a health care technician at least) for a permanent performance of health care (EUR 418.9 in 2013).

The amount of the **disability allowance** depends on the reason for the occurrence and the degree of physical impairment. If the impairment is the result of a work-related injury or an occupational disease, the disability allowance amounts to 10% minimum and up to 24% maximum of the basis for the assessment of supplementary rights, depending on the degree of physical impairment. However, when a physical impairment is the result of a disease or an injury not related to work, it amounts to 70% of the higher amounts. In such a case, the acquisition of the relevant right is conditional on the existence of at least 50% physical impairment. The average monthly disability allowance paid in 2012 for a physical impairment as a result of a work-related injury or an occupational disease ranged from EUR 41.46 to EUR 99.48 and from EUR 29.02 to EUR 69.64 for physical impairments as a result of a disease or an injury not related to work.

Limitation of inheritance in respect of recipients of financial social assistance and minimum income supplement

Article 128 of the Inheritance Act lays down that the inheritance of the estate of a person who was beneficiary of assistance pursuant to social security regulations is limited to the amount of the value of the assistance received. This limitation is carried out so that the share of the deceased's estate that corresponds to the value of the assistance received becomes the property of the Republic of Slovenia. If the heirs pledge to return to the Republic of Slovenia the amount of the assistance given, they inherit the whole of the deceased's estate.

Among the rights financed by the Republic of Slovenia, the assistance received includes **all forms of financial social assistance and the minimum income supplement**. The funds paid by a local community as an additional payment for social assistance services for its inhabitants (institutional care, home care assistant, domestic help) and municipal financial social assistance are also taken into account.