

## — Slovenia and the European Social Charter —

### Signatures, ratifications and accepted provisions

Slovenia ratified the Revised European Social Charter on 07/05/1999 and accepted 95 of its 98 paragraphs.

It accepted the system of collective complaints on 07/05/1999, but has not yet made a declaration enabling national NGOs to submit collective complaints.

### The Charter in domestic law

Automatic incorporation into domestic law.

### Table of accepted provisions

1.1	1.2	1.3	1.4	2.1	2.2	2.3	2.4	2.5	2.6	2.7	3.1	
3.2	3.3	3.4	4.1	4.2	4.3	4.4	4.5	5	6.1	6.2	6.3	
6.4	7.1	7.2	7.3	7.4	7.5	7.6	7.7	7.8	7.9	7.10	8.1	
8.2	8.3	8.4	8.5	9	10.1	10.2	10.3	10.4	10.5	11.1	11.2	
11.3	12.1	12.2	12.3	12.4	13.1	13.2	13.3	13.4	14.1	14.2	15.1	
15.2	15.3	16	17.1	17.2	18.1	18.2	18.3	18.4	19.1	19.2	19.3	
19.4	19.5	19.6	19.7	19.8	19.9	19.10	19.11	19.12	20	21	22	
23	24	25	26.1	26.2	27.1	27.2	27.3	28	29	30	31.1	
31.2	31.3						Grey = accepted provisions					

### Reports on non-accepted provisions

The European Committee of Social Rights ("the Committee") examines the situation of non-accepted provisions of the Revised Charter every 5 years after the ratification. It adopted [reports concerning Slovenia](#) in 2004, in 2009 and in 2015.

Further information on the reports on non-accepted provisions is available on the [relevant webpage](#).

# Monitoring the implementation of the European Social Charter <sup>1</sup>

## I. Collective complaints procedure <sup>2</sup>

### Collective complaints (under examination)

University Women of Europe (UWE) v. Slovenia (Complaint No. 137/2016)

The Committee [declared](#) the complaint admissible on 4 July 2017.

### Collective complaints (proceedings completed)

#### 1. Complaints inadmissible or where the Committee has found no violation

##### a. Inadmissibility

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##### b. No violation

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#### 2. Complaints where the Committee has found a violation which has been remedied

*Association for the Protection of All Children (APPROACH) Ltd v. Slovenia (Complaint No. 95/2013)*

- Violation of Article 17§1 of the Charter (the right of children and young persons to social, legal and economic protection)

[Decision on the merits of 5 December 2014.](#)

Follow up:

- [Resolution Res/CM ChS \(2015\)10 on 17 June 2015](#) of the Committee of Ministers.
- [Assessment of the European Committee of Social Rights on the follow up \(20 May 2016\).](#)
- [2nd Assessment of the European Committee of Social Rights on the follow up \(13 September 2017\).](#)

#### 3. Complaints where the Committee has found a violation and where progress has been made but not yet examined by the Committee

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#### 4. Complaints where the Committee has found a violation and where progress has been made but which has not yet been remedied

*Fédération européenne des associations nationales travaillant avec les Sans-abri (FEANTSA) v. Slovenia (Complaint No. 53/2008)*

- Violation of Articles 31 (right to housing) and 16 (the right of the family to social, legal and economic protection) in conjunction with Article E of the Revised Charter

[Decision on the merits of 8 September 2009.](#)

Follow up:

- [Resolution CM/ResChS\(2011\)7 on 15 June 2011](#) of the Committee of Ministers.
- [Assessment of the European Committee of Social Rights on the follow up \(20 May 2016\).](#)
- [2nd Assessment of the European Committee of Social Rights on the follow up \(13 September 2017\).](#)

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<sup>1</sup> The Committee monitors compliance with the Charter under two procedures, the reporting system and the collective complaints procedure, according to Rule 2 of the Committee's rules: « 1. The Committee rules on the conformity of the situation in States with the European Social Charter, the 1988 Additional Protocol and the Revised European Social Charter. 2. It adopts conclusions through the framework of the reporting procedure and decisions under the collective complaints procedure ».

Further information on the [procedures](#) may be found on the [HUDOC database](#) and in the [Digest of the case law of the Committee](#).

<sup>2</sup> Detailed information on the Collective Complaints Procedure is available on the [relevant webpage](#).

**5. Complaints where the Committee has found a violation which has not yet been remedied**

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## II. Reporting system <sup>3</sup>

### Reports submitted by Slovenia

Between 2000 and 2019, Slovenia has submitted 17 reports on the application of the Revised Charter.

The [17<sup>th</sup> report](#), submitted on 12/03/2018 covers the accepted provisions of the Revised Social Charter relating to thematic group 3 "Labour rights" (Articles 2, 4, 5, 6, 21, 22, 26, 28, 29).

Conclusions with respect to these provisions have been published in March 2019.

The 18<sup>th</sup> report, which was to be submitted by 31/10/2018, should concern the follow-up given to the relevant decisions of the Committee in the framework of the collective complaints procedure.

The assessments of the Committee on the follow up to decisions in complaints will be published in January 2020.

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<sup>3</sup> Following a [decision taken by the Committee of Ministers in 2006](#), the provisions of the Charter have been divided into four thematic groups. States present a report on the provisions relating to one of the four thematic groups on an annual basis. Consequently each provision of the Charter is reported on once every four years. Following a [decision taken by the Committee of Ministers in April 2014](#), States having accepted the collective complaints procedure are required, in alternation with the abovementioned report, to provide a simplified report on the measures taken to implement the decisions of the Committee adopted in collective complaints concerning their country. The alternation of reports is rotated periodically to ensure coverage of the four thematic groups. Detailed information on the Reporting System is available on the [relevant webpage](#). The reports submitted by States Parties may be consulted in the [relevant section](#).

## **Situations of non-conformity <sup>4</sup>**

### **Thematic Group 1 « Employment, training and equal opportunities » - Conclusions 2012**

According to applicable rules, Conclusions 2016 only refer to the information submitted by the Slovenian Government on the follow-up given to the relevant decisions of the European Committee of Social Rights in the framework of the collective complaints procedure (see above).

For the most recent Conclusions adopted concerning the relevant Articles, see Conclusions 2012.

► *Article 15§4 – Right to work – Vocational guidance, training and rehabilitation*

It has not been established that the right of children with disabilities, and particularly children with intellectual disabilities, to mainstream training is effectively guaranteed.

► *Article 15§1– Right of persons with disabilities to independence, social integration and participation in the life of the community – Vocational training for persons with disabilities*

It has not been established that the right of persons with disabilities, in particular with intellectual disabilities, to mainstream education and training is effectively guaranteed.

► *Article 15§2– Right of persons with disabilities to independence, social integration and participation in the life of the community – Employment of persons with disabilities*

It has not been established that persons with disabilities are guaranteed an effective equal access to employment.

► *Article 20 – Right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of gender*

During the reference period women were prohibited from working in underground mines, and were prohibited from night work in industry and in the construction sector.

### **Thematic Group 2 « Health, social security and social protection » - Conclusions 2013**

According to the applicable rules, Conclusions 2017 only refer to the information submitted by the Slovenian Government on the follow-up given to the relevant decisions of the European Committee of Social Rights in the framework of the collective complaints procedure (see above).

For the most recent Conclusions adopted concerning the relevant Articles, see Conclusions 2013.

► *Article 12§1 – Right to social security– Existence of a social security system*

- The minimum levels of sickness and unemployment benefits are manifestly inadequate.
- The duration of unemployment benefit is too short.
- The minimum level of pension benefit is manifestly inadequate.

► *Article 12§4 – Right to social security – Social security of persons moving between States*

- Equal treatment with regard to social security rights is not guaranteed to nationals of all other States Parties.
- Equal treatment with regard to access to family allowances is not guaranteed to nationals of all other States Parties.
- The maintenance of accruing rights is not guaranteed to nationals of all other States Parties (Conclusions 2015).

### **Thematic Group 3 « Labour rights » - Conclusions 2018**

► *Article 2§1 – Right to just conditions of work – Reasonable working time*

In some collective agreements on-call time spent at home in readiness for work during which no effective work is undertaken is assimilated to rest periods.

► *Article 4§4 – Right to a fair remuneration – Reasonable notice of termination of employment*

Notice periods applicable in ordinary dismissals for economic reasons or incompetence are not reasonable for workers with more than five years of service.

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<sup>4</sup> Further information on the situations of non-conformity is available on the [HUDOC database](#).

#### **Thematic Group 4 « Children, families, migrants » - Conclusions 2015**

► *Article 7§3 – Right of children and young persons to protection - Prohibition of employment of children subject to compulsory education*

The duration of light work for children subject to compulsory education during school holidays is excessive.

► *Article 7§4 – Right of children and young persons to protection - Working time*

The daily and weekly working time for young workers under the age of 16 is excessive.

► *Article 8§3 – Right of employed women to protection of maternity - Time off for nursing mothers*

During the reference period, nursing breaks were not remunerated.

► *Article 17§1 – Right of children and young persons to social, legal and economic protection – Assistance, education and training*

Not all forms of corporal punishment are prohibited in the home.

► *Article 19§4 – Right of migrant workers and their families to protection and assistance – Equality regarding employment, right to organise and accommodation and Article 19§10 – Right of migrant workers and their families to protection and assistance – Equal treatment for the self-employed*

Equal treatment is not secured for migrant workers with respect to access to housing, and in particular to assisted rental schemes and subsidies.

► *Article 19§8 – Right of migrant workers and their families to protection and assistance – Guarantees concerning deportation and Article 19§10 – Right of migrant workers and their families to protection and assistance – Equal treatment for the self-employed*

- Migrant workers may be expelled in situations where they do not endanger national security or offend against public interest or morality;
- Migrant workers have no independent right of appeal against a deportation order.

► *Article 31§1 – Right to housing – Adequate housing*

Measures taken by public authorities to improve the substandard housing conditions of a considerable number of Roma are not sufficient.

► *Article 31§2 – Right to housing – Reduction of homelessness*

- Measures in place to reduce the number of homeless persons were inadequate in quantitative terms (Conclusions 2015);
- The law does not prohibit eviction from emergency accommodation/shelters without the provision of alternative accommodation (Conclusions 2015).
- It has not been established that sufficient procedures have been put into place ensuring that evictions of Roma are carried out in conditions respecting the dignity of the persons concerned (Conclusions 2017).

► *Article 31§3 – Right to housing – Affordable housing*

- Nationals of other States Parties lawfully residing or working regularly are not entitled to equal treatment regarding eligibility for non-profit housing;
- The supply of non-profit housing is inadequate;
- The average waiting period for allocation of non-profit rental housing is too long;
- The remedies in case of excessive length of waiting period are not effective.

**The Committee has been unable to assess compliance with the following rights and has invited the Slovenian Government to provide more information in the next report in respect of the following provisions:**

**Thematic Group 1 « Employment, training and equal opportunities »**

- ▶ Article 10§1 - Conclusions 2012
- ▶ Article 10§2 - Conclusions 2012
- ▶ Article 10§3 - Conclusions 2012
- ▶ Article 10§5 - Conclusions 2012
- ▶ Article 18§3 - Conclusions 2012
- ▶ Article 24 - Conclusions 2012

According to the applicable rules, Conclusions 2016 only refer to the information submitted by the Slovenian Government on the follow-up given to the relevant decisions of the European Committee of Social Rights in the framework of the collective complaints procedure (see above).

**Thematic Group 2 « Health, social security and social protection »**

- ▶ Article 3§3 - Conclusions 2013
- ▶ Article 3§4 - Conclusions 2013
- ▶ Article 23 - Conclusions 2013

According to the applicable rules, Conclusions 2017 only refer to the information submitted by the Slovenian Government on the follow-up given to the relevant decisions of the European Committee of Social Rights in the framework of the collective complaints procedure (see above).

**Thematic Group 3 « Labour Rights »**

- ▶ Article 2§2 - Conclusions 2018
- ▶ Article 2§5 - Conclusions 2018
- ▶ Article 4§1 - Conclusions 2018
- ▶ Article 4§3 - Conclusions 2018
- ▶ Article 4§5 - Conclusions 2018
- ▶ Article 26§1 - Conclusions 2018
- ▶ Article 26§2 - Conclusions 2018
- ▶ Article 29 - Conclusions 2018

**Thematic Group 4 « Children, families, migrants »**

- ▶ Article 7§5 - Conclusions 2015

### **III. Examples of progress achieved in the implementation of the rights under the Charter (non-exhaustive list)**

#### **Thematic Group 1 « Employment, training and equal opportunities »**

- ▶ The Employment Act (2002) contains provisions against discrimination in employment.
- ▶ Article 14 of the Constitution has been amended in order to guarantee equality irrespective of personal circumstances, including disability. The Principle of Equal Treatment Act guarantees equal treatment for persons with disabilities in the fields of employment, labour relations, education, etc.
- ▶ Integration and participation of persons with disabilities in the life of the community.
- ▶ The 2003 Employment Relations Act (ERA) prohibits discrimination on the ground of disability with respect to recruitment, employment and work conditions and dismissal in both the public and private sectors
- ▶ A Constitutional Court decision in February 2003 overturned the provision of the existing regulation stipulating that Slovenian nationals were favoured for receiving national grants.

#### **Thematic Group 2 « Health, social security and social protection »**

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#### **Thematic Group 3 « Labour Rights »**

- ▶ Following the adoption of the new Labour Relations Law which came into force in 2014, the obligatory elements of an employment contract have been expanded to include, in addition to all the elements listed in the previous law (see Conclusions 2014) the reason for temporary employment in a fixed-term contract.
- ▶ The Employment Relationship Law (No. 21/2013) entered into force in 2013. Under the new law, the employer is obliged to submit organisational general acts to the trade unions to obtain their opinion. If there is no trade union present, the workers may take part through their directly elected worker's representatives in the adoption of general acts governing workers' rights. Prior to the adoption of such a general act, an employer must submit the proposition to the works council and/or the worker's representative to obtain their opinion. The respective body then must submit its opinion within eight days and the employer must examine and take a relevant position on the submitted opinion prior to adopting the act in question. If no works council or worker's representative is organized, the employer must inform the workers directly about its content prior to adopting the act.

#### **Thematic Group 4 « Children, families, migrants »**

- ▶ The Aliens Act which entered into force in November 2002 abolished the housing condition for migrant workers who wished to be joined by their families.
- ▶ The Ministry of Education no longer authorises the creation in schools of special classes for Roma children. A special working group on integration strategies into the school system for Roma has been established.
- ▶ The Parental Care and Family Benefits Act entered into force on 1 January 2002. It contains provisions on maternity leave, paternal leave, childcare leave and adoption leave.
- ▶ The new Employment Relations Act provides protection against notice of termination of contract and dismissal during worker's pregnancy. A woman unlawfully dismissed is entitled to be reinstated.
- ▶ The Parental Care and Family Benefits Act which entered into force on 1 January 2002 abolished the condition of nationality to which the childbirth allowance was subjected.



- ▶ The Employment Relationships Act (ZDR-1), as amended in 2013, prohibits the employer from terminating the worker's employment contract during her pregnancy or when she is breastfeeding a child of up to one year of age, nor may the employer terminate the employment contract of a worker who is on an uninterrupted parental leave, taken in the form of full-time absence from work, and for one month after the end of such leave.
  
- ▶ Paid nursing breaks have been introduced by the new Parental Protection and Family Benefits Act (ZSDP-1), that entered into force in April 2014 and has been applicable since 1 September 2014.