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## **EUROPEAN SOCIAL CHARTER**

19<sup>th</sup> National Report on the implementation of  
the European Social Charter

submitted by

**THE GOVERNMENT OF THE REPUBLIC OF  
SLOVENIA**

Article 1, 9, 10, 15, 18, 20, 24 and 25

for the period 01/01/2015 - 31/12/2018

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**CYCLE 2020**



Nineteenth Report of the Republic of Slovenia  
**on the implementation of the European Social Charter (amended)**

**Articles 1, 9, 10, 15, 18, 20, 24 and 25  
(employment, training and equal opportunities)**

*Reference period:  
from 1 January 2015 to 31 December 2018*

**May 2020**

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## INTRODUCTION

The European Social Charter (Revised) (hereinafter: the RESC) was adopted by the Council of Europe in 1996. The Republic of Slovenia signed the RESC on 11 October 1997, the act on ratification was adopted by the National Assembly of the Republic of Slovenia on 11 March 1999 (Official Gazette of the Republic of Slovenia – International Treaties [Uradni list RS – Mednarodne pogodbe], No. 7/99), while the RESC was ratified on 7 May 1999 and entered into force on 1 July 1999. In addition to the ratification of the RESC, the Republic of Slovenia also assumed responsibility for monitoring the commitments in the RESC as per the procedure determined by the Additional Protocol to the European Social Charter Providing for a System of Collective Complaints (hereinafter: Additional Protocol).

In line with the existing reporting system – which, since 2014, has included simplified periodical reporting for the RESC signatories that also adopted a mechanism for collective complaints, and which has also maintained the reporting by thematic groups although in different time dynamics – the Republic of Slovenia must, in 2019, submit a report on the implementation of the RESC articles from the thematic group of employment, training and equal opportunities (Articles 1, 9, 10, 15, 18, 20, 24 and 25).

The last report on the implementation of the articles on employment, training and equal opportunities was submitted by Slovenia to the Council of Europe in January 2012 for the reporting period from 1 January 2007 to 31 December 2010 (Eleventh National Report of the Republic of Slovenia on the implementation of the European Social Charter, which was adopted by the Government of the Republic of Slovenia in December 2011). Based on this report, the ECSR adopted the Conclusions 2012 stating that the situation in Slovenia is **in conformity with the RESC in nine cases, but not in four cases** (Articles 1§4 – Vocational guidance, training and rehabilitation, 15§1 – Education and vocational training of persons with disabilities (children with special needs), 15§2 – Employment of persons with disabilities, and 20 – The right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex). The ECSR deferred conclusions about the implementation of articles 10§1, 10§2, 10§3, 10§5, 18§3, and 24 because they need further information to adopt decisions, which Slovenia is providing in this report.

The nineteenth Report of the Republic of Slovenia on the implementation of the RESC concerns the reporting period 1 January 2015 to 31 December 2018 and includes legislative and other measures in the aforementioned period, statistical and other data on the implementation of individual RESC provisions and answers to the questions of the ECSR from the Conclusions 2012.

## Article 1 The right to work

### 1§1 Full employment policy

#### Labour market situation

In 2015–2018, the labour market began showing the effects of the economic recovery after the crisis, which had caused a sharp increase in the unemployment rate in Slovenia after 2009. During the economic crisis, especially in 2009, the decrease in the gross domestic product (GDP) significantly exceeded the average decrease in the European Union; after several years, however, a significant growth followed in 2014. The economic growth measured in real GDP growth rate was 2.3% in 2015, 3.1% in 2016 and even slightly higher, 4.9% and 4.5%, in 2017 and 2018. The favourable economic climate began to reflect in the labour market as a growing need of employers for workers and as a reduction in the number of layoffs of already employed workers, which is why the share of the working population increased. After reaching the lowest level of 67.1% in 2013 due to the effects of the economic crisis, the employment-to-population ratio started to rise faster than the EU average and reached its highest level, i.e. 75.4%, in 2018.

From 2015 until the end of 2018, the number of registered unemployed in Slovenia dropped by more than 34,200, from 113,076 to 78,834. The registered unemployment level was 12.3% in 2015, 11.2% in 2016, 9.5% in 2017 and 8.2% in 2018; it was 7.5% in men and 8.9% in women. The survey-based unemployment rate decreased at a similar rate, amounting to 5.1 in 2018 – 5.7% in men and much lower, 4.6%, in women. The registered unemployment by age groups shows that the 2018 level was highest among the oldest and youngest job seekers.

15–24	25–29	30–34	35–39	40–44	45–49	50–54	55–59	60+
14.3	9.5	7.1	6.0	5.5	5.5	6.9	12.2	18.0

Source: ESS

The end of the economic crisis and the increase in employment caused a decrease in the rate of unemployed young people and of the short-term unemployed and groups of persons who were more employable due to their competences and motivation. In addition to the share of the older unemployed, the share of the long-term unemployed began to increase in the unemployment structure. According to the data of the Statistical Office of the Republic of Slovenia, the registered long-term unemployment rate (12 months or more) was 4.3% in 2018, while the very long-term unemployment rate (24 months or more) was 2.8%.

According to OECD data, the share of public expenditure in Slovenia in the GDP share earmarked for active employment policy (hereinafter: AEP) was 0.25% in 2017 and has not changed significantly since 2015. The share of expenditure for passive measures dropped from 0.52% in 2015 to 0.43% in 2017. The total number of persons included in AEP measures in 2015–2018 was 142,680. The first AEP measure, **Education and Training**, covers the biggest share of participants in AEP programmes: as many as 45.5% of all unemployed participants were included in it in 2018, while 93,402 unemployed and employed persons participated in it in the 2018–2018 period.

		2015	2016	2017	2018
All AEP measures – total		22,960	20,304	35,309	64,107
Measure 1 "Education and training"	unemployed	16,020	6,930	13,440	8,543
	employed	/	/	10,271	32,492
	total	16,020	6,930	23,771	46,681

Source: MDDSZ

## Support to vulnerable groups – young people about to enter the labour market

As the post-crisis situation started to improve with the growth of the economy and job creation, youth unemployment dropped significantly. At the end of December 2018, the number of unemployed persons registered at the Employment Service of Slovenia (hereinafter: the ESS) from 15 to 29 years of age was 15,924, which is 51% less than at the end of 2013. According to Eurostat, the unemployment rate of people up to 25 years of age decreased from 16.4% in 2013 to 9.7% in 2018. A positive trend for young people is further confirmed by the data on the employment rate of young people: 126,718 people up to 29 years of age were employed in 2018, which is 20.5% more than in December 2013.

The beginning of 2014 saw the start of the implementation of the **Youth Guarantee**, an EU initiative to ensure that all young people receive continued education, traineeship or employment within a period of four months of becoming unemployed or entering the labour market. The Government of the Republic of Slovenia adopted the first Youth Guarantee Implementation plan for 2014–2015 and the second for 2016–2020. The Youth Guarantee for 2016–2020 consists of 54 measures aimed at improving young people's situation in the labour market. The guarantee scheme combines measures of various government sectors that are aimed at enhancing young people's employability and their activation in the labour market.

<b>Overview of implementation of Youth Guarantee measures by years</b> (the number of participants and employments decreases from year to year because of the reduction in the number of unemployed young people)				
	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Number of included unemployed people up to 29 years of age	18,371	15,081	22,332	19,649
Of which number of subsidised employments	7,941	9,523	3,091	3,932
Number of all employments of unemployed people up to 29 years of age	23,475	24,174	21,219	19,743
Resources used (in million EUR)	46.0	47.3	65.2	55.4

Source: MDDSZ

In the Youth Guarantee framework, the Republic of Slovenia implements different measures facilitating the transition from education to labour market in the short and long run. Besides the measures of the Ministry of Labour, Family, Social Affairs and Equal Opportunities (hereinafter: the MDDSZ), the Youth Guarantee includes the measures of the ministry competent for education (MIZŠ), ministry competent for economic development (MGRT), ministry competent for culture (MK) and ministry competent for agriculture (MKGP). The implementation of the Youth Guarantee Scheme measures is funded from different sources: European Social Fund, European agricultural fund for rural development, European fund for regional development, YEI resources as well as Slovenia's state budget. The Youth Guarantee measures included almost 75,500 young people in the 2014–2018 period, of which almost 24,500 entered subsidised employment while the number of all employments of young people exceeded 88,600.

In the area of employment, measures under the AEP are important under the Youth Guarantee, as they help young people in their transition from education to the labour market. Programmes that increase the employability of unemployed young people are subsidised employment programmes for the unemployed from 15 to 29 years of age and various training and education programmes. A very important programme in the AEP framework is **Permanent employment of young people** implemented since 2017, in the framework of which employers can obtain a subsidy if they permanently employ a young unemployed person. The number of young people who became employed with the help of this subsidy was 1,175 in 2017 and 2,385 in 2018. Other AEP programmes covering people up to 29 years of age in the 2015–2018 period were the following:

- **First challenge** targeted people up to 29 years of age in the eastern Slovenia. Employers received a EUR 7,250 subsidy for employing a young unemployed person from eastern Slovenia

for a minimum period of 15 months with 3-month full-time probationary period. 2,935 persons were included in this measure in 2015 and 2016.

- **On-the-job training for young people** is aimed at training and acquiring new practical skills and competences. The programme is very successful because more than 70% of participants enter employment a year after their inclusion. Almost 2,170 young people were included in the programme from its beginning in 2016 until the end of 2018.
- **Work-based test** enables unemployed persons to test themselves in a specific job before employment. The programme lasts from 100 hours up to one month, with the exception of disabled persons whose inclusion may last longer. The ESS reimburses the supplement for activity and transport to a participant. 2,800 people up to 29 years of age were included in the programme from 2015 to the end of 2018.
- **Informal education and training for young people** offers education and training of unemployed persons for performing professional activities and tasks sought by employers. 1,925 young people were included in the programme from 2016 to the end of 2018.
- **Public works**, in which long-term unemployed young people may participate. 3,964 long-term unemployed young people were included in the public work programmes in the 2015–2018 period.
- **Project learning for young adults – PYLA**, implemented since 2015, is an informal form of education aimed at young unemployed persons as well as secondary school students still included in the process of regular education but at risk of dropping out. Its primary purpose is to develop the potential of vulnerable young adults for their successful integration in education to obtain qualifications, develop a professional identity, and thus successfully enter the labour market and society. An important role is also played by mentors in the programme and counsellors at the ESS, who form, together with other stakeholders (school counsellors, therapists, doctors, etc.), a professional team to help participants realise their career plans. The programme places a particular emphasis on vulnerable social groups additionally exposed to the risk of unemployment and exclusion from education processes. Such groups comprise migrants, disabled persons, the chronically ill, socially excluded persons, addicts to different substances and persons forced to take care of dependants. Slightly over 1,550 young people were included in the PYLA in the 2015–2018 period.
- In 2017, the MDDSZ published a public call for **Co-financing projects for the entrepreneurship promotion programme among young people 2017–2019**, whose purpose is to promote entrepreneurship among unemployed persons up to 28 years of age, innovation and creativity and thus increase the employment of young people. Young unemployed people take part in group training, followed by individual counselling to transform an entrepreneurial idea into a concrete business plan. After successfully confirming the entrepreneurial plan and employment in a newly established economic subject they get the opportunity to obtain a subsidy in the related **Incentives for the employment of young people** operation.
- MDDSZ launched a public call **Innovative Youth Employment Projects** in May 2018 to promote the employment of unemployed youth and increase their employment opportunities through innovative approaches and development of creative solutions for faster and easier transition of young people to the labour market and promotion of partnership among labour market stakeholders aiming at reducing youth unemployment. The target group are people up to 28 years of age. The aim of the public call is the inclusion of 333 young persons.

Besides the measures implemented in the AEP framework, MDDSZ implements other measures in the Youth Guarantee framework directly or indirectly contributing to the inclusion of young people in the labour market. It is, among other things, competent for the implementation of the scholarship policy covering several types of scholarships. The following are of particular importance from the labour market aspect:



- **Scholarships for shortage occupations**, which encourage young people to enter formal education for occupations whose shortage is recognised in the market. These scholarships do not only contribute to the improvement of employment opportunities of young people but to the provision of labour needed in the labour market. The Public Scholarship, Development, Disability and Maintenance Fund of the Republic of Slovenia publishes an annual call for applications for scholarships for shortage occupations by the end of January. 2,573 students received a scholarship from 2016 until the end of 2018.
- **Regional scholarship schemes** in the framework of which company scholarships of employers are co-financed. Their purpose is to contribute to the improved education structure of young people, harmonisation of supply and demand in individual statistical regions, decrease of structural unemployment, prevention of brain drain and return of young people to their regions. The added value of this measure is to integrate education and the economy through the acquisition of practical experience while studying, and to enable employers to plan the development of human resources within their company. 960 secondary school and university students received company scholarships from 2016 until the end of 2018.
- **Development and transition of young people with special needs to the labour market.** See 15§1.

As a measure for young people indirectly influencing the integration of young people in the labour market, a **Call for Proposals for Career Centres for Youth** was published in 2018, under which two projects were selected – **Career Place – career centre for young people** in western Slovenia and **LIKE AND GO – career centre for young people** in eastern Slovenia. The purpose of the project is to enable the schooling youth a better access to career orientation services. Various activities are carried out within the project, such as providing information on occupations, individual counselling to learn about one's interests, traits and competences, identification of the needs of employers and the labour market, promotion of shortage occupations, etc., that will empower young people in planning their careers. Other target groups include schools, counsellors and parents.

The most important long-term measure is, however, the **Enhancing of counselling work with young people at the Employment Service of Slovenia** project, also a part of the Youth Guarantee. The purpose of the project is to employ and train youth counsellors at the ESS in order to contribute to the empowerment of young people in managing their careers. The aim is therefore to increase the number of specially qualified counsellors with a view to enhancing work with young unemployed persons and providing high-quality career counselling and guidance for young people. Counsellors, who are mostly young people themselves and use solution-oriented counselling methods, organise speed dates with employers and prepare participants for them. The target group of the project is young job seekers and unemployed persons up to 29 years of age. Enhancing counselling work of the ESS for youth has been recognised as an example of good practice of the Youth Guarantee implementation by the European Commission, too. The implementation of the project began in December 2015 and will last until the end of 2022.

### **Support to vulnerable groups – persons in geographical areas with high unemployment**

In the 2015–2018 period, a measure of reimbursement of contributions to employers in areas with high unemployment was implemented as part of the active employment policy for areas with high unemployment. The measure enabled the reimbursement of paid contributions of employers for newly employed workers in areas with high unemployment (Pokolpje, Maribor and its surroundings, Hrastnik, Radeče and Trbovlje). Employers could claim the reimbursement for the employment of the unemployed from measure target groups. The purpose was to implement additional measures to promote employment in areas with high unemployment growth. The basis for employment incentives was the Promotion of Balanced Regional Development Act (Official Gazette of the Republic of Slovenia,

Nos 20/11, 57/12 and 46/16). Employers could claim reimbursement for the employment of a person who was registered as unemployed and belonged to one of the following groups:

- had no regularly paid employment in the last six months or
- is 15 to 24 years of age
- did not complete secondary professional education, secondary vocational or technical education or general secondary education, or completed regular education less than two years ago but has not yet entered their first regular paid employment, or
- is over 50 years of age, or
- lives alone or has one or more dependants, which means that he or she looks after one or more children younger than 26 if they are in full-time schooling, or has an unemployed spouse, or
- will become employed in an activity (economic sector) in which the gender imbalance is at least 25 per cent higher than the average imbalance in all economic sectors in Slovenia, or
- is a member of an ethnic minority, or
- is considered as a disabled person in the quota system of employing disabled persons.

The measure of reimbursement of contributions to employers in Pomurje was implemented in the same period. The measure enables the reimbursement of paid contributions of employers for newly employed workers in the Pomurje region. The measure is based on the Development Support for the Pomurje Region 2010 – 2019 Act (Official Gazette of the Republic of Slovenia, Nos 87/09, 82/15 and 27/17). The measure enables the reimbursement of social security contributions paid by employers for the period of two years. Employers may claim the reimbursement for the employment of a person from one of the target groups listed in the above measure. In the 2015–2018 period, employers received the reimbursement of social security contributions for 1,434 persons.

#### **Support to vulnerable groups – long-term unemployed**

See 10§4.

#### **Support to vulnerable groups – immigrants and refugees**

Persons under international protection are, in accordance with the provisions of the Labour Market Regulation Act (Official Gazette of the Republic of Slovenia, Nos 80/10, 40/12 – ZUJF, 21/13, 63/13, 100/13, 32/14 – ZPDZC-1, 47/15 – ZZSDT, 55/17 and 75/19; hereinafter: the ZUTD), fully entitled to all measures and services provided by the state in the labour market (e.g. AEP programmes, lifelong career orientation, job brokerage). In addition, foreigners who are granted international protection status in the Republic of Slovenia are subject to special, adapted integration measures in the labour market end employment area prepared by the ESS.

In 2017, the ESS thus published a public invitation to employers for delivering on-the-job training for persons under international protection. The programme is a part of the AEP and is still being implemented. Its purpose is to facilitate the labour and social integration and increase the employment opportunities of persons under international protection registered as unemployed at the ESS. By acquiring and strengthening knowledge and skills in a specific job, the persons included find a job more easily and enhance their competitiveness in the labour market. The programme is carried out under the guidance of a mentor appointed by the employer, and in cooperation with an ESS professional. By using a dictionary accessible in a visible spot, the programme also contributes to the improvement of linguistic communication. A mentor must complete at least 40 hours of individual mentorship to be able to train a participant. The training lasts six months. Six persons entered the programme in 2017 and 32 in 2018.

Ever since the beginning of the major refugee wave in September 2015, the ESS has actively cooperated in activities to integrate persons under international protection in Slovenian society and labour market. With a view to act consistently, it regularly harmonised its activities with other

governmental and non-governmental stakeholders active in this field. Since 2016, "Integration of persons under international protection" workshops have been implemented with the help of an external provider; their purpose is to facilitate labour market integration to persons with international protection. At the same time, the ESS employed additional employment counsellors for the target group of persons under international protection.

#### **Additional clarifications relating to Conclusions (pp. 5–6):**

##### **Measures to increase the employment rate of older workers**

At the request of the ECSR, the government provides data on the employment rate of older workers and information on measures to increase it. Statistical data show that since the end of the economic crisis the number of registered older unemployed has been slowly decreasing in line with the number of registered unemployed, but in recent years the share of older unemployed in the structure of total unemployment has been steadily increasing. The number of unemployed over 50 is growing more slowly than the number of other unemployed and although it decreased by 18% in 2018 in comparison with 2015, the share in the total structure of unemployment since 2015, when it was 32.9%, rose to 38.8% by the end of 2018. The demographic structure of older unemployed is often more problematic compared to that of younger categories of unemployed. The majority of older unemployed has only primary or vocational education (60%). More than 64% of all unemployed aged 55 or more are long-term unemployed. Men are in the majority in this age group.

Older people belong to the vulnerable group of people at high risk of transition into long-term unemployment, as they often face other barriers, such as low education or health problems, which makes them an important target group for many AEP programmes. The share of older unemployed among all persons included in AEP programmes in 2017 and 2018 is growing, amounting to about 26% in the last two years. Most, slightly over 3,700, were included in the **Employment incentives** measure aimed particularly at increasing the employment opportunities of vulnerable groups of unemployed persons. **Public works programmes** included 35–40% of participants over 50 years of age. Older unemployed can participate in most AEP programmes, some designed exclusively for them. In 2018, the ESS thus launched the implementation of the AEP programme tailored especially for older unemployed by taking into account their characteristics – the **Active until Retirement** programme. The purpose of the programme is to promote work and more permanent employment of older unemployed for an indefinite period or at least until the fulfilment of retirement conditions. Employers can obtain a subsidy for employing the unemployed aged 58 or more. The aim of the programme is to increase the share of older workers in the labour market.

Another measure to promote and maintain employment is the Intervention Measures for the Labour Market Act (Official Gazette of the Republic of Slovenia, Nos 90/15 and 75/17), adopted at the end of 2015, which allows an employer to claim a temporary incentive to employ older unemployed persons. Employers who employ an unemployed person over 55 years of age who has been registered as unemployed for at least six months are exempt from paying compulsory insurance contributions for this person. The measure was in force from 1 January 2016 until 31 December 2019. Aware of the importance of enabling employers to work with an ageing labour force, the ESS also attaches great importance to raising awareness among employers and the general public of the importance of older workers in the labour market, in particular through job and career fairs and offices for employers.

In addition to AEP measures, the MDDSZ supports other measures that indirectly and directly contribute to the inclusion of older unemployed in programmes of motivation and prolongation of their activity in the labour market. **Comprehensive support for businesses to encourage active ageing of the workforce** is a programme responding to the challenges of society with ageing labour force, raising

awareness of negative demographic trends among employers and employees, eliminating stereotypes about older workers, and especially supporting employers for the effective management of an older labour force and strengthening competences and motivation of older employed for the prolongation of their employment. Since 2017, the programme has been implementing a series of activities that take into account the needs of employees, employers and the broader social context, namely: preparation and annual updating of the **Catalogue of good practices, measures and tools for the effective management of older workers**, in which employers can find a series of instructions to introduce the planned management of older workers; carrying out an awareness-raising campaign in the media to overcome the negative attitude of employers towards older workers; organising **Committed.Asi** workshops for employers, especially for managers and human resource managers in order to strengthen the effective management of older workers; organising the annual **Older-Worker Friendly Company** competition; issuing a public invitation to support employers in formulating and implementing strategies and/or plans of measures for the effective management of older workers and strengthening their competences; issuing a public call for proposals for pilot projects for the development and implementation of innovative solutions for maintaining the commitment, productivity and efficiency of older workers. By the end of 2018, more than 7,700 employees and 410 companies joined the ASI's various activities. More than 300 company-level strategies for and effective management of older workers were drafted.

### **Monitoring the implementation and efficiency of employment policies**

The Government of the Republic of Slovenia explains that AEP measures are regularly monitored, evaluated and adapted to labour market needs. Pursuant to Article 145 of the Labour Market Regulation Act, the MDDSZ shall annually acquaint the Government and other social partners with the report on the implementation of measures in the past year that should include an analysis of the effectiveness and efficiency of particular measures and their contribution towards achieving the objectives set. Accordingly, the ESS annually prepares an evaluation of efficiency of the previous subsidy programmes based on the introduction of monitoring teams to determine how persons from the same target groups not included in a subsidised employment programme were employed. Another important indicator of the effectiveness of measures is the continuance of employment after the end of inclusion in the programme. The assessment of efficiency or evaluation of programmes is a part of the annual report on the implementation of measures in the labour market available to the public on the MDDSZ website.

In partnership with the University of Primorska, the MDDSZ was selected to finance the project **Development of Social Policy Reform Strategies in Slovenia** under the European Union Program for Employment and Social Innovation, which took place between October 2015 and September 2017. One of the aims of the project was the evaluation of the key existing AEP policies and programmes. The following key AEP programmes were evaluated: **On-the-job training**, **Institutional training**, **Zaposli.me** and **Public work programmes**. The findings resulted in the positive evaluations of all four programmes both in terms of impact on the labour market and cost-effectiveness. It was established that the inclusion in a programme has a positive impact on the probability of future employment and wage level. In terms of efficiency, the best programme was **Zaposli.me** followed by **On-the-job training**. The impact of the public works programme on the probability of employment after the completed programme is, however, much smaller. According to the above survey, the most cost-effective programmes are both training-oriented ones – **Institutional training** and **On-the-job training**. The estimated impact of the programme (probability of employment) in the Republic of Slovenia comparable to that at the international level.

## **Article 1 The right to work**

### **1§2 Right of to an occupation freely entered upon**

#### **Prohibition of all forms of discrimination in employment:**

#### **Employment Relationship Act**

The Employment Relationship Act (Official Gazette of the Republic of Slovenia, Nos 21/13, 78/13 – corr., 47/15 – ZZSDT, 33/16 – PZ-F, 52/16, 15/17 – CC Decision and 22/19 – ZPosS; hereinafter: theZDR-1) governs employment relationships established by an employment contract concluded between and employee and employer with the aim of integrating workers in the working process, ensuring a harmonised working process and preventing unemployment, taking into account the right of workers to freedom of work and dignity at work, and protecting the interests of workers in the employment relationship. The prohibition of discrimination in employment is detailed in Articles 6, 7, 8 and 200 of the ZDR-1.

According to the ZDR-1, employers must ensure equal treatment irrespective of personal circumstances regarding employment, promotion, training, education, retraining, pay and other remuneration from employment, absences from work, working conditions, working hours and the cancellation of employment contracts, as well as all other aspects of the employment relationship. The ZDR-1 explicitly lists some personal circumstances (including nationality, race or ethnic origin, national and social origin, gender, skin colour, health, disability, religious conviction, age, sexual orientation, family status, trade-union membership, financial situation) and adds "or any other personal circumstance". The ZDR-1 states in particular that less favourable treatment of workers in connection with pregnancy or parental leave shall be deemed discriminatory. Discrimination includes also sexual and other harassment at work. Both direct and indirect discrimination are prohibited.

An employment candidate or worker in an employment relationship who believes they have been discriminated against regarding employment contract termination has the right to judicial protection by means of a lawsuit before the competent court. In the event that the employer did not provide them equal treatment in accordance with the prohibition of discrimination, or the employer did not provide them protection against sexual and other harassment or mobbing in the workplace, they also have the possibility of extraordinary termination of the employment contract and thus leaving an unbearable employment relationship; in this case, their rights are comparable to those in cases of a termination of employment contract owing to business reasons. A worker has the right to severance pay and to compensation amounting to the amount of the lost remuneration during the notice period; they may also acquire the right to unemployment benefit under the prescribed conditions. In cases of violating the prohibition on discrimination, a worker or employment candidate who suffered the discrimination may demand compensation.

#### **Protection Against Discrimination Act and the Advocate of the Principle of Equal Treatment**

The Government of the Republic of Slovenia explains that a new Protection Against Discrimination Act (Official Gazette of the Republic of Slovenia, Nos 33/16 and 21/18 – ZNOrg; hereinafter: the ZVarD) entered into force on 24 May 2016, replacing the Principle of Equal Treatment Act (hereinafter: the ZUNEO). The principal reason for drafting the ZvarD was a new arrangement of the status of an authority for the promotion of equal treatment, which is in accordance with the EU legislation; at the same time, other provisions were added or updated as a result of identified deficiencies in the previous practice, and development of law and policy in the field of non-discrimination. Thus, for example, the ZVarD now contains definitions of other forms of discrimination, a special lawsuit for protection against

discrimination, and the definition of the possibility of participation of an advocate and non-governmental organisations in legal proceedings. The ZVarD also provides protection against discrimination in the area of access to employment, self-employment and a profession, including the selection criteria and conditions of employment, while Paragraph 3 of Article 2 stipulates that, regardless of the provisions of other laws, the provisions of this Act shall apply if they are more favourable to the discriminated person.

Pursuant to the Zvar-D, a state body for equality was established in October 2016 – the Advocate of the Principle of Equality, which operates in the area of all personal circumstances on the basis of which discrimination is prohibited in all areas of social life. The Advocate carries out its statutory tasks and responsibilities both at the systemic and individual levels. In 2018, the Advocate was given administrative and technical autonomy; an independent structure was established, enabling the consideration of individual cases of reported discrimination and the performance of other tasks.

The fundamental mission of the new authority is to implement all tasks and competences under the ZvarD, which are the following:

- providing independent assistance to persons subject to discrimination when enforcing their rights regarding protection against discrimination in the form of counselling and legal assistance for clients in other administrative and judicial proceedings;
- performing inspection duties;
- participating in judicial proceedings involving discrimination;
- proposing the adoption of special measures to improve the situation of people who are in a less favourable position due to certain personal circumstances;
- conducting independent research on the situation of persons with certain personal circumstances and other issues related to discrimination against persons with certain personal circumstances;
- publishing independent reports and making recommendations to national authorities, local communities, holders of powers conferred by public law, employers, economic operators and other entities with a view to preventing and eliminating discrimination and adopting specific and other measures to eliminate discrimination;
- monitoring the general situation in the Republic of Slovenia in the field of protection against discrimination;
- raising the awareness of the general public on discrimination and measures to prevent it;
- requesting the review of constitutionality;
- ensuring the exchange of available information on discrimination with the bodies of the European Union.

The Advocate of the Principle of Equal Treatment drafts a report on its work every year. In 2015, the Advocate received 45 initiatives to address discrimination, 42 of which were resolved by the end of the year; in 2016, 68 initiatives were received, 59 of which were resolved by the end of 2018; while in 2017, 103 new cases were received – 79 proposals to address discrimination and 24 requests for counselling – 92 of which were resolved by the end of 2018. In 2018, the Advocate received 93 proposals to address discrimination and requests for counselling, 56 of which were resolved by 31 December 2018. Since 130 unresolved cases from previous years were transferred to 2018, the total number of cases addressed by the Advocate in 2018 was 223. 149 of them were resolved. Of the resolved cases, 33.6% concerned issues where persons were offered consultation, while others referred to the procedure determining discrimination.

The most frequently claimed personal circumstance of discrimination in the cases closed in 2018 was disability (9.6%), followed by nationality, race or ethnic origin (8.2%) and gender (4.1%); however, in more than half of the cases personal circumstances were not mentioned. In terms of the area of life in which discrimination takes place, most of the resolved cases in 2018 concern the areas of employment and work. Thus 26.6% of cases were from the area of employment and working conditions, including

termination of employment and wages, and 24.8% were from the area of conditions for access to employment, self-employment and a profession, including the selection criteria and recruitment conditions irrespective of the type of activity and at all levels of the occupational hierarchy, including promotions. They were followed by the fields of access to and supply of goods and services that are available to the public (24.8%), education (14.7%), social protection (6.4%) and access to social benefits (1.8%). Given that the ZVarD defines several different forms of discrimination, the most common alleged form of discrimination in cases concluded in 2018 was direct discrimination (65.4%) followed by indirect discrimination (12.1%), harassment (4.5%), incitement to discrimination (4.5%) and one case of sexual harassment.

The Advocate may conclude cases in different ways, depending on the legal basis or the type of competence in individual cases. The former act (ZUNEO) envisaged the issuing of opinions, which are not envisaged by the new act (ZVarD), so opinions may be issued only for cases received before 24 May 2016. With regard to the type of competence, the ZVarD envisages issuing recommendations or explanations in questions and requests for counselling, while in procedures determining discrimination, the Advocate has the competence to issue decisions and refer cases to other competent bodies, and may also close cases by submitting requests for constitutional review to the Constitutional Court of the Republic of Slovenia. In 149 cases closed in 2018, the Advocate issued an explanation in 68.8% of cases, a recommendation in 4.5% and an opinion in 2.5%, while 24.2% of cases closed with an official note, which happens when the applicant is unresponsive and does not respond to the request to complete the case; this means that the Advocate does not have sufficient information to respond. In 2018, the Advocate also issued the first five decisions under the ZVarD in procedures determining discrimination, but none of these five cases was closed in 2018. In 2018, the Advocate did not participate and represent parties in proceedings before the court.

### **Case law concerning discrimination in employment**

The Advocate of the principle of equality carried out an analysis of the judgments of the Labour and Social Courts in the Republic of Slovenia, which is available in its annual report for 2018, in order to follow in detail the case law on protection against discrimination in the Republic of Slovenia before 2018. First-instance labour courts sent the Advocate 65 cases addressed until the end of 2017; 34 judgments referred to determining discrimination. Discrimination was determined in eight judgments out of these 34 cases. The other 31 judgments concerned alleged mobbing. In other cases, the plaintiff did not even claim a personal circumstance or a personal circumstance was not the reason for unequal treatment, or the court ruled that unequal treatment did not occur. Courts unanimously stated that although Article 6 of the ZDR-1 (or Article 6 of the ZDR) provides for the rule of inverted burden of proof, this does not relieve the plaintiff from fulfilling the burden of argument, since this is the only basis to provide the defendant the opportunity to adduce appropriate evidence regarding the burden of proof. The existence of a personal circumstance that could potentially cause discrimination is in itself not sufficient to conclude that discrimination exists.

In all cases, courts define discrimination in accordance with Article 6 of the ZDR-1 and, in older cases, Article 6 of ZDR, which provides that employers must ensure that equal treatment is afforded to job seekers in gaining employment or workers during their employment relationship and in connection with the termination of employment contracts – irrespective of their ethnicity, race or ethnic origin, national or social background, gender, skin colour, state of health, disability, faith or conviction, age, sexual orientation, family status, union membership, financial standing or other personal circumstance in accordance with the Act, the regulations governing the fulfilment of the principle of equal treatment and the regulations governing equal opportunities for women and men. Courts did not provide other legal bases for determining discrimination in these judgments. The judgments received show that, in principle, the courts allow a rather broad interpretation of "other personal circumstances", including: the filing of a lawsuit, a plaintiff's allegation that the defendant caused damage, and a plaintiff's request for dismissal

of their superior, a plaintiff's dissatisfaction with the method of calculation of hours of work, and their demand for the elimination of violations and for allegations of fraud, unfairness, incompetence and lack of integrity.

The Advocate concludes that there is relatively little case law in the field of discrimination, that discrimination is relatively rarely alleged in courts and that extensive further interpretations of basic institutions of anti-discrimination law such as individual personal circumstances, individual forms of discrimination and the like are not found in the case law. Discrimination claims brought before the courts rarely succeed; as a result, no compensation is awarded for discrimination and consequently it is not possible to determine whether the sanctions are effective, proportionate and dissuasive. The above points to the need to raise public awareness of the possibilities offered by anti-discrimination law and the legal remedies available, as well as for advanced training of specialised publics such as attorneys and judicial staff who create case law. The need to raise public awareness of reducing discriminatory practices is also being raised by trade unions, which particularly point to the rise of covert discrimination practices in the employment of young women as well as older workers, despite the fact that the legal provisions on non-discrimination are perfectly clear and unambiguous.

### **Violations concerning the prohibition of discrimination – findings of the Labour Inspectorate of the Republic of Slovenia (LIRS) in 2018**

The findings for 2018 show that labour inspectors recorded violations of prohibition of discrimination (violation of Article 6 of the ZDR-1) in a total of 17 cases. Most of these violations (15) were found among employers in the private sector and only two among employers in the public sector. Only two cases referred to the discrimination of employment candidates, while all other registered cases concerned the discrimination of workers during an employment relationship. Discrimination concerning employment candidates (two cases) referred to a personal circumstance (family situation and gender), while the discrimination of workers during an employment relationship (seven cases) was registered on the basis of the following personal circumstances: personal relationship with the employer's person in charge, family relationship with the employer's legal representative, job position, employment with the employer on a specific day, social situation and medical condition. Several cases of determined discrimination in 2018 involved monetary claims by workers, specifically payment of holiday pay, and payment of wages on different days; in some cases, discrimination was also determined due to payment of pay increment based on seniority and reimbursement of work-related costs. In most cases of determined discrimination, inspectors took action by issuing warnings in reports, in accordance with the Minor Offences Act or the Inspection Act, whereas an inspector issued a regulatory decision in two cases and a minor offence decision with a notice in one case.

### **National Action Plan of the Republic of Slovenia on Business and Human Rights**

The National Action Plan of the Republic of Slovenia on Business and Human Rights – NAP adopted by the Government of the Republic of Slovenia on 8 November 2018 contains a range of measures and recommendations to ensure implementation of the UN Guiding Principles on Business and Human Rights. Through its National Action Plan, the Republic of Slovenia aims to strengthen activities designed to ensure that human rights are respected in business activities throughout the value chain and to additionally develop cooperation between the state, businesses, business associations, unions, NGOs and other stakeholders. Priorities of the NAP are prevention of discrimination and inequality, the promotion of equal opportunities, promotion and protection of fundamental workers' rights, also in transnational businesses and along the entire production chain, preventing and combating human trafficking, as well as environmental protection, nature conservation and sustainable development, and human rights due diligence. By adopting the NAP, the Government of the Republic of Slovenia committed to develop and foster human rights due diligence in business operations, and to define a



recommendation and expectation that economic operators would establish a mechanism for the due diligence of human rights in business; this is why the Action Plan contains the **Guidelines on conducting human rights due diligence for business enterprises**. The review of the implementation of the NAP commitments and making recommendations are carried out in multi-stakeholder form. Periodic inspections of implementation are carried out every two years. These inspections are coordinated by the Ministry of Foreign Affairs, which then reports the findings to the Government of the Republic of Slovenia.

## **Combating human trafficking and forced labour**

Being aware of the phenomenon of human trafficking, which is becoming a structural element in some industries in the international area and interfering with the fundamental rights of people who become victims of such exploitation, the Republic of Slovenia became actively involved in combating this phenomenon in 2002 by appointing a National Coordinator for this area; in 2012, it set up the Inter-ministerial Working Group on Combating Human Trafficking, which directs and coordinates the activities of individual institutions, facilitates inter-ministerial cooperation and coordination, and provides a multidisciplinary approach to human trafficking. In November 2018, the Anti-Trafficking Service was established at the Ministry of the Interior. It harmonises activities for the prevention and combating of human trafficking at the national level, offering professional support to the national coordinator.

The inter-ministerial working group is composed of representatives of line ministries, NGOs, the Specialised State Prosecutor's Office and the National Assembly. The Working Group periodically drafts action plans that define the specific tasks of the inter-ministerial working group in the fields of legislation, prevention, detection, investigation and prosecution of crime, assistance to and protection of victims, and cooperation within regional and international organisations, and monitors their implementation. It issues regular annual reports in which it informs the Government of the Republic of Slovenia and the public on the activities carried out.

In 2018, an important part of its activities was devoted to the prevention of human trafficking and forced labour by raising awareness. Many activities focused on four target groups, namely the general public, potential users of services, professional public and four at-risk groups, including adolescents, refugees and migrants, Roma and potential victims of labour exploitation and forced labour. The **Za-govor (Speak Up) project**, carried out by the Counselling Office for Workers in 2018, was focused on the latter. The aims of the project were to raise awareness, inform and identify potential victims of labour exploitation and provide direct assistance to victims. The Counselling Office for Workers achieved their objectives by providing direct information and counselling to potential victims of labour exploitation and counselling of victims. Within the project, information was provided to users in 815 cases, comprehensive counselling was provided in 406 cases, and advocacy service users were provided with comprehensive and active support in eliminating labour exploitation and exercising their rights. In addition, the Counselling Office for Workers published and distributed trilingual brochures on the rights arising from work and the procedures to be followed in the event of violations of these rights, published seven monthly reports on the number and type of violations suffered by workers and the sectors that recorded the most violations, and held two press conferences. Separately from the above project, the Ključ society carried out seven information sessions about trafficking for forced labour among employees in at-risk professions (catering, tourism, construction, agriculture, transport) attended by 300 persons. Preventive measures, however, do not address only potential victims but also employers. An example of the latter is the Slovenian translation of the Manual for Companies and Employers whose purpose is to detect and identify concealed employment, thus constituting a risk management and prevention tool. The manual is available online, targeting all industries and including steps to avoid involvement in such cases.

Worth mentioning among the numerous awareness-raising projects is ***Combating Human Trafficking – The Dissemination of Information is a Weapon against Exploitation*** carried out by the Slovene Philanthropy in 2018. It was aimed at raising the awareness among the most vulnerable groups of migrants and refugees and employees working with the target population. The main focus was on informing refugees and migrants individually about the dangers of human trafficking and forced labour, and seven information workshops were organised for them. Five workshops for professionals and volunteers were organised as well. Informative posters and leaflets in five languages have been printed and distributed to the target public, too. A number of public awareness and training activities on the phenomenon of human trafficking and forced labour in 2018 reached a wide range of public servants: criminal investigators, police officers, public prosecutors, criminal judges, labour inspectors, employees of the Financial Administration of the Republic of Slovenia (FURS), employees of administrative units, consular staff, professionals at social work centres, principals of primary and secondary schools, medical staff as well as employees of non-governmental organisations, lawyers and volunteers of societies.

In addition to prevention and awareness-raising, the action plans in 2015–2018 also focused on the detection, investigation and prosecution of trafficking offences, and in 2018 mainly covered the activities of the Police and prosecutor's offices and the activities of the IRSD and FURS. The police identified a continuation of the trend of previous years in the implementation of activities in the field of combating human trafficking in 2018, as the majority of cases addressed are recognised as a form of exploitation of prostitution and sexual abuse of victims of trafficking, as well as cases of exploitation for the purpose of forced commission of crimes and forced begging as a form of forced labour. In 2018, the Police processed 33 natural persons and three legal persons, as well as 101 victims of human trafficking. Since 2016, the Labour Inspectorate has participated in joint European actions concerning human trafficking and forced labour. In 2017, they organised a special action inspecting the construction industry together with the representatives of the Police, FURS and trade unions. A jointly coordinated inspection was conducted on construction sites where construction workers were predominantly foreigners. Nine construction sites were inspected involving 66 employers and 289 workers. No victims of human trafficking were identified. The joint action in 2018 inspected the road transport industry. The action focusing on employment relationships inspected the implementation of the ZDR-1 as well as the implementation of the Act Regulating the Working Time and Compulsory Rest Periods of Mobile Workers and on Recording Equipment in Road Transport. Intensified inspections were carried out in 29 cases and covered 13 entities; 50 violations of labour legislation were detected.

## **Precarious work**

In order to address the problem of precarious work, which is expanding with atypical forms of work, the MDDSZ prepared in March 2016 a document entitled ***For Decent Work***, which presented an up-to-date look at the labour market situation and proposed a set of measures in various fields that could be a step forward towards decent work for all citizens. The document was drafted as the basis for discussion among social partners and public discussion. In April 2018, the MDDSZ undertook the co-financing of the project ***MAPA: Multidisciplinary analysis of precarious work: legal, economic, social and healthcare aspects***. It is a joint project of three Slovenian universities based on a multidisciplinary approach in all phases of research, with the aim of achieving a synthesis and overcoming differences in approach to defining the concept of precarious work. The research work is being carried out from 1 April 2018 to 31 March 2020. The MAPA project is aimed at reducing the negative effects of precarious work and thus segmentation in the labour market and ensuring decent work for all workers. The main goals of the MAPA project are to gain a comprehensive multidisciplinary insight into the state of precarious work in the Republic of Slovenia by establishing its scope, characteristics and comparison with other EU countries, and then to formulate proposals to limit the negative effects of precarious work on the basis of a comprehensive insight into precarious work in the Republic of Slovenia for individuals and

society as a whole. Among all forms of work discussed within the project, special attention will be paid to agency work, economically dependent persons and the medical aspects of precarious work. In the light of the risk of the emergence of precarious aspects in the performance of work on different bases, any necessary changes will also be considered and developed with the social partners in the framework of social dialogue.

### **Additional clarifications relating to Conclusions 2012 (pp. 7–9):**

#### **Forced labour in the domestic environment**

At the request of the ECSR for information on the adopted legal provisions for combating forced labour in the domestic environment, the Government of the Republic of Slovenia explains that freedom of work is already guaranteed by the Constitution of the Republic of Slovenia. Paragraph 4 of Article 49 of the Constitution states that forced labour is prohibited. Although only forced labour is expressly referred to in Article 49 of the Constitution, it unequivocally follows from the obligations imposed by the international instruments ratified by Slovenia (inter alia the ILO Conventions Nos 29 and 105 and the European Convention on Human Rights and Fundamental Freedoms) and from the general definition of the right as the right to freedom of work, that the Constitution also provides protection against any form of forced (or un-free) work. In addition to the constitutional provision on the prohibition of forced labour, forced labour as a form of exploitation of victims of human trafficking is prohibited and defined as a criminal offence in Article 113 of the Criminal Code. Forced labour is also a criminal offence of violent conduct referred to in Article 296 of the Criminal Code.

Forced labour in the domestic environment is specifically incriminated in the context of the Family Violence criminal act in Article 191 of the Criminal Code, which states that whoever within a family or any other permanent living community treats badly another person, beats them, or in any other way treats them painfully or degradingly, threatens them with a direct attack on their life or limb to throw them out of the joint residence or in any other way limits their freedom of movement, stalks them, forces them to work or give up their work, or in any other way puts them into a subordinate position by aggressively limiting their equal rights shall be sentenced to imprisonment of up to five years.

If a family member is a victim of forced labour by another family member, all provisions of the Domestic Violence Prevention Act (Official Gazette of the Republic of Slovenia, Nos 16/08, 68/16 and 54/17 – ZSV-H; hereinafter: the ZPND) shall apply; the ZPND defines violence as any form of physical, sexual, psychological or economic violence inflicted by one family member against another and/or neglect of a family member, stalking of a victim and corporal punishment of children. It should be noted that Article 2 of the ZPND provides a broad definition of a family member, who may be:

- spouse or cohabiting partner,
- direct blood relative,
- collateral relative up to four times removed,
- relative by affinity,
- collateral relative by affinity up to two times removed,
- adopter and adoptee,
- foster carers and children placed in foster care,
- guardians and their wards,
- persons having a child together,
- persons living in a common household,
- persons in a partnership, regardless of whether they live in a common household or not, even after the end of the relationship or community.

## Work in prisons

Following the ECSR question from Conclusions 2012 regarding the safety and health at work of prisoners, the Government of the Republic of Slovenia explains that all rules and laws governing safety and health at work apply to both prisoners and the general population. As regards the question about payment of work by convicted persons, the Government explains that the payment is detailed by the Rules on payment of work by convicted persons (Official Gazette of the Republic of Slovenia, Nos 27/16, 4/20). The Rules determine the quotients for determining the basic payment for work, criteria and standards for assessing performance and work results of persons in institutions for serving prison sentences. Article 10 of the Rules defines the structure of a payment of convicted persons: "(1) Payment for the convicted person's work shall consist of the basic payment and supplements. (2) The basic payment shall be determined on the basis of the actually performed working hours, the basis for calculating the payment for the work done by convicted persons, and quotients according to these Rules. (3) The basis for calculating the payment for the work of convicted persons shall be 25% of the basis for calculating the salaries of the orientation position, i.e. cook IV, determined by the Collective Agreement for the Public Sector, which is in the fourteenth salary grade. (4) The quotients used to determine basic payment shall be divided into tariff groups according to the complexity of work." These tariff groups shall be as follows:

Tariff group		Quotient	
		lowest	highest
I.	simple work	0.317	0.348
II.	less complex work	0.349	0.389
III.	medium complex work	0.390	0.433
IV.	complex work	0.434	0.490
V.	more complex work	0.491	0.585
VI.	very complex work	0.586	0.664
VII.	highly complex work	0.665	0.791
VIII.	most complex work	0.792	0.949
IX.	exceptionally complex work	0.950	1.266

Article 11 of the Rules defines the calculation of the payment: "Based on the tariff groups from the preceding Article, the hourly rate for the payment of a convicted person shall be calculated by dividing the product of an individual tariff group's quotient and the basis for calculating the payment of the convicted person's work with the monthly number of regular working hours (174 hours)."

Convicted persons may work outside prison for natural or legal persons provided that this complies with their personal plan. Payment for the work of convicted persons is determined by the relevant act (Enforcement of Criminal Sanctions Act) and shall be based on 25 percent of the basis for calculating the wages of the orientation working post in the system of wages in the public sector. The quotients for determining basic payment and the criteria and standards for assessing performance and work results shall be prescribed by the Rules on payment of work by convicted persons.

## **Article 1 The right to work**

### **1§3 Free employment services**

#### **Additional clarifications relating to Conclusions 2012 (p. 10):**

#### **Employment Service of Slovenia (ESS)**

Following the ECSR request for the information about the changed role of the ESS after the adoption of the new Labour Market Regulation Act (Official Gazette of the Republic of Slovenia, Nos 80/10, 40/12 – ZUJF, 21/13, 63/13, 100/13, 32/14 – ZPDZC-1, 47/15 – ZZSDT, 55/17 and 75/19; hereinafter: the ZUTD), the Government of the Republic of Slovenia explains that the role of the ESS has not changed with the new legislation, as it has remained one of the key institutions in the labour market in the Republic of Slovenia. It is an independent legal entity with the status of a public institution, covering the entire territory of the Republic of Slovenia. The ZUTD regulates government measures in the labour market to ensure the provision of services of general interest in the field of employment, active employment policy measures and functioning of the unemployment insurance system; it defines the entities implementing the measures, lays down the conditions and procedures for exercising certain rights and services, regulates the method of funding of the measures and the monitoring, assessment and supervision of their implementation. According to the new act, the ESS is one of the providers of measures in the labour market besides the Public Scholarship, Development, Disability and Maintenance Fund and the MDDSZ. The only distinction is that the ESS includes unemployed persons in labour market measures, while the above fund implements measures and provides services for employed persons.

The basic activities of the ESS according to the ZUTD are the following:

- job brokerage and employment counselling
- provision of career orientation
- provision of unemployment insurance
- implementation of active employment policy measures
- issuing work permits and employment of foreigners
- drawing up analytic, development and other professional materials concerning the ESS activities
- labour market information provision, public information.

The performance of the public service, i.e. labour market services, remains the responsibility of the ESS as the central institution in the labour market. In compliance with the ZUTD, however, the ministry competent for labour shall grant concession to other providers for carrying out lifelong career orientation and job brokerage. From 2011 to 2018, two calls for tenders for the award of labour market services were issued (the first tender for the 2012–2015 period, the second for the 2016–2018 period), which selected concessionaires for the provision of lifelong career orientation services. In the context of the above-mentioned service, concessionaires carried out various types of workshops intended to help participants acquire the skills needed to identify an individual's interests and competences and opportunities in the environment, to learn and to decide on their employment and career goals and to implement them.

The Government of the Republic of Slovenia explains that it cannot provide precise data about the share of the ESS staff working with employers because some ESS staff members work with employers for the whole working time while others work with them only in a part of their working time (e.g. in smaller labour offices). The estimated share of all staff members working with employers and the number of unemployed persons per staff member working with employers is the following (source: ESS):

Year	2015	2016	2017	2018
Share of all staff members working with employers	8%	8%	7.8%	7.7%
Number of unemployed persons per staff member working with employers	1445	1322	1137	1006

Source: ESS

## Measures for eliminating discrepancies between supply and demand in the labour market

With regard to the elimination of discrepancies between supply and demand in the labour market, the Government of the Republic of Slovenia explains that economic trends in recent years have caused significant changes in the unemployment structure and the Slovenian labour market in general. As a result, structural disparities in the labour market have persisted to this day. Another increasingly serious obstacle to employment is the disparity between employers' needs and individuals' knowledge and competences. Persons whose restrictions make them harder to place are still in unemployment records, while young people, short-term unemployed persons and persons with vocational or higher education or those with work experience find employment faster. The employment of vulnerable groups largely depends on opportunities for participation in active employment policy programmes that are increasingly focused on the individual and the individual's needs in order to improve their employment opportunities. Due to structural disparities and demographic changes and assuming economic growth, we expect the labour shortage to continue in the long run, and it is therefore vital to balance out supply and demand in the labour market as much as possible, i.e. to include vulnerable groups of unemployed persons in the workforce.

When the ZUTD entered into force in 2011, it introduced new measures to the labour market, leading to the more efficient implementation of existing active employment policy (AEP) measures. New providers, measures and simplified procedures allow the state to respond more efficiently to fast changes in the labour market. The aim of the change was to stimulate inactive persons and persons whose employment was at risk to join the workforce, encouraging them to take a more active approach to finding employment. The act introduced simpler procedures for the selection of entities implementing AEP measures, particularly in relation to training and education, as well as the selection of employers. As an entity implementing AEP measures, the ESS set up the **Register of External Providers of AEP Measures**. AEP programme activities may also be carried out by external providers that are listed on the register and to which a person from the AEP programme target group is referred by an entity implementing AEP measures. The established network of providers of particular AEP programme activities allows a faster response from the state to dynamic changes in the labour market, enhances the role of lifelong career orientation in an individual's decisions regarding their career and enables unemployed persons to get involved in activities more quickly. Within the established social dialogue practices, representative trade unions, members of the Economic and Social Council, would like to play a larger and more active role in the implementation of the AEP programs.

In June 2016, the ESS started the project **Facilitating effective coordination of supply and demand in the labour market**, aimed at developing appropriate instruments for a successful coordination of workforce and competence needs, thus helping to reduce structural disparities in the labour market and ensure quicker access to employment for the unemployed. As part of the project, the ESS is conducting a survey entitled **Employment Prognosis** among employers with 10 or more employees twice per year. The aim of the survey is to obtain an assessment of trends in the demand for the employers' products and services, gain insight into short-term employment plans and foresee any current and anticipated future problems with staffing.

In September 2018, the ESS also conducted the pilot survey **Occupational Barometer**, a qualitative survey aimed at detecting and indicating anticipated labour market trends. The survey shows the relation between supply and demand by profession in the following year, both on the national level and the level

of ESS regional offices. The Occupational Barometer has led to the classification of occupations into three groups. The first group are "shortage" occupations for which the employers' needs are expected to exceed the supply in the labour market in the following year. The second group are "balanced" occupations for which supply and demand are expected to be balanced, and the third are "surplus" occupations for which the number of vacancies is expected to be lower than the number of job seekers.

It should be noted that, with the implementation of AEP programmes, the ESS exerts some effect on the balance between supply and demand by increasing individuals' employment opportunities and providing employers with a properly qualified workforce, taking into account the current and development needs of human resources planning. It is important that the ESS and individual employers, employers' associations and other professional organisations work together in a common effort to develop education or training programmes based on employers' needs. In 2013, the ESS vowed to make its employer activities more efficient, professional and friendlier, which was achieved through new services, a new organisational structure and more advanced communication platforms, a sufficient number of highly-qualified workers and improved/upgraded e-business channels. Five years ago, the ESS opened offices for employers providing advisory, assistance and other one-stop services. Offices for employers render assistance with job postings and professional recruitment, provide a venue for job interviews with the cooperation of ESS counsellors, offer help with completing applications and forms, give information on current employment incentives and training for the unemployed as well as information on legal obligations to be met when hiring a new employee.

**Article 1: The right to work**

**1§4 Vocational guidance, training and rehabilitation**

See the part of the report referring to Articles 9, 10(3) and 15(1).



## Article 9: The right to vocational guidance

### Additional clarifications relating to Conclusions 2012 (p. 12):

#### Career centres in higher education

In its Conclusions 2012, the ECSR requested information on the results of the project of co-financing the development and performance activities of university career centres. The Government of the Republic of Slovenia can report that, under the **Public tender for co-financing the development and performance activities of career centres in higher education (2010–2013)**, EUR 2,244,755.02 were earmarked, nearly 2,880 students received career counselling and 275 events were organised to bring students and their future employers together.

In 2013, the second **Public tender for co-financing the continued development and performance activities of career centres in higher education for the 2013–2015 period** was published. The subject of the public tender was the co-financing of the continued performance activities of career centres in higher education between 2013 and 2015, counselling students on how to plan and pursue their careers to ensure a better study experience and easier integration in the labour market. Co-financing was provided for activities aimed at the development of career orientation and performance activities in career centres, namely the continued support of career counsellors and/or the support of coordinators in higher education institutions, and their education and training in Slovenia or EU Member States; company presentations at faculties, personal visits by graduates to their future working environments, presentations of programmes and graduate profiles to potential employers, and other events. Emphasis was placed on strengthening cooperation with employers and the integration of persons with special needs. A total of seven higher education institutions were selected at the tender and EUR 1,282,156.09 was allocated. Between 2013 and 2015, 20,795 students were involved in the project, 659 events were organised with the aim of bringing them together with their future employers and easing their transition to the labour market, 375 personal visits by graduates to their future working environments were arranged and 507 presentations of programmes and graduate profiles to potential employers were organised. Activities carried out by individual career centres were attended by 280 students with special needs.

In 2016, the third **Public tender for enhancing the activities of career centres in higher education for the 2015–2020 period** was published. Its purpose was to provide a comprehensive and high-quality career orientation for students for the entire duration of their studies, from enrolment to employment, balancing the students' acquired knowledge with labour market needs, as well as to provide support for the exchange of career counselling experiences, results and good practice among career counsellors on the national and international levels. The aim of the public tender was to support career orientation by enhancing career counselling at higher education institutions and strengthening cooperation between career centres and employers and offering graduates direct access to their future working environments, thus helping to implement the goals of the Europe 2020 strategy and the strategic framework for European cooperation in education and training, such as increasing graduate employability and ensuring a more efficient entry in the labour market, eliminating discrepancies between the range of study programmes, knowledge and demand, and reducing the drop-out and on time completion rates. The MIZŠ earmarked EUR 5,750,000.00 for this purpose, EUR 4,740,851.01 of which were allocated to nine beneficiaries. As part of the last public tender between July 2015 and December 2019, more than 70,000 students, future students and graduates were involved and 241 events aimed at exchanging experience and good practice were organised.

## **Article 10: The right to vocational training**

### **10§1 Promotion of technical and vocational training**

#### **Balancing skills acquired in vocational education and training with labour market needs**

Social partnership is the foundation of vocational and technical education in the Republic of Slovenia, as is the case for developed educational systems in EU Member States and elsewhere in Europe and the world, and is regulated in acts on vocational and technical education and in the act governing national professional qualifications. The schools carry out vocational and technical education in cooperation with employers to ensure that, in addition to education and professional qualifications, the participants gain the professional competences needed the most in the labour market.

Social partnership is implemented throughout the process of vocational and technical education, namely in:

- planning (sectoral committees for the preparation of occupational standards for specific professional fields are made up of experts nominated by various chambers, employers' associations, professional associations, trade unions, non-profit organisations and the competent ministries);
- preparing the programme at the national level (vocational and technical education programmes are adopted by the Council of Experts of the Republic of Slovenia for Vocational and Technical Education, made up of representatives of all social partners) and at the local level, where representatives of local businesses are involved in preparations for the open part of the curriculum (20% of the education programme);
- providing vocational and technical education (part of the programme is carried out by employers as practical work-based training for students or as practical training for higher education students).

Notwithstanding, representative trade unions, members of the Economic and Social Council, would like to play a greater and more active role in the whole field of vocational training.

In order to adapt vocational education as much as possible to labour market needs, with the support of the Institute of the Republic of Slovenia for Vocational Education and Training and in cooperation with employers, schools have been developing and carrying out further vocational training since 2017, giving employees with secondary vocational or technical or higher vocational education the opportunity to acquire, improve or develop the competences needed as a result of changes or new technologies in the company. Participation in programmes, both formal and non-formal, is free of charge for the participating employees.

#### **Integration of immigrants and refugees in vocational education and training**

In accordance with Article 9 of the General Upper Secondary School Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 1/07, 68/17 and 6/18 – ZIO-1 and 46/19) and Article 7 of the Vocational and Technical Education Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 79/06, 68/17 and 46/19), Slovenian citizens, Slovenians without Slovenian citizenship up to the third generation, citizens of other EU Member States and persons under international protection pursuant to the International Protection Act have the right to secondary education in the Republic of Slovenia under the same conditions. Furthermore, foreign citizens may receive education under the same conditions as Slovenian citizens when they are educated in accordance with a concluded bilateral treaty ensuring the right to education to citizens of one state party in the other state party (the principle of reciprocity). The Republic of Slovenia has concluded such treaties on reciprocity in education with the following countries: Bosnia and Herzegovina, Serbia, North Macedonia, Montenegro and Kosovo.

It should also be noted that the two articles of the secondary education acts referred to above have been amended, granting the right to education in the Republic of Slovenia under the same conditions as Slovenian citizens to other foreigners if at the time of enrolment they themselves or at least one of the parents or legal guardians of the student are residents of the Republic of Slovenia in accordance with the act governing income tax. That means that they pay taxes on income from employment in Slovenia. Education under equal conditions means that these citizens may apply for enrolment in secondary school under the same conditions as Slovenian citizens and do not need to pay a tuition fee for their education. They must, however, meet the enrolment requirements, namely a completed primary education, as evidenced by the appropriate documents.

For persons under international protection, the Republic of Slovenia adopted the Decree on the methods and conditions for ensuring the rights of persons with international protection (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 72/17); Article 12 through 20 of the latter govern integration into secondary education programmes for persons under international protection who are unable to prove their prior formal education with appropriate documents. This decree provided the basis for the adoption of special rules specifying the process of integration into secondary schools for persons under international protection who are unable to prove their prior formal education with the appropriate document. In such cases, the candidate must take an exam testing their general knowledge and knowledge of social sciences, literature, the humanities, natural sciences and mathematics and their ability to communicate in the English language. The exam is free of charge.

For all students whose mother tongue is not Slovene or who did not complete primary education in the Republic of Slovenia, the school organises a compulsory Slovenian language course upon first enrolment in accordance with the Rules on Slovenian language courses for upper secondary students. The course encompasses 90 hours for up to three students, 120 hours for four to six students and 160 hours for seven to 12 students. If there are more than 12 students, 15 hours is added to the total of 160 hours for every additional student. The school does a crash course on Slovenian language, after which the student must pass an exam testing their knowledge of Slovene according to the Common European Framework of Reference for Languages at level A2. If the student fails the exam, the school organises up to 70 hours of additional lessons of Slovene for such students, which are compulsory. For students who passed their exam successfully, the school organises additional lessons of Slovene if the students so wish.

The Rules on the adjustment of school obligations for students in upper secondary school also provide for adjustments to working conditions if the student is from a foreign country; a personal educational plan can be developed to adapt classes if that would help them achieve better results.

#### **Additional clarifications relating to Conclusions 2012 (p. 13):**

##### **Access to vocational training in the Republic of Slovenia for foreign citizens**

The Government of the Republic of Slovenia explains that all citizens of States Parties to the European Social Charter, except Albania, Armenia, Azerbaijan, Georgia, Moldova, Russia, Turkey, Ukraine, Andorra, Iceland, Monaco, Norway and San Marino, can access education under the same conditions as Slovenian citizens. Whereas the citizens of these countries can freely enrol in Slovenian secondary schools if they meet the same basic enrolment criterion as Slovenian citizens (i.e. completed primary education), they can apply for and enrol if there are any remaining positions and must also pay the tuition fee. In Slovenian secondary schools, the citizens of these countries can access education under the same conditions as Slovenian citizens (without tuition and the ability to apply for open positions) if at the time of enrolment they themselves or at least one of the parents or legal guardians of the student

are residents of the Republic of Slovenia in accordance with the act governing income tax. That means that they pay taxes on income from employment in Slovenia.

### **Reform of vocational and technical education (Vocational and Technical Education Act)**

Between 2006 and 2013, the 2006 Vocational and Technical Education Act brought a reform and the introduction of secondary vocational and secondary technical education programmes that are module-based and thus offer more choice. The share of practical training with employers was increased (at least 24 weeks of practical work-based training with employers in three-year vocational programmes) and 20% of the curriculum is open to be filled by the school in cooperation with local employers, taking into account their needs for the professional qualifications of their future workforce. Along with the introduction of new programmes, the schools, with support from the Institute of the Republic of Slovenia for Vocational Education and Training and other stakeholders, offered additional activities, such as: promoting vocational and technical education, recognising previously acquired knowledge, establishing quality assessment and assurance systems, including self-evaluation, encouraging the students' international mobility, strengthening social partnership and encouraging employers to participate in the educational process.

In the years that followed, social partners, particularly chambers and employers' associations, increasingly called for the reintroduction of apprenticeship in Slovenia. The introduction of apprenticeship was included in the Social Contract signed in 2015. Following an extensive expert discussion, the Starting Points for the Preparation of Education Programmes in Lower and Secondary Vocational Education and Programmes of Secondary Technical Education were prepared and adopted in March 2016 by the Expert Council of the Republic of Slovenia for Vocational and Technical Education, and approved by the minister responsible for education. This document defines the key relationships between the general and the technical parts of secondary vocational education programmes and between the scope of the programme conducted in school (an average of two days per week) and with the employer (an average of three days per week).

In autumn 2015, the minister responsible for education appointed an inter-ministerial working group consisting of the representatives of employers, trade unions, ministries responsible for education, labour and the economy, and the Institute of the Republic of Slovenia for Vocational Education and Training. In May 2017, the National Assembly adopted the Apprenticeship Act. The aims of the act were to bring vocational education for young people closer to employers' needs and to establish a closer connection between the educational system on the one hand and trade and business on the other, as well as to speed up the professional socialisation of young people. An apprentice in work-based training with the employer is guaranteed protection in accordance with labour legislation and is entitled to remuneration. An apprentice spends at least 50 per cent of their education programme in practical training as an apprentice and has the status of a student. The 2017/18 academic year saw the first trial generation of apprentices in certain education programmes. Given the interest in apprenticeship-based education expressed by participants, employers and schools, apprenticeship will expand to other secondary vocational education programmes and further vocational training programmes and to other schools and employers.

Partly due to the introduction of apprenticeship-based secondary vocational education, which is equal to school-based secondary vocational education, the Vocational and Technical Education Act was amended in July 2017; the majority of amendments pertain to the following:

- improving the efficiency of education with a more detailed specification of the duration of the student status and the possibilities of changing programmes or repeating a year,
- establishing a central register of training positions and regulating the verification of training positions, previously defined in implementing regulations, at act-level,

- improving access to education for foreign citizens living in Slovenia and granting them equal rights to vocational and technical education,
- a Slovenian language course for students whose mother tongue is not Slovene or who did not complete primary education in the Republic of Slovenia,
- providing detailed, standardised and internationally comparable information for employers about the vocational qualification attained in a supplement enclosed with the school certificate,
- regulation of students' rights and obligations, which were previously defined in implementing regulations,
- defining the eligibility criteria for living in student residencies.

### **National qualifications framework**

In December 2015, the Slovenian Qualifications Framework Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 104/15) was adopted, allowing the classification of all types of education programmes and qualifications into a single qualifications framework (the Slovenian Qualifications Framework – SQF) by level, based on learning outcomes and comparability with the European Qualifications Framework (EQF). The purpose of the act was to achieve transparency and recognition of qualifications in the Republic of Slovenia and the EU, its main aims being to foster lifelong learning, connect and harmonise Slovenian qualification subsystems and improve the clarity, accessibility and quality of qualifications based on the labour market and civil society. Pursuant to this act, appropriate SQF levels are indicated on all public documents certifying qualifications (school certificates, diplomas and diploma/school certificate supplements). The act established an EQF national coordination point at the Institute of the Republic of Slovenia for Vocational Education and Training.

The SQF qualifications register ([www.nok.si](http://www.nok.si)) started to develop at the initiative of the EQF and various other initiatives associated with the implementation of the EQF in 2013. At the end of 2018, the qualifications register was published in full and connected with the evolving electronic platform for qualifications in Europe.

So far, 1,683 qualifications have been entered in the SQF qualifications register: 1,359 entries under general, vocational and higher education, 312 national professional qualifications and 12 supplementary qualifications. The register was also created to increase the transparency of the qualifications system in Slovenia, which should prove useful to its various users: education participants, employees, employers, educational institutions, career counsellors and others. For Slovenian public documents on completed education issued before the Slovenian Qualifications Framework Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 104/15) entered into force, a person in the procedure for the assessment of education before the ENIC-NARIC Centre can obtain information on the SQF, EQF and QF-EHEA level free of charge.

## **Article 10: The right to vocational training**

### **10§2 Promotion of apprenticeship**

**Additional clarifications relating to Conclusions 2012 (p. 14):**

#### **Access to apprenticeship in the Republic of Slovenia for foreign citizens**

In response to the ECSR's question about foreign citizens' access to apprenticeship in the Republic of Slovenia, the Government of the Republic of Slovenia explains that apprenticeship is only one of the formats of secondary vocational education programmes, and foreign citizens are thus subject to the same application criteria as for all secondary education programmes (see additional clarifications 10§1). Students apply or enrol in a particular education programme and then decide if they want to take only the school-based format or the apprenticeship format.

## Article 10: The right to vocational training

### 10§3 Vocational training and retraining of adult workers

The Government of the Republic of Slovenia reports that, in January 2018, the new Adult Education Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 6/18) was adopted, establishing the scope of public service in adult education that encompasses a primary education programme for adults and counselling services with regard to:

- participation in the primary education programme for adults and their continuing education,
- participation in officially recognised education programmes for adults without obtaining officially recognised educational qualifications,
- participation in non-formal education programmes for adults,
- determination and documentation of knowledge, skills and abilities acquired in non-formal education and informal learning based on documentation, namely for personal development, further education and integration in the labour market, and
- independent learning.

The MIZŠ's measures pursue the aims of the Resolution on the National Programme for Adult Education in the Republic of Slovenia for the 2013–2020 period, which include raising the level of basic skills and increasing the employability of the active population. The measure aimed at improving the level of basic skills and competencies is implemented as part of the EU Cohesion Policy in public tenders between 2016 and 2022. The purpose of the measure is to increase participation in lifelong learning and improve competences that adults require based on labour market needs, increased employability and mobility, personal development and functioning in a modern society. The emphasis is on raising the literacy rate, acquiring digital abilities, obtaining certificates and public documents (national professional qualifications, foreign and Slovenian languages, computer skills and the administrative procedure) and acquiring specific professional competences.

#### Competence Centres for HR Development

In order to ensure the full range of skills and abilities that the employees need to be competitive in the labour market, the Public Scholarship, Development, Disability and Maintenance Fund of the Republic of Slovenia carried out the project **Competence Centres for HR Development 2.0** between October 2016 and June 2019. The aim of the project was to encourage employee participation in training and education to improve the employees' competences, make them more adaptable, efficient and employable and raise awareness of the importance of lifelong learning. Funding allows companies in a particular branch to form partnerships and gain the opportunity to train employees based on their company's needs. Experts help develop a competence model, determining the biggest shortages, and devise an employee training plan. Carrying out training activities and representing the interests of individual companies is the responsibility of the partnership project office. Competence Centres for HR Development thus represent an important investment and motivation for employees to use training as a strategic tool. The project involves knowledge-sharing through internal training as well as group and individual trainings. Companies receive 50–70% of funding for training activities, while project office activities are supported in full. In the relevant period, 17 competence centres were established, bringing together more than 300 companies. The Public Scholarship, Development, Disability and Maintenance Fund of the Republic of Slovenia also organised employee workshops on soft skill development. By the end of 2018, there were a total of 37,853 entrants in workshops and training programmes, which significantly exceeded expectations.

The ***Non-formal Education and Training*** programme is carried out in order to provide vocational training for the unemployed, enabling unemployed persons from vulnerable groups to attend various education and training courses for jobs and tasks in demand with employers. There are various available programmes that enable participants to acquire non-formal knowledge in various occupations, including digitisation. Another option are ***Practical Employment Promotion Programmes*** that also target vulnerable or hard-to-place jobseekers. The programme's main aim is to increase the employability of participating unemployed persons by improving their qualifications and employability. The programme comprises theoretical and practical training for unemployed persons with the selected provider by offering continued practical training with a concrete employer in order for them to acquire concrete skills, competences, knowledge and abilities that will help increase their employment opportunities and ease their transition to employment. Training is mainly vocational, covering technical and related digital areas.

### **Comprehensive support for businesses to encourage active ageing of the workforce – ASI**

Since 2017, the Public Scholarship, Development, Disability and Maintenance Fund of the Republic of Slovenia also carries out the ASI project aimed at supporting the implementation of comprehensive solutions to manage and adapt workplaces and processes to older employees. See 1§1 (Measures to increase the employment rate of older workers).

### **Programmes for the unemployed**

There are several programmes available to the unemployed for the purpose of vocational training, one of which is the ***Non-formal Education and Training*** programme, enabling unemployed persons from vulnerable groups to attend various education and training courses for jobs and tasks in demand with employers. There are various available programmes that enable participants to acquire non-formal knowledge in various occupations, including digitisation. Another option are ***Practical Employment Promotion Programmes*** that also target vulnerable or hard-to-place jobseekers. The programme's main aim is to increase the employability of participating unemployed persons by improving their qualifications and employability. The programme comprises theoretical and practical training for unemployed persons with the selected provider by offering continued practical training with a concrete employer in order for them to acquire concrete skills, competences, knowledge and abilities that will help increase their employment opportunities and ease their transition to employment. Training is mainly vocational, covering technical and related digital areas. See 10§4 (Long-term unemployed workers) and 1§1 (Full employment policy).

### **Additional clarifications relating to Conclusions 2012 (pp. 15–16):**

#### **Access to vocational training for foreign citizens legally residing or working in the Republic of Slovenia**

With regard to the question on access to vocational training for foreign citizens, the Government of the Republic of Slovenia explains that all employed persons, regardless of their citizenship, have access to vocational training in the Republic of Slovenia.



## Article 10: The right to vocational training

### 10§4 Long-term unemployed workers

The Government of the Republic of Slovenia reports that, along with the fast reduction in the number of unemployed persons between 2015 and 2018 (see 1§1), the number of long-term unemployed persons has also been decreasing since 2015; nevertheless, their share of the total number of unemployed persons is increasing. At the end of December 2018, 38,991 registered jobseekers were long-term unemployed, which is 33% less than at the end of December 2018. The percentage of the long-term unemployed was higher than 50% between 2015 and 2017 and slightly lower, i.e. 49.6% in December 2018. The MDDSZ's priority was to focus on measures targeting long-term unemployment (with an emphasis on older and younger people and people with lower education), as prolonged unemployment lowers the chances of a successful reintegration in the labour market. In 2015, more than 40% of participants in AEP measures were long-term unemployed. The priority given to this target group is also reflected in the content of the *Operational Programme for the Implementation of the EU Cohesion Policy in the 2014–2020 Period*, this target group being at the forefront of its action plans. Furthermore, the long-term unemployed are also mentioned as being the most vulnerable group in the 2016–2020 Active Employment Policy Guidelines adopted by the Government of the Republic of Slovenia at the end of 2015 that represents a strategic document on AEP measures.

Long-term unemployment represents a greater risk for older unemployed persons who are considered less desirable to employers due to their reduced adaptability and flexibility, often unsuitable education and unwillingness to acquire new knowledge; employers also avoid older persons because of high employment costs (e.g. years of service bonuses, the fact that older persons are a protected category). According to the ESS, the structure of the long-term unemployed at the end of 2018 was as follows: 49.7% were women, 38.8% were persons over 50 and 20.3% were persons younger than 29; the majority of them were uneducated workers, 32% having only primary education or less, 26% vocational education, 25% secondary education and only 17% tertiary education. First-time jobseekers represented 16.7% and disabled persons 17.4%. In terms of duration, 66% (38,991) of all the long-term unemployed in 2018 were unemployed for two years or longer, while others were unemployed for 12 to 23 months.

Given the fact that the increase in the number of the long-term unemployed in the European Union is one of the key problems in the labour market, the European Commission prepared Recommendations on Long-term Unemployment; in May 2016, in order to ensure their implementation, the ESS drafted the **Strategy on Long-term Unemployment** that is also based on the **ESS Development Strategy by 2020** and covers three main areas:

1. **preventive activities** aimed at preventing the occurrence of long-term unemployment that include: individualised treatment, comprehensive treatment (considering different aspects of a person's life), profiling the unemployed person based on needs (directly employable, employable with additional activities, employable with a more in-depth, intensive approach), early activation, monitoring and escalating activities;
2. **curative activities** aimed at resolving the current situation of long-term unemployment that include: preparing an estimate of the unemployed person's situation after 12 months of registration (counsellors for in-depth career counselling, a rehabilitation counsellor, an advising physician, an AEP programme counsellor), putting together an employment integration plan containing all those activities and services that will result in the person's integration in the labour market or involve them in various other activities aimed at the social activation of the unemployed. When working with the long-term unemployed, the ESS devotes special attention to vulnerable target groups: young people under 29 years of age, people over 50 years of age and those without vocational education;
3. **activities aimed at finding systemic solutions** and cooperation with employers, social work centres, the National Institute of Public Health and other national and local institutions in the labour

market to resolve the problem of long-term unemployment. Strategic activities also include the establishment of AEP programmes, as needed.

The long-term unemployed are one of the groups that are given priority when it comes to AEP measures. They can therefore participate in various AEP programmes (Non-formal Education and Training, Formal Education Programmes, On-the-job Training, Work-based Test, Verification of National Professional Qualifications, Zaposli.me, public works, etc.) and other employment incentives (such as tax reliefs, reimbursement of employer contributions, exemption from the payment of contributions, life-long career orientation workshops run by concessionaries). Certain AEP programmes are aimed solely at the long-term unemployed.

The average share of long-term unemployed among those participating in AEP measures in this period amounts to 48%, compared to 56% in 2017 and the highest (58.5%) in 2016.

<b>The long-term unemployed participating in AEP programmes</b>				
	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Measure 1: Education and training	5,803	3,896	5,833	5,060
Measure 3: Employment incentives	28	3,420	3,477	3,044
Measure 4: Creation of new jobs	5,107	4,399	4,446	3,000
Measure 5: Promotion of self-employment		163	258	287
<b>Total</b>	<b>10,938</b>	<b>11,878</b>	<b>14,015</b>	<b>11,391</b>

Source: ESS

The long-term unemployed in this period also participated in lifelong career orientation workshops run by concessionaries selected at the MDDSZ public tender. Concessionaries ran three different types of workshops, all aimed at increasing the employment opportunities of the unemployed in the labour market, identifying their competences, knowledge and skills, and identifying and eliminating any obstacles hindering their re-entry into the labour market. The type D/Counselling Workshop targets only the long-term unemployed. The aim of the workshop is to help participants identify their position in the labour market and equip them for independent career management and becoming active in their search for employment. The workshop lasts 54 pedagogical hours. In 2016, it had 1,120 long-term unemployed participants, of which 37% found a job by the end of September 2017. The workshop had 2,245 participants in 2017 and 1,576 participants in 2018.

From the beginning of the programme in 2016 and to the end of 2018, the **Non-formal Education and Training for the Unemployed** programme that offers participants education and training for jobs in various fields sought by employers without attaining a certain education level was attended by 4,106 persons, 2,650 of which were long-term unemployed. The long-term unemployed also took part in **Practical Employment Promotion Programmes** offered in the form of theoretical and practical training with the selected provider as continued practical training with a concrete employer in order for them to acquire concrete skills, competences, knowledge and abilities that will ease their transition into employment. From the end of 2017, when the measure was implemented, to the end of 2018, the programme had 88 persons, of which 55 were long-term unemployed.

When finding employment for the long-term unemployed, working together with various institutions and employers is vital; to this end, the ESS fosters cooperation with employers and institutions in the local environment to find appropriate solutions for preventing the occurrence of long-term unemployment. Social work centres are the ESS's key partner, particularly in finding solutions and employment for the long-term unemployed with identified health and social problems impeding their entry in the labour market or persons identified as temporarily unemployable. Unemployed persons can also participate in social activation programmes.

## **Article 10: The right to vocational training**

### ***10§5 Possible reductions of training costs and training during employment***

#### **Additional clarifications relating to Conclusions 2012 (p. 18):**

##### **Access to scholarships in the Republic of Slovenia for foreign citizens**

In response to the ECSR's question regarding access to scholarships for foreign citizens, the Government of the Republic of Slovenia explains that the Scholarship Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 56/13 and 99/13 – ZUPJS-C, 8/16 and 61/17 – ZUPŠ and 31/18; hereinafter: Zštip-1), adopted in March 2013, provides for various types of scholarships. These are the following:

- state scholarships (for secondary school and university students from socially disadvantaged families)
- Zois scholarships (for secondary school and university students as an incentive for extraordinary achievements)
- scholarships for shortage occupations
- scholarships for Slovenians abroad and
- Ad futura scholarships (for international mobility for education, study visits and participation in knowledge and research competitions).

The scholarship eligibility criteria set out in the Zštip-1 are equal for everyone, i.e. Slovenian citizens, citizens of EU Member States and third-country nationals. Third-country nationals must have obtained the status of long-term residents. The concept of long-term resident is defined in Article 2 of the Foreigners Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 1/18 – official consolidated version, 9/18 – corr. and 62/19 – Constitutional Court Decision ZTuj-2), providing that a long-term resident is an alien who is not a citizen of the EU but is in possession of a permanent or long-term residence permit in an EU Member State issued for a validity period of five years on the prescribed form of the European Union on the uniform format for residence permits for third-country nationals indicating, under permit type, that they are a long-term resident.

The Government of the Republic of Slovenia has also concluded bilateral treaties with certain third countries that give students access to tuition-free studies. The Public Scholarship, Development, Disability and Maintenance Fund of the Republic of Slovenia awards ***Ad futura scholarships for the education of foreign citizens in the Republic of Slovenia***. The aim of the scholarships is to provide foreign citizens with education to attain a level or degree of education in the Republic of Slovenia. Based on a call for applications, candidates may apply for a scholarship directly with the Fund or through an educational institution that responds to the Fund's public call. Under the public call ***Postgraduate Study Scholarships for Western Balkan Nationals in the Republic of Slovenia*** and the public call ***Study Scholarships for Foreign Nationals in the Republic of Slovenia Based on Development Agreements***, a scholarship can be awarded directly to the individual to study at an educational institution in the Republic of Slovenia of their own choice. The first call for applications awards scholarships to the citizens of Kosovo, Bosnia and Herzegovina, Montenegro, Serbia and North Macedonia. The second call for applications awards scholarships to citizens of third countries that have concluded a development agreement with the Republic of Slovenia.

**Article 15: The right of persons with disabilities to independence, social integration and participation in the life of the community**  
**15§1 Education and vocational training of persons with disabilities (children with special needs)**

The Government of the Republic of Slovenia explains that education of children with special needs is based on the aims and principles set out in acts pertaining to particular fields of education and the following aims and principles:

- ensuring the best interest of the child,
- integrity and complexity of education,
- the principle of equal opportunities, while taking into account the diversity of children's needs,
- the inclusion of parents, adoptive parents, foster parents and legal guardians in the process of placement and determination of the forms of assistance,
- an individualised approach,
- an interdisciplinary approach,
- maintaining a balance between different aspects of the child's physical and mental development,
- early placement in an appropriate educational programme,
- immediate and continuous support and professional assistance in education programmes,
- a vertical transition between and integration of the programmes,
- providing education at a location closest to the child's home, and
- providing appropriate conditions for the optimum development of each individual child.

Groups of children with special needs under the Placement of Children with Special Needs Act (ZUOPP-1) are as follows:

- children with developmental disorders,
- blind and partially sighted children or children with visual impairment,
- deaf and hard of hearing children,
- children with speech and language impairments,
- physically impaired children,
- children with long-term illnesses,
- children with deficiencies in individual areas of learning,
- children with autistic disorders and
- children with emotional and behavioural disorders.

All these children need the adapted implementation of education programmes with additional professional assistance or adapted education programmes or special programmes of education.

Education for children with special needs is carried out in the following programmes:

- a programme for pre-school children with adapted implementation and additional professional assistance,
- an adapted programme for pre-school children,
- education programmes with adapted implementation and additional professional assistance,
- adapted education programmes with equivalent education standards,
- adapted education programmes with lower education standards,
- a special education programme for children with moderate, severe and profound developmental disorders and other special programmes (hereinafter: special education programme),
- reformative programmes.

Depending on the type of special needs, education programmes with adapted implementation and additional professional assistance enable the adjustment of the kindergarten programme's organisation and manner of implementation, while other education programmes also enable the adjustment of the manner of testing and assessment of knowledge and time schedule of classes and the provision of additional professional assistance. The ZUOPP-1 provides that children can obtain up to five hours of additional professional assistance per week, of which at least one hour must be dedicated to counselling services.

In adapted programmes with equivalent or lower education standards, the entire programme implementation is adapted, including the norms, and children get additional hours of special pedagogical activities. In special education programmes, children do not attain publicly recognised education but a training certificate. Education programmes are carried out by residential care institutions and institutions for independent children with special needs, either in institutions or in schools with adapted education programmes.

Children with severe or profound physical impairments can also gain the right to permanent physical assistance offered by an attendant, while partially sighted children, children with visual impairment, children with long-term illnesses or children with autistic disorders can also gain the right to a temporary assistant or physical assistance with certain activities determined by an expert group in an individualised programme. The ZUOPP-1 also provides for the right to an interpreter for deaf children, the right to be placed in an institution, the right to free transport for pre-school children going to an institution-based kindergarten and for physically impaired children who are unable to use public transport and need adapted transportation.

### **Pre-school education**

Pre-school education in kindergartens is regulated by two acts, the Organization and Financing of Education Act and the Kindergartens Act. The Organization and Financing of Education Act regulates the conditions for the performance of pre-school activities and defines the manner of managing and financing all areas of education, while the Kindergartens Act regulates pre-school education that takes place in public and private kindergartens (tasks of kindergartens, objectives and principles, types of possible programmes in kindergartens, financing, conditions for the education of professional staff, working obligations of pre-school teachers and assistant teachers, data collection and childcare in kindergartens, etc.). Individual issues are regulated in detail by implementing regulations. Pre-school education in kindergartens is carried out by public and private kindergartens. Kindergartens admit children of at least 11 months old until they start school. Pre-school education is not compulsory. Providing pre-school education is one of the main responsibilities of municipalities. Kindergartens are therefore established and financed by municipalities.

Pre-school children with special needs can be included in one of two programmes:

- **Programme for pre-school children with adapted implementation and additional professional assistance**

This programme usually accepts children with minor developmental disorders, blind and partially sighted children or children with visual impairment, deaf and hard of hearing children, children with speech and language impairments, physically disabled children, children with long-term illness and children with autistic disorders. Based on a placement decision, they can gain the right to up to two hours of additional professional assistance to overcome deficiencies, disabilities or disorders and up to two hours of counselling services per week. The required education of a pre-school teacher providing additional professional assistance to a particular child is prescribed in a placement decision based on the type of

assistance that the child needs. Counselling services provide a supportive environment to ensure the more successful integration of a child with special needs and is therefore aimed at the families of children with special needs, professional staff and other children in the classroom. Based on a doctor's proposal, counselling services for pre-school children can also be provided by public kindergartens before the institution of the placement procedure.

Children with severe or profound physical impairments can also gain the right to permanent physical assistance offered by an attendant, while partially sighted children, children with visual impairment, children with long-term illnesses or children with autistic disorders can also gain the right to a temporary assistant or physical assistance with certain activities determined by an expert group in an individualised programme.

- **Adapted programme for pre-school children with special needs**

This programme usually accepts children with moderate, severe and profound developmental disorders, blind and partially sighted children or children with visual impairment, deaf and hard of hearing children, children with speech and language impairments, physically impaired children and children with autistic disorders. Rules on the norms and staff requirements for the implementation of pre-school education provides that the norm for a class of children with special needs is up to six children, that the programme is carried out by a pre-school teacher for children with special needs with the required special pedagogical education and an assistant teacher.

Children with severe or profound physical impairments and blind children can also gain the right to permanent physical assistance offered by an attendant, while partially sighted children, children with visual impairment, children with long-term illness, children with autistic disorders and children with emotional and behavioural disorders can also gain the right to a temporary assistant or physical assistance with certain activities determined by an expert group in an individualised programme.

## **Primary education**

Primary education in the Republic of Slovenia is compulsory for all children. This subject is regulated in detail in the Basic School Act prescribing the aims, programme, work organisation and duties, which are the same for all pupils. Children with special needs who need additional adaptations and assistance due to their deficiencies have a special status.

- **Primary education programme with adapted implementation and additional professional assistance**

Children with special needs integrated in regular primary education programmes represent 6.5% of the total primary school population. Slovenia successfully implements a programme of gradual integration of children with special needs in regular primary education programmes by ensuring additional professional assistance, homework and study help, and adapted implementation of the programme. The integration of children with special needs in the regular school system draws from the concept of inclusive education that is based on the right of all children to the optimum development of their potential and the right to non-discrimination.

In addition to the adaptations needed in class, adaptations can also be made to organisation, the manner of testing and assessment of knowledge, promotion and the time schedule of classes and additional professional assistance can be provided to overcome their deficiencies, impairments and/or disorders and in the form of homework and study help. Blind and partially sighted children or children with visual impairment, deaf and hard of hearing children, children with speech and language impairments, children with emotional and behavioural disorders and children with autistic disorders can obtain up to four hours

of additional professional assistance to overcome their deficiencies, impairments and/or disorders, up to two hours of homework and study help and one hour of counselling services per week. Children with deficiencies in individual areas of learning can obtain up to two hours of additional professional assistance to overcome their deficiencies, impairments and/or disorders, up to two hours of homework and study help and one hour of counselling services per week. Blind and partially sighted children and children with several disorders in the first educational cycle can also obtain the right to three extra hours of additional professional assistance to overcome their deficiencies, impairments and/or disorders.

Children with severe or profound physical impairments can also gain the right to permanent physical assistance offered by an attendant, while partially sighted children, children with visual impairment, children with long-term illnesses or children with autistic disorders can also gain the right to a temporary assistant or physical assistance with certain activities determined by an expert group in an individualised programme. Deaf children can also gain the right to an interpreter, and the right to free transport to school can be granted with a placement decision.

- **Adapted primary education programmes with equivalent education standards**

In adapted programmes with equivalent education standards, the entire programme implementation is adapted, including the norms, and children get additional hours of special pedagogical activities. Adapted programmes include:

- an adapted nine-year primary education programme with equivalent education standards for deaf and hard of hearing,
- an adapted nine-year primary education programme with equivalent education standards for physically impaired children,
- an adapted nine-year primary education programme with equivalent education standards for blind and partially sighted children,
- an adapted nine-year primary education programme with equivalent education standards for children with speech and language impairments,
- an adapted primary education programme with equivalent education standards for children with autistic disorders.

These classes have seven to 10 pupils, while classes following the adapted programme for children with autistic disorders have up to five pupils. Adapted programmes are carried out by educational institutions for children and youth with special needs. In exceptional cases, children with more than one disorder can also obtain the right to additional professional assistance.

- **Adapted primary education programmes with lower education standards**

The adapted primary education programme with lower education standards is aimed at pupils with minor developmental disorders who have a qualitatively different cognitive structure than their peers, reflected in slow generalisation and conceptualisation capabilities, limited memory capacities, limited general knowledge, concrete rather than abstract thinking. Due to reduced intellectual capabilities, their problem-solving capabilities are also limited. The programme is carried out by primary schools in classes with an adapted programme, primary schools with an adapted programme and educational institutions for children and youth with special needs in classes of eight to 12 children or, if the class consists solely of children with autistic disorders, up to five pupils.

Children with special needs who were enrolled in adapted primary education programmes with lower education standards and have completed primary education and do not enrol in secondary education programmes can continue primary education for a maximum of three years and keep their pupil status. In the event that transport for the pupil cannot be provided, they have the right to free care at the place of education and the right to free transport home during school holidays and days off.

- **Special education programmes**

The programme is aimed at pupils with moderate, severe and profound developmental disorders who need various degrees of assistance throughout their lives. Due to their reduced intellectual capabilities, pupils with moderate, severe and profound developmental disorders are never fully independent. With special education processes, their degree of independence and autonomy is developed to the optimum capacity. The programme is carried out between the ages of six and 26 in six levels, each lasting three years. Activities are carried out in groups of five to eight children. The programme is carried out by primary schools in classes with a special programme, primary schools with an adapted programme, educational institutions for children and youth with special needs and social protection institutions.

These children also have the right to free care at the place of education and the right to free transport home during school holidays and days off if transport for them cannot be provided, with the exception of pupils older than 18 years who are enrolled in a special programme and are asserting their rights from the Act on Social Care of Persons with Mental and Physical Impairments.

Statistics on children with special needs in primary schools with adapted implementation and additional professional assistance show that, in the 2018/2019 school year, 12,054 pupils with special needs were enrolled in primary schools, which is 6.55% of all primary school pupils. The percentage has increased from the previous school year (see table). Out of 12,054 pupils with special needs in regular schools, 42.2% had deficiencies in individual areas of learning, 10.5% had long-term illnesses, 9.4% had speech and language impairments, 2.7% had emotional and behavioural disorders, 1.6% were pupils with autistic disorders, 1.4% were deaf or hard of hearing, 1.2% were physically impaired, 0.6% were blind or partially sighted, 0.5% had minor developmental disorders and 29.9% had several disorders. In the 2018/2019 school year, regular primary schools had 153 permanent and 408 temporary attendants of children with special needs and 45,040 hours of additional professional assistance were granted based on placement decisions.

<b>Number of pupils with special needs in primary schools and their percentage out of all pupils</b>				
School year	2015/2016	2016/2017	2017/2018	2018/2019
All pupils in primary schools	170,683	175,176	179,186	183,892
Pupils with special needs in primary schools	10,091	10,072	11,077	12,054
Percentage of pupils with special needs (%)	5.91	5.75	6.18	6.55

Source: MIZŠ

In addition to 12,054 children with special needs enrolled in regular primary schools in the 2018/2019 school year, 3,114 children were enrolled in primary schools with an adapted education programme and a total of 1,240 children and youth were enrolled in educational institutions for children and youth with special needs implementing adapted programmes of pre-school education for children with special needs, primary education programmes with equivalent and lower education standards and adapted vocational and technical education programmes and general secondary education, 681 of which were enrolled in primary education programmes.

## **Secondary education**

Secondary education is governed in the Organization and Financing of Education Act, the Vocational and Technical Education Act, the General Upper Secondary School Act and the Matura Examination Act. All of them grant students with special needs a special status or the possibility to gain various rights. In secondary education programmes, 5.61% were students with special needs in the 2015/2016 school year and 6.9% in the 2018/2019 school year.



- **Secondary education programmes with adapted implementation and additional professional assistance**

In addition to adaptations, secondary school students can obtain two hours of additional professional assistance to overcome their deficiencies, impairments and/or disorders and one hour of counselling services per week, while students in lower and secondary vocational education programmes can also obtain two hours of homework and study help per week. Students with severe or profound physical impairments can gain the right to permanent physical assistance offered by an attendant, while partially sighted students, students with visual impairment, children with long-term illnesses or students with autistic disorders can also gain the right to a temporary attendant or physical assistance with certain activities determined by an expert group in an individualised programme. The ZUOPP-1 also provides for the right to an interpreter for deaf students and assistance for students with severe or profound physical impairments who are unable to use public transport and need adapted transportation.

- **Adapted secondary education programmes**

Adapted secondary education programmes are carried out only by educational institutions for children and youth with special needs. These are:

- Lower vocational education programmes: wood worker, assistant in technology processes, assistant administrator, textile reworker;
- Secondary vocational education programmes: administrator, electrician, graphic operator, dressmaker, carpenter, metal sharper – toolmaker, computer operator;
- Secondary technical education programmes: economic technician, graphic technician, media technician;
- Vocational-technical education programmes: economic technician, electrotechnician, graphic technician, wood technician, mechanical engineering technician, computer technician, creator of fashion clothing;

Although there are not as many adapted secondary education programmes carried out by specialised institutions as there are ordinary secondary education programmes, the range of choices has expanded in recent years. Furthermore, certain projects aimed at empowering young people with special needs have been implemented in recent years (see Transition of young people with special needs to the labour market). It should be noted that children with special needs can enrol in any regular secondary education programme if they meet the enrolment criteria like all other students. They are entitled to more favourable treatment in the selection process in the case of limited enrolment, having to achieve only 90% of the required points.

Statistics on students with special needs in secondary schools with adapted implementation and additional professional assistance show that, in the 2018/2019 school year, 5,051 students with special needs were enrolled in secondary education programmes, which is 6.9% of all students. This percentage has been continuously growing in recent years (see table). Out of 5,051 students with special needs in regular schools, 50.1% had deficiencies in individual areas of learning, 12.9% had long-term illnesses, 2.8% had minor developmental disorders, 2.3% had emotional and behavioural disorders, 2.2% were students with speech and language impairments, 1.5% were deaf or hard of hearing, 1.4% had autistic disorders, 1.1% had physical impairments, 0.5% were blind or partially sighted and 25.3% had several disorders. In the 2018/2019 school year, regular primary schools had 52 permanent attendants for students with physical impairments and 117 schools had an approved job classification for a temporary attendant to coordinate activities with children with special needs and 8,448 hours of additional professional assistance were granted based on placement decisions.

<b>Number of students with special needs in regular secondary education programmes and their percentage out of all students</b>				
School year	2015/2016	2016/2017	2017/2018	2018/2019
All students in secondary schools	75,249	74,010	73,524	73,156

No. of students with special needs	4,221	4,165	4,768	5,051
Percentage of students with special needs (%)	5.61	5.63	6.48	6.90

Source: MIZŠ

In addition to 5,051 students with special needs enrolled in regular secondary education programmes in the 2018/2019 school year, 303 students were enrolled in adapted secondary education programmes carried out by educational institutions for children and youth with special needs.

### Residential care institutions

Residential care institutions are established by the state and are intended for the placement of children and youth with behavioural and emotional problems without appropriate family care to treat these problems. Children and young people are placed in residential care institutions by social work centres or based on court orders.

Educational institutions in the Republic of Slovenia differ by:

- population age: some only accept school-going children, others accept young people after they finish school, others, still, accept both,
- gender: some only accept boys, others accept both boys and girls,
- type of education organisation: some offer internal education, while in other cases children and young people attend schools in the institution's vicinity,
- living arrangement: some have educational groups, others residential groups, others, still, consider a group of children and young people a family,
- the entity responsible for the placement of children and young people: some placements into educational institutions are carried out only by social work centres, other placements are carried out by both social work centres and courts,
- in accordance with procedures provided by law on changing schools and with the knowledge and cooperation of the competent social work centres, enrolment in certain programmes is agreed upon directly between the parents and the providers.

The norm for forming educational groups for children with emotional and behavioural disorders is 10 children. If this includes children with behavioural disorders and mental diseases (disorders) and the healthcare conditions for its operation have been met, four children is enough to form a group. The norm for forming a residential group is eight children.

Expulsion based on special needs is not possible in the Slovenian school system.

### Transition of young people with special needs to the labour market

In September 2017, the MDDSZ published a **Public tender for the cofinancing of projects Development and Transition of Young People with Special Needs to the Labour Market** aimed at addressing the issue of the high share of unemployed persons in the group of young people with special needs and providing help in their transition from school to the labour market. A total of 2,100 young people with special needs in the entire territory of the Republic of Slovenia are expected to participate in this project. A young person with special needs is qualified as a person who is less than 29 years old upon participation in the project and exhibits one of the following special needs: developmental disorders, blindness and partial sight or visual impairment, deafness and hearing impairment, speech and language impairment, physical impairment, long-term illnesses, autism disorders, emotional and behavioural disorders that require adapted education programmes or special education programmes. The objective of this measure is to implement preventive measures in order to increase the employment

of young people with special needs through various types of help, such as systemic professional work with young people with special needs (labour market entry, vocational and work areas, social skills, lifelong learning, etc.), with their parents (characteristics of young people with special needs, support and motivation in their transition to the labour market, characteristics of individual work areas, network and services that may assist them), with professionals from educational institutions and employers (characteristics of young people with special needs, best practices in the area of transition, legislation, and incentives in employment practices).

In the 2017–2018 school year, there were 3,250 young people with special needs who met the requirements of the ***Transition of Young People*** public tender project at the level of primary and secondary schools, primary schools with adapted education programmes, and education institutions for children with special needs. There is no data on the number of young people participating in higher education, that is at faculties and higher education colleges. In 2018, a total of 570 participants were included in the project of transition. In 2018, a total of 438 educational institutions out of 765 that were invited actively participated in the project of transition. With regard to 2018, the number of actively participating educational institutions increased in 2019. According to the analysis of the work performed in 2018, most working hours were spent “motivating, empowering and monitoring” the young people with special needs which shows that they experience difficulties in managing their situations. Thus, they require more encouragement in their transition to a higher level of education or to the labour market.

#### **Additional clarifications relating to Conclusions 2012 (pp. 19–23):**

##### **Definition of Disability in Slovenian Legislation**

Concerning the question of the ECSR relating to the definition of disability in Slovenian legislation, the Government of the Republic of Slovenia explains that, in the Republic of Slovenia, a person may obtain disability status on the basis of various provisions which is why their rights may vary as well. In the Republic of Slovenia, a person with disability status is someone who is granted this status by a decision of a competent body that establishes the presence of permanent effects of physical or intellectual impairment or illness.

##### **Actions adopted to include children with special needs in regular education and training**

The Government of the Republic of Slovenia clarifies that, in the Republic of Slovenia, placement commissions recommend an adequate programme for every child. Most children attend regular kindergartens and schools. Inclusion is supported by directing special attention to the education and assistance of teachers in regular schools. In the scope of projects, expert centres were established to support inclusion and the National School of Leadership in Education conducts programmes to raise awareness among principals. Nevertheless, there are specialised schools and institutions attended primarily by children whose issues are more complex and who also require medical care. These children are also encouraged to make the transition to a regular class and institutions tend to establish classes on the premises of regular schools. In the 2017–2018 school year, a mere 0.39% of the primary school population were attending institution-based programmes, whereas 1.54% of the primary school population attended schools with adapted education programme. However, it should be emphasised that the transition of children to more demanding programmes is possible.

In 2017–2018 school year, the Ministry of Education, Science and Sport published 200 additional job openings for special educational needs classroom assistants to aid the integration of children with special needs into regular education. Within the project, the assistant is engaged in education work as

a person in the class or in the group who assists the child with special needs as instructed by the case worker. The assistant helps the child follow the lessons, encourages the child, provides assistance with taking notes, withdraws from the classroom with the child for a short while, and assists the case worker when necessary. The assistant's role is to facilitate links preventing or hindering segregation that would arise from their presence. In the 2017–2018 school year, the MIZŠ tendered a project to employ 50 assistants for children with special needs and their families facilitating the connection between a school or kindergarten and a non-governmental organisation helping children with special needs. This measure was adopted to establish a link between the educational institutions and non-governmental organisations that will enable the exchange of experience and knowledge. Its significance is reflected in establishing innovative forms of cooperation and sharing experience between kindergartens, schools, institutions, and non-governmental organisations.

In 2017, the ***Hand in Hand to Help*** project was introduced offering training courses based on the system of inclusion teams. The project includes the training of teachers and case workers in an educational institution attended by one or more children with special needs. It is organised as a consortium of partners dealing with groups of children with special needs at various levels and in different forms of education. The ties between various institutions featuring highly qualified experts reflect an innovative approach in providing support to case workers and managers in education. They also facilitate fast responses to practical needs to educational institutions or individuals. The ***Hand in Hand to Help*** project follows the key principles of encouraging inclusion in education, which form an important basis to ensure equal opportunities for pupils with various forms of special needs in every aspect of their lives. The entire range of activities in the project includes training courses focusing on the development of positive attitudes to all children with special needs and on building not only knowledge and skills but professional values as well. The content covers various fields of work in which case workers hone the skills required in inclusive education: recognising the needs of children with special needs, closer communication with parents, team work, curiosity, critical thinking, flexibility, and a sense of responsibility. The aim of the ***Hand in Hand to Help*** project is to offer support and provide a wide range of topics and training courses in the field of assistance and work with children with special needs. These contribute to the development of inclusive education and help raise its quality.

In 2017, a public tender for the 3-year cofinancing of a pilot project entitled ***Integrated Early Treatment of Children with Special Needs and their Families and the Improvement of Case Workers' Skills*** was published. Its objective was to upgrade the existing network of child development clinics that operate within school dispensaries or general hospitals in all Slovenian regions and treat children with special needs and to improve the cooperation between medical services, institutions, and non-governmental organisations in education and social care. In line with the guidelines of the European Agency for Special Needs and Inclusive Education, children with special needs require comprehensive treatment which also includes their parents and their family. For this purpose, expert capacities of the existing services should be improved above all to facilitate comprehensive and proper training and education in this field and regulate their cooperation. The added value of this pilot project is demonstrated in the shift from traditional treatment focusing primarily on the child to an extended approach in which the child, its family, and its environment are included. The project addresses the development and upgrade of the existing network of child development clinics with a multidisciplinary team and the provision of early assistance in kindergarten. The aim of the project is to provide optimum support to child development, to improve the quality of life of a family having a child with special needs, and to ensure greater efficiency, faster response time and more flexibility when providing comprehensive help to the family and the child (medical, educational, social, psychosocial support and rehabilitation).

### **Complaints to the Human Rights Ombudsman and the commission for placement**

Regarding the question of the ECSR on the number of complaints, the Government of the Republic of Slovenia explains that the MIZŠ as the appeal body deals with only slightly over 100 complaints amounting to approximately 1% of all applications for placement of children with special needs. In 2015,

the Human Rights Ombudsman processed 35 complaints related to the protection of rights of children with special needs and somewhat less in 2016. In 2017, the number of complaints dropped by as much as 40% compared to 2016. As a result, in her 2017 annual report the Human Rights Ombudsman concluded that the field of care and the protection of rights children with special needs seems to be relatively well regulated. In the opinion of the Ombudsman, the lower number of complaints concerning children with special needs is also the result of the Act Regulating the Integrated Early Treatment of Pre-school Children with Special Needs (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 41/17; hereinafter: ZOPOPP) which was enacted in mid-2017 and started to apply in 2019. The Act provides the basis to ensure separate, organised multidisciplinary treatment for a specific family at a time.

### **The number of children with special education needs placement decisions placed in residence halls**

Regarding the question of the ECSR on the number of children with placement decisions placed in residence halls the Government of the Republic of Slovenia explains that for every child the placement commission recommends the most appropriate education programme, while the school accepts the child based on a placement decision. In the 2017–2018 and 2018–2019 school years, 354 and 390 pupils were placed in residence halls, respectively. The number of pupils increased in accordance with the pupil population growth.

## **Article 15: The right of persons with disabilities to independence, social integration and participation in the life of the community**

### **15§2 Employment of disabled people**

#### **Access to employment and promotion of employment of disabled people**

The Republic of Slovenia ensures an inclusive, open, and accessible labour market for disabled people in all sectors thanks to the quota system of employing disabled people that applies to all sectors, both public and private, for-profit and not-for-profit. Entities subject to the quota are every employer who employs at least 20 workers. Employers who employ more disabled people than required by the mandatory quota, including small employers (with fewer than 20 workers) and sole traders, receive a monthly reward of 20% of the minimum wage for every disabled person exceeding the quota by the public disability fund. The state covers the costs of pension and disability insurance for these persons. The state monitors the performance of the quota system of employing disabled people through a public disability fund. Employers who do not meet the monthly quota are required to pay a contribution to the public disability fund amounting to 70% of the minimum monthly wage for every missing disabled person.

The Pension and Disability Insurance Institute of the Republic of Slovenia or the public disability fund covers the costs of technical adaptation of workplaces and means of work for persons with disabilities requiring such adaptations. Persons with intellectual impairments have access to the open labour market if they have legal capacity (capacity to sign the employment contract). Disabled people also have the opportunity to become sole traders. All self-employed disabled people are considered disabled people exceeding the quota and receive the same financial incentives as other employers exceeding the quota. Because the self-employed do not receive wages, the self-employed disabled people are entitled to the state aid scheme according to the *de minimis* rule. Potential disability pension has no impact on the self-employment of a disabled person.

Disabled people have significantly fewer opportunities to secure or retain employment, or to be promoted compared to other people with no determined physical or intellectual impairments or illnesses. By the end of 2018, a total of 892,404 people were employed in the Republic of Slovenia. Among these, there were 34,311 disabled people amounting to 3.84% of all employees. The number of employments relating to unemployed disabled people is growing. In the period from 2008 to including 2018, the largest number of unemployed disabled people gained employment in 2016 (3,375). Since 2014, the number of unemployed disabled people has been declining. At the end of 2014 there were 17,646 unemployed disabled people, whereas this number decreased to 13,663 by the end of 2018. Due to the significant decline in the number of unemployed by the end of 2018, the proportion of disabled people among all unemployed people rose compared to 2014. At the end of 2018 there were 13,663 unemployed disabled people, which amounts to 17.4% of all the unemployed, whereas at the end of 2014 there were 17,646 unemployed disabled people or 14.6% of all the unemployed.

Most disabled people were employed in the open labour market. Two aid schemes for employing disabled people have been declared by the Republic of Slovenia. In 2018, a little under EUR 102 million of aid for employing disabled people were disbursed to employers.

Vocational rehabilitation is the right of a disabled person to individual services in line with the scope, mode and duration as defined in the rehabilitation plan that are provided with a view to training the disabled for suitable work, obtaining employment, keeping employment and advancing or modifying their professional careers. The vocational rehabilitation services are performed within the network of vocational rehabilitation providers. For the 2014–2020 period, 14 providers with 18 expert teams and locations were selected on the basis of a public tender to cover all the ESS regional offices. In 2018, a total of 2,165 people underwent vocational rehabilitation, whereas 1,241 of them were interviewed by a rehabilitation commission. If a person is referred by the ESS, vocational rehabilitation is financed from the Budget of the Republic of Slovenia. A disabled person who is granted the right to vocational rehabilitation has the right to receive cash benefits based on the Vocational Rehabilitation and Employment of Disabled Persons Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 16/07 – official consolidated version, 87/11, 96/12 – ZPIZ-2 and 98/14; hereinafter ZZRZI), whereas

the providers are financed based on annual contracts according the baseline defined by the network. More than EUR 5.3 million were allocated for vocational rehabilitation in 2018.

An employer may request the public disability fund to cover the costs of adequate adaptation of the workplace and means of work to the needs of the disabled person. The application may be filed by an employer who has concluded an employment contract with an unemployed disabled person for at least 12 months. The costs eligible for reimbursement include the expenses that would be added to the costs incurred by the employer if they would employ non-disabled workers. In 2018, the public disability fund financed the adaptation of the workplace and means of work to the needs of 13 newly employed disabled people. The public disability fund financed support services for 63 employed disabled people in 2018 who would be rendered unemployable without support services. The adaptations for persons who become disabled in the course of their employment is financed by the ZPIZ. For persons who became disabled, employers must respect all restrictions set in a ZPIZ decision and seek an opinion by the ZPIZ expert body that a workplace is adequate and appropriately adapted to the disabled person in question.

On the request of the EOSP, the Government of the Republic of Slovenia provides data on the implementation of the workplace adaptation measure in the following tables:

<b>Adaptations of workplaces and means of work to the needs of disabled people</b>			
	<b>2016</b>	<b>2017</b>	<b>2018</b>
Applications submitted	8	12	24
Applications withdrawn	0	0	2
Right granted	5	9	13
Right refused	1	1	7

<b>Adaptation Types by Years</b>		
<b>2016</b>	<b>2017</b>	<b>2018</b>
<ul style="list-style-type: none"> <li>- ergonomic chair and table stand for a computer screen;</li> <li>- work table for service, work table for assembly and design, work table for drilling machine, work table adaptation;</li> <li>- automatic door for meeting room and multifunction printer;</li> <li>- magnifier and screen reader, portable electronic magnifier, 24-inch screen, Slovenian speech synthesiser;</li> <li>- hearing aid and remote control (induction loop);</li> <li>- screen magnifier, desk-based electronic magnifier, and portable electronic magnifier;</li> </ul>	<ul style="list-style-type: none"> <li>- ergonomic work chair;</li> <li>- hand-operated electric pallet truck;</li> <li>- screen reader, word detection application, braille screen/terminal;</li> <li>- braille pad, screen reader;</li> <li>- 27-inch screen and portable electronic magnifier;</li> <li>- woodworking machine adaptation;</li> <li>- purchase of work equipment: ErgoPack pallet strapping machine;</li> <li>- machine adaptation: automatic packaging machine;</li> </ul>	<ul style="list-style-type: none"> <li>- adaptation of office, lift, and sensor-operated door;</li> <li>- electric lift table, ergonomic wireless touchpad, headset;</li> <li>- screen reader, braille pad, braille printer;</li> <li>- ergonomic chair;</li> <li>- remote control for lifting door, ergonomically adapted table with drawers;</li> <li>- screen magnifier, vision impaired keyboard, portable electronic magnifier;</li> <li>- lifting work table, platform support for lift table, transport trolley;</li> <li>- electric bicycle with attachment to a wheelchair;</li> <li>- industrial platform for standing due to worker size, chair;</li> <li>- electric lifting table, accordion stand;</li> <li>- electric lifting platform for wheelchairs;</li> </ul>

Unemployed disabled people can also participate in all programmes of the AEP.

## **Additional clarifications relating to Conclusions 2012 (pp. 24–27):**

### **Access to employment by disabled people**

In its Conclusions 2012, the EOSP established that, due to the unequal access to employment by disabled people, which applies to persons with the status of a disabled person under the Act on Social Care of Persons with Mental and Physical Impairments (ZDVDTP), the situation in the Republic of Slovenia is not in accordance with the RESC. The Government of the Republic of Slovenia explains that, under the above Act from 1983 that ceased to apply on 1 January 2019 (see 15§3 – Social Inclusion of Disabled Persons Act, ZSVI), the status of a disabled person could be granted to a person with a minor, moderate, severe, and profound intellectual and physical impairment who could not be trained for autonomous life and work. The status was obtained based on an expert opinion, however, these persons did not automatically qualify as unemployable, which is why they were not automatically excluded from the labour market on the grounds of their status. In a non-contentious civil procedure, a court could extend the parental right of the parents of persons with a moderate, severe, and profound intellectual and physical impairment, which in practice meant that the legal capacity of such persons was revoked. Obtaining the status of a disabled person under the ZDVDTP did by no means represent an automatic withdrawal of legal capacity. The Government of the Republic of Slovenia clarifies that people with the status of a disabled person under the ZDVDTP are also subject to the ZZRZI and the ZUTD. In the implementing regulation of the ZZRZI, which started to apply in 2004 and in which all disabled people eligible for the quota system of employing disabled people were defined, persons with disability status under the ZDVDTP were assigned a specific disability code. The enactment of ZUTD in 2011 enabled these persons to be registered with the ESS and were thus entitled to vocational rehabilitation services under the ZZRZI. Both categories of disabled people – persons with intellectual or profound physical impairment – have already had or have access to employment.

The Government of the Republic of Slovenia explains that adults with disability status under the ZDVDTP are entitled to a disability benefit that does not qualify as a social transfer, because it does not depend on the financial standing of the disabled person. For unemployed disabled people who, in spite of using vocational rehabilitation services, could not meet at least 30% of the expected job requirements, the ESS issues a decision on unemployability. Based on the decision, these persons may participate in social inclusion programmes under the ZZRZI and, if they meet the requirements under the Social Assistance Payments Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 61/10, 40/11, 14/13, 99/13, 90/15, 88/16, 31/18, and 73/18) may in addition to social assistance benefit in cash be granted supplementary benefit to maintain their financial stability in the long term. If they have legal capacity (capacity to sign an employment contract), the people with intellectual impairments also have access to the open labour market and other forms of employment.



## **Article 15: The right of persons with disabilities to independence, social integration and participation in the life of the community**

### **15§3 Integration of persons with disabilities in society and their participation in the life of the community**

In January 2014, the Government of the Republic of Slovenia adopted *the Action Programme for Persons with Disabilities 2014–2021 (API)* whose purpose is to promote, protect and ensure the full and equal exercise of all human rights by persons with disabilities, and to foster respect for their inherent dignity. The programme comprises thirteen fundamental objectives with a total of 91 measures which comprehensively regulate all areas of life of disabled people: raising awareness and the provision of information, accommodation and integration, accessibility, education, work and employment, financial and social security, health and the provision of medical care, cultural engagement, sports and leisure activities, spiritual and religious life, the self-organisation of disabled people, violence, discrimination, and ageing with a disability. For the implementation, monitoring and supervision of the realisation of the goals and measures, a working group was appointed which prepares detailed reports on the API's implementation.

#### **Personal assistance**

The Government of the Republic of Slovenia emphasises that systemic changes were introduced in the field of personal assistance. In 2017, the Personal Assistance Act (Official Gazette of the Republic of Slovenia, [*Uradni list RS*], Nos 10/17 and 31/18; hereinafter: ZOA) was adopted which systemically regulates the right to personal assistance and determines the method of its implementation in order to enable a person with long-term physical, mental, intellectual or sensory impairments, which in connection with various limitations may prevent the person from fully and effectively participating in society like others in all fields of life and have the same possibilities, improved independence, activity and equal participation in the society compliant with the provisions of the Convention on the Rights of Persons with Disabilities. The ZOA started to apply on 1 January 2019. In 2018, the procedures for the implementation have been completed and the Rules on Personal Assistance (*Uradni list RS*, Nos 57/18 and 13/19) were formulated.

In accordance with the ZOA, personal assistance is assistance to users in all tasks and activities which they cannot do on their own due to the type and degree of disability, but that are needed daily at home or away from home for them to live independently and actively, and to be equally included in society. When implementing personal assistance, a user must have control over the organisation and formation of the personal assistance service according to their own needs, abilities, living circumstances, conditions and wishes. If they are unable to manage their own assistance, the tasks of the user are assumed by their legal guardian. Personal assistance includes services designed to provide personal assistance to the user, services designed to provide assistance in their household and other activities of daily living, accompaniment, workplace assistance, educational assistance, and assistance with communications. A person is eligible for personal assistance if they are between 18 and 65 of age and require at least 30 hours of personal assistance per week. The deaf, blind, or deaf-blind who do not require a 30-hour personal assistance per week are entitled to a communication allowance in cash or to 30 hours of personal assistance per month. Users may freely select a provider of personal assistance and a personal assistant.

In April 2019, personal assistance services offered by 47 providers were used by 487 people, whereas 1,203 (sensory-impaired) persons chose to receive a cash allowance in lieu of personal assistance in the amount of attendance allowance for performing the majority of basic life necessities as set out in the act governing pension and disability insurance.

Until the enactment of ZOA in 2015–2018, personal assistance was provided on a project or programme basis through public tenders with the MDDSZ as the main cofinancer. On the basis of public tenders

in 2014 (Public tender for cofinancing programmes for an independent or more independent life of disabled people in the period from 2015 to including 2018) and in 2016 (Public tender for cofinancing personal assistance programmes for disabled people from 1 June 2016 to 31 December 2018), the MDDSZ selected 35 providers of programme services enabling disabled people to have an independent or more independent life, and programme services for the personal assistance of disabled people. By the end of 2018, the MDDSZ had cofinanced on the basis of an annual contract 353 personal assistants, 9 personal assistance coordinators, 2 lay workers who provided personal assistance to more than 1,000 users requiring personal assistance with all tasks and activities that they themselves could not perform due to their disability and that they required every day at home or away from home in order to lead an independent life and be integrated into society. From 1 June 2016 to 31 December 2018, the MDDSZ also cofinanced allowances for working at night, on Sundays, public holidays, and work-free days in cases when personal assistants actually worked at night and on the aforementioned days.

<b>Number of personal assistants with/without cofinancing</b>				
	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Recognised personal assistants	318	353	353	353
Cofinanced personal assistants	300	324	339	326
Recognised and cofinanced personal assistance coordinators	7	7	7	7
Recognised and cofinanced lay workers coordinators	2	2	2	2
Funds (EUR)	2,638,520	3,086,929	3,405,359	3,478,907

Source: MDDSZ

The MDDSZ also cofinances other specialised social programmes that supplement public services by integrating disabled people into society and empowering them for a more independent life. The Social Protection Institute of the Republic of Slovenia prepares annual reports on programmes' implementation that show detailed data on the number of programmes, providing organisations, users and the amount of funds spent:

<b>Social assistance programmes for disabled people</b>				
	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Number of programmes	9	10	11	15
Number of providing organisations	9	9	10	13
Funds (EUR)	1,593,11	1,905,312	1,886,878	2,193,468
Number of users	1,020	1,140	1,301	1,663

Source: IRSSV

### **Social Inclusion of Disabled Persons Act**

In 2018, the Social Inclusion of Disabled Persons Act was adopted (Official Gazette of the Republic of Slovenia, No. 30/18; hereinafter: ZSVI) replacing the Act on Social Care of Persons with Mental and Physical Impairments from 1983. This Act entered into force on 1 January 2019. The proposed act regulates the position and rights of persons with profound disabilities that occurred prior to their reaching 18 years of age or during their regular schooling prior to their reaching 26 years of age. In comparison with the applicable legislation, the range of beneficiaries is wider, which means that, in addition to persons with moderate, severe, and profound mental disabilities and persons with profound physical disabilities, persons with autistic disorders, who suffer from a severe form of unadjusted behaviour which prevents them from leading an independent life and acquiring funds of subsistence, deaf-blind persons and persons with moderate to severe brain injury or damage will also be able to obtain disability status. The aforementioned three groups are deemed to be beneficiaries if their disabilities occurred prior to entering pension and disability insurance. The objective of the Social Inclusion of Disabled Persons Act is to provide the following to persons above the age of 18 who cannot themselves ensure their social security and inclusion in society: the right to compensation, the right to attendance allowance, and support services for the participation and inclusion in society. Support services are intended to train

them to lead an independent life and to ensure life-long learning, living with the allowance and the preservation of social inclusion of elderly disabled people. All of the aforementioned enables disabled people to live in a community – if possible with suitable support in their home environment – and to, just like other people, make decisions regarding their lives at all levels they can or to obtain support services where they need them, suitable counselling, and assistance with decision making.

#### **Additional clarifications relating to Conclusions 2012 (pp. 28–31):**

##### **Access to the built environment**

In relation to the built environment, the Government of the Republic of Slovenia explains that, for several years, the Urban Planning Institute of the Republic of Slovenia has been undertaking assessments on the accessibility of public buildings and facilities on the entire territory of Slovenia. A web portal with the access to the database containing information on the accessibility of public buildings and facilities was set up. The database was set up in 2010 as one of the main results of the study entitled *Measures to implement the rights of disabled people to barrier-free access: inventory of existing barriers in the built environment and in the public buildings and facilities in Slovenia* conducted by the Slovenian Research Agency and the MDDSZ. A large share of information from the database was obtained in the accessibility assessment performed in the *We can do it* project cofinanced in 2014 by the MDDSZ and the European Commission. The database is being gradually updated with new information on the accessibility of public buildings and facilities based on occasional requests for such assessments submitted by various public buildings and facilities operators in the Republic of Slovenia. In relation to its intended purpose, the database provides information on the accessibility of public buildings and facilities with the options:

- buildings and facilities used for providing education, training, and employment services;
- buildings and facilities used for providing healthcare and social protection services;
- buildings and facilities used for providing public administration services;
- buildings and facilities used for providing cultural services;
- buildings and facilities used for providing passenger transport services;
- buildings and facilities used for providing leisure services (sports, recreation, tourism).

By selecting the appropriate menu in the web portal, a person can access detailed information on the accessibility of public buildings and facilities, whereas the guide menu option enables the person to search the database for accessibility information. The web portal includes a web forum promoting the mobility of disabled people and general public and fostering active cooperation in removing the barriers in buildings and communication. The web forum enables people to report existing barriers in the built environment as well as barriers implied in new buildings. The Web forum visitors may also ask questions and launch initiatives concerning the issue of accessibility of individual public buildings and facilities.

##### **Mobility of disabled people and accessibility of public transport**

The new Motor Vehicles Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 75/17; hereinafter: ZMV-1) containing new provisions to ease the obligations of disabled people was adopted in the end of 2017. Paragraph six of Article 28 of the ZMV-1 determines an exemption in relation to establishing the vehicle user when the vehicle owner is a disabled adult with no proper driving licence who was exempted from the payment of the annual fees for the use of vehicles in road traffic on the basis of a decision. The above exemption was defined because the vehicles owned by disabled people are driven by various persons and thus it is not appropriate to establish only one person as a vehicle

user. This solution respects the views of the Advocate of the Principle of Equality and the Human Rights Ombudsman claiming that, under the previous Motor Vehicles Act, disabled adults being required to name the vehicle user were subject to discrimination.

In 2005, the Government of the Republic of Slovenia adopted the National guidelines for improving the accessibility to the built environment, information and communications for disabled people in the **Strategy of Accessible Slovenia**. These guidelines also brought about further improvements in public rail transport. People with physical impairment, especially wheelchair users, and blind and visually-impaired persons, are given the opportunity to notify the transport provider about their planned trip in order to ensure adequate service in both domestic and international rail transport. The transport provider ensures that all persons accompanying wheelchair users and blind and visually-impaired persons travel free of charge using domestic and international rail transport. As part of maintenance works, the transport provider as the operator of the state-owned public railway infrastructure continuously improves the accessibility of railway stations and other facilities for disabled people. All upgrades, renovations, and new constructions must be completed in adherence to the Commission Regulation (EU) No. 1300/2014 on the technical specifications for interoperability relating to accessibility of the Union's rail system for disabled people and persons with reduced mobility. Thus, the issue of accessibility is addressed in all such infrastructure projects.

In 2016, the Ministry of Infrastructure as the project contracting authority started to participate in the **Facilitating multimodal mobility for persons with various disabilities** project run by the Geodetic Institute of the Republic of Slovenia. The long-term aim of this ongoing perennial project is to improve the quality of life for the blind and the people with physical impairment. The main focus of the project is on the integration of vulnerable groups into the processes of multimodal transport, thereby fostering sustainability and improving the quality of life in Slovenia for people with various disabilities. The project implementation respects the new EU regulation on overcoming the communication barriers that binds the Republic of Slovenia to implement solutions in this area. Thus, uniform solutions with instructions in a form of a three-tier architecture may be achieved and the architecture may be set up gradually in cooperation with municipalities and public institutions. Key activities include: status analysis, development of the methodology for the entire system, setup of data tier for mobility and web accessibility, creation of a data tier interface, informing, promoting and educating potential stakeholders. Key target groups include the blind and visually impaired, physically impaired, and the deaf and hard of hearing.

### **Access to cultural activities**

In relation to accessibility to cultural activities for disabled people, various projects were launched. In the previous report, the Government of the Republic of Slovenia has already highlighted **the Accessible museum – Good practice guidelines** handbook issued in 2009 under the auspices of Slovenian Museums Association containing the basic guidelines for ensuring the accessibility of museums to disabled people and other vulnerable groups. Another technical publication in this field entitled **Museums, Public, Accessibility**, which was designed as a guide to overcoming barriers and ensuring wide accessibility to museum collections for all visitors and is aimed at the museum and gallery employees, was issued in 2011 by the Urban Planning Institute of the Republic of Slovenia. If the above publications form theoretical guidelines on the accessibility to museum collections, then the **Accessibility to Cultural Heritage for Vulnerable Groups** project ran by the Slovenian Ethnographic Museum between 2013 and 2015 can be considered an implementation of these guidelines. Five state-owned museums and galleries joined this Slovenian Ethnographic Museum initiative: National Museum of Slovenia, Slovenian Museum of Natural History, National Museum of Contemporary History, Slovenian Theatre Institute, Technical Museum of Slovenia, and National Gallery of Slovenia. The project was cofinanced by the European Union, i.e. by the European Social Fund, and the Ministry of Culture of the Republic of Slovenia. The project aim was to establish best practices in three areas of museum operation: on-the-job training, museum collection accessibility, and education. The basic

objective of the project was to implement professional and operational training of people from vulnerable groups (including people with sensory and physical impairments) to perform tasks of the museum's public service in order to introduce the concept of equal opportunities and to obtain special skills, knowledge, and experience for independent and creative work at the beginning of their career. This was followed by the objective of design, development, and performance of inclusive educational content in the field of museum operation and presenting museum collections as part of the on-the-job training for employees from vulnerable groups. The key objective to ensuring sustainable project results was the education of museum employees and gaining expert knowledge, skills, and practical experience to establish best practices in working with people from vulnerable groups in state-owned museums that will be implemented in other Slovenian museums and other areas of culture. Within the project, a final detailed report entitled **Detailed Report on Accessibility and Ensuring Technical Conditions for Fostering Accessibility to Cultural Heritage for the Vulnerable Groups** was published which is considered a useful professional tool containing best practices.

### Reimbursement of expenses for technical aids of people with sensory impairments

As a measure to equalise the opportunities for disabled people, the Equalisation of Opportunities for Persons with Disabilities Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 94/10, 50/14 and 32/17; hereinafter: ZIMI) enables the cofinancing of technical aids for overcoming communication barriers for people with sensory impairments (the deaf and hard of hearing, blind, deaf-blind, and visually impaired people). Another measure is the cofinancing of vehicle adaptation for people with sensory impairments who are able to drive by themselves. Moreover, the ZIMI enables the cofinancing of vehicle adaptation for disabled passengers if such adjustment is required by the disabled person for vehicle entry and safe driving. In 2014, these sections of ZIMI regulations were amended. According to their personal needs, a disabled person may assert their right to technical aids or various vehicle adaptations. Based on a final decision, the administrative unit issues a voucher for the purchase of a technical aid at any supplier of technical aids in the Republic of Slovenia or for the vehicle adaptation at any vehicle adaptation service provider in the Republic of Slovenia. From the amendment in 2014 until the end of 2018, vouchers for 4,082 various technical aids for people with sensory impairments and 1,366 vehicle adaptations for physically impaired people were issued. The technical aids and vehicle adaptations regulations started to apply in mid-October 2014 when the Rules on technical aids and adaptation of vehicles came into force. First payments for such purposes were first disbursed in 2015 as shown in the table below.

<b>Technical aids for people with sensory impairments and vehicle adaptations for people with physical impairments</b>						
	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>TOTAL</b>
Total number of technical aids (TA)	710	1,404	868	686	414	4,082
- TA for the deaf and hard of hearing	242	414	348	340	140	1,484
- TA for the deaf and deaf-blind	25	55	56	33	34	203
- TA for the deaf-blind	2	9	0	4	2	17
- TA for the blind and visually impaired	107	387	228	163	153	1,038
- TA for the blind and deaf-blind	0	8	62	30	28	128
- TA for the blind, deaf, and deaf-blind	334	531	174	116	57	1,212
Number of beneficiaries for the TA	633			524	714	1,871
Number of vehicle adaptations	62	245	232	480	347	1,366

Number of beneficiaries for vehicle adaptations	484			226	286	996
Total amount of cofinancing (in EUR)	0	598,281	641,635	677,982	695,386	2,613,284

Source: MDDSZ

## **Article 18: The right to engage in a gainful occupation in the territory of other Parties**

### **18§1 Application of existing regulations in the spirit of liberality**

#### **Additional clarifications relating to Conclusions 2012 (pp. 32–33):**

The Government of the Republic of Slovenia explains that a new Employment, Self-Employment and Work of Foreigners Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 1/18, 31/18; hereinafter: ZZSDT) was adopted in 2015. The main reason for drafting the new act was the new arrangement and adjustment of the employment and work of foreigner citizens to the provisions of the Foreigners Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 26/14, 90/14), which transposed Directive 2011/98/EU and introduced a single permit for both residence and work that is issued by the administrative units by way of a single application procedure. As regards foreign citizens, the transposition of the provisions from Directive 2011/98/EU introduced into legislation the principle of the "one-stop shop" for all foreign citizens that apply for a residence permit for the purpose of employment or work. In addition, a single permit may also be issued to foreign citizens for the purpose of seasonal work, work as self-employed person, or work as a posted worker providing cross-border services. The "one-stop shop" principle enables a foreign citizen to obtain a single permit for both residence and work in one place, that is at the administrative unit. The single permit is issued in the form of a card. A foreign citizen, third-country national, who changes his or her employer or his or her job with the same employer, to continue to work in accordance with a different civil contract, or to take up another employment with a different employer during the period of validity of a single permit card, is issued a written authorisation on the basis of the employment service consent, and needs not change the single permit card before its expiry.

In the ZZSDT, the following significant solutions are included, mainly to simplify or eliminate certain procedures:

- the ZZSDT does not apply to the citizens of EU and EEA Member States and the Swiss Confederation and their family members who are entitled to the free movement of workers in accordance with EU legislation;
- the right to free access is extended to specific categories of foreign citizens who were required to obtain a personal work permit (e.g. international protection seekers, persons with subsidiary or temporary protection, family members of a refugee, third-country nationals who are victims of human trafficking or illegal employment);
- in the process of issuing the single permit, job-vacancy registration is no longer mandatory;
- direct access to tax data;
- majority owners may be employed under the same conditions as company representatives and do not require the single permit;
- in the process of issuing the work permit for a posted worker, the required time period of previous employment was reduced;
- the employer is no longer required to obtain the ESS certificate to deregister the worker from social insurance due to the preliminary termination of employment;
- significantly higher fines and sanctions for violators;

In 2018, the Transnational Provision of Services Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 10/17; hereinafter: ZčmIS). The ZčmIS transposes Directive 2014/67/EU into Slovenian legislation. Considering the scope and severity of rights violations of workers posted to work in other EU Member States, the act also aims to prevent the abuse of posted workers and the abuse of rights of posted workers by the employers and purported shell companies. In accordance with the aforementioned and in addition to adjustment of the subject matter on the national level of EU legislation, the ZčmIS follows the objectives of strengthening the rule of law as well as ensuring legal security and the protection of human rights and fundamental freedoms.

Because the existing national Strategy of Economic Migrations will expire, the strategy for the 2020–2030 period is in preparation. In cooperation with social partners, the framework of work migration that

will form the basis for future regulation of this field is being drafted. The Strategy of Economic Migrations for the next decade will include the development guidelines and an action plan along with a list of actions. Although the action plan will be developed based on the content of the strategy, the MDDSZ has already actively addressed the topic by establishing information points in the Republic of Slovenia and adopting pre-integration measures in Bosnia and Herzegovina and Serbia to provide support for foreign workers and employers in relation to procedures and conditions of employment in the Republic of Slovenia.



## **Article 18: The right to engage in a gainful occupation in the territory of other Parties**

### **18§3 Liberalisation of provisions governing the employment of workers**

#### **Additional clarifications relating to Conclusions 2012 (pp. 34–36):**

As stated in the clarifications to Article 18§1, the Republic of Slovenia has fully implemented and enforced the single permit directive. With the adoption of the new ZZSDT in 2015, the procedures were also simplified. A further simplification was made in some bilateral agreements on employment.

The Government of the Republic of Slovenia clarifies that when a foreign citizen is deregistered from the compulsory social insurance schemes because his or her employment contract has terminated but still holds a valid single permit or written authorisation not issued on the basis of consent for employment, self-employment or work, the ESS shall send the foreign citizen a written notice indicating its intention to withdraw the consent; the aforementioned notice shall be served on the foreign citizen in person. If no new registration of the foreign citizen with the compulsory social insurance schemes on the basis of an employment contract with the same employer and for the same job is made within 15 days of the service of the aforementioned notice, the ESS shall withdraw the consent. The objection or appeal to consent withdrawal may be considered only if the workers have been registered with the social insurance without interruption.

According to the provisions of the agreements on the employment of citizens of Bosnia and Herzegovina and Serbia in the Republic of Slovenia, the work permit of workers who lose their job in the first year of their employment is revoked. The exemption applies only to workers who lost their employment through no fault of their own and exercise their right to an unemployment allowance at the ESS. If the worker loses the right to an unemployment allowance and fails to find a new job or self-employment in this period, the permit shall be revoked. During the first year of employment, the migrant worker who lost their job due to the expiry of the employment contract and provided that they are not eligible for unemployment allowance, shall re-register in the social insurance scheme in their country of employment within 30 days on the basis of a new employment or self-employment. If the migrant worker fails to do so, the competent institution shall initiate all the necessary procedures for the revocation of their permit and the return of the migrant worker to their country of origin.

The permit of the migrant worker who lost their job due to the extraordinary termination of the employment contract by the employer is not revoked in compliance with the legislation of the country of employment, if the migrant worker within 30 days of the termination of the employment contract concludes a new employment contract with a different employer for the same job for which the original permit was issued, and is registered in the social insurance scheme in the country of employment. The worker applies for a written authorisation to change the employer accompanied by all required supporting documents indicating the termination of employment contract under Article 111 of the ZDR-1.

	GRANTED				REVOKED			
	2015	2016	2017	2018	2015	2016	2017	2018
Albania	12				11			
Armenia								
Azerbaijan	11				8			
Bosnia and Herzegovina	5,093	5,131	10,187	16,596	962	656	953	1,653
Montenegro	68				15	2		
Georgia	2							
Moldova	26	7			2			

Russian Federation	774	5			75	2	1	
North Macedonia	472	2	2	3	113	1		
Serbia	3,224	102	35	140	637	50	8	13
Turkey	21				1			
Ukraine	400	8		6	52	4		

<b>Granted and revoked authorisations to the single permit</b>								
	<b>GRANTED</b>				<b>REVOKED</b>			
	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Albania		10	9	57	3	1	2	3
Armenia		2	1	1				
Azerbaijan		1	10	7		5	2	2
Bosnia and Herzegovina	199	1,643	1,452	1,077	65	273	232	224
Montenegro	3	52	84	170	1	15	31	13
Georgia		1	2	4			1	
Moldova	3	26	16	35			2	3
Russian Federation	63	625	592	661	13	80	49	21
North Macedonia	83	657	1,094	2,378	26	169	186	246
Serbia	575	4,266	6,042	9,824	145	746	738	600
Turkey	6	30	56	92	1	8	12	10
Ukraine	47	372	383	464	6	61	25	24

The updates of procedures for recognition of professional qualifications for practising regulated professions that apply to EU citizens and, under certain circumstances, also to third-country nationals, are a result of a change to EU legislation regulating the area through Directive 2013/55/EU, which the Republic of Slovenia transposed into the Slovenian legislation in May 2016 with the Act Regulating the Procedure for Recognition of Professional Qualifications for Practising Regulated Professions.

Key updates relate to:

- the introduction of the European professional card as an alternative to regular procedures that ensures a simplified procedure of recognition of professional qualifications with full electronic support;
- modification and simplification of general rules to start a business in other EU Member State or to temporarily provide services in other EU Member State such as: requirements for experts from other EU Member State where a certain vocation is not regulated were lowered to one year of work experience in previous ten years instead of two years;
- the introduction of “common training principles” including: common training frameworks and common training tests providing the opportunity to establish a common set of minimum knowledge, skills, and competences required for practising a certain profession. Thus the possibility to automatically recognise professional qualifications for other professions that are currently not on the list emerged. Skiing instructors have already taken advantage of this option with the adoption of Delegated regulation (EU) 2019/907 establishing a common training test for ski instructors;
- update of the system for automatic recognition, especially for physicians, dentists, graduate nurses, graduate midwives, pharmacists, and architects;
- forming a legal framework for partially qualified experts;
- forming a legal requirement to provide user-friendly and content-oriented information on rules, competent authorities, and required documentation for the recognition of professional qualifications;
- mandatory use of the Internal Market Information System (IMI) for all competent authorities conducting the procedures of recognition of professional qualifications to simplify administrative

cooperation and information exchange. Thus, the competent authorities can often disburden the applicant and obtain certain information required to reach a decision in the procedure by themselves.

In addition to the updates of the general rules for recognition of professional qualifications, numerous amendments of sector-specific legislation were introduced to lower the requirements for practising certain regulated professions.

**Article 18: The right to engage in a gainful occupation in the territory of other Parties**  
**18§4 Right of nationals to leave the country**

In the Conclusions 2012, the ECSR concluded that the situation in the Republic of Slovenia is in accordance with the RESC and did not request any additional clarifications.

## **Article 20: The right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex**

### **Equal pay for equal work**

The Article 133 of the ZDR-1 determines that an employer is obliged to provide equal pay for the same work and for the work of the same value to workers regardless of their gender. Provisions in employment contracts and collective agreements or employers' general acts which are contrary to this rule are invalid. This provision is in close conjunction with Article 6 of the ZDR-1, which generally regulates the prohibition of discrimination (see 1§2). Both direct and indirect discrimination of pay are prohibited. If a person believes they have been discriminated against regarding pay, they may exercise the right to equal pay and demand the disbursement of the difference to the higher payment that they would be entitled to as a person of the opposite gender. In pay discrimination disputes, the rule on the reversed burden of proof and all other rules from the provisions governing the prohibition of discrimination apply. The burden of proof is distributed in such a manner that the worker must provide facts justifying the discrimination assumption, whereas in this case the employer must prove that no discrimination occurred meaning that the principle of equal treatment was not violated. In the event of violation of the prohibition of discrimination, the employer shall be liable to provide compensation under the general rules of civil law (Article 8 of the ZDR-1). The above provision explicitly recognises the liability for pecuniary and non-pecuniary damage that workers suffer from due to the violation of discrimination prohibition. The upper limit of the compensation is not specified.

In relation to the wage system, the ZDR-1 regulates wage components and other payments, the reimbursement of costs, and sets the minimum standard of certain payments to workers. The wage system is a significant field of social partners dialogue. By determining the basic wage and wage rates, the type and rate of wage components, the collective agreements function as an important upgrade of the wage system. Wages in the public sector are governed by a special act and collective agreements for specific sectors and professions.

Access to wage data is hampered due to confidentiality of data. Thus, co-workers can only compare their wages based on their own free will and mutual trust. The issues of equal pay, including payments overview, may be addressed on the level of branch collective agreements.

Although the gender wage gap in the Republic of Slovenia is among the lowest in the EU Member States, it continues to remain. In 2017, the unadjusted gender wage gap in the Republic of Slovenia was 8.0%, which is twice as low as the EU average.

<b>Wage gap (in %)</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Republic of Slovenia	8.1	7.8	8.0
EU-28	16.6	16.3	16.1

Source: Eurostat

### **Additional clarifications relating to Conclusions 2012 (p. 38):**

#### **Night work of women in industry and construction and work in underground mines**

As requested by the ECSR, the Government of the Republic of Slovenia explains that under the ZDR-1 in force until 12 April 2013, employers were able to introduce the night work of women in the industry and construction sectors with the consent of the minister competent for labour. A special arrangement of the night work of women in the industry and construction sectors was also necessary because the

Republic of Slovenia was bound by International Labour Organisation Convention No. 89 on the night work of women in industry that ceased to apply on 16 November 2012. The notice on the end of validity of International Labour Organisation Convention No. 89 was published in the Official Gazette – International Treaties, No. 13/12 (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 89/12). The new ZDR-1, which entered into force on 12 April 2013, does not impose on employers the obligation to obtain the consent of the minister competent for labour before the introduction of night work of women in industry. The provisions of the new ZDR-1 concerning night work thus provide for equal treatment of men and women.

As regards the prohibition from working in underground mines for women, the Government of the Republic of Slovenia clarifies that this prohibition is related to the International Labour Organisation Convention No. 45, which the Republic of Slovenia has succeeded to under the act on succession. The Convention reflects the attitude to “the protection of women”, which used to be the basis for labour legislation. Later, the attitude to the employment of women changed based on the principle of equal treatment of men and women foreseeing the elimination of discriminatory protection provisions (Directive 76/207/EEC). Thus, the Republic of Slovenia withdrew from the convention on 18 March 2008 and is no longer bound by it, however, the provision of Article 181 remained in the ZDR-1. The MDDSZ intends to propose the deletion of Article 181 in the next amendment of the ZDR-1.

## Article 24: The right to protection in cases of termination of employment

### Termination of employment

The Government of the Republic of Slovenia explains that the reasons for ordinary termination of an employment contract with a worker by the employer are defined in Article 89 of the ZDR-1. The employer may terminate the employment contract only if there is a justified reason which prevents the continuation of work under the conditions set out in the employment contract, in particular:

- cessation of the need for the performance of certain work according to the conditions under the employment contract for economic, organisational, technological, structural or similar reasons on the employer's side (business reason);
- failure to attain the expected performance results because the worker has failed to carry out work in due time, professionally or with due quality, or failure to fulfil the job requirements provided by an act and other regulations issued on the basis of an act, for which reason the worker fails to fulfil or is unable to fulfil the contractual or other obligations arising from the employment relationship (reason of incompetence);
- violation of a contractual obligation or other obligation arising from the employment relationship (reason of misconduct);
- incapacity to carry out the work under the conditions set out in the employment contract owing to disability in accordance with the regulations governing pension and disability insurance or with the regulations governing vocational rehabilitation and the employment of disabled people;
- unsuccessful completion of a probationary period.

As regards the jurisdiction of the courts to hear cases of employment termination based on economic grounds, the current case law of Slovenian labour courts shows that the courts are rather reserved in their assessments of business reasons. The courts tend to restrict themselves to the question whether the need for the performance of certain work according to the conditions under the employment contract actually ceased to exist. As a rule, they tend not to engage in the assessment of actual economic or other circumstances leading to the cessation of the need and they especially do not assess whether the business decisions of an employer leading to employment termination were reasonable, necessary, or sensible. The scope of judicial control in the evaluation of business reasons is judged from case to case.

Workers with disability status enjoy special protection in relation to the termination of employment. Specific provisions as well as prescribed procedures and conditions under which these workers may exceptionally lose their employment must be observed. In this regard, the importance of Article 116 of the ZDR-1 is highlighted, because it also refers to special provisions (provisions governing pension and disability insurance and provisions governing vocational rehabilitation and the employment of disabled people). Regarding the position and the rights of workers in the case of such termination that are not regulated differently, according to paragraph 2 of Article 116 of the ZDR-1 the provisions of the ZDR-1 concerning the termination for business reasons apply.

To increase the labour protection of workers in precarious employment relationships, the amendment to the Labour Inspection Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 19/14 and 55/17; hereinafter: ZID-1) specifies the statutory regulation governing the presumption of the existence of an employment relationship at the stage when, based on the observations of the inspector, the employer subject to inspection must provide the worker with an employment contract template, because all legally defined circumstances exist indicating the existence of employment relationship. This is one of the means to remedy observed irregularities that the labour inspector imposes by an administrative decision.

Like elsewhere in the world, platform work in the Republic of Slovenia entails many risks for putting workers in a precarious position. The key issue in adopting measures to address this phenomenon remains in the definition of the worker, employer, and employment relationship. Their employment status is ambiguous: are they in an employment relationship or not, who is their employer, what are their rights. Many of them are virtually employed and should be entitled to workers' rights. More answers to the questions raised enabling the implementation of certain measures will be provided by the MAPA project with platform work as subject of the investigation. The MAPA project is aimed at reducing the negative effects of precariousness and thus segmentation in the labour market and ensuring decent work for all workers (see 1§2 – Precarious work).

### **Unemployment allowance, compensation, and reintegration in the case of wrongful termination**

If the termination of an employment relationship is established as wrongful, the interest of contractual parties plays an important role. Interest is implied in the worker's claim for reintegration or in their motion or prior claim for court termination, whereas the interest of the employer is implied in their motion to decide for court termination and the circumstances indicating that the conditions to continue the employment relationship actually no longer exist, regardless of its prior justified termination. Where a court has established that the termination of an employment contract is wrongful, but that with regard to the circumstances and the interests of both contracting parties the continuation of the employment relationship would no longer be possible, the court may, *inter alia*, grant the worker adequate compensation in the maximum amount of 18 monthly wages of the worker as paid in the last three months prior to the termination of the employment contract. The court shall determine the amount of compensation with regard to the duration of the worker's employment, the worker's prospects for new employment and the circumstances that led to the wrongful termination of the employment contract, taking into consideration the rights enforced by the worker for the period until the termination of the employment relationship (Article 118 of the ZDR-1).

The compensation under Article 118 has no impact on the right to compensation for damage, because the worker still has the right to enforce compensation for pecuniary and non-pecuniary damage according to the general rules. The compensation under Article 118 does not entail compensation for damage suffered by a worker at work or in relation to work. This compensation is paid for the worker's reintegration or the loss of employment despite a previously established wrongful termination of the employment contract by the employer. This compensation is paid for the future estimated damage resulting from the unsuccessful reintegration of the worker; it is not meant as compensation for the loss of income or compensation for any other pecuniary damage caused by the wrongful termination of the employment contract during the period pending the termination of the employment contract by a court ruling, or for non-pecuniary damage due to potential unlawful action by the employer upon the termination of the employment contract (Judgment Ref. No. VDSS Pdp 933/2011).

### **Additional clarifications relating to Conclusions 2012 (pp. 39–40):**

#### **Termination of employment by the employer for a worker who meets retirement conditions**

As regards the termination of employment for a worker meeting the retirement conditions, the Government of the Republic of Slovenia explains that the ZDR-1 as a general regulation in employment relationship legislation does not stipulate mandatory (*ex lege*) termination of employment for a worker on the grounds of meeting retirement conditions. The mere fact that a worker meets retirement conditions to be entitled to full old-age pension does not render them incapable of performing their work. It only means that they are guaranteed a certain level of social security from compulsory pension insurance. This is no "serious reason related to capability or behaviour of the worker", however, it may



affect the worker's will to terminate employment. Thus, the decision to terminate an employment relationship due to retirement is left to the sole discretion of the worker. In this case, the worker may submit a termination of employment contract or may terminate employment contract by mutual agreement. In Article 90, the ZDR-1 also specifies the circumstances that cannot be considered justified reasons for ordinary termination of employment contract and are thus absolutely invalid. Indent nine of Article 90 defines the cases of protection of employees against discrimination in termination of employment specifying that, inter alia, unfounded reasons for termination of employment contract include worker age.

If the worker fails to attain expected results because they have failed to carry out work in due time, professionally or with due quality, or they failed to fulfil the job requirements provided by an act and other regulations issued on the basis of an act, for which reason the worker fails to fulfil or is unable to fulfil the contractual or other obligations arising from the employment relationship, in accordance with the applicable legislation the employer has the right to terminate the worker's employment contract due to the reason of incompetence. However, the reason for the termination of employment contract must be serious and justified. The reason of incompetence may refer to the subjective (the lack of skills or characteristics required for performing tasks that leads to unsatisfactory work performance or failure to attain the expected performance results) or the objective component (when the worker fails to fulfil the job requirements provided by an act or implementing regulations issued on the basis of an act, for which reason the worker fails to fulfil or is unable to fulfil the contractual or other obligations arising from the employment relationship) of the worker's incompetence.

## **Article 25: The right of workers to the protection of their claims in the event of the insolvency of their employer**

In the Conclusions 2012, the ECSR concluded that the situation in the Republic of Slovenia is in accordance with the RESC and did not request any additional clarifications. The Government of the Republic of Slovenia reports that there no significant changes occurred in this field from the last report.