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**IMPLEMENTATION OF THE INTERNATIONAL COVENANT  
ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**Initial reports submitted by States parties under  
articles 16 and 17 of the Covenant**

**Addendum**

**SLOVENIA\***

[26 March 2004]

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\* The information submitted by Slovenia in accordance with the guidelines concerning the initial part of reports of States parties is contained in the core document (HRI/CORE/1/Add.35).

## CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
Introduction .....	1 - 3	3
Article 1: The right to self-determination .....	4 - 7	3
Article 2: Realization of recognized rights .....	8 - 10	4
Article 3: The principle of equal opportunities for women and men .....	11 - 52	4
Article 4: Restricting the enjoyment of rights .....	53 - 54	16
Article 5: Prohibition of the abuse of rights and the principle of primacy of more favourable rights .....	55 - 56	17
Article 6: The right to work .....	57 - 242	17
Article 7: The right to just and favourable conditions of work .....	243 - 298	79
Article 8: Free trade unions .....	299 - 361	95
Article 9: The right to social security .....	362 - 510	109
Article 10: Protection of the family, motherhood and children .....	511 - 676	150
Article 11: The right to an adequate standard of living .....	677 - 682	186
Article 12: The right to the highest attainable standard of physical and mental health .....	683 - 762	186
Articles 13 and 14: The right to education .....	763 - 885	204
Article 15: The right to take part in cultural life, to enjoy the benefits of scientific progress, and to benefit from the protection of moral and material interests resulting from copyright work .....	886 - 920	230

## **Introduction**

1. The Government of the Republic of Slovenia has the honour to submit to the Committee on Economic, Social and Cultural Rights the initial report of Slovenia, drawn up in accordance with articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights (hereafter “the Covenant”). The report outlines the steps taken and the progress achieved in implementing the rights guaranteed under the Covenant, and reflects the state of national legislation as at 1 January 2003. Given the few years’ delay in presenting the initial report, the present report represents also the second periodic report of Slovenia on the implementation of the Covenant.

2. The report is the result of cooperation by various line ministries and offices of the Government of Slovenia that have responsibility for fulfilling the rights guaranteed under the Covenant. The report has been sent for deliberation to the Economic and Social Council, the Interdepartmental Working Committee for Human Rights and the Government of the Republic of Slovenia. The Government adopted the report on at its 60th regular meeting, held on 5 February 2004.

3. The report was also sent to the following social partners for their perusal: the Federation of Free Unions of Slovenia, the Confederation of Unions ’90 of Slovenia, the Confederation of New Unions of Slovenia - NEODVISNOST (INDEPENDENCE), the Confederation of Unions of Slovenia - PERGAM, the Association of Employers of Slovenia and the Association of Craft Establishment Employers of Slovenia.

## **Article 1**

### **The right to self-determination**

#### **A. The right of nations to self-determination**

4. The right to self-determination is guaranteed in the preamble and in article 3, paragraph 1, of the Constitution of the Republic of Slovenia (hereafter “the Constitution”), which provides that Slovenia is a State for all its citizens, founded on the permanent and inalienable right of the Slovene nation to self-determination.

5. Slovenia is defined as a democratic republic and as a State based on the rule of law and a social State (article 2 of the Constitution). Local self-government is exercised in municipalities and other local communities (article 138 of the Constitution).

#### **B. Free disposal of natural resources**

6. Natural resources may be exploited. The conditions for exploiting such resources are set out by law (article 70 of the Constitution).

7. Enterprise (“economic initiative”) in Slovenia is free. The conditions for establishing commercial organizations are provided for by law. Commercial activity may not be carried out contrary to the public good (article 74 of the Constitution).

## **Article 2**

### **Realization of recognized rights**

#### **A. Progressive fulfilment of rights**

8. Laws and other regulations must comply with generally accepted principles of international law and with treaties that are binding on Slovenia, and ratified and published treaties are applied directly (art. 8).

9. The Constitution also counts among human rights and fundamental freedoms the right to freedom of work, social security and health care, and provides special protection for marriage and families, children and the disabled. The Constitution further guarantees the right to education and schooling, the autonomy of universities and other tertiary education establishments, freedom of science and art, creativity, expression of national affiliation and the use of one's own language and script. In the section on economic and social relations the Constitution regulates the protection of labour, trade union freedom and the right to strike and to adequate housing.

#### **B. Non-discrimination**

10. The Constitution provides for the general principle of equality before the law, incorporating a prohibition on discrimination based on various factors. Article 14 of the Constitution reads: "In Slovenia everyone shall be guaranteed equal human rights and fundamental freedoms, irrespective of national origin, race, sex, language, religion, political or other conviction, material standing, birth, education, social status or any other personal circumstance. All are equal before the law."

## **Article 3**

### **The principle of equal opportunities for women and men**

#### **A. Constitutional and legislative aspects**

11. Pursuant to article 8 of the Constitution, laws and other regulations must comply with the generally accepted principles of international law and with treaties that are binding on Slovenia. In this respect, article 8 of the Constitution goes on to provide that ratified and published treaties shall be applied directly.

12. International agreements (treaties) which have been ratified by Slovenia and which incorporate the principle of equal treatment of men and women as part of guaranteeing economic and social rights include:

- The European Convention for the Protection of Human Rights and Fundamental Freedoms (*Official Journal of the Republic of Slovenia* - Ur. l. RS-MP, 1/1994; RS 2/1994);
- European Social Charter (amended) (Ur. l. RS-MP, 7/99; RS 24/99);

- International Covenant on Civil and Political Rights (*Official Journal of the SFR Yugoslavia* - Ur. l. SFRJ 7/71);
- International Convention on the Elimination of All Forms of Racial Discrimination (Ur. l. SFRJ-MP, 6/1967);
- Convention on the Elimination of All Forms of Discrimination against Women (Ur. l. SFRJ-MP, 11/1981);
- ILO Convention No. 100 concerning Equal Remuneration of Men and Women Workers for Work of Equal Value (Ur. l. RS, 15/92);
- ILO Convention No. 111 concerning Discrimination in respect of Employment and Occupation (Ur. l. RS, 15/92).

### **1. Constitution of the Republic of Slovenia**

13. In Slovenia the principle of equality before the law or the principle of legal equality is established as one of the fundamental human rights and freedoms. Article 14 of the Constitution provides that everyone shall be guaranteed equal human rights and fundamental freedoms, irrespective of national origin, race, sex, language, religion, political or other conviction, material standing, birth, education, social status or any other personal circumstance.

14. Article 15 states that human rights are exercised directly and on the basis of the Constitution, and that the manner in which human rights and fundamental freedoms are exercised may be regulated by law whenever the Constitution so provides or where this is necessary owing to the particular nature of an individual right or freedom. Protection of the right of equality before the law (including in terms of gender) for individuals is guaranteed directly or through the institution of the human rights ombudsman as an independent body.

15. At the end of 2003 the National Assembly of the Republic of Slovenia adopted a proposal to amend article 43 of the Constitution by adding a new paragraph stating that measures to promote equal opportunities for male and female candidates for elected positions in State bodies and local authorities should be stipulated by law.

16. In relation to the principle of freedom of work (article 49 of the Constitution), under the section on human rights and fundamental freedoms the Constitution also provides that:

- Freedom of work is guaranteed;
- Everyone can choose their work freely;
- Everyone has access under equal conditions to any position of employment (the principle of equal opportunities and treatment);
- Forced labour is prohibited.

## **2. Legislative framework**

17. Right up until 2002, Slovenia's Constitution and legislation contained only provisions preventing discrimination on the basis of gender, but positive measures that could guarantee equal opportunities to enjoy human rights and to fulfil personal potentials with which a contribution is made to social development had not yet been included in the legislative framework. Experiences in Slovenia, as in other countries, showed that actual equality cannot be achieved merely through the prohibition of sex discrimination, and that to achieve this goal additional measures, efforts and commitments are needed to stimulate the full participation of both sexes throughout society.

18. Conscious of the importance of ensuring both de jure and de facto gender equality, in June 2002 Slovenia adopted the Equal Opportunities for Women and Men Act (Ur. l. RS, 59/2002). The Act entered into force on 20 July 2002.

19. This Act, the objective of which is to achieve equality for women and men, is intended primarily to eliminate the gaps that exist between formal equality in law and actual equality. It also defines the measures that will be carried out in future to achieve actual gender equality. The purpose of the Act is to introduce a general legal basis for the adoption of various measures aimed at promoting actual gender equality and creating equal opportunities for women and men, to formulate a national policy in this area and to lay down a special procedure for dealing with individual violations of the principle of equal treatment of the sexes.

20. In this regard it is a general law that lays down the common foundations for improving the position of women and creating equal opportunities for women and men in the political, economic, social, educational and other areas of life in society. The common foundations laid down by the Act will provide a starting point for regulating equal opportunities in sectoral legislation, primarily for the adoption of appropriate general measures of a regulatory nature, and for defining and sanctioning specific forms of discrimination based on gender. Given this type of concept, the Act does not contain sanctions in the event of violations, but provides simply a general definition of unequal treatment of the sexes, serving as a guideline for regulations and sanctioning in sectoral legislation. (The Act comprises sanctions regarding unlawful adoption and implementation of positive measures and sanctions affecting political parties.)

21. The Act defines concepts such as gender equality, equal treatment of the sexes, indirect and direct discrimination and general and special measures. The general and special measures are intended to eliminate or prevent unequal treatment of the sexes and to establish actual equality. General measures may be laid down by law as a specific form of discrimination that is sanctioned, but they may also be measures of a political nature aimed at raising awareness among the wider public of the area of equal opportunities, the development strategy and activity programmes in individual areas of public life.

22. The Act also introduces special measures that allow different treatment of women and men, but only in cases where such differentiation is based on legitimate goals and the measures for achieving these goals are set out rationally and are proportionate to the objectively determined differences between women and men. It therefore allows the introduction of special measures only in cases where the aim is to achieve gender equality and where there exist rational and justifiable reasons for their introduction. The adoption of special measures is permitted for

subjects set out in article 9 of the Act. In view of the different situations in individual areas, subjects that decide to adopt special measures will have to assess the circumstances, and adopt appropriate measures accordingly, in the areas of education, employment, promotion, representation in public life and so forth.

23. Special measures are divided into three categories, comprising positive, stimulative and programme measures. Positive measures are those that give priority to persons of that gender which in a given area is less well represented or is in a less favourable position. Since positive measures may represent a risk of abuse, the manner of adopting them is also defined in detail. State and other public sector bodies, economic agents, political parties and civil society organizations have the competence to adopt positive measures. These can be adopted in the areas of upbringing and education, employment, professional life, public or political activity and elsewhere within various areas of social life where there exist reasons for the introduction thereof. Prior to their adoption, a special action plan must be drawn up that contains the positive measures to be adopted and must be based on an analysis of the positions of the sexes in their field of work. The action plan should outline the reasons for the adoption of the positive measures and the objectives to be achieved, set dates for the commencement and termination of the implementation of measures, and specify the methods of monitoring and supervision thereof. Such an action plan must be submitted to the Equal Opportunities Office for a preliminary approval prior to the commencement of the implementation process.

24. Following the model of the European Union documents and equal opportunities policies in the European Union member States, the Equal Opportunities for Women and Men Act introduces integration of the principle of gender equality. Integration of the principle of gender equality means that in the development of policies and measures an assessment is made of the needs of both sexes, gender-specific differences are highlighted, emphasis is given to comparative proportions between women and men, the issue of gender proportions is included in all areas affecting people, and advance verification is made of what possible different consequences might arise from policies and measures with regard to women and men. Under the proposed law, responsibility for the integration of the gender equality principle is assumed by the Government, ministries and local communities, while the Equal Opportunities Office has the duty to offer professional support in developing appropriate methods and techniques.

25. The Act envisages the adoption of a special national programme of equal opportunities for women and men, to the adoption of which Slovenia is committed under the Beijing Platform for Action (Fourth World Conference on Women, Beijing 1995). The national programme will extend into all the main areas where there exist gender inequalities, and in drawing up the programme, in addition to ministries and the Equal Opportunities Office, there will be cooperation from non-governmental organizations, social partners, local communities and individuals working in the area of equal opportunities. For the actual implementation of the national programme the Government will adopt every two years a periodic plan that will define the activities of the Office, ministries and other players for the current period.

26. An important part of the Act is the introduction of equal education at all levels of schooling, since this is a fundamental condition for gradually spreading awareness in this area. The education system is of key importance in eradicating prejudices and stereotypes on the roles of women and men in society. For an education system that supports the active citizenship of

both genders, it is essential that textbooks contain no stereotypes and that the teaching staff are sufficiently aware of this issue. Research conducted in Slovene kindergartens has pointed out that through games and toys used, gender-differentiated education is conducted, while analyses of Slovene primary school textbooks have shown that these also contribute to preserving the traditional gender divisions and roles in society.

27. The Act follows the model of other European countries in establishing the special institution of the advocate of equal opportunities for women and men, who, on the initiative of eligible individuals and others, will deal with these cases and issue written opinions on whether a person has been treated unequally owing to gender. The procedure that will be conducted by the equal opportunities advocate is not a formal legal procedure and has no formal consequences; no sanctions are envisaged for non-cooperation in the procedure. The opinion issued by the advocate will not be binding, but prior to and after consideration of the case, both sides will have access to all other procedures provided for under other legislation, such as constitutional complaint, judicial protection, seizing the human rights ombudsman, and so forth. The handling of cases is intended primarily to discover possible unequal treatment of the sexes, and thereby to highlight this problem and the area of creating equal opportunities in the general public, which will contribute to a greater awareness and familiarization with the rights in this area.

28. The Act also envisages assigning special duties to local communities, since the local level is extremely important for the area of creating equal opportunities. The Act therefore envisages the possibility of appointing a coordinator for equal opportunities, who will monitor the adoption of decisions and their consequences in the local community from the aspect of gender, propose measures and activities in the area of creating equal opportunities and play an advisory role in formulating solutions.

29. Up until 2002, the area of labour relations in Slovenia was regulated legally by two laws the adoption of which dates back to the period of the former Yugoslavia (the Fundamental Rights from Employment Act, Ur. l. SFRJ, 60/89 and 42/90; Ur. l. RS, 4/91, 66/93 and the Employment Act, Ur. l. RS-old, 14/90, Ur. l. RS, 65/2000). Neither of these laws explicitly contained any provisions prohibiting discrimination in employment. So during this period, in order to provide protection against discrimination in employment, on the basis of the constitutional provision (article 8 of the Constitution) two ILO conventions ratified by Slovenia were applied directly (ILO conventions Nos. 100 and 111). The two aforementioned laws ceased to be valid upon the adoption in 2002 and implementation of the new Employment Act (Ur. l. RS, 42/2002).

30. After more than seven years of drafting and deliberation of the provisions of the new Employment Act - which included both the Slovene labour law profession and foreign labour law experts - intensive coordination between the social partners and the involved debates and proposals of parliamentary representatives from both the Government and opposition parties in Slovenia's National Assembly in all three legislative phases of adoption of the act, the new Employment Act (Ur. l. RS, 42/2002) was adopted at the session of 24 April 2002. The Act entered into force on 1 January 2003.



31. In its introductory part the new Employment Act (hereinafter “ZDR”) embraces a general prohibition on discrimination in the field, which it regulates. Article 6 of the Act thus provides that employers may not place job seekers (candidates) in the employment process or workers during their employment and in connection with the termination of employment in an unequal position on the basis of gender, race, skin colour, age, state of health or disability, religious, political or other conviction, membership of a trade union, national and social origin, family status, material standing, sexual orientation or any other personal circumstance. Women and men must be guaranteed equal opportunities and equal treatment in employment, promotion, training, education, re-training, pay and other remuneration from employment, absence from work, labour relations, working hours and cancellation of employment contract. There is a prohibition on direct as well as indirect discrimination on the basis of gender, race, age, state of health or disability, religious or other convictions, sexual orientation and national origin. Indirect discrimination exists if apparently neutral provisions, criteria and practices have the effect of placing persons of a particular gender, race, age, state of health or disability, religious or other conviction, sexual orientation or national origin in a worse position, unless these provisions, criteria and practices are objectively justified, appropriate and necessary. Where a candidate or worker in the event of a dispute cites facts that support the suspicion of the prohibition on discrimination having been violated owing to circumstances from the preceding paragraph, the burden of proof that different treatment is justified by the type and nature of the work lies with the employer. In the event of violation of the prohibition on discrimination, employers are liable to candidates or workers for damages under the general rules governing civil law.

32. In seeking candidates and making employment contracts, the Act explicitly requires that employers may not advertise vacancies only for men or only for women, unless a specific gender is an essential condition for the work to be done. Likewise, job advertisements may not indicate that employers will give priority to employing a specific gender, unless, as already stated, the specific gender is an essential condition for the work to be done (article 25 of ZDR).

33. Article 115 of ZDR provides protection from dismissal for female employees during pregnancy and breastfeeding, and for parents on parental leave. Paragraph 3 sets out exceptions to this provision, but only in case of extraordinary dismissal or due to cessation of employer's business. It is no longer possible to dismiss women and parents in a composition procedure (financial reorganization), as was the case prior to enforcement of the new ZDR. Since, in the past, the majority of those affected were, as a rule, women, dismissal during the composition procedure would mean actual indirect discrimination.

34. In the case of pay for work done, the Act sets out the principle of equal pay for women and men, and provides that employers are under an obligation to pay equal wages to workers, irrespective of gender, for equal work and for work of equal value. Provisions of employment contracts, collective agreements and general acts of employers that run counter to this legal provision are invalid (article 133 of ZDR).

35. Article 201 of ZDR provides a definition of “older employees”. If the system were to remain unchanged, an equal retirement age for women and men (55 years) would entail direct discrimination. This would, in practice, mean that most women would not benefit from older employee protection, since, according to ZPIZ data, due to the lower age and shorter

qualification period for a pension, in 2001 the retirement age for women was 54 years and 10 months. In the same period, men retired at an average age of 58 years and 2 months. Thus, the majority of male employees could benefit from older employee protection, whereas most female employees could not. The provision of article 236 on a gradual increase in the retirement age for women from 51 to 55 by 2004, in line with retirement legislation, therefore represents a positive measure.

## **B. Measures adopted for the fulfilment of the principle of equal opportunities**

### **1. Institutional framework (Equal Opportunities Office)**

36. The first step towards fulfilling the equal opportunities policy at the highest levels of authority was taken with the establishment of the parliamentary Committee for Women's Policy. The Committee was set up in June 1990, soon after the first multiparty elections. The awareness of the need to systematically monitor the position of women and prevent their discrimination and marginalization brought about by the market economy, led also to the establishment of an independent interdepartmental government body. On the initiative of the Parliamentary Committee, the Government of Slovenia took a decision to establish the Office for Women's Policy. On 15 February 2001 the Government decided to rename the Office for Women's Policy, which became the Equal Opportunities Office.

37. The Equal Opportunities Office, in cooperation with the various ministries and other administrative bodies, international, domestic and foreign governments and non-governmental organizations, performs the following tasks:

- Monitors the position of women and the fulfilment of their rights guaranteed by the Constitution, laws and international conventions;
- From the aspect of the position of women and the principle of equal opportunities it examines regulations, legal acts and measures adopted by the Government of Slovenia and line ministries, and offers opinions and suggestions prior to their adoption;
- Collaborates in the drafting of regulations, other acts and measures formulated by the ministries that relate to the position of women and the creation of equal opportunities;
- Submits to the Slovene Government and ministries initiatives and proposals for measures from its area of work;
- Draws up analyses, reports and other material;
- Promotes equality of women and men through information and awareness-raising;

- Handles initiatives from non-governmental organizations relating to its area of activity;
- On the basis of valid regulations and procedures, represents the Government of Slovenia in international and regional organizations in the area of ensuring equal opportunities.

## **2. Measures for improving the position of women**

38. Slovenia was the first of the Central and Eastern European countries to begin preparations for implementing the strategy of integrating the principle of gender equality. In 1997 the Office for Women's Policy drew up a project entitled "Strengthening the participation of women in the process of decision-making and development of policies in Slovenia", which was co-financed by the United Nations Development Programme. As part of this project the Office focused on education, training and awareness-raising.

39. With the aim of drafting a law that would deal with the issue of equal opportunities, a working group was set up, securing the cooperation of the Equal Opportunities Office, the Ministry of Justice, the Ministry of Labour, Family and Social Affairs, the Ministry of Education, Science and Sport, the Ministry of Health, the Ministry of the Interior, the Ministry of the Economy, the Government Office for Legislation, the Government Office for European Affairs and the Office of the Prime Minister. This cooperation resulted in the Equal Opportunities Act (Ur. l. RS, 59/2002), which the Slovene National Assembly adopted in June 2002. The Act regulates in their entirety equal opportunities for men and women in all areas of life, and has established mechanisms for overseeing implementation of the principle in practice. The most important section of the Act sets up the bodies and institutions that will oversee implementation of the Act, develop policies in this area and act in the event of violations.

40. With the aim of effectively tackling the problem of violence against women, penal legislation was also recently amended. In Slovene criminal law, domestic violence did not represent a special criminal act, but was incorporated under certain crimes of defamation and slander, and relative to the nature of injuries caused it was also included under crimes against life and the person. The public prosecutor is bound *ex officio* to propose the institution of criminal proceedings only for grievous bodily harm, while other crimes in this situation are prosecuted in private lawsuits. The majority of battered women who requested police intervention in acts of violence that did not represent officially prosecutable crimes (since the injuries were not defined as grievous), did not later bring private suits against the violent partner, for a variety of reasons. In 1999, however, specific amendments were made to the provisions of the Penal Code (KZ), including amendments to the crime of violent behaviour (article 299 of the KZ). This crime now includes domestic violence (and therefore also situations that do not involve grievous bodily harm), which is prosecuted *ex officio*.

### 3. Level of representation of women in political and public life

**Table 1**

**Women and men in the National Assembly of the Republic of Slovenia,  
by political party, 1996 and 2000**

Party	1996			2000		
	Total	Male deputies	Female deputies	Total	Male deputies	Female deputies
Total	90	83	7	90	78	12
LDS	25	24	1	34	29	5
SLS	19	18	1	-	-	-
SDS	16	15	1	14	14	0
SKD	10	9	1	-	-	-
ZLSD	9	9	0	11	8	3
DeSUS	5	4	1	4	4	0
SNS	4	3	1	4	3	1
SLS+SKD	-			9	9	0
Nsi	-			8	6	2
SMS	-			4	4	0
Hungarian and Italian communities	2	1	1	2	1	1

Source: Equal Opportunities Office (EOO).

**Table 2**

**Women and men in the National Assembly of the Republic of Slovenia  
by function after the elections of 1992, 1996 and 2000**

Function	1992		1996		2000	
	Total	Women	Total	Women	Total	Women
Deputies	90	13	90	7	90	12
President (speaker)	1	0	1	0	1	0
Vice-Presidents	3	0	3	1	3	1
Secretary-General	2	1	1	1	1	1
Heads of deputy groups	10	0	9	1	13	1
Committee chairpersons	11	0	12	2		
Commission chairpersons	14	5	13	4		

Source: EEO.

**Table 3**

**Men and women in the Government of the Republic of Slovenia, by function**

Function	1992		February 1999		October 2000		December 2000	
	Men	Women	Men	Women	Men	Women	Men	Women
Prime Minister	1	0	1	0	1	0	1	0
Deputy Prime Minister	-	-	1	0	-	-	-	-
Secretary-General	1	0	1	0	0	1	1	0
Members (ministers)	14	1	19	0	16	1	14	3

*Source:* EOO.

**Table 4**

**Administrative units**

Number	July 1977	January 1999	October 2000
Total	55	58	58
Women heads	14	15	15
Men heads	41	43	43

*Source:* EOO.

**C. Legal protection**

**1. Legal remedies**

**(a) Exercising rights at the workplace and the process of arbitration**

41. The exercising of rights at the workplace is regulated by the Employment Act (ZDR Ur. l. RS, 42/2002). The Act provides that where a worker believes that the employer is not fulfilling his obligations deriving from employment, or is violating any of the worker's rights deriving from employment, the worker has the right to request in writing that the employer eliminate the violation or fulfil his obligations. If in the ensuing period of eight working days from the delivery of such written request from the worker the employer does not fulfil his obligations deriving from employment or does not eliminate the violation, the worker may, within 30 days of the deadline for the fulfilment of the obligations or elimination of the violation by the employer, request judicial protection at the labour court of jurisdiction (article 204 of ZDR).

42. As part of resolving individual labour disputes the Act also introduces the possibility of arbitration. It provides that a collective agreement may define arbitration for resolving individual labour disputes, where the collective agreement must also settle the issue of the composition, procedure and other issues that are important for the work of the arbitrators. If a collective agreement that is binding on the employer and employees envisages arbitration for

resolving individual labour disputes, the employee and employer may in a contract of employment or no later than 30 days from the expiry of the deadline for fulfilling obligations or eliminating the violation on the part of the employer, agree on resolving the dispute through arbitration. Where arbitration does not reach a conclusion within the deadline laid down in the collective agreement, and at the latest within 60 days, the employee may within a further deadline of 30 days request judicial protection at the labour court. Overruling of an arbitration decision may only be requested in cases provided by the Labour and Social Courts Act (Ur. l. RS, 19/94, 20/98) (article 205 of the ZDR).

#### **(b) Judicial protection**

43. The Employment Act (Ur. l. RS, 42/2002) provides that employees may request the labour court of jurisdiction (article 204, paragraph 3, of ZDR) to determine the illegality of the cancellation of an employment contract, other methods of terminating the validity of an employment contract or a decision on disciplinary liability of an employee within a deadline of 30 days from the day of delivery or from the day when the employee learned of the violation of his rights. The Act further provides that an unselected candidate who believes that in the selection process the legal prohibition of discrimination has been violated, may, within a deadline of 30 days from receipt of notification from the employer, request judicial protection at the labour court of jurisdiction (article 204, paragraph 5, of ZDR).

44. Monetary claims deriving from employment are exercised by employees directly at the labour court of jurisdiction. Claims from employment lapse after five years (article 206 of ZDR).

45. Judicial protection of individual rights from employment are exercised at the labour and social courts of jurisdiction, and their functioning is regulated by the Labour and Social Courts Act (Ur. l. RS, 19/94, 20/98, 42/02, 63/03), and in a subsidiary capacity during proceedings at these (specialized) courts, the Civil Procedure Act (ZPP) (Ur. l. RS, 26/99, 96/02, 58/03, 2/04) is also applied. In 2003, a new Labour and Social Courts Act was passed (Ur. l. RS, 2/04). It will enter into force on 1 January 2005.

46. With regard to rulings in individual labour disputes, in the first instance the labour and social courts of first instance have jurisdiction. Regular legal remedies are guaranteed against decisions of labour and social courts of first instance, including appeals, which the party must lodge within 15 days of the ruling being delivered. The higher labour and social court decides on appeals. In the case of extraordinary legal remedies permitted against decisions of labour and social courts (revision) and a request for protection of legality, the Supreme Court of the Republic of Slovenia decides.

#### **(c) Constitutional protection**

47. Protection under constitutional law is ensured through the possibility of exercising a constitutional complaint, which is regulated by the Constitutional Court Act (Ur. l. RS, 15/94). This Act provides that anyone may lodge a constitutional complaint, if he believes that through an individual official act by a State body, local community body or holder of public authorization his human rights or fundamental freedoms have been violated, provided that all legal remedies have been exhausted. When a constitutional complaint has been accepted, upon

verification, it is dealt with by the Constitutional Court of the Republic of Slovenia. The Constitutional Court may issue a decision dismissing the constitutional complaint as unfounded, rules in its favour by ordering that the individual act be removed entirely or in part, or annuls it and returns the matter to a body competent. In the event that the individual act is removed, the Court itself may decide on the disputed right, if this is essential in order to eliminate the consequences that have already arisen or if this is demanded by the nature of the constitutional right.

## **2. Sanctioning**

### **(a) Civil law**

48. Article 29 of the Employment Act (Ur. l. RS, 42/2002) provides as follows:

An employer who is a legal person shall be punished for an offence with a monetary fine of at least 1 million tolar if he:

- Places a job seeker or a worker in an unequal position (art. 6);
- Advertises a job vacancy in a manner that runs counter to article 25 of this Act;
- Has not ensured protection against sexual harassment in compliance with article 45, paragraph 1, of this Act.

An employer who is a natural person and who commits an offence specified in the preceding paragraph shall be fined at least 500,000 tolar.

A monetary fine of at least 80,000 tolar shall be imposed on the responsible officer of an employer who is a legal person and on the responsible officer in a State body, a State organization or a local community who commits an offence specified in paragraph 1 of this article.

### **(b) Criminal law**

49. Sanctions for crimes linked to discrimination in employment are provided in the Penal Code (Ur. l. RS, 63/94, 23/99), where the criminal procedure is regulated by the Criminal Procedure Act (Ur. l. RS, 63/94, 66/2000, 111/2001, 32/2002 - decision of Constitutional Court, 44/2003 - decision of CC, 56/2003).

50. Article 141 of the Penal Code (Violation of equality) provides:

- (1) Whoever owing to differences in nationality, race, colour, religion, ethnic affiliation, gender, language, political or other conviction, sexual orientation, material standing, birth, education, social position or any other circumstance deprives a person of any human right or fundamental freedom recognized by the international community or provided for in the Constitution or a law, or who restricts that person's right or freedom, or whoever on the basis of such differentiation gives a person some special right or favour, shall be punished by a fine or imprisonment of not more than one year.

- (2) Equal punishment shall be imposed on anyone who persecutes an individual or an organization for their commitment to people's equality.
- (3) If an act mentioned in paragraphs 1 or 2 of the present article is perpetrated by someone abusing an official position or official rights, he shall be punished by imprisonment for not more than three years.

51. Article 205 of the Penal Code (Violation of workers' basic rights) provides:

Whoever knowingly does not act in compliance with the regulations on making or terminating employment, on personal income and remuneration, working hours, breaks, rest periods, leave or absence from work, protection of women, youths and disabled persons, and on the prohibition of overtime or night work and thereby deprives workers of their rights or restricts them, shall be punished by a fine or imprisonment for not more than one year.

52. Article 206 of the Penal Code (Violation of employment or unemployment rights) provides:

- (1) Whoever denies or restricts a person's right to free employment under equal conditions as provided by regulations shall be punished with a fine or imprisonment for not more than one year.
- (2) Equal punishment shall be imposed on anyone who knowingly does not act according to the regulations on the rights of unemployed persons and thereby deprives an unemployed person of his rights or restricts them.

#### **Article 4**

##### **Restricting the enjoyment of rights**

53. Rights provided in the Constitution may exceptionally be temporarily revoked or restricted during a state of war or emergency, but only for the duration of such state and to the extent required by such state. The revocation or restriction of rights must be carried out in such a way that measures adopted do not cause any inequality that might be based on race, national affiliation, gender, language, religion, political or other conviction, material standing, birth, education, social standing or any other personal circumstance (article 16, paragraph 1, of the Constitution).

54. Moreover, in cases of a state of war or emergency, the following rights or principles may not be revoked or restricted: the right to the inviolability of human life, the right to protection of human personality and dignity, the presumption of innocence, the principle of legality in criminal law, legal guarantees in criminal procedure, freedom of conscience and prohibition of torture (article 16, paragraph 2, of the Constitution).



## **Article 5**

### **Prohibition of the abuse of rights and the principle of primacy of more favourable rights**

55. The Constitution provides that laws and other regulations must comply with the generally accepted principles of international law and with treaties that are binding on Slovenia, and that ratified and published treaties are applied directly (art. 8). Direct application means that anyone may ground his or her complaint on a right recognized in a treaty, even if such right does not exist in Slovene legislation. If a law does not comply with internationally accepted obligations, the Constitutional Court may abrogate such law entirely or in part (article 43 of the Constitutional Court Act).

56. The Republic of Slovenia has ratified the International Covenant on Civil and Political Rights (Ur. l. SFRJ, 7/71) and the European Convention for the Protection of Human Rights and Fundamental Freedoms (Ur. l. RS-MP, 1/1994; RS 2/1994).

## **Article 6**

### **The right to work**

#### **A. Constitutional and legislative aspects**

57. Pursuant to article 8 of the Constitution, laws and other regulations must comply with the generally accepted principles of international law and treaties that are binding on Slovenia. Ratified and published treaties are applied directly.

58. The treaties that Slovenia has ratified, and whose content embraces the right to work, are:

- European Convention for the Protection of Human Rights and Fundamental Freedoms (Ratified in 1994; Ur. l. RS, 33/94 - MP, št. 7/94);
- Revised European Social Charter (Ur. l. RS-MP, 7/99; RS 24/99);
- International Covenant on Civil and Political Rights (Ratified in 1971; Ur. l. SFRJ, 7/71, Act notifying succession - Ur. l. RS, 35/92 - International Treaties, 9/92);
- International Convention on the Elimination of All Forms of Racial Discrimination (Ur. l. SFRJ-MP, 6/1967);
- Convention on the Elimination of All Forms of Discrimination against Women (Ur. l. SFRJ-MP, 11/1981);
- ILO Convention No. 29 on Forced Labour (Ur. l. RS, 15/92);
- ILO Convention No. 88 on the Organization of the Employment Service (Ur. l. RS, 15/92);

- ILO Convention No. 100 on Equal Remuneration for Women and Men (Ur. l. RS, 15/92);
- ILO Convention No. 105 on the Abolition of Forced Labour (Ur. l. RS MP, 10/97);
- ILO Convention No. 111 on Discrimination (Employment and Occupation) (Ur. l. RS, 15/92);
- ILO Convention No. 122 on Employment Policy (Ur. l. RS, 15/92);
- ILO Convention No. 142 on Human Resources Development (Ur. l. RS, No. 15/92);
- ILO Convention No. 159 on Vocational Rehabilitation and Employment (Disabled Persons) (Ur. l. RS, No. 15/92);
- ILO Convention No. 182 on the Worst Forms of Child Labour (Ur. l. RS-MP, No. 7/2001).

### **1. Constitution of the Republic of Slovenia**

59. The prohibition of all forms of discrimination is provided for in article 14 of the Constitution, whereby everyone is guaranteed equal human rights and fundamental freedoms, irrespective of national origin, race, sex, language, religion, political or other conviction, material standing, birth, education, social status or any other personal circumstance.

60. In the chapter on human rights and fundamental freedoms, the Constitution guarantees the right to freedom of work, and provides that freedom of work is guaranteed and that everyone may freely choose his or her employment. The Constitution further provides that everyone has access under equal conditions to any job (principle of equal opportunities and treatment) and that forced labour is prohibited (article 49 of the Constitution).

61. In the chapter on economic and social relations, the Constitution also lays down the duty of the State to create opportunities for employment and work and to ensure their legal protection (article 66 of the Constitution).

62. With regard to education and schooling, the Constitution provides that freedom of education is guaranteed, and that primary education is compulsory and financed from public funds. In the same way, the State must create opportunities for citizens to receive an appropriate education (article 57 of the Constitution).

63. The provisions of the Constitution highlight especially the guarantee of special protection for disabled persons, and lay down that disabled persons must be provided with protection and work-training in accordance with the law. Physically or mentally handicapped children and other severely disabled persons have the right to education and training for an active life in society. Such education and training is also financed from public funds (article 52 of the Constitution).

## 2. Legislative framework

64. The basic legal acts with which Slovenia regulates the right to work, including the right to opportunities for earning through freely chosen and accepted work and the creation of employment opportunities, are as follows:

- Employment Act (Ur. l. RS, 42/2002);
- Employment and Insurance against Unemployment Act (Ur. l. RS, 5/91, 12/92, 71/93, 2/94, 38/94, 80/97 - Constitutional Court decision, 69/98 and 67/02);
- Training and Employment of Disabled Persons Act (Ur. l. SRS 18/76; Ur. l. RS-old 8/90);
- Vocational and Technical Education Act (Ur. l. RS, 12/96 and 44/00);
- National Professional Qualifications Act (Ur. l. RS, 26/01);
- Adult Education Act (Ur. l. RS, 12/96).

### (a) Formal employment

65. The Employment Act (ZDR, Ur. l. RS, 42/2002), which replaced the Basic Rights Stemming from Employment Act (Ur. l. SFRJ, 60/89 and 42/90; Ur. l. RS, 4/91, 66/93) and the Employment Act (Ur. l. RS-old, 14/90, Ur. l. RS, 65/2000), was adopted on 24 April 2002, and entered into force on 1 January 2003.

66. The purpose of this Act is the regulation of employment relations concluded through employment contracts between workers and employers. The objectives provided by the Act include the involvement of workers in the working process, ensuring the smooth flow of the working process and preventing unemployment, taking into account the right of workers to freedom of work and dignity at work, and safeguarding the interests of workers in their employment relations.

67. The Act defines employment as a relationship between worker and employer in which the worker voluntarily joins the employer's organized work process, and against payment, personally and uninterruptedly performs the work assigned to him under the instruction and supervision of the employer.

68. Employment is formalized through a contract of employment, which is concluded in writing. Where an employment contract has not been concluded in writing, or if all the legally provided components of an employment contract have not been set out in writing, this does not affect the existence or validity of an employment contract. In the event of a dispute on the existence of formal employment between a worker and employer, the assumption is that employment relations exist if elements of such employment relations exist. Employers that employ new workers must advertise job vacancies publicly. Public advertisements of job vacancies must contain the conditions for performing the work and the deadline for applications. Article 24 of the Act explicitly lists the exceptions to this rule.

69. The Act further provides for the obligation of employers to ensure appropriate remuneration to workers for the work done. Under the employment contract, remuneration for work is composed of wages, which must always be in monetary form, and other possible forms of remuneration, if this is provided by a collective agreement. In determining wages the employer must take into account the minimum wage provided for by law or a collective agreement that is directly binding on the employer. Employers are bound to pay workers equally for work of equal value, irrespective of gender.

**(b) Employment**

70. The legal foundation for adopting and implementing the active employment policy is provided by the Employment and Insurance against Unemployment Act (Ur. l. RS, 5/91, 12/92, 71/93, 2/94, 38/94, 80/97 - Constitutional Court decision, 69/98 and 67/02).

71. Pursuant to article 3 of this Act, the employment policy, the programme for its implementation and the necessary extent of funds are adopted by the Slovene National Assembly, on the proposal of the Government of Slovenia, with active employment policy measures being carried out by the Employment Service of Slovenia (ESS), authorized organizations or employers, work funds and the ministry responsible for labour (Ministry of Labour, Family and Social Affairs).

72. Unemployed persons have the fundamental right to be included in active employment policy programmes, with the objective of increasing employment prospects. ESS or other authorized organization must no later than two months from registration of unemployment draw up an employment plan, which is the basis for the inclusion of unemployed persons in the programme of active employment policy measures.

73. Active employment policy measures are:

- (a) Aimed at employers;
- (b) Aimed at unemployed persons;
- (c) Linked to the organizing of public works.

74. For employers the following active employment policy measures are carried out:

- (a) Co-financing the creation of new jobs;
- (b) Subsidizing part of the costs of preserving jobs;
- (c) Co-financing education and training;
- (d) Co-financing the adaptation of work premises, installations and equipment for disabled persons;

- (e) Subsidizing part of the costs of workers whose work has become redundant;
  - (f) Reimbursement of employer contributions for pension and disability insurance, parental care, compulsory health insurance and insurance against unemployment.
75. For persons included in active employment policy programmes, the following measures are carried out:
- (a) Covering the costs of providing information programmes and vocational counselling;
  - (b) Monetary contributions;
  - (c) Covering the costs of education programmes and of development and training;
  - (d) Covering the costs of insurance against injury at work and occupational diseases;
  - (e) Subsidizing the wages of specific groups of unemployed and other persons;
  - (f) Help in self-employment;
  - (g) Co-financing the costs of promoting entrepreneurship;
  - (h) Co-financing the adaptation of work premises, installations and equipment for disabled persons;
  - (i) Public works.
76. Public works are local or national employment programmes that are aimed at promoting the development of new jobs and the maintenance or development of the working abilities of unemployed persons, and are organized for the implementation of social protection, educational, cultural, nature protection, municipal, agricultural and other programmes, where public works may not be organized for those activities aimed at making profit or where it would create unfair competition in the market.
77. The public works programme and the number of persons included that are financed as part of this programme are determined within the programme of active employment policy measures for the budget period by the Government of Slovenia, or a municipality insofar as it fully covers the funds for its implementation.
78. Unemployed persons for whom adequate or appropriate employment cannot be provided may, in order to improve their position on the jobs market, and on the basis of an employment plan, enrol in education in compliance with the regulations governing that area.
79. The education programme for unemployed persons, which is adopted by the Government of Slovenia, is drawn up for the academic year by the ministry responsible for labour and the ministry responsible for education. The education programme for unemployed persons sets out the types and number of places that will be organized, the conditions for inclusion of unemployed persons and the manner of financing.

80. The provision of the Employment and Insurance against Unemployment Act relating to the education of unemployed persons, is supplemented by the Vocational and Technical Education Act (Ur. l. RS, 12/96, 44/2000), which regulates education for acquiring and completing publicly recognized vocational and technical qualifications on the lower, secondary and tertiary levels of education.

81. The Training and Employment of Disabled Persons Act (Ur. l. SRS 18/76; Ur. l. RS-old 8/90) regulates the training and employment of disabled persons whose physical or mental disability means that in training and employment they require special professional help, and that they have the right to special social protection, but do not have such protection provided to disabled persons under other regulations.

82. Under this Act, a disabled person capable of being trained for employment is defined as a person under 45 years of age and whose disability means he cannot secure appropriate employment without training, but they do not have the characteristics of a disabled person with the right to training under other regulations. Irrespective of age, however, the characteristics of a disabled person are also accorded to a person for whom, given his professional and general education, his residual capacity for work, age and state of health, it is probable that he would soon be sufficiently trained for other appropriate work, so that he might work at least half the normal working hours.

83. The criteria and procedure for establishing and recognizing the characteristics of a disabled person are determined by agreement between the National Employment Service, the Institute of Pension and Disability Insurance and the Health Insurance Institute. In procedures of training and employing disabled persons, the self-management agreement on criteria and procedures for determining the characteristics of a disabled person (Ur. l. SRS, 17/78) is applied.

**(c) Vocational education, development and training and vocational orientation**

84. The Vocational and Technical Education Act (Ur. l. RS, 12/96 and 44/00) governs education for the acquisition and completion of publicly recognized vocational and technical qualifications at the lower, secondary and tertiary levels of education.

85. Vocational and technical education has the task of:

- Disseminating knowledge, skills and know-how needed for performing an occupation, on an internationally comparable level;
- Developing independent critical judgement and responsible behaviour;
- Developing the capacity for understanding and reporting in Slovene, and, in areas designated as of mixed nationality, also in Italian and Hungarian;
- Raising awareness of the integrity of the individual;
- Developing awareness of national affiliation and national identity, and of knowledge about the history of Slovenia and its culture;

- Educating people to be responsible for the safeguarding of freedom, for tolerant, peaceful coexistence and for respect of fellow humans;
- Developing and preserving our own cultural tradition and familiarizing Slovenes with other cultures and civilizations;
- Developing the willingness to establish a free, democratic and socially just State;
- Raising awareness of the responsibility for the natural environment and one's own health;
- Developing awareness of the rights and responsibilities of individuals and citizens;
- Developing talent and the ability to appreciate artistic works and artistic expression;
- Enabling choice of occupation and preparation for an occupation.

86. The target groups addressed by the Act are trainees, school and university students and adults.

87. The Act defines the aims of vocational and technical education, the providers of these programmes (in a dual system, together with the vocational school, the programme is implemented by commercial companies, an entrepreneur or an institution), the adaptation of education to trainees and students with special needs, and the conditions for educating foreign citizens.

88. The Act also defines the spatial and other conditions for providing education, the conditions for inclusion in education programmes and the selection criteria, etc. It also presupposes the inclusion of professional and other bodies in drawing up the standards of practical knowledge, organizing the implementation of the practical part of programmes and performing the practical part of final exams for trainees, and performing exams for specific trades; these bodies appoint their members to exam commissions at lower and secondary vocational schools, perform verification and keep registers of study places for trainees and study contracts made.

89. The Act also defines the trainee relations and the rights and duties of employers and trainees deriving from such relations.

90. Under chapter VII the Act defines in detail the education of adults; a person who may take vocational adult education is defined as a person who is employed or has unemployed status, whose status of school or university student has expired, who has not completed primary education, or who is 16 years or older.

91. The National Professional Qualifications Act (Ur. l. RS, 83/00, 26/01) regulates the procedure, bodies and organizations competent for adopting catalogues of standards for professional knowledge and skills, and the conditions and procedure for obtaining national professional qualifications.

92. The objectives of the Act are:

- To enable the acquisition of proof of professional qualifications in the certificate system that are transferable to different working environments, and in this way enable greater mobility of workers between companies and activities and in the international arena;
- To enable formal evaluation and confirmation of knowledge and skills acquired outside the formal education system, and their economic and social recognition;
- To increase the functional flexibility of employees and promote the same level of education;
- To enable the acquisition of vocational education in parts or modules;
- To increase the adaptation of adult education programmes to the needs of the labour market;
- To promote a higher quality of education programmes for the labour market.

93. The Adult Education Act (Ur. l. RS, 12/96) regulates education, development, training and teaching of persons who have completed the primary school requirements and who wish to acquire, upgrade, expand and enhance their knowledge, but who in such education programmes do not have the status of school or university student.

94. Adult education in the programmes of primary, vocational, secondary professional, grammar school and college professional education is regulated by laws governing these areas of education, and by this Act. Adult education at university level is regulated by the law governing the area of university education.

95. Other important acts regulating the area of education in Slovenia are:

- Kindergarten Act (Ur. l. RS, 12/96): this Act regulates the organization of pre-school education in kindergartens and pre-school departments within primary schools;
- Primary School Act (Ur. l. RS, 12/96, 33/97 and 59/01): this Act regulates the area of primary school education, and also the gradual introduction of nine-year primary education;
- Gimnazije Act (Ur. l. RS, 12/96 and 59/01): this Act regulates the area of secondary general education;
- Higher Education Act (Ur. l. RS, 67/93, 39/95, Constitutional Court (CC) decision: U-I-22/94-15, 18/98, CC decision: U-II-34/98i, 35/98, CC decision: U-I-243/95-13, 99/99, 64/01): this Act describes the role and place of universities,



faculties, arts academies and university-level professional educational institutions. It defines a university as an academic community and provides for the general autonomy of university-level education. It also sets out university bodies, study and research programmes, national degree programmes, teaching staff, students, financing and control of university education;

- School Inspection Act (Ur. l. RS, 29/96): this Act lays down the bodies that carry out inspections at schools, and the methods of carrying out such inspections;
- Act Implementing the Special Rights of Members of the Italian and Hungarian Ethnic Communities Regarding Education and Training (Ur. l. RS, 35/01): this Act is in force in the two nationally mixed regions (Slovene-Italian and Slovene-Hungarian). The members of the majority ethnic group living in these regions learn the language of the minority in school. The curriculum for history, geography, literature and art is adapted to include fundamental information on the history, geography and culture of the minority. In this regard, special attention is paid to the training of teachers;
- Placement of Children with Special Needs Act (Ur. l. RS, 54/00): it regulates the guiding of children, adolescents and young adults with special educational needs and provides the methods and forms of implementing education;
- Act on Core Development Programmes in Education and Science (Ur. l. RS, 96/02), which provides the priority development areas in the field of education and science.

96. The occupational orientation is defined in the Employment and Insurance against Unemployment Act and the Organization and Financing of Education Act. It embraces a range of different activities whose aim is to help young people and adults in deciding on the choice of further education, occupation, employment and other issues linked to a vocational career. The occupational orientation is implemented by educational institutions (schools, education centres, public institutes and so forth) and the National Employment Service.

### **3. Prohibition of forced labour**

#### **(a) General overview**

97. Forced labour is prohibited in Slovenia on the constitutional level (article 49 of the Constitution).

98. As determined in article 374, paragraph 1, of the Penal Code of the Republic of Slovenia, subjection to forced labour is a criminal offence that falls under war crimes against the civil population, if it is ordered or committed against the civil population in time of war, armed conflict or occupation, and in violation of international law.

99. With regard to the temporary suspension and restriction of rights, the Constitution lays down the cases where human rights and fundamental freedoms may exceptionally be temporarily suspended or restricted in a state of war or emergency, but only for the duration of and to the extent required by such state, and in such a manner that the measures adopted do not cause any

inequality based on race, national origin, gender, language, religion, political or other conviction, material standing, birth, education, social status or any other personal circumstance (article 16 of the Constitution).

100. The Employment Act (Ur. l. RS, 42/2002) provides that employers must provide for employees the work on which the two sides have agreed in an employment contract. In the event of a natural or other disaster, or where such disaster is imminent, workers are bound to perform work beyond the full or agreed part-time hours at their place of work, or other work in connection with the elimination or prevention of the consequences of a disaster. Such work may only last for as long as it is essential to save human life, protect people's health or prevent material damage.

101. With regard to the deployment of workers in exceptional cases, the General Collective Agreement for the Commercial Sector (Ur. l. RS, 40/97; 64/2000), like the Employment Act, provides that workers are bound to temporarily perform work that is not appropriate to their type and level of professional education and capacity in the case of force majeure (natural and other disasters where human life and health or property are endangered), saving human life and health, unexpected spoiling of raw and other materials which causes a complete or partial suspension of the working process, and in cases of brief absences of another worker in the event of a breakdown of work machines and plants. In all these cases of temporary redeployment of a worker to another job, the worker receives the same pay as at his normal place of work, or the pay that is most favourable for him.

**(b) Definition of a state of emergency**

102. The regulation of a state of emergency linked to forced or compulsory labour, and in this context also the arrangements for doing national military service, are governed by the Constitution and other legal acts, of which the most significant are:

- Defence Act (Ur. l. RS, 82/94; 33/2000);
- Military Service Act (Ur. l. RS-old, 18/91; Ur. l. RS, 74/95);
- Protection against Natural and Other Disasters Act (Ur. l. RS, 64/94; 33/2000).

103. The Constitution provides that human rights and fundamental freedoms may be temporarily suspended or restricted in a state of war or emergency (art. 16). A state of war or emergency is declared by the Slovene National Assembly on the proposal of the Government (art. 92), or by the President, if the National Assembly cannot convene (art. 108).

104. In compliance with the Defence Act, a state of emergency is declared where there is a major or general danger threatening the country, or where there is a heightened threat of attack on the country or a direct military threat arises. A state of war is declared upon an actual direct attack on the country. In the chapter on the duties and rights of citizens in the defence of the country, the Act lays down the working duties that citizens have to fulfil by performing work essential for the supply of the Slovene armed forces and population, the functioning of State

bodies, local self-government bodies and other defence needs. The duty to work may thus be enforced in a state of war or emergency, but only if so decided by the National Assembly, and is performed by citizens that are at least 18 years old and not older than 63 (men) or 55 (women), and are sufficiently healthy to perform work.

105. The Defence Act further lays down as a fundamental objective the resistance of any attack on the country and defence of the independence, inviolability and integrity of the State. Defence of the State comprises military and civil defence, with military defence being carried out by the defence forces composed of the Slovene armed forces (organized formations and other professional compositions). Among the tasks of the Slovene military, the Act enumerates participation in protection and rescue operations in the event of natural and other disasters, in line with its organization and technical capacity. It is the Government that decides on the form of cooperation from the military; in urgent cases, however, the Minister of Defence decides, on the proposal of the commander of civil defence for Slovenia. In this regard, account must be taken here of the Protection against Natural and Other Disasters Act, which provides that the armed forces and defence system can be used for protection, rescue and help if the available forces and means are insufficient for urgent rescuing and help, and if the armed forces are not urgently needed to perform defence tasks.

**(c) Work in prisons**

106. Work in prisons is regulated by the Enforcement of Penal Sentences Act (Ur. l. RS, 22/2000).

107. In Slovenia, penal sanctions are carried out by the Prison Administration of the Republic of Slovenia, a body within the Ministry of Justice. Prison sentences are served in facilities which are remote, internal organizational units of the Prison Administration, with individual facilities being able to have their own remote departments.

108. While serving their penal sentences, convicts are guaranteed all the rights enjoyed by the citizens of the Republic of Slovenia, except those that have been explicitly removed or restricted by law. The Act further provides that convicts who are able to work and who wish to do so must be enabled to work, in line with the possibilities of the facility concerned. For those convicts who are not capable of performing regular work, the prison authorities must, to the extent possible, provide work therapy. It follows from this that convicts are not required to perform compulsory work. Work for convicts must be organized in prisons in line with modern technology and other procedures whereby the same or similar work is performed outside prison.

109. Convicts who work full-time while serving their prison sentences, who during work are not absent from their workplace for more than what constitutes a reason for terminating employment under the general regulations, or who relative to their abilities achieve commendable results at work must be ensured all the rights deriving from work under the general regulations, unless otherwise provided by law. The Employment Act (Ur. l. RS, 42/2002) is considered as a general regulation for these purposes. Convicts are assigned work in accordance with their mental and physical capabilities and the possibilities available at the prison. The wishes of the prisoner with regard to the type of work desired are

also taken into account as far as possible. The governor of the facility may shorten the working hours and recognize other rights to continuing education for those convicts who are pursuing a verifiable study programme to acquire a specific level of education. Outside the regular working hours, convicts may be employed for a maximum of two hours a day on jobs that are necessary to maintain cleanliness and order for a proper standard of life in prison.

110. In its second part, in the chapter on commercial activities, the Act deals in detail with the work of convicted persons under the Prison Administration. In order to ensure the possibility of work for convicts during their prison terms, the Administration therefore organizes appropriate commercial activities that are performed in the public interest.

111. The Administration's commercial activities are organized:

- As therapeutic and learning workshops in those facilities where this is needed for the provision of educational and correctional activities for convicts;
- As State-run businesses in those prisons where in order to provide greater possibilities of work for convicts they are involved in the manufacturing of products and the provision of services needed by the Administration and other bodies.

112. As previously mentioned, convicts generally work in the prison's commercial production and in jobs necessary for the proper functioning of the facility, but the Act also allows convicts to work outside prison. Prisoners are generally allowed to do such work outside the prison in the last six months of their prison sentence, and exceptionally right at the start or in the middle of their prison term, if this complies with the treatment programme. Work carried out by convicts outside the prison is formalized through a contract drawn up between the prison and the employer, which sets out in detail the conditions of work and the mutual rights and obligations.

#### **4. Elimination of all forms of discrimination in employment**

113. The principle of equality before the law, or the principle of legal equality, is exercised in Slovenia as one of the basic human rights and freedoms. The Constitution provides that everyone is guaranteed equal human rights and fundamental freedoms, irrespective of national origin, race, gender, language, religion, political or other conviction, material status, birth, education, social status or any other personal circumstance (art. 14).

114. In its introductory section, the Employment Act (Ur. l. RS, 42/2002) provides that employers may not place job-seekers (candidates) in the employment process or workers during their employment and in connection with the termination of employment in an unequal position owing to gender, race, skin colour, age, state of health or disability, religious, political or other convictions, membership of a trade union, national and social origin, family status, material standing, sexual orientation or any other personal circumstance. Women and men must be guaranteed equal possibilities and equal treatment in employment, promotion, training, education, re-training, pay and other remuneration from employment, absence from work, labour relations, working hours and cancellation of employment contract. There is a prohibition on

direct as well as indirect discrimination on the basis of gender, race, age, state of health or disability, religious or other convictions, sexual orientation or national origin. Indirect discrimination exists if apparently neutral provisions, criteria and practices have the effect of placing persons of a particular gender, race, age, state of health or disability, religious or other conviction, sexual orientation or national origin in a worse position, unless these provisions, criteria and practices are objectively justified, appropriate and necessary. Where a candidate or worker in the event of a dispute cites facts that support the suspicion of prohibited discrimination having been violated owing to circumstances enumerated above, the burden of proof that different treatment is justified by the type and nature of the work lies with the employer. In the event of violation of prohibited discrimination, employers are liable to candidates or workers for damages under the general rules governing civil law (art. 6 of ZDR).

115. In seeking candidates and making employment contracts, the Act explicitly requires that employers may not advertise vacancies only for men or only for women, unless a specific gender is an essential condition for the work to be done. In the same way, job advertisements may not indicate that employers will give priority to employing a specific gender, unless, as already stated, the specific gender is an essential condition for the work to be done (article 25 of ZDR).

116. In the case of pay for work done, the Act lays down the principle of equal pay for women and men, and provides that employers are under an obligation to pay equal wages to workers, irrespective of gender, for equal work and for work of equal value. Provisions of employment contracts, collective agreements and general acts of employers that run counter to this legal provision are null and void (article 133 of ZDR).

117. In the case of termination, the law also cites as unfounded reasons for termination: race, skin colour, gender, age, disability, marital status, family obligations, pregnancy, religious or political convictions, and national or social origin (article 89 of ZDR).

## **B. Labour market**

### **1. Current macroeconomic situation**

118. The macroeconomic situation in Slovenia is generally stable, although in 2002 economic growth slowed down to 3.2 per cent, following 2.9 per cent in 2001 after a period of more dynamic growth rates for gross domestic product (GDP) (4 to 5 per cent). The year 2001 was characterized by a moderate 0.5 per cent growth of domestic demand, mostly due to the slow 1.7 per cent growth in private consumption and 1.9 per cent decline in investment, which on the other hand was joined by fast-growing exports (6.2 per cent) that exceeded the growth of imports (2.1 per cent). Weaker growth in the first quarter of 2002 due to a global slowdown was strengthened in the following quarters, and the first estimate of 3.2 per cent annual growth has been recently published.

119. Economic growth slowdown was influenced by the weaker domestic demand, while dynamic growth of foreign demand stimulated economic growth. Slower economic growth is above all a consequence of a drop in investment activity (-3.7 per cent). Overall household

consumption growth was moderate (1.9 per cent) and government consumption growth was slower (2.7 per cent). Investment activity was revived, with 3.7 per cent growth after a 4.6 per cent fall in the previous year. Despite the global slowdown in economic growth, Slovene exports of goods and services continued to grow rapidly (6.1 per cent), and were accompanied by a slower growth in imports (4.8 per cent) due to the slow growth in domestic demand (mostly investment), so foreign demand was the main accelerator of economic growth. The favourable growth in exports is closely linked to a dynamic growth in value added in manufacturing (4.6 per cent), while growth in market services lagged behind (2.8 per cent). However, all activities showed a positive trend, with the fastest growth being in financial services (9.3 per cent) and the slowest growth in transport (0.8 per cent).

120. On account of the faster economic growth, the development level of Slovenia measured by GDP per capita in purchasing power has risen from 67 per cent (1998) to 70 per cent (2002) of the EU average. The latest EUROSTAT data on GDP by purchasing power for 2000 place Slovenia in terms of economic development level not only ahead of the future EU members, but also ahead of Greece and at the same level of development as Portugal.

121. Dynamic growth of labour productivity in Slovenia has been the major contributor to the long-term economic growth. The preliminary EUROSTAT data on productivity in Slovenia for 2000 show the highest level among the candidate countries (31,000 PPS per person), which increased from 1995 to 2000 by a total of 23 per cent in real terms. Labour productivity in Slovenia accounted for 70.5 per cent (2000) and has grown to 73.6 per cent of EU-15.

122. Slovenia is a small country in terms of population - in mid-year 2002 there were 1,995,718 inhabitants. Within a year the number of inhabitants increased by 3,683 persons, or 0.2 per cent. Since 1999, the population of Slovenia has been growing steadily but has not regained the 2 million of 1991; the difference is still 6,050 persons. Natural increase in the population has been negative since 1996 (mortality exceeds natural growth), and the source of population growth has been in the positive trend in migrations - the inflow of immigrants. Beside the 1,949,419 citizens of the Republic of Slovenia, there are 15,285 foreigners living in the country with permanent residence, 28,682 foreigners with temporary residence and 2,332 persons under temporary protection. International migration inflow in 2001 accounted for 7,803 people and outflow 4,811 people. Internal migrations are much more extensive (30,967 people), mostly due to migrations among municipalities (20,450 people).

123. According to the current demographic trends, ageing is the main characteristic of the population of Slovenia, similar to the population trends in the EU member States. The ageing of society is also necessarily reflected in the ageing of the labour force, and according to projections, the retirement age will have to be deferred. Therefore, the new employment policy will have to adapt to the new situation.

**Table 5**  
**Annual average growth in percentage**

	1998	1999	2000	2001	2002
Real GDP*	3.8	5.2	4.6	2.9	3.2
Employment (SNA)*	0.0	1.2	1.1	0.6	-0.1
Employment (EMP)	0.2	1.8	1.2	1.5	0.6
Apparent labour productivity**	3.6	3.4	4.0	2.5	..
Real unit labour costs	..	-0.7	-1.9	-0.4	..
Inflation, average	7.9	6.1	8.9	8.4	7.5

*Source:* Statistical Office of the Republic of Slovenia (SORS): National Accounts, Employment Survey (EMP); IMAD (Productivity).

\* Q1-Q3 2002.

\*\* GDP in constant prices per employee (SNA).

## 2. Labour market trends

124. Employment grew by a moderate 0.6 per cent in 2002, and the employment rate fell by 0.5 percentage points to 63.4 per cent. Both the employment rates of men (68.2 per cent) and of women (58.6 per cent) decreased, with the male employment rate being one percentage point lower but the female employment rate 0.9 percentage points higher than in 1998. Observation of employment rates by age groups shows an increasing employment trend in the age group 25-54 years for both genders and for men in the age group 55-64 years. The employment rate of young people (age group 15-24 years) is decreasing, mostly due to more intensive enrolment in education - secondary schools and universities. Meanwhile, employment rates for older workers are growing as a consequence of the gradual implementation of pension reform measures. Calculated as full-time work equivalents, the increase in employment was 1.3 per cent, which means that the average work time per employed person was longer than in the previous year.

125. Employment shares by sectors of activities present a gradual relative increase in services, which employ 50.6 per cent of workers, and a relative decrease in agriculture. The negative employment trend stopped in 2000 in the industrial sector and from 2001 onward, employment in manufacturing has also been increasing. The fastest increase in employment has been in the manufacturing of electrical and electronic products and equipment. The increase in employment in the services sector was fastest in financial and business services, while in trade and transport, employment is increasing more moderately. In the public sector, employment in administration and education has also been gradually increasing.

126. Indicators of employment in the business sector by size of companies shows a highly positive trend in micro and small companies (5 per cent average annual growth in the five-year period), while in medium and large companies employment is decreasing (-1.2 per cent). Unemployment, measured according to ILO standards by Labour Force Survey (LFS) has been decreasing on an annual level - from 7.9 per cent (1998) to 6.4 per cent (2001 and 2002). The male annual unemployment rate fell by 1.8 percentage points (from 7.7 per cent to 5.9 per cent),

while the female unemployment rate decrease was sluggish: 1.3 percentage points (from 8.1 per cent to 6.8 per cent). The declining trend in unemployment was interrupted in the fourth quarter of 2001 when the unemployment rate grew to 7.1 per cent. The annual unemployment rate remained unchanged in 2002, although it was slightly lower in the first quarter at 6.9 per cent, 5.9 per cent in the second, 6 per cent in the third and 6.5 per cent in the fourth quarter. The annual unemployment rate for women (6.8 per cent) remained higher than that of men (5.9 per cent), and in the fourth quarter of 2002 the gap even widened (male 5.9 per cent, female 7.2 per cent). On the other hand, some positive structural changes in unemployment could be noticed. The youth unemployment rate fell from 18.1 per cent (2001) to 16.7 per cent (2002), where a decrease in the female rate has been more intensive (from 20.9 to 18.7 per cent). The unemployment rate of older people (55-65 years) fell noticeably to 3 per cent. Long-term unemployment also had a negative trend, although 57.7 per cent of unemployed people were unemployed for more than one year. In the fourth quarter of 2002 according to LFS, 63,000 people were unemployed, of which each gender accounted for half.

**Table 6****Annual average growth in percentage**

	1998	1999	2000	2001	2002
Real GDP*	3.8	5.2	4.6	2.9	3.2
Employment (SNA)*	0.0	1.2	1.1	0.6	-0.1
Employment (EMP)	0.2	1.8	1.2	1.5	0.6
Apparent labour productivity**	3.6	3.4	4.0	2.5	..
Real unit labour costs	..	-0.7	-1.9	-0.4	..
Inflation, average	7.9	6.1	8.9	8.4	7.5

*Source:* SORS: National Accounts, Employment Survey (EMP); IMAD (Productivity).

\* Q1-Q3 2002.

\*\* GDP in constant prices per employee (SNA).

**Table 7****Employment by sector as percentage of total employment**

	1998	1999	2000	2001	2002
Agriculture	11.5	10.2	9.9	10.3	9.2
Industry	39.2	38.2	37.8	38.2	38.4
Services	48.9	51.3	51.4	50.6	50.6
Total	100	100	100	100	100



**Table 8****Self-employed as percentage of total employment by sector**

	1998	1999	2000	2001	2002
Agriculture	39.1	41.7	36.7	37.8	38.4
Industry	6.9	7.2	6.9	7.5	7.2
Services	10.2	9.9	8.7	9.3	9.2
Average percentage of self-employed	12.2	12.1	10.8	11.5	11.1

**Table 9****Activity rate by age group and gender**

	1998	1999	2000	2001	2002
Total					
Activity rate 15-64	68.8	67.7	67.8	68.3	67.8
Activity rate 15-24	45.3	41.8	40.4	38.3	36.7
Activity rate 25-54	87.9	87.5	87.6	88.1	88.1
Activity rate 55-64	25.3	23.2	23.7	26.1	25.1
Activity rate 65+	9.4	8.1	8.3	8.2	7.2
Male					
Activity rate 15-64	75.1	72.3	72.2	73.1	72.5
Activity rate 15-24	48.6	43.6	43.1	41.6	40.6
Activity rate 25-54	91.6	91.1	90.9	91.3	91.2
Activity rate 55-64	33.7	33.6	34.0	36.8	36.7
Activity rate 65+	13.5	11.3	11.5	11.3	9.6
Female					
Activity rate 15-64	62.7	63.0	63.2	63.5	63.0
Activity rate 15-24	41.8	40.1	37.5	34.9	32.5
Activity rate 25-54	84.1	83.8	84.3	84.7	84.9
Activity rate 55-64	17.3	13.5	14.1	16.0	14.3
Activity rate 65+	7.1	6.3	6.4	6.4	5.7

Source: SORS, Labour Force Survey.

**Table 10****Employment rate by age group and gender**

	1998	1999	2000	2001	2002
Total					
Employment rate 15-64	63.3	62.5	62.9	63.9	63.4
Employment rate 15-24	36.9	34.3	33.6	31.4	30.6
Employment rate 25-54	82.2	82.0	82.6	83.6	83.4
Employment rate 55-64	24.2	22.2	22.5	25.0	24.4
Employment rate 65+	9.4	8.1	8.3	8.2	7.2

**Table 10 (continued)**

	1998	1999	2000	2001	2002
Male					
Employment rate 15-64	69.2	66.9	67.2	68.7	68.2
Employment rate 15-24	40.0	36.0	36.6	35.0	34.4
Employment rate 25-54	85.9	85.6	85.8	87.0	86.7
Employment rate 55-64	32.1	31.7	31.8	35.1	35.4
Employment rate 65+	13.4	11.2	11.5	11.3	9.6
Female					
Employment rate 15-64	57.5	57.9	58.5	58.9	58.6
Employment rate 15-24	33.6	32.5	30.5	27.6	26.5
Employment rate 25-54	78.5	78.3	79.2	80.0	80.0
Employment rate 55-64	16.8	13.2	13.8	15.6	14.1
Employment rate 65+	7.1	6.3	6.4	6.4	5.7

Source: SORS, Labour Force Survey.

**Table 11****Unemployment rate by gender**

	1998	1999	2000	2001	2002
Total unemployment rate	7.9	7.6	7.0	6.4	6.4
Male unemployment rate	7.7	7.3	6.8	5.9	5.9
Female unemployment rate	8.1	7.9	7.3	7.0	6.8

Source: SORS, Labour Force Survey.

**Table 12****Unemployment rate by age 55-64**

	1998	1999	2000	2001	2002
Total unemployment rate	(4.3)	(4.7)	(5.4)	(4.0)	(3.0)
Male unemployment rate	(5.0)	(5.7)	(6.7)	(4.5)	(3.6)
Female unemployment rate	((3.0))	.	.	((2.8))	.

Source: SORS, Labour Force Survey.

Note: ( ) less accurate, (( )) inaccurate, . extremely inaccurate estimate.

**Table 13****Youth unemployment rate by age group and gender**

	1998	1999	2000	2001	2002
Total					
Unemployment rate, 15-19	27.3	28.2	24.7	24.2	(23.8)
Unemployment rate, 20-24	16.1	15.8	15.0	16.8	15.4
Unemployment rate, 15-24	18.6	18.1	16.8	18.1	16.7
Male					
Unemployment rate, 15-19	26.6	(25.8)	(22.1)	(20.8)	(20.7)
Unemployment rate, 20-24	15.0	15.6	13.6	14.7	14.2
Unemployment rate, 15-24	17.6	17.4	15.2	15.9	15.2
Female					
Unemployment rate, 15-19	(28.3)	(30.8)	(27.9)	(29.0)	(28.1)
Unemployment rate, 20-24	17.5	16.0	16.6	19.3	17.0
Unemployment rate, 15-24	19.7	18.8	18.7	20.9	18.7

Source: SORS, Labour Force Survey.

Note: ( ) less accurate, (( )) inaccurate, . extremely inaccurate estimate.

**Table 14****Share of long-term unemployment by gender**

	1998	1999	2000	2001	2002
Total long-term unemployment	57.7	58.0	62.6	61.4	57.7
Male long-term unemployment	58.0	61.5	63.8	63.1	60.6
Female long-term unemployment	57.4	53.5	61.3	59.7	54.8

Source: SORS, Labour Force Survey.

**Table 15****Share of fixed-term contracts in total employment (15-65) by gender**

	1998	1999	2000	2001	2002
Total - fixed-term contracts	11.8	11.2	11.5	10.8	12.0
Male - fixed-term contracts	10.7	10.3	10.4	9.7	10.2
Female - fixed-term contracts	13.0	12.2	12.8	12.1	14.1

Source: SORS, Labour Force Survey.

Note: ( ) less accurate, (( )) inaccurate, . extremely inaccurate estimate.

**Table 16**

**Share of part-time employment in total employment (15-65) by gender**

	1998	1999	2000	2001	2002
Total - part-time employment	6.4	5.5	5.7	5.4	5.7
Male - part-time employment	5.3	4.5	4.5	4.6	4.4
Female - part-time employment	7.8	6.7	7.0	6.6	7.2

*Source:* SORS, Labour Force Survey.

**Table 17**

**Total employment rate, full-time equivalents**

	1999	2000	2001	2002
Total employment rate	59.3	59.6	60.0	
Full-time equivalents (000)	844	860	874	885

*Source:* SORS, Labour Force Survey.

**Table 18**

**Registered unemployed persons by gender\***

	1998	1999	2000	2001	2002
Total registered unemployed (average)	126 080	118 951	106 601	101 857	102 635
Male registered unemployed	63 203	58 749	52 507	50 164	50 107
Female registered unemployed	62 877	60 202	54 094	51 693	52 528
Total registered unemployed (end year)	126 625	114 348	104 583	104 316	99 607

*Source:* SORS: Labour Force Survey. \* Employment Survey (EMP).

**Table 19**

**Registered unemployment rate by gender\***

	1998	1999	2000	2001	2002
Total registered unemployment rate	14.5	13.6	12.2	11.6	11.6
Male registered unemployment rate	13.4	12.4	11.1	10.4	10.4
Female registered unemployment rate	15.7	15.0	13.5	13.2	13.1

*Source:* SORS: Labour Force Survey. \* Employment Survey (EMP).

**Table 20**  
**Registered unemployment rates by region\***

	1998	1999	2000	2001	2002
Central Slovenia region	10.5	10.1	9.2	8.3	7.9
Obalno-kraška region	10.6	10.1	9.2	9.0	8.6
Gorenjska region	12.6	11.9	10.1	9.0	8.5
Goriška region	9.2	7.7	6.2	5.8	6.3
Savinjska region	16.7	15.3	13.6	13.5	14.0
South-Eastern Slovenia region	12.0	11.7	10.8	9.9	9.9
Pomurska region	18.7	18.2	17.2	16.7	17.6
Notranjsko-kraška region	12.5	12.2	10.8	9.7	9.1
Podravska region	22.0	20.6	18.7	17.9	17.6
Koroška region	13.0	11.7	10.3	10.2	11.6
Spodnjeposavska region	15.9	14.9	13.9	14.3	14.4
Zasavska region	19.2	17.5	15.5	14.7	15.3

*Source:* SORS. \* Employment Survey (EMP).

**Table 21**  
**Employment by activity (average annual number)\***

	1998	1999	2000	2001	2002
Agriculture	49 832	45 439	43 069	41 658	42 972
Fishing	251	247	210	201	198
Mining and quarrying	7 426	7 010	5 746	5 444	5 092
Manufacturing	237 821	234 057	233 967	236 066	238 412
Electricity-gas-water supply	11 572	11 638	11 379	11 286	11 541
Construction	52 934	55 099	57 351	56 834	57 056
Trade	91 100	94 184	97 357	99 211	100 537
Hotels and restaurants	26 241	28 066	28 899	29 041	29 120
Transport and communication	44 893	47 069	47 558	48 492	49 497
Financial intermediation	17 086	18 624	19 294	19 850	20 320
Business services	41 984	44 621	45 995	48 813	52 696
Public administration	41 659	42 781	44 149	45 812	46 856
Education	51 347	52 161	53 053	54 107	55 095
Health and social work	47 873	52 421	54 165	55 656	47 150
Other services	22 512	24 345	25 215	25 714	26 218
Total persons in employment	745 170	758 474	768 172	779 041	783 499
of which self-employed	92 688	87 503	85 130	84 224	85 649

*Source:* SORS: Labour Force Survey. \* Employment Survey (EMP).

**Table 22****Promoting an employment-friendly environment**

Wages	1998	1999	2000	2001	2002
Minimum wage in average wage	40.0	40.8	40.3	40.9	41.5
Minimum wage in average wage in D Manufacturing*			53.3	54.1	54.8
Wage growth (gross), real terms	1.6	3.3	1.6	3.2	2.1
Wage growth (net), real terms	1.6	3.3	1.4	3.0	
Employees - minimum wage %		2.4	2.8	3.2	3.1

*Source:* SORS, Internal material; Agency for Payments.

\* Minimum wage comparison to the average wage by collective agreements in manufacturing (Social Agreement measure).

**Table 23****Tax and benefit system (in %)**

	1998	1999	2000	2001
Employee's social contributions from wages	22.1	22.1	22.1	22.1
- of which pension fund				15.5
- of which health fund				6.36
Employer's social contributions from wages	15.9	15.9	15.9	15.9
- of which pension fund				8.85
- of which health fund				6.56
Taxes on personal income				17-50
Payroll tax				3.8-14.8
Tax rate on low-wage earners (taxes and social contributions)*	44.2	44.2	44.2	43.6
Average tax wedge for a low-paid single earner (taxes and social contributions) - 2 children**				33.7
Average tax wedge for a low-paid single earner (taxes and social contributions) - without children**				41.0
Average tax wedge for a low-paid couple (taxes and social contributions)**				38.1

*Source:* Social Contributions Act.

\* SORS.

\*\* Ministry of Finance.

**Table 24****Unemployment benefits and social assistance recipients**

	1998	1999	2000	2001	2002
Unemployment benefit					
Recipients (number)	36 082	31 227	23 091	19 489	17 601
- recipients in % of unemployed	28.6	26.3	21.7	19.1	17.1
- average unemployment benefit*	70 614	76 145	82 033	86 845	92 174
- average duration in months	14.3	17.8	22.3	20.6	14.6
Social assistance					
Recipients (number)	2 818	3 283	3 754	4 516	5 664
- recipients in % of unemployed	2.2	2.8	3.5	4.4	5.5
- average social assistance*	22 303	24 788	25 838	28 057	30,638
- average duration in months	3.7	3.9	6.9	8.0	8.5
Average unemployment benefit as % of average gross wage	44.7	44.0	42.8	40.5	39.1
Average social assistance as % of average net wage	22.3	22.7	21.4	20.8	19.5

Source: Employment Service of Slovenia (ESS), Annual reports 1998-2002.

\* End year, in SIT.

**Table 25****Pensions**

	1998	1999	2000	2001	2002
Number of retired people	454 626	460 280	467 448	474 507	483 898
- old age	271 490	276 255	282 005	287 926	295 304
- disability	97 498	97 382	97 804	97 704	97 621
- widow - family	85 638	86 643	87 639	88 877	90 973
Replacement rates* in schemes		68.5	68.1	66.7	67.1
- old age		75.8	75.3	73.7	70.0
- disability				59.8	60.1
- widow - family				51.7	52.0
Average retirement age		56y, 7m	57y, 2m	57y, 2m	..
- male		58y, 2m	59y, 2m	59y, 3m	..
- female		54y, 10m	55y, 5m	55y, 5m	..

Source: Public Pension Fund of the Republic of Slovenia, *Monthly Statistical Review*, Investing in human resources and addressing skills gap.

\* Replacement rate is percentage of average pension in average wage.

**Table 26**  
**Labour force by educational level (in thousands)**

	1998	1999	2000	2001	2002
Basic (ISCED 0-2)					
age group 15-64 - total	208	189	184	185	168
- male	104	93	91	93	85
- female	103	96	94	92	83
age group 15-24 - total	28	22	21	20	15
- male	17	13	13	13	10
- female	10	9	8	7	5
age group 25-29 - total	18	16	14	15	12
- male	10	10	8	9	7
- female	7	7	6	6	5
Secondary (ISCED 3)					
age group 15-64 - total	596	594	604	610	613
- male	343	344	349	355	355
- female	254	251	255	255	257
age group 15-24 - total	104	97	94	87	87
- male	57	52	51	48	49
- female	47	46	43	40	38
age group 25-29 - total	83	85	85	87	84
- male	46	50	49	51	48
- female	37	35	36	36	36
Post-secondary (ISCED 4-6)					
age group 15-64 - total	149	154	157	161	170
- male	67	70	71	70	75
- female	82	84	87	91	95
age group 15-24 - total	5	5	4	3	(3)
- male	1	1	1	1	(1)
- female	4	4	2	2	(2)
age group 25-29 - total	23	26	27	26	29
- male	8	9	9	9	10
- female	16	17	18	17	19

Source: SORS, Labour Force Survey.



**Table 27****Population by educational level (in thousands)**

	1998	1999	2000	2001	2002
Basic (ISCED 0-2)					
age group 15-64 - total	429	419	397	383	365
- male	192	185	178	172	167
- female	237	234	219	210	198
age group 15-24 - total	131	132	124	119	114
- male	70	69	66	63	61
- female	62	63	58	56	53
age group 25-29 - total	21	19	17	17	16
- male	12	11	10	10	9
- female	9	8	7	7	6
Secondary (ISCED 3)					
age group 15-64 - total	784	789	818	831	843
- male	431	435	448	456	458
- female	353	354	370	376	385
age group 15-24 - total	164	159	165	166	169
- male	84	80	84	82	86
- female	80	79	81	83	83
age group 25-29 - total	91	93	97	100	97
- male	50	53	54	56	53
- female	41	39	43	44	44
Post-secondary (ISCED 4-6)					
age group 15-64 - total	172	175	180	184	193
- male	77	80	81	81	85
- female	95	96	99	104	108
age group 15-24 - total	7	6	5	4	(4)
- male	1	1	2	1	(1)
- female	5	5	3	3	(2)
age group 25-29 - total	25	27	29	28	31
- male	8	9	10	11	11
- female	18	18	19	18	20

Source: SORS, Labour Force Survey.

**Table 28**  
**Education of youth**

School years	1998/99	1999/2000	2000/01	2001/02
<b>University</b>				
Students at university (age 19-23 years)				
- total	50 276	54 368	56 739	60 188
- male	20 639	22 720	23 780	24 504
- female	29 637	31 648	32 959	35 684
Participation rate % (students/population)				
- total	..	..	..	40.2
- male	..	..	..	31.7
- female	..	..	..	49.3
Graduates from university (all age groups)				
- total	8 763	9 515	10 447	10 788
- male	3 700	3 992	4 352	4 270
- female	5 063	5 523	6 095	6 518
Graduation rate % (graduates/students)				
- total	17.4	17.5	18.4	17.9
- male	17.9	17.6	18.3	17.4
- female	17.1	17.5	18.5	18.3
<b>Secondary schools</b>				
Pupils at secondary schools (age 15-18)				
- total	106 558	105 934	104 508	103 230
- male	53 216	53 143	52 659	52 033
- female	53 342	52 791	51 849	51 197
Participation rate % (pupils/population)				
- total	..	..	..	97.9
- male	..	..	..	96.6
- female	..	..	..	99.3
Accomplished secondary programmes				
- total	25 023	24 775	..	..
- male	12 003	11 763	..	..
- female	13 020	13 012	..	..
Graduation rate % (graduates/pupils)				
- total	23.5	23.4	..	..
- male	22.6	22.1	..	..
- female	24.4	24.6	..	..

*Source:* SORS, internal sources.

**Table 29****Access to computers and Internet coverage at schools**

	1998	1999	2000	2001
Access to computers*				
- primary schools		4.0	4.5	3.5
- secondary schools		4.0	4.1	4.7
Internet coverage of schools**				
- primary schools			2.2	3.5
- secondary schools			2.6	3.5

Source: Ministry for the Information Society, <http://mid.gov.si>.

\* Number of computers per 100 pupils.

\*\* Number of computers with Internet access per 100 pupils.

**Table 30****Education of adults - educational attainment rate (in %)**

Upper secondary level	1998	1999	2000	2001
Labour force				
age group 15-64 - total	78.2	79.8	80.5	80.6
- male	79.7	81.7	82.2	82.1
- female	76.4	77.7	78.5	78.9
age group 15-24 - total	79.8	82.5	82.4	81.8
- male	77.1	80.7	80.1	78.8
- female	83.2	84.5	85.2	85.5
age group 25-29 - total	85.3	87.2	89.0	88.6
- male	82.7	85.8	87.4	87.2
- female	88.0	88.7	90.8	90.3
Population				
age group 15-64 - total	69.0	69.7	71.5	72.6
- male	72.6	73.6	74.8	75.7
- female	65.4	65.7	68.2	69.5
age group 15-24 - total	56.5	55.6	57.9	58.8
- male	55.0	54.0	56.6	56.9
- female	58.1	57.3	59.3	60.8
age group 25-29 - total	84.7	86.3	88.2	88.2
- male	82.7	85.4	86.4	86.9
- female	86.3	87.4	90.1	89.7

Source: SORS, Labour Force Survey.

**Table 31**  
**University level**

	1998	1999	2000	2001
Labour force				
age group 15-64 - total	15.6	16.4	16.6	16.8
- male	13.1	13.8	13.9	13.6
- female	18.6	19.4	19.9	20.7
age group 25-29 - total	18.7	20.5	21.6	20.4
- male	11.8	12.7	13.5	13.8
- female	26.3	29.5	30.4	28.2
Population				
age group 15-64 - total	12.4	12.7	12.9	13.2
- male	11.0	11.4	11.4	11.4
- female	13.8	14.0	14.4	15.0
age group 25-29 - total	18.1	19.7	20.4	19.4
- male	11.6	12.6	13.2	13.8
- female	24.9	27.6	28.0	25.7

*Source:* SORS, Labour Force Survey.

**Table 32**  
**Adult participation in education and training**

	1998	1999	2000
Number of "educating" enterprises		4 936	
Share of "educating" enterprises in %		48.3	
Employees in education and training		136 195	
Share of employees in education and training in %		32.4	

*Source:* SORS, Education statistics.

*Note:* LLL indicators for 2002 are not yet available.

**Table 33****Indicators for Public Employment Service (PES)**

	1999	2000	2001	2002
Number of persons successfully placed by PES (Regular employment)	62 350	60 191	52 664	52 178
Average client caseload per PES employee	143	125	118	122
Training measures for employees				
Upgrading skills and knowledge for dealing with clients*	346	502	346	797
How to use standard classification of occupations (national classification based on ISCO-88)	352	67	52	18
Computer courses (MS Office programme, Internet, etc.)	244	267	83**	69**
The Administrative Procedure Act	233	63	37	1
Exams according to the Employment and Insurance against Unemployment Act	142	406	30	69
Language courses	13	65	64	68

Source: ESS.

\* Communication and interview, Building relations with employers, Occupational orientation for adults, Counselling process during the preparation of back-to-work plans, Motivation methods for job-searching, etc.

\*\* Additional 266 employees (2001) and 169 (2002) attended one-hour IT refresher courses.

**Table 34****Structure of registered unemployment**

	1998	1999	2000	2001	2002
Number of registered unemployed persons (annual average)	126 080	118 951	106 601	101 857	102 635
Structure of unemployment					
- up to 26 years old	26.3	25.8	23.4	24.1	24.0
- first job-seekers	18.1	18.7	17.9	18.8	19.6
- women	49.9	50.6	50.7	50.8	51.2
- long-term unemployed	62.4	62.9	61.4	54.7	52.2
- unskilled	46.9	47.5	47.2	47.0	47.0
- more than 40 years old	46.7	50.5	50.7	48.9	46.4

Source: ESS.

**Table 35****Prevention variables, 2001 and 2002 (prevention and individual action plans)**

	2001 %	2002 %
Percentage of unemployed persons who have individual action plan		
- within 2 months	75	88
- from 2 to 6 months	25	12
Indicators - input		
Indicator of effort: share of unemployed persons having started an individual action plan before reaching 6/12 months unemployment	100	100
Indicators - output		
Rate of inflow into long-term unemployment:		
- Young persons (>25) who are still unemployed at the end of month X+6	12.8	13.4
- Young persons (>25) who are still unemployed at the end of month X+12	27.7	31.4
- Adult persons (25>) who are still unemployed at the end of month X+6	11.7	14.8
- Adult persons (25>) who are still unemployed at the end of month X+12	62.5	58.2

*Source:* ESS.**Table 36****Equal opportunities indicators by gender (female/male, in %)**

	1998	1999	2000	2001	2002
Gender activity rate gap (15-64)	-12.4	-9.3	-9.0	-9.6	-9.5
Gender employment rate gap (15-64)	-11.7	-9.0	-8.7	-9.8	-9.6
Gender unemployment rate gap	0.4	0.6	0.5	1.1	0.9
Gender pay gap	-11.1	13.5	-12.2	-10.8	..

*Source:* SORS, Labour Force Survey and Wages Survey.**Table 37**

**Employment of women by activity, 2000-2001**  
**(share of women employed as % of total employed and structure**  
**of women employed by activity)**

	2000	2001	
Agriculture, hunting and forestry	37.7	36.2	0.8
Mining and quarrying	8.3	8.6	0.1
Manufacturing	41.8	41.0	27.9
Manufacture of food products; beverages and tobacco	43.9	43.7	2.6
Manufacture of textiles and textile products	78.8	78.3	6.8

**Table 37 (continued)**

	2000	2001	
Manufacture of leather and leather products	68.5	69.2	1.5
Manufacture of wood and wood products	30.4	29.9	0.9
Manufacture of pulp, paper, paper products; publishing, printing	40.4	39.9	1.8
Manufacture of coke, refined petroleum products and nuclear fuel	16.7	16.7	0.0
Manufacture of chemicals, chemical products, man-made fibres	43.3	43.2	1.6
Manufacture of rubber and plastic products	31.2	31.6	1.6
Manufacture of other non-metallic mineral products	27.9	27.5	0.9
Manufacture of basic metals and fabricated metal products	21.5	20.8	2.1
Manufacture of machinery and equipment n.e.c.	31.8	31.1	2.2
Manufacture of electrical and optical equipment	47.6	47.1	4.1
Manufacture of transport equipment	23.4	22.7	0.7
Manufacturing n.e.c.	39.3	39.0	1.6
Electricity, gas and water supply	19.4	19.6	0.7
Construction	10.5	10.4	1.4
Wholesale and retail trade; repair	53.4	53.4	15.2
Hotels and restaurants	64.6	64.0	3.3
Transport, storage and communication	27.8	27.9	3.4
Financial intermediary services	70.0	69.4	4.5
Real estate, renting and business services	43.5	43.6	6.3
Public administration and defence; compulsory social security	49.0	49.0	7.2
Education	77.6	77.7	13.6
Health and social work	73.8	73.5	12.8
Other community, social, personal services activities	47.8	48.0	2.8
Total	47.6	47.4	100.0

**Table 38****Employment of women and gender pay gap by professional level, 2001, in %**

	Employment structure %	Employment share %	Gender pay gap %
University degree	13.6	49.5	-20.3
Associate degree	11.8	59.1	-9.5
Secondary school	32.7	56.1	-11.5
Lower secondary school	1.2	58.8	-9.3
Highly-skilled workers	0.6	23.3	-18.2
Skilled workers	20.2	33.8	-19.7
Semi-skilled workers	6.4	51.1	-11.1
Unskilled workers	12.8	48.4	-15.1
Total	100.0	47.4	-10.8

Source: SORS, Employment survey.

## **C. Active employment policy**

### **1. General overview**

127. The strategic documents in the area of the active employment policy relating to the period of the last few years are the following:

- Programme laying down active employment policy measures in the Republic of Slovenia for 1999;
- Employment Action Programme for 2000 and 2001;
- National Programme for the Labour Market Development and Employment by 2006 (Ur. l. RS, 92/2001);
- Guidelines for the Active Employment Policy for 2002 and 2003;
- Active Employment Policy Programme for 2002.

#### **(a) Programme laying down active employment policy measures in the Republic of Slovenia for 1999**

128. Conditions in the labour market in the mid-1990s were affected significantly by:

- Transition processes;
- Privatization of former State-owned property;
- Restructuring of economic subjects, which had the effect of increasing the number of small- and medium-sized enterprises;
- Introduction of organizational and technological rationalization in companies, with the aim of reducing production costs and raising competitiveness;
- Intersectoral restructuring of commercial activities, which was marked by a trend of gradual reduction in the share of agricultural and industrial activities in favour of a growth in services.

Owing to these economic processes, changes came about in the dynamics of the labour market, with a rise in unemployment.

129. The overall objectives of the active employment policy in 1999 were as follows:

- To ensure flexibility and adaptability of the labour market, which will enable the economy to adjust unimpeded to the changes in global markets;
- To provide new opportunities for employment of unemployed persons, primarily through the promotion of entrepreneurship;



- To raise the responsibility of unemployed people for their own vocational development and employment, and to increase their employability;
- To encourage employers to establish new forms of assistance to employees, especially in the area of continuous vocational and professional training and education, and in this way increase their adaptability;
- To ensure the social inclusion of unemployed persons;
- To reduce the negative consequences of long-term unemployment.

130. The active employment policy is based on the anticipated trends in the labour market and includes measures aimed at the following four major target groups:

- Unemployed persons, with the aim of raising their employment prospects by providing work, education, advice and other forms of training, with special emphasis being given to addressing the issues of (a) those unemployed persons, especially youth, who lack vocational or professional qualifications, or who have inadequate vocational skills, (b) young people who leave school early and (c) disadvantaged groups (young and older people with low educational levels, disabled persons, ethnic groups);
- Company employees in labour-intensive sectors, with the aim of maintaining their employability and increasing their flexibility;
- Local social development partnerships, with the aim of providing assistance in organizing and implementing projects of local employment initiatives and including long-term unemployed persons in various training and employment programmes.

131. The following categories were given priority treatment in 1999 for inclusion in active employment policy programmes:

- Young unemployed persons (between 15 and 26 years old);
- Older unemployed persons (older than 50);
- Unemployed persons with low education level;
- Long-term unemployed (more than 2 years);
- Unemployed persons receiving social security benefits (monetary benefit, monetary assistance or monetary supplement);
- Those employed in commercial sectors in restructuring and long-term surplus and surplus workers.

132. The active employment policy programmes in 1999 were orientated within a four-pillar employment policy towards:

- Increasing employability;
- Promoting entrepreneurship;
- Increasing the adaptability of companies and employees;
- Equalizing opportunities.

**(b) National Programme for the Labour Market Development and Employment by 2006, and the Employment Action Programme for 2000 and 2001**

133. In November 1999 the Government of Slovenia adopted two documents representing the orientations and measures in the area of employment policy: the National Programme for the Labour Market Development and Employment by 2006, and the Employment Action Programme for 2000 and 2001.

134. The National Programme for the Labour Market Development and Employment by 2006 establishes an integrated approach to the problem of reducing unemployment and promoting employment that does not restrict the employment policy to merely traditional employment policy programmes. The Programme sets out the following strategic goals for labour market development up to 2006:

- Raising the educational level of the labour force;
- Reducing national unemployment and structural variances, which should result in a reduction in the proportion of long-term unemployed (to around 40 per cent) and in the proportion of unemployed persons without basic vocational education (to around 25 per cent);
- Ensuring involvement in active programmes for all unemployed persons who have not found new employment within six months of becoming unemployed;
- Reducing regional variances in the labour market;
- Growth in employment that will exceed an average of 1 per cent a year in the period 2000-2006, alongside accelerated economic growth, which will enable a reduction in the level of unemployment to around 6 per cent by international methodology, or a registered rate of around 9 per cent by 2006;
- Reducing the extent of unregistered and illegal work and employment.

135. The Employment Action Programme for 2000 and 2001 follows the orientation of the common European employment policy, while taking into account the domestic situation, and defines the programmes and measures necessary for achieving the strategic goals. The measures are amalgamated by content into four pillars:

- Increasing the employability of the population;
- Promoting entrepreneurship;
- Promoting the adaptability of companies and individuals;
- Equalizing employment opportunities.

136. The Employment Action Programme for 2000 and 2001 envisages the development of infrastructure and institutions for carrying out the Programme, and available resources for realizing the planned activities in 2000 and 2001.

137. The National Programme for the Labour Market Development and Employment presupposes the active and coordinated cooperation of all ministries whose measures directly or indirectly influence conditions in the labour market. It also presupposes the active role of the social partners, local and regional communities and non-governmental organizations. To this end, a national-level body was set up, the Steering Group of the Government of Slovenia and Social Partners for Monitoring the Implementation and Fulfilment of the National Employment Programme for 2000 and 2001.

**(c) Active Employment Policy Guidelines for 2002 and 2003 and the Active Employment Policy Programme for 2002**

138. At the beginning of 2002 the Government of Slovenia adopted the Guidelines for the Active Employment Policy for 2002 and 2003 and the Active Employment Policy Programme for 2002, both of which were drawn up on the basis of the European Union guidelines in the area of employment for 2002.

139. For effective implementation of the employment policy, the active employment policy programmes and measures for 2002 were orientated towards dealing with unemployment among the most disadvantaged groups, namely older job seekers, persons with difficulties, job seekers who have been out of work for more than a year, young job seekers without experience, young people without a complete education or with a low level of education and so forth. The active employment policy measures encouraged employment in regions with above-average unemployment levels, so the majority of measures have what is termed a “regional approach”, where a greater extent of funds are envisaged for regions with above-average unemployment levels, and the percentages of co-financing for individual programmes are higher.

140. In 2002 greater attention was paid to the effectiveness of active employment policy programmes and of their implementation, since the programme providers carried out continuous evaluation of programmes, and for the bigger programmes prior and subsequent evaluations were carried out.

141. The structural variance between the qualifications of job seekers and the jobs available is becoming extremely wide. This variance has been partly reduced through the greater adaptability of education programmes to the needs of the labour market, and consequently the acquisition of qualifications by those with the lowest levels of education.

142. The active employment policy measures for 2002 are especially aimed directly at job seekers or employers, which should increase the number of job placements; development is being promoted of new programmes and occupations in service activities and in the area of the environment for women, disadvantaged persons, persons with difficulties and so forth; special attention is being paid to establishing new forms of work, which increases the flexibility and mobility of workers (part-time employment, distance work, work at home and other forms); effective work in the area of preventing unregistered work and the transfer of persons who have thus far performed illegal work to regular employment or regular type of activity; and through effective implementation of the anti-bureaucracy programme, Slovenia wishes to increase the opportunities for rapid entry into legal business activities.

## **2. Active employment policy programmes**

143. The National Programme for the Labour Market Development and Employment by 2006 derives from the EU employment policy guidelines, which determine four basic pillars of employment policies and measures for the realization of these policies, which in 2002 were set out as the Guidelines for the Active Employment Policy for 2002 and 2003 and the Active Employment Policy Programme for 2002. Through these documents, annual objectives were determined which should contribute to the realization of the overall long-term objectives by 2006.

144. In 2002, the Active Employment Policy Programme was restructured with the intention of achieving the objectives set in the National Programme for the Labour Market Development and Employment by 2006.

145. The Active Employment Policy Programme envisaged the inclusion of unemployed persons primarily in those programmes that lead directly to employment or to an educational or training programme, which significantly increases employment opportunities for more disadvantaged (difficult to employ) persons. The essential characteristic of the implemented active employment policy programme in 2002 was a change in the structure of the unemployed who participated in the programmes such that they include primarily long-term unemployed persons, unemployed persons without education, persons with disabilities, the young, and the old - that is, those who, according to the rules on implementing measures of the active employment policy, are defined as disadvantaged persons. Additional trends towards the achievement of greater effectiveness show changes regarding the inclusion of unemployed persons in longer programmes, through which they can attain a higher level of education and improve their prospects of entering into regular employment.

146. In 2002 there were altogether 78,580 persons, or 76.6 per cent of all registered unemployed people, involved in active employment policy programmes (in 2001 there were 60,914, or 59.8 per cent), of which the greatest part, 32,921 persons, were involved in educational and training programmes, 7,552 persons involved in public work programmes, 22,401 beneficiaries of reimbursing the contributions of employers and 6,070 beneficiaries of subsidizing companies for persons with disabilities.

147. The Active Employment Policy Programme for 2002 demonstrates its efficiency in that 3.6 per cent more persons participated in the programmes than was envisaged (75,842 persons). Nevertheless, slightly less funds were used than envisaged (SIT 16.684 billion

compared with the envisaged SIT 16.895 billion). Furthermore, the average amount per participant was lower, at SIT 212,000 (the envisaged amount per participant was SIT 233,500). In 2002, in addition to the changes in the structure of the unemployed included in the Programme, there were also a number of job placements. On the basis of inclusion in the active employment policy programmes, 11,844 persons found work. The potential effectiveness of the Programme regarding the number of jobs found will be known in the autumn of 2003 (the effect of the measure six months after the conclusion of the Programme).

148. On the basis of the data provided, we can assess the changes in the Programme as being well founded, since the objectives were fully met, and less funding was used. The effectiveness of the Active Employment Policy Programme can also be seen in the number and structure of unemployed persons:

- At the end of 2002 there were 99,607 registered unemployed persons, or 4.5 per cent less than at the end of 2001; the level of registered unemployment at the end of December amounted to 11.3 per cent, and is 0.5 per cent lower than at the end of 2001, chiefly because of the continuing accelerated growth in employment opportunities and the implementation of the Active Employment Policy measures;
- In 2002 there was a continuation of the growth in employment and in the number of persons in employment, namely 0.6 per cent, i.e. from 779,000 in 2001 to 783,500 in 2002; in 2002, a total of 110,624 persons secured employment, which is 0.5 per cent more than in 2001;
- 52,178 unemployed persons secured employment in 2002, of which 11,635 did so directly through the assistance of the Active Employment Policy Programme. All employment of unemployed persons was 0.9 per cent less than in the previous year, primarily due to a decrease in the demand for workers (there was 2.9 per cent less demand for workers compared with 2001);
- The inflow into unemployment in 2002 fell by 0.4 per cent compared with 2001, while outflows from unemployment were 4.7 per cent higher than in 2001; the total inflow into unemployment in 2002 was 87,380 persons (in 2001, 87,673 persons), while outflows from unemployment in 2002 amounted to 92,089 persons (in 2001, 87,940);
- The structure of unemployed persons changed compared with 2001 (as at December) in a positive direction for almost all long-term objectives: a decrease in the share of long-term unemployed persons from 54.7 to 52.2 per cent (in 2000 it was 61.4 per cent), the share of unemployed persons without vocational education did not increase (47 per cent, in 2000 it was 47.2 per cent), those aged up to 26 remained at about the level of 2001 (24 per cent, in 2000 it was 23.4 per cent), the share of those over 50 years of age fell from 27.5 to 22.9 per cent (in 2000 it was 27.3 per cent), the share of women rose from 50.8 to 51.2 per cent (in 2000 it was 50.7 per cent), which was mainly a consequence of difficulties in the textile and footwear industries;

- A clearer determination of the status of unemployed persons, the creation of a complete employment programme for every unemployed person as well as the effective execution of the national programme, and the law emphasizing the priority of active forms of solving unemployment over passive forms, all had to a certain degree an influence on employment and the extent of registered unemployment.

149. Target groups for participation in the active employment policy programmes are determined in the Active Employment Policy Guidelines. The information and vocational counselling programmes are intended for all unemployed persons, and development and training programmes are intended for unemployed persons with real employment prospects, while individual programmes of the Active Employment Policy are intended for the following basic target groups:

- Young persons up to 26 years old - the educational “Programme 5000”, the reimbursement of contributions to employers, the subsidizing of a portion of the salaries of trainees, vocational orientation in schools, and the entrepreneurship programme in primary schools;
- Women - assistance at home, encouragement of self-employment, and encouragement of entrepreneurship;
- Persons with disabilities - subsidies for employment in companies for persons with disabilities, adaptation of work places and subsidies for employment in companies, subsidizing the salaries of persons with disabilities, subsidizing a portion of the expenses of sheltered companies, vocational rehabilitation of persons with disabilities, and social inclusion programme;
- Disadvantaged persons - public works, subsidies for employment in non-profit activities, the “1000 New Opportunities” programme, the assistance at home programme, training with or without an employment contract, encouragement of self-employment, and subsidies for salaries;
- Redundant workers - work funds, encouragement of self-employment, and subsidies for a portion of the cost of preserving jobs.

150. On the basis of the Rules on the Implementation of the Active Employment Policy of ESS, the measures are intended especially for disadvantaged unemployed persons: those who are more than 50 years old and registered with ESS the Employment Service for more than six months, more than 45 years old with a secondary school level of education or less and unemployed for more than one year; persons with disabilities, single parents or persons whose partner is unemployed, and persons without professional education or work experience.

**Table 39****Spending on active and passive employment measures**

	1998	1999	2000	2001	2002
Spending on passive measures (SIT million)	29 076	28 815	23 769	27 415	25 518
Spending on active measures (SIT million)*	9 883	14 707	13 120	16 211	16 684
Total spending	38 959	43 522	36 889	43 626	42 202
Structure in %	100	100	100	100	100
Passive measures	74.6	66.2	64.4	62.8	61.0
Active measures	25.4	33.8	35.6	37.2	39.0
Share of GDP in %					
passive measures	0.89	0.79	0.56	0.58	0.48
active measures	0.30	0.40	0.31	0.34	0.32
total spending	1.19	1.19	0.87	0.92	0.80
GDP (SIT million)*	3 253 751	3 648 401	4 222 404	4 740 995	5 284 501
Exchange rate (SIT/EUR)	186.3	193.6	205.0	217.2	226.2

*Source:* MoLFSA, Internal accounting source; SORS GDP, 31 March 2003.

\* Including co-financing in 2002: SIT 362 million from the Ministry of Education, Science and Sport, SIT 269 million Phare 2000, SIT 92 million local employment, SIT 31 million self-employment.

**Table 40****Spending on active employment policy measures**

	1998	1999	2000	2001	2002
Value in SIT million					
1. Education and training	2 713	3 800	2 115	2 857	2 865
2. Public works	2 874	6 466	5 286	5 319	5 308
3. Other active measures, of which:	4 296	4 441	5 719	8 035	8 388
- Stimulation of disadvantaged persons					580
- Job creation for newly employed	130	94	68	246	-
- Subsidizing social contributions	139	771	2 730	4 296	4 009
- Part-time employment	-	-	65	-	-
- Restructuring of enterprises	684	403	59	266	131
- Job creation for long-term unemployed	-	-	21	219	552
- Stimulation of new employment	597	475	258	218	201
- Employment of people with disabilities	1 130	1 788	1 796	2 239	1 977
- Measures for redundant workers	922	356	200	47	563
- Self-employment stimulation	695	544	522	503	498

**Table 40 (continued)**

	1998	1999	2000	2001	2002
Spending on active measures	9 883	14 707	13 120	16 211	16 684
Structure in %					
1. Education and training	27.5	25.8	16.1	17.6	17.2
2. Public works	29.1	44.0	40.3	32.8	31.8
3. Other active measures, of which:	43.4	30.1	43.6	49.6	50.3
- Stimulation of disadvantaged persons					3.5
- Job creation for newly employed	1.3	0.6	0.5	1.5	-
- Subsidizing social contributions	1.4	5.2	20.8	26.5	24.0
- Part-time employment	-	-	0.5	-	-
- Restructuring of enterprises	6.9	2.7	0.4	1.6	0.8
- Job creation for long-term unemployed	-	-	0.2	1.4	3.3
- Stimulation of new employment	6.0	3.2	2.0	1.4	1.2
- Employment of people with disabilities	11.4	12.2	13.7	13.8	11.8
- Measures for redundant workers	9.3	2.4	1.5	0.3	3.4
- Self-employment stimulation	7.0	3.7	4.0	3.1	3.0
Spending on active measures	100.0	100.0	100.0	100.0	100.0

Sources: MoLFSA, Internal accounting source, ESS.

**Table 41****Inclusion of unemployed persons in active employment policy programmes**

Programme	1998	1999	2000	2001	2002
Education and training (preparation for employment)*	30 646	30 889	28 270	28 537	32 921
Co-financing of traineeship	-	-	-	-	-
Supplement for trainee wage**	-	-	-	100	158
Subsidizing of new employment positions	987	848	-	-	-
Subsidizing of wages for persons with disabilities and disadvantaged persons					86
Payment of unemployment benefit in a lump sum	17	19	-	-	-
Self-employment (realization)	1 630	1 643	1 682	1 748	1 004
Public works	10 641	10 296	10 474	9 374	7 552
Training of persons with disabilities	1 182	957	930	1 077	1 578
Co-financing of employment positions for persons with disabilities	57	35	49	38	357
Health services	2 742	3 284	4 048	3 680	3 744
Stimulation of disadvantaged persons					868
Subsidizing of sheltered companies	4 895	5 424	5 840	6 154	6 070



**Table 41 (continued)**

Programme	1998	1999	2000	2001	2002
Co-financing of assistance for workers made redundant					
- Project 11	10 299	2 275	1 524	795	-
- Pre-qualifications	1 127	-	681	-	-
Reimbursement of contributions to employers as per article 48.a***	1 172	6 223	8 101	7 024	22 401
A Thousand New Opportunities	-	-	127	161	238
Work Fund	1 473	1 057	1 251	1 899	1 603
Surplus in State companies	-	360	-	-	-
Implementation of reorganization and restructuring of companies	-	145	-	-	-
Total included in programmes	67 585	63 455	62 977	60 914	78 580
Number of registered unemployed	126 080	118 951	106 601	101 857	102 635
Share of unemployed persons included in programmes, in %	53.6	53.3	59.1	59.8	76.6

Source: ESS, Ministry of Labour, Family and Social Affairs.

\* These data include all persons included in Programme 5000 and other training programmes in the current school year and those who have continued education from the previous school year. The total figure also includes those (11,280) who participated in programmes of the Centre for Vocational Guidance (CVG).

\*\* In regions with above-average level of employment.

\*\*\* The figure includes persons included in 2002 (from the previous year and the current year); the programme was closed at the beginning of 2002, therefore in 2002 there were only 744 new inclusions. However, by the end of 2002 there were still 17,306 persons included.

### **Educational and training programmes**

151. Educational and training programmes for unemployed persons represent a large share of the measures of the Active Employment Policy Programme, which follow the overall objectives and guidelines of the employment policies of the countries of the European Union and the Employment Action Programme for the period 2000-2001, which include:

- Reducing unemployment, above all amongst young persons;
- Prevention of long-term unemployment;
- Facilitating the transition from school to work;
- Repeated inclusion in the labour market, ensuring social inclusion;

- Reducing vocational education that is not consistent with the needs of the labour market and raising the educational level of unemployed persons with the intention of improving their employment prospects.

152. Special attention is devoted to young unemployed persons, non-educated and long-term unemployed persons. A total of 32,921 persons were involved in educational and training programmes in 2002 (28,537 in 2001). Educational and training programmes are numerous and differentiated in terms of the objectives, content, duration, method and form of work and the goal of the group for which they are intended. The number includes unemployed persons (11,280) who were included in the CVG programmes.

153. In the programmes providing assistance in planning a career path and in seeking employment, including job-hunting clubs, there were 5,647 persons out of an envisaged 5,744 unemployed persons. In development and training programmes, which are, as a rule, provided by educational institutions, there were 2,752 persons participating out of an envisaged 1,237 unemployed persons.

154. In the programmes of preparing people for employment, a total of 21,065 unemployed persons out of an envisaged 25,955 persons participated, which means less than the planned number. However, there was a larger number of participants in educational programmes and programmes for development and training which most effectively contribute to an increase in the educational level and to increasing the rapid employment of unemployed persons.

#### **Programmes for assistance in career path planning and the search for employment**

155. These programmes encompass informing and motivating unemployed persons to obtain some education or inclusion in other active employment policy programmes, assistance in their orientation to the labour market and search for employment, easing the transition from school to work, and assistance in the planning of career objectives. In 2001, 6,287 persons were included in such programmes, and in 2002 a total of 4,614 persons were included. Of the total in the programmes, half were young persons up to 26 years of age. As an indicator of the effectiveness of these programmes, 33.2 per cent of the persons participating in them found employment. Of

all those participants, half were aged up to 26 years. As a suitable measure of the success of such programmes, we observed that 33.2 per cent of those participating in them found employment.

#### **Personal development programme**

156. The purpose of the personal development programme is to offer support to those who are long-term unemployed and no longer able to participate in work, since social exclusion reduces employability, and to gradually remove barriers to employment. In 2000, the number of participants in this programme totalled 2,229 persons and in 2001, 1,945 persons. Of all those participating in the programme, 65 per cent were persons without education, 60 per cent were long-term unemployed, 55 per cent were women and 27 per cent were young persons. As a suitable measure of the success of the programme, we observed that 21.6 per cent of those participating in the programme found employment.

### **Job clubs**

157. The main purpose of these clubs is to train unemployed persons for employment and to seek employment. In 2001 a total of 2,092 persons were included in the clubs, and in 2002, 1,187 unemployed persons were included. Of this number, 74 per cent were women and 44 per cent were young persons. As a suitable measure of the success of the programme, we observed that 50 per cent of those participating in the programme found employment.

### **Functional training**

158. This programme enables unemployed persons to acquire abilities and skills that will increase their chances of securing employment. In the programme in 2001 there were 4,214 persons, and 2,862 persons in 2002. Of those participating in the programme, the largest percentage comprised women (63 per cent), and the long-term unemployed (32 per cent). As a suitable measure of the success of the programme, we observed that 39.1 per cent of those participating in the programme found employment.

### **Work testing**

159. This programme enables unemployed persons to test their knowledge and skills before entering into employment or education and gradually eliminates employment barriers. In 2001, 1,497 persons were included in this programme, with 790 included in 2002. Of those participating in the programme, 50 per cent were young persons, 52 per cent men, and 32 per cent were without education. As a suitable measure of the success of the programme, we observed that 73 per cent of those participating in the programme found employment.

### **Vocational training for work without employment**

160. This programme provides young persons with a new start, and disadvantaged persons (long-term unemployed) with the opportunity to reintegrate into employment. Of those participating in the programme, the largest group comprised youth (69 per cent), followed by the long-term unemployed. There were 272 persons in the programme in 2001, and 30 in 2002 with 50 per cent securing employment.

### **Vocational training for work with employment**

161. The goal of this programme is to encourage employment and assistance in job performance and training. Participants are not registered as unemployed persons, because they are employed. In 2001 there were 2,919 persons included in the programme, and in 2002, 1,538 persons. Of those participating in the programme, the majority (56 per cent) were young persons, with women comprising 52 per cent and the long-term unemployed 32 per cent.

### **Programme 5000 - programme for obtaining a publicly accredited education**

162. The Ministry of Labour, Family and Social Affairs and the Ministry of Education, Science and Sport have already been implementing "Programme 5000" for five years now, with which we hope as quickly as possible to enable young persons without professional education, young persons who have not finished their schooling and persons with inappropriate vocational education to acquire a higher level of education or an appropriate occupation, which as a rule

provides the unemployed person a faster path to employment. In “Programme 5000” there were 5,058 persons as well as 173 persons with disabilities during the school years 2001/02 and 2002/03 out of an envisaged 4,743 unemployed persons.

163. The programme enables unemployed persons to participate in a publicly accredited educational programme, and is intended for unemployed persons without any specialized education and for those with an education in an occupation for which there is not enough demand. The objective of the programme is to raise the educational level of unemployed persons and to reduce occupational structural disparities. During participation in the programme, participants are not registered as unemployed persons. Of those participating in the programme, the majority were young persons (69 per cent).

164. In 2002 there were 5,231 participants, 3,329 were new participants and 1,959 were participants continuing with the programme. Of the participants, 90 per cent successfully concluded the programme, and 55 per cent secured employment.

165. Special mention must also be made of the vocational counselling provided to 5,055 persons as part of the programme “Something Different about Vocations”. A total of 334 persons participated in a camp for Zois scholarship recipients, which is intended to provide further guidance on the career path of Zois scholarship recipients in accordance with the needs of the labour market and the interests of employers. In order to connect youth and employers early on, two programmes were implemented, the “Get Work” programme for students and “Encouraging vocational education with the help of vocational studies in primary schools”, as well as the organizing of promotion of “deficit” occupations.

### **Public Works Programme**

166. The objective of this Programme is to stimulate the employment of target groups of unemployed persons, maintain and develop their work capabilities, raise the level of knowledge, capabilities and skills of unemployed persons, increase their motivation and responsibility for personal vocational development and employment, ensure social inclusion to participants in the public works programme, discover new market opportunities, stimulate the transition of public works into regular activities and thereby employ unemployed persons, create new employment positions and train unemployed persons for these positions, stimulate self-employment in similar fields and stimulate the development of local communities. Public works represent a special form of employment for a fixed period of time (the unemployed person concludes a special employment contract with the public works contractor), which covers a combination of work, training and education (the unemployed person, as a rule, participates in a training or education programme for a quarter of the time of duration of the public works). Since 2001 the Programme has been targeted at disadvantaged persons, and in 2002 a regional development approach was additionally included in the Programme.

167. In 2002, a total of 2,751 public works programmes were carried out, in which 7,552 unemployed persons were included (9,374 persons participated in 2001). Of the determined target groups, which were envisaged as enjoying preferential inclusion in the programme, 6,850 persons participated, representing 90.7 per cent of all those participating, including 4,810 disadvantaged persons, or 63.7 per cent; 286 persons, or 3.8 per cent, were older

than 50 years of age; 329 persons, or 4.4 per cent, were youths up to age 26; and 1,425 persons, or 18.9 per cent, were long-term unemployed. The total number of disadvantaged persons includes 344 persons with disabilities.

168. It is possible to estimate transitions from public work to regular employment six months after the participant's inclusion in the public works project has ended; nevertheless, by the end of 2002 this goal had been realized by 16.6 per cent, or 1,257 of employed participants in public works. The share of those employed in 2002 was more than that employed by the end of 2001 for the 2001 programme (1,260 employments, or 13.4 per cent). In 2002, the objective of the programme was essentially to increase the number of those included in public works in those regions with an above-average level of unemployment, which demands the creation of new public works programmes in these areas. Seventy per cent of all participants in public works programmes were in regions with an above-average level of unemployment

### **Promotion of self-employment**

169. This programme offers unemployed persons wishing to be self-employed information about such possibilities, inclusion in an entrepreneurship training programme, subsidization of self-employment and also non-refunded means in the form of subsidies or the reimbursement of contributions. In 2002 a total of 1,894 persons participated in the programme "Encouraging the self-employment of unemployed persons", and 533 persons participated in the training and counselling programme for self-employment. In 2002, 961 unemployed persons obtained financial aid for self-employment. The number of realized self-employments in 2002 was 1,004, of which there were 326 instances of women gaining employment and 22 cases of long-term unemployed workers.

170. Within the framework of the programme for promoting entrepreneurship, the Small Business Development Centre (PCMG) was also financed, beginning in 2001. It entailed the development of programmes for encouraging the employment of women and youth and the development of work at home and work at a distance. The self-employment programme is amongst the most effective employment programmes. Moreover, the return of those who achieved self-employment back to unemployment in the period of two years after self-employment is low, and the more successful of the participants in this programme have created new jobs.

### **Reimbursement of social contributions to employers**

171. The objective of this programme is to ensure more permanent employment for the target groups of unemployed persons, exert an influence towards increasing demand for labour in the labour market or create new jobs. The programme is intended to stimulate employers to employ disadvantaged persons, first-time job-seekers, older and long-term unemployed, receivers of financial support and permanently redundant workers. The programme stimulates in particular new employment, especially for employers with 50 employees, as well as the employment of unemployed persons who find jobs on their own.

172. The Active Employment Policy Programme for 2002 envisaged implementation of the programme for reimbursing contributions to employers only for those participants who were included in the programme until the end of 2001. The new participation in 2002 is a reflection of

approval granted to applications which employers submitted for workers whom they already employed in 2001. In the period from January to December 2002, 744 unemployed persons were newly included in the Programme. In 2002, 22,401 persons were active in the Programme, and as of December there were still 17,306 persons actively working for 13,351 employers (95 per cent of employers have less than 50 employees).

### **Work funds as a preventive measure**

173. Work funds are institutions formed for the purpose of implementing active employment policy measures designed to return redundant workers to their jobs or find them another employment. They are private legal entities that can be set up for the area covered by one or several municipalities, and for one or several companies. There are regional, branch and business work funds. Work funds are independent legal entities, established in accordance with the Employment and Insurance against Unemployment Act and the Foundations Act.

174. In 2001 there were 13 active work funds in Slovenia; with the exception of one (a business work fund), they were all regional. Work funds bring together social partners at the local, regional and national levels (municipalities, trade unions, chambers of commerce and craft (small business), companies, business centres, incubators, technology parks, etc.). Since 2001 work funds have expanded their operation to include potentially redundant workers, thus also playing a preventive role. Potentially redundant workers are deemed to be workers employed by commercial companies in a procedure of financial reorganization with plans for a forced settlement or bankruptcy procedure. Here, work funds, in addition to their basic role of preventing redundant workers from becoming openly unemployed, make an increasingly pronounced contribution towards the staff restructuring of Slovene companies and their human resources.

175. In 2002, 686 participants continued to be active in the work funds financing programme from 2001, together with 1,603 new participants from 2002, which together amount to 2,289 persons out of an envisaged 2,000 persons (in 2001 the total amounted to 1,899 participants, of which 675 remained from 2000, while 1,170 were new participants), which is 20.5 per cent more than in 2001. Departures from the work funds amounted to 1,494 persons (991 persons in 2001), of whom 1,250 secured employment (772 persons in 2001), which is 54.6 per cent of all participants. In 2002 the duration of implementing the programme was shortened from a maximum of 18 months to a maximum of 12 months.

### **Strengthening the role of ESS**

176. ESS is an agency serving the Slovene labour market, the predominant implementer of employment policies and the most important coordinator between current supply and demand in the labour market. ESS operates on three levels: central, regional and local offices, covering the whole country. The central office and management formulate professional doctrines of work, prescribe and evaluate all the tools used in ESS work and coordinate all ESS activities, ensuring their direct and uniform application throughout the country. Within this framework they also provide analytical, informational, legal, personnel, financial, accounting, supervisory, organizational, material and developmental support for the needs of regional and local offices.

177. Since 2001 ESS has been responding to the requests of the Ministry of Labour and changing its philosophy of work - it is becoming an activator of human resources development on the regional and local levels. There is a network of 12 regional offices, having operational function to work with employers, while local offices are working with individual unemployed persons. Their local and regional offices perform professional and organizational tasks and conduct basic ESS activities in the territory they cover. These include: employment services (job placement for unemployed people, working with employers, the employment of foreign workers in connection with the labour market), vocational guidance, employment programmes, the implementation of rights deriving from unemployment insurance, and national scholarships. They also provide analytical services, participate in international projects, conduct public relations at local and regional levels, and carry out a number of other activities required for operation. Regional offices collaborate on the development of employment policy and programmes with other partners in their area (employers, trade unions, local community bodies, professional institutions, providers of employment programmes, etc.) for the joint fulfilment of objectives.

178. In the last three years, ESS has carried out a variety of activities which have increased its effectiveness and improved the quality of services for clients, which is reflected also in the number of unemployed and their structure, with the number of registered unemployed at the end of 2002 standing at below 100,000. In the last year, the waiting period before securing employment fell by three months. These positive changes are also the consequences of the increased effectiveness and quality of ESS work, and have been achieved through the following activities:

- Personnel strengthening and specialization in the field of working with the unemployed and employers (the introduction of registration-reporting services, which unburdened employment advisers of administrative work and specialized counsellors for cooperating with employers);
- Transfer of competencies to the Regional Offices of ESS; in 2003 they will implement active employment policy programmes, for which they will be evaluated as to whether they are the most suitable body for solving unemployment problems in individual regions;
- Intensive work for the unemployed regarding available employment positions where employers express a wish to have the services of ESS;
- Process of transition, re-establishing close links with employers and initiating new employment programmes, and regular visits to employers with the aim of ascertaining their personnel needs (in 2002, 1,960 visits to employers were carried out, and the share of available employment positions for which employers would like to cooperate with ESS in searching for candidates amounted to 37 per cent of registered available employment positions in the country) and also of gaining information needed for formulating appropriate training and educational programmes for the unemployed concerning the future needs of employers;
- Cooperation with private employment agencies, which began operations in the second half of 2001;

- The implementation of team-based treatment of unemployed persons facing various obstacles to employment (such team treatment enjoys the cooperation of employment counsellors, vocational counsellors, rehabilitation counsellors, active employment policy programme counsellors, and, as needed, doctors and most recently also experts from the social work centres);
- The creation of an employment plan for all unemployed persons (88 per cent have such plan in hand within two months after registering with ESS, while the others who need more significant expert treatment have this at the latest six months after registering);
- The setting and implementation of standards for quality control regarding work with the unemployed (executed in one regional service in 2001, and in two in 2002), which entails shortening the time from first registration to the effective treatment of the client; in the coming years ESS will gradually implement these standards in all regional services and concurrently develop new ones for other fields of their work;
- The inclusion of disadvantaged persons and long-term unemployed in active employment policy programmes, thereby achieving an improved structure of unemployed persons (reducing this number as a proportion of the long-term unemployed, older persons and the uneducated);
- Through cooperation in Phare pre-accession assistance programmes in the field of developing human resources, ESS has on a regional level connected with various local and regional partners (regional development agencies, employers, schools, municipalities, etc.) in the preparation and implementation of individual projects, above all with the objective of activating the unemployed in disadvantaged groups;
- The intensive training of those employed to work with the unemployed and employers;
- The introduction of the Vocational Information and Counselling Centre and an open system of accepting clients at offices, where clients can receive a variety of information on the labour force and educational opportunities as well as where clients have self-service access to written and digital information;
- Through the Internet, ESS enables clients to access all-important information on the fields of activities of the Service, to check all available employment positions and the possibility of direct contact between employers and job-seekers, as well as between employers and recipients of Zois scholarships (students who receive an ability-based scholarship);
- ESS is also intensively modernizing computer programs for carrying out its activities. As such, a catalogue of business subjects has been produced, which enables an overall view of cooperation by ESS with individual employers and a catalogue of persons, which enables one to review all activities and the rights of the unemployed as well as scholarship recipients. Already in use is an updated computer application for supporting the implementation of Republic Scholarships, and currently a database



is being converted from an old to a new application for claiming insurance in the event of unemployment. The end of 2003 will see the introduction of an updated version of the most important application for work with the unemployed (dealing with registration, document management, employment counselling, giving instructions on available employment and employment programmes, etc.);

- In 2002, ESS continued its activities for developing an appropriate information system, which will enable electronic registration of the demand for workers and the registration of unemployed persons in the records. With continued development, the already accessible electronic media services and the implementation of new ones will ensure continued modernization, efficiency and effectiveness in securing work and employment, notification processes, serving unemployed persons, employers and others, informing interested parties of developments in the internal and foreign labour markets, new programmes, projects, news in the field of regulations and other matters;
- During the last two years ESS has established a special service to monitor the fulfilment of obligations by the unemployed and subcontractors and strengthened the internal auditing and quality of ESS activities. Findings from all monitoring and evaluations form the basis for improving procedures and increasing effectiveness. The activities of the service that monitors the unemployed have also borne fruit, as the unemployed now more regularly report changes that influence their rights and also fulfil the obligations that derive from their status as unemployed.

179. Active employment policy programmes have built-in indicators for monitoring the effectiveness of individual programmes. There is an agreement between the Ministry of Labour, Family and Social Affairs and ESS on a system for reporting on the implementation and achievement of programme objectives. Persons from both institutions are appointed to function as the supervisors of programmes in terms of contents and finance. For particular programmes of higher value, councils are appointed to assist the supervisors in the preparation of proposed changes and programming for the following year.

180. In 2002, there was intensive work on developing and re-establishing the system of planning, flow monitoring, reporting, supervision and the harmonizing of individual activities and services of implementers in the area of the labour force. The system has been developed and established primarily by ESS, which must ensure the realization of annual and global objectives in developing the labour market and establishing conditions for managing the ESS funds. Within this framework there were also activities for determining the indicators for evaluating the effectiveness and suitability of active employment policy programmes.

181. March of this year saw the conclusion of the first phase of the creation of substantive requirements and conditions as the basis for the procedure of creating new applications for supporting the implementation of Active Employment Policy measures. The upgrading of the computer application support is based on the revamping of work procedures and processes for the purpose of increasing the effectiveness of work and enabling better supervision of the implementation of activities.

182. In the middle of 2002 the Act Amending the Employment and Insurance against Unemployment Act (Ur. l. RS 67/02) was adopted, the contents of which were essentially a harmonization with the requirements of European Union legislation on cooperation between different institutions that manage individual records on persons who are the recipients of social or insurance benefits as well as on bringing into accord and managing individual records with the objective of ascertaining the truth as regards unemployed persons as registered unemployed persons, and such persons who are capable of entering the active labour market, who can be active workers, as distinct from persons with various physical or other difficulties which do not allow them to enter the active labour market (primarily persons with disabilities). As such, ESS implemented a procedure for the transfer of the records of temporarily unemployable or unemployed persons to the records of persons registered at the ESS on the basis of other laws. Upon an improvement in their employment prospects or following a change in the conditions in the labour market, such persons are reclassified in the records of unemployed persons, where they will be treated as active job-seekers. In such a way, the picture of the employability of persons registered at ESS is more realistic, and unemployed persons who are temporarily unemployable may exercise rights which are ensured to them on the basis of some other law.

## **2. Employment services**

183. The umbrella law regulating the manner in which employment services operate in Slovenia is the Employment and Insurance against Unemployment Act (Ur. l. RS-old, 5/91; Ur. l. RS, 5/91; 65/2000).

184. The Act states that the provision of employment covers professional and organizational tasks performed with the aim of enabling the job-seeker to secure an employment contract, or an unemployed or other person to find work.

185. The finding of employment and work is ensured by ESS; the ministry responsible for labour can through a concession contract authorize such work being performed by organizations or employers that fulfil the personnel, organizational and other conditions (employment agency).

186. In compliance with this Act, ESS may not request payment for finding employment and work, nor may an authorized organization or employer request payment from those seeking jobs or from those for whom they find employment or work.

187. The area of employment services is further regulated by the Rules on the Conditions for Performing Activities of Employment Agencies (Ur. l. RS, 48/99 and 30/2003).

188. The Rules set out in detail the conditions under which the ministry responsible for labour may through concession contracts authorize organizations or employers to perform the tasks of finding work or employment, finding and providing labour and carrying out active employment policy measures.

189. Authorized organizations and employers bear the title "Employment Agency".

190. Agencies may not request payment for services from unemployed persons registered in the records of unemployed persons kept by ESS, nor may agencies request payment for activities provided as non-payable by law or international agreement.

**(a) ESS**

191. The functioning of ESS and oversight of its work are regulated by the following:

- Employment and Insurance against Unemployment Act (Ur. l. RS, 5/91, 12/1992, 71/93, 38/1994, 80/1997 Constitutional Court decision, U-I-343/94, 69/1998, 65/2000 and 67/2002);
- Statute of ESS (Ur. l. RS, 84/99);
- Rules on exercising supervision of the work of ESS and other entities in the field of employment (Ur. l. RS, 17/99).

192. ESS plays a central role in Slovenia's labour market, since it is the main implementer of employment policy and the chief coordinator of supply and demand in the labour market. ESS is an independent legal entity with the status of a public institution. It operates on three levels: central, regional and local offices, covering the whole country. The central office and ESS management formulate professional doctrines of work, prescribe and evaluate all the tools used in ESS work (manuals, instructions for work, organizational regulations, etc.), and coordinate all ESS activities and ensure their direct and uniform application throughout the country. Within this framework they also provide analytical, informational, legal, personnel, financial, accounting, supervisory, organizational, material and developmental support for the needs of regional and local offices.

193. ESS:

- Determines the fulfilment of needs of organizations and employers for workers;
- Advises organizations, employers and workers regarding the possibilities for employment and jobs;
- Offers professional help in providing jobs to unemployed persons and other job-seekers and finds them work;
- Keeps the prescribed records in the area of labour and employment;
- Provides the rights deriving from unemployment insurance;
- Organizes training and education for unemployed persons;
- Organizes training and employment for disabled persons;
- Provides vocational guidance, information and advice to young people and adults, and develops methods and aids for vocational guidance;
- Temporarily employs workers abroad and ensures their organized return and employment, and cooperates in the employment of foreign citizens;

- Drafts analytical, planning and information bases for proposing, formulating, coordinating and monitoring employment policy;
- Prepares and implements those procedures for fulfilling the active employment policy for which it is empowered;
- Organizes public works;
- Maintains an information system for monitoring trends in the labour market and provides public information;
- Studies the emergence and development of occupations and the nomenclature of trades and professions;
- Carries out professional tasks in providing scholarships;
- Performs the financial and accounting function of providing rights, and carrying out programmes;
- Researches and monitors individual phenomena in the labour market and in other areas that directly or indirectly affect employment and the phenomenon of unemployment;
- Carries out other assignments provided by this Act, regulations issued on the basis thereof and other regulations (article 66 of the Employment and Insurance against Unemployment Act).

194. ESS keeps records of unemployed persons, records of unemployed persons whose rights have lapsed pursuant to the Act, records of scholarship holders pursuant to the Act and records of unemployed persons who are included in active employment policy programmes. ESS is under an obligation to provide data from the records of unemployed persons to authorized organizations (employment agencies) that are essential for finding employment and work, making up employment plans or involvement in active employment policy measures.

#### *Organization of ESS*

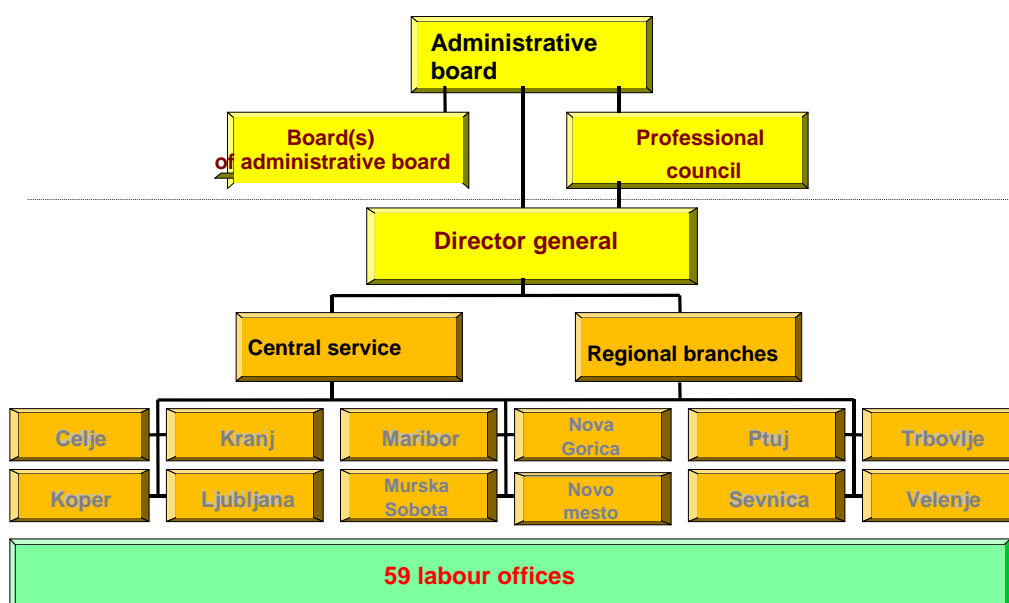
195. ESS is an independent legal person with the status of a public institution that functions uniformly for the territory of the Republic of Slovenia. It was established on the basis of the provision of article 61 of the Employment and Insurance against Unemployment Act. ESS functions organizationally and functionally on three levels, these being at the ESS head office, which houses the management and central service, and in regional branches and offices throughout Slovenia.

196. The regional branches of ESS perform professional and operational tasks in the area of ESS activities within their regions, monitor and study employment and unemployment trends and offer advice and professional and operational assistance to labour offices. The regional branches ensure the exercising of rights deriving from unemployment insurance, cooperate with employers, those performing ESS activities and regional and local subjects in the labour market.

197. By establishing direct contacts with clients, labour offices perform the registration of unemployed persons, find employment, provide employment advice, carry out employment programmes, perform tasks of vocational counselling for youth and adults, and provide scholarships.

198. The central service ensures standardized methodology for the professional and operational implementation of procedures in the area of ESS activities and offers IT, analytical, legal, personnel, financial, accounting and development and organization support.

Organizational diagram of ESS



#### *Management and administration of ESS*

199. Under the Act, the official bodies of ESS are the administrative board and the Director-General of ESS.

200. The administrative board has 13 members. The board is composed of four members each appointed by employer organizations representative for the territory of Slovenia, unions representative for the territory of Slovenia and the Government of Slovenia, with one member appointed by ESS employees. The administrative board chairperson is elected for a period of four years by the members of the board. The term of office of the administrative board members is four years, and they may be reappointed on the expiry of their term.

201. The Director-General represents and heads ESS. He or she is appointed and dismissed by the Government of Slovenia, on the proposal of the minister responsible for labour. The term of office of the Director-General is four years. Upon the expiry of this term, the appointment may be renewed.

*Supervision of the work of ESS*

202. The supervision of the work of ESS is regulated by the Rules on Exercising Supervision of the Work of the Employment Service of the Republic of Slovenia and Other Entities in the Field of Employment (Ur. l. RS, 17/99).

203. The Rules lay down the manner and procedure for carrying out professional and administrative supervision, and for overseeing the proper spending of funds and the legality of the work of ESS, authorized organizations and employers (employment agencies), work funds and other legal and natural persons authorized by ESS to perform specific work. Professional and administrative oversight and oversight of proper spending are performed by the ministry responsible for labour.

204. Professional and administrative supervision covers in particular:

- The legality of ESS general acts;
- The legality of individual ESS administrative acts;
- The appropriateness and professionalism of the work of supervised persons.

205. In overseeing proper spending, the ministry determines whether funds are being spent in compliance with the law and other regulations, the tender conditions and contracts, and whether overseen persons are monitoring and controlling the spending of funds.

**(b) Employment agencies**

206. In compliance with the Employment and Insurance against Unemployment Act (Ur. l. RS-old, 5/91; Ur. l. RS, 5/91; 65/2000) the ministry responsible for labour may through a concession contract authorize organizations or employers who fulfil the personnel, organizational and other conditions to perform tasks for the purpose of finding employment and work.

207. The Act provides that an authorized organization or employer (employment agency) may not request payment from job-seekers for finding employment and work. This provision is also implemented by the Rules on the conditions for performing activities of employment agencies (Ur. l. RS, 48/99, 30/2003), which provide that an agency may not request payment for services from unemployed persons who are registered in the records of unemployed persons kept by ESS, nor may it request payment for activities provided as non-payable by law or international agreement.

208. The Rules set out in detail the conditions under which the ministry responsible for labour may through a concession contract authorize organizations and employers to perform the tasks of finding work and employment, finding and providing labour and carrying out active employment policy measures.

209. The conditions for performing activities relate to:

- Workers who perform agency activities;
- Data on the agency;
- Work premises and equipment;
- Branches and organizational units.

210. The Rules also set out the procedure for granting concessions, the actual concession contract, the payment of services and costs, cooperation with the competent bodies, records and the provision of data, and reporting and oversight of agencies.

#### **D. Status of disadvantaged groups in the labour market**

##### **1. Status of migrant workers**

211. Through the resolution on the migration policy of the Republic of Slovenia (Ur. l. RS, 40/99), adopted by the Slovene National Assembly on 14 May 1999, the first foundations were laid for Slovenia's immigration policy, along with the most urgent general measures for fulfilling the resolution in the area of legal remedies.

212. The resolution provides that the law regulating the conditions of work by foreign citizens or persons without Slovene citizenship should be amended so that it could be applied as a fundamental material and procedural regulation to protect the domestic labour market and balance the new inflow of labour. Legal amendments in individual sectoral laws must enable implementation of the positions in the adopted resolution.

213. On this basis, and in line with the National Programme of the Republic of Slovenia for adoption of the European Union Acquis by the end of 2002, on 14 July 2000 the National Assembly adopted the new systemic Employment and Work of Aliens Act (Ur. l. RS, 66/00; hereinafter "ZZDT"), which also fulfilled the adopted resolution measure in the legislative area of regulating the employment and work of aliens.

214. The new systemic Act set in law primarily the following resolution goals in the legislative area:

- Systemic cohesion between the Employment and Work of Aliens Act and the Aliens Act;
- Regulation of access to the labour market, depending on the type and purpose of the work and the duration of the activity (through various types of work permits: personal work permit, employment permit, work permit);
- Selectivity in restricting access to employment and work, depending on the nature of the work and the conditions in the labour market;

- Priority treatment of already settled aliens over new seekers of employment and work;
- Associating the right to employment and work with the right of residence (residents, aliens that have already lived sufficiently long in the country, refugees, descendants of Slovene citizens, family members);
- The possibility of balanced economic immigration through legally provided restrictive instruments (quotas, prohibitions and restrictions that can be adopted by the Government of Slovenia under conditions and in a manner laid down by law).

215. As the main instrument for regulating the inflow of foreign labour, the Employment and Work of Aliens Act introduced a quota system (the threshold is 5 per cent of the active population - 43,000 aliens). Restrictions through quotas are intended for categories of aliens that first enter the country or arrive annually for the purpose of employment or performing other occasional forms of work on a varied contractual basis. In addition to quotas, the Act contains other instruments for balancing conditions in the labour market. These instruments are within the jurisdiction of the Government of Slovenia. The Government may adopt them where an excessive influx of alien labour of various forms could have a detrimental effect on the employment situation in the domestic labour market.

The legally provided quota has not yet been limited, nor has the Government yet imposed any of the aforementioned measures.

### **Number of valid work permits**

216. According to data from ESS, as at the last day of December 2002 there were 36,108 aliens in Slovenia holding valid work permits, of which:

**Table 42**

#### **Work permits**

Type of work permit	Total number of valid work permits	Women
Personal work permit	17 989	3 488
unlimited duration	12 398	2 166
for three years	4 476	1 038
for one year	1 115	284
Employment permits	13 582	1 573
Work permits	4 537	275
seconded workers	1 143	25
management personnel	970	175
seasonal labour	2 260	18
Other	164	57



## 2. Status of women

217. The gender labour activity gap in Slovenia is close to 10 percentage points. In 2002 the female activity rate (63 per cent) was relatively high compared to the European average (54 per cent), but is far behind the male (72.1 per cent) according to the LFS (Labour Force Survey). The annual average activity rate was by far the highest within the age group 25-54 years (female 84.9 per cent, male 91.2 per cent). While one third of men still stay active in the 55-64 years age group (36.7 per cent), only a minority of women do (14.3 per cent). After 65 years of age, 9.6 per cent of men are still active at work but only 5.7 per cent of women. An important reason for the activity gap is the 6.6 percentage points lower activity in the age group 25-54 years, and in the huge activity gender gap of senior workers. There is a similar relationship within the female employment rate (58.6 per cent) versus male (68.2 per cent). The gender employment rate gap is also smallest in the age group 25-54 years (80 per cent female, 86.7 per cent male), while in the age group 55-64 one third of men (35.4 per cent) are still employed and only 14.1 per cent of women are. On the other hand, although the female unemployment rate (6.8 per cent) is lower than the European average (9.7 per cent), it remains higher in comparison to the male unemployment rate (5.9 per cent), leaving an increasing gender gap of 1.3 percentage points in the fourth quarter 2002, when the female unemployment rate increased to 7.2 per cent, while the male remained unchanged (5.9 per cent).

218. The sluggish female employment growth<sup>1</sup> of 1 per cent in the period 1997-2000 was mainly due to faster growth of male employees (1.4 per cent) as opposed to female employees (0.6 per cent). The female employment trend lagged behind the male until 2000. In those sectors with a negative trend in employment, in general more women lost their jobs than men. In most activities with employment growth, male employment grew much faster during 2000 even in the "female branches", e.g. health services (male 10.3 per cent, female 3 per cent), financial services (male 6.4 per cent, female 2.7 per cent), hotels and restaurants (male 3.3 per cent, female 0.8 per cent), etc. In the services sector employment has been growing, but noticeably faster in the employment of men than of women, especially in health and financial services. In manufacturing an employment downturn trend was stopped in 2000, turning into a 1.6 per cent growth of male but only 0.2 per cent growth of female employment.

219. Employed women are 4.6 per cent more educated than men measured by the average school years of employed people. The average woman has 11.4 years of education and training, while men have on average 10.9 years. The gender difference in education is highest for those who have a university education, with 12.5 per cent of women and 10.4 per cent of men holding a university degree.

220. According to the Labour Force Survey Results in 2001, the share of women among persons in employment is above the average in the following occupations: clerks (66.6 per cent), service workers and market sales workers (62.8 per cent), professionals (59.3 per cent) and elementary occupations (59.9 per cent). Women are represented far below the average in the top and best paid jobs: legislators, senior officials and managers (31.8 per cent).

**Gender pay gap**

221. According to the results of the statistical annual sample survey of wages by professional level and activities, data clearly present the gender pay gap of -12.2 per cent (2000) and -10.8 per cent (2001) to the detriment of women. Taking into consideration the higher education of women than men, by 4.6 per cent on average, the actual gender pay gap, measured by the gender human capital gap, is even bigger at -16.8 per cent. The trend in women's relative wages has been fluctuating in recent years: falling from -14.6 per cent to -11.1 per cent between 1996 and 1998, rising again to -13.5 per cent in 1999 and settling at -10.8 per cent. According to the level of professional skills the highest - and even increasing - gender pay gap is for those with university degrees (-20.7 per cent); for secondary school graduates it is stable at -11.5 per cent, and the wage difference for skilled workers has been fluctuating and settled in 2000 at -19.9 per cent.

**Inclusion of unemployed women in employment policy programmes**

222. Within the framework of the active employment policy programmes, the participation of unemployed women was more evident in programmes for education and training (60 per cent) and public works (58 per cent). The independent active employment policy programme for encouraging the employment of women is the "Introducing Vocations to Women" programme, which is implemented by the Ministry of the Economy and the PCMG Small Business Development Centre. In 2001 activities were directed towards the training of 30 promoters who are working on the regional level, and participating in international networks and in promotional activities. The project is relatively complex and planned for the long term.

**Equal opportunities for women and men in the labour market**

223. From the aspect of equal opportunities for women and men in the labour market, the new Employment Act is important, containing a provision on the prohibition of discrimination based on gender, and providing that equal opportunities and equal treatment in employment, advancement, training, education, retraining, salaries and other incomes, grants, absence from work, work conditions, working hours and cancelling employment contracts, must be ensured for men and women alike. Such indirect and direct discrimination is prohibited, concerning which the Act also contains a definition of indirect discrimination. The Act furthermore provides that employers are not allowed to advertise job vacancies only for men or only for women, or indicate that they would prefer a certain gender, unless a certain gender is a necessary condition for the performance of the work.

224. Within the new proposed social agreement, which is in discussion with the social partners, a new paragraph has been recently included - on equal opportunities for women and men in the labour market. The social partners also agree that measures for ensuring equality in the labour market will be included in all collective agreements and other agreements between the social partners.

### **Equal Opportunities for Women and Men Act**

225. With the Equal Opportunities for Women and Men Act, which was adopted on 21 June 2002 and which entered into force on 20 July 2002, Slovenia laid down the collective basis for improving the status of women and creating equal opportunities for women and men in political, economic, social, educational and other fields of life. The Act introduces an integrated principle of gender equality as a strategy for achieving such equality, provides the general legal basis for the adoption of various measures intended to encourage actual gender equality and the creation of equal opportunities for women and men, the formation of national policies in this area and determines the special procedure for resolving individual violations of the principle of equal treatment by gender. By law, the encouragement and creation of equal opportunities is primarily the task of the Government and ministries, which, within their competence and each in their own area of work, fulfil the objectives of the law.

226. The ministries have appointed equal opportunities coordinators for women and men (pursuant to article 13 of the Act), who have introduced what is termed the horizontal approach to formulating and implementing gender equality policies. The first meeting of the coordinators was held in the form of a workshop, which introduced gender equality policies and strategies for their realization, and the status of women and men in Slovenia in various fields of public and private life. The discussions that followed made apparent the openness and preparedness for cooperation as well as the urgent need for gender equality policies to become a part of the formulation of policies in individual ministries. A plan was drawn up for future activities and tasks: the establishment of a database of research important for the field of gender equality; the preparation of informational material for individual fields and ministries on the importance of integrating the principle of gender equality into policies and the appointment of members of work groups for the national equal opportunities programme.

### **3. Status of disabled persons**

227. Social inclusion in the National Employment Action Programme is related mostly to the specific needs of socially excluded unemployed people, with special emphasis being placed on unemployed people with disabilities. Among the registered unemployed people there were 14,493 people with disabilities (18,684 people with disabilities by the end of 2001), of which 86 per cent were occupationally disabled, 7 per cent young and 7 per cent adult handicapped people. The number of unemployed people with disabilities has been increasing rapidly in recent years; the share of persons with disabilities among the unemployed amounted to 17.9 per cent in December 2001; in December 2000 it was 16.4 per cent but in December 1995 it was only 5.7 per cent. At the end of 1995 there were only 7,165 registered unemployed persons with disabilities, at the end of 1999 their number increased to 14,878, and at year-end 2000 to 17,179 - the increase in the number was not due to new inflow, but to the fact that the limited employment opportunities did not allow any outflow to employment.

228. For the purpose of increasing employment opportunities, persons with disabilities were included in a variety of employment programmes. In 2002 only 949 persons with disabilities were in employment, 344 persons in public works, and 576 persons in educational and training programmes, of which 30 per cent were in the "5000 Education Programme". The employment of persons with disabilities in companies for people with disabilities is now the most appropriate - and their only - prospect for employment. There are 144 specialized companies

that employ people with disabilities offering work to 6,156 people with disabilities. In the experience of experts, numerous persons with disabilities cannot or do not want to secure employment, which is why it is necessary to review the registers again. For those persons with disabilities who can and want to secure employment, it will be necessary to design specific new programmes.

### **Programmes for the inclusion of people with disabilities in the labour market**

229. These programmes represent complete support for people with disabilities and other disadvantaged persons in their re-inclusion into the labour market. The objective of these programmes is to equalize the employment opportunities for people with disabilities. The following programmes are carried out:

- Informational and vocational counselling programmes as well as educational development and training programmes for people with disabilities - 576 persons;
- Professional rehabilitation of people with disabilities - 1,578 persons;
- Health provision for people with disabilities - 3,744 persons;
- Subsidizing enterprises for employment of disabled people - 6,070 persons;
- Adaptation of existing and new working places for people with disabilities - 106 persons;
- Partial costs supplement to companies and vocational rehabilitation - 260 persons;
- Public works - 344 persons;
- Wage-subsidy as a lump sum for disabled persons - 20 persons.

### **Education and training and vocational rehabilitation of people with disabilities**

230. Informational and vocational counselling programmes are intended to motivate persons with disabilities to adopt a more active approach to securing employment. The programmes offer persons with disabilities assistance in labour market orientation, basic information and knowledge about effective methods of seeking employment, and assistance in planning continuing career paths as well as in formulating career objectives. Development and training programmes enable persons with disabilities to acquire additional knowledge, skills and abilities for carrying out various jobs through participation in various courses, seminars and other training programmes. Persons with disabilities were also included in the 5000 Programme - a programme for acquiring publicly recognized education.

231. The objective of the vocational rehabilitation programmes is to equalize opportunities or create conditions (solving special needs and eliminating barriers) for the employment of people with disabilities and disadvantaged persons. The programme is intended to create opportunities for the employment of people with disabilities and with barriers to employment. Programmes

are implemented as a form of assistance in the creation of employment plans and the preparation of specific groups of people for employment who have disabilities, and disadvantaged persons who have complex barriers to employment.

### **Partial costs supplement for companies**

232. The supplement paid to sheltered companies for a portion of costs for employed people with disabilities is allocated because of their reduced opportunities for work. The size of this subsidy depends on the level of disability of the person, and can amount to 25 per cent, 50 per cent or 75 per cent of the minimum wage per month per employed person with disability. The company receives the supplement for persons who are in their employment in the month for which the supplement is paid and the status of person with disability is recognized. In 2001 the partial costs supplement paid to sheltered companies was implemented in 144 companies for 6,202 employed people with disabilities.

## **4. Status of young workers**

233. While unemployment has fallen in recent years in Slovenia, we are encountering the problems of structural unemployment, with a special problem being presented by the large number of unemployed persons in the groups of young people without appropriate education and young first-time job-seekers.

234. The population of Slovenia is getting older in the long term, which is a consequence of the reduced mortality and reduced birth rate (natural growth has been negative since 1997). The share of the population younger than 15 years fell from 20.6 per cent in 1987 to 15.2 per cent in 2002. For young people aged 15 to 24, there is a noticeable general trend of declining activity and a growth in the proportion of inactive persons. In 1993 the level of activity among young people was 41.6 per cent, and in 2002 it was 36.7 per cent. This trend is a consequence primarily of young people extending their education, which creates the later inflow of young people into the labour market.

235. Analyses carried out in Slovenia have shown that in half of their demand for workers, employers identify work experience as the most important additional condition for employment, directly after education. Despite the fact that education provides the basic knowledge for performing work, it is only work experience that gives it applicable value. Precisely for this reason, in recent years young graduates have been increasingly encountering difficulties in finding employment. Owing to the high costs of labour, employers desire highly trained personnel who already have work experience and who do not need to be inducted into the job.

236. Unemployment among young people is marked by a large number of young people seeking their first job, in other words still without any work experience. The impact of a lack of work experience on employment prospects is reflected in the duration of their unemployment. In 2002, 41.5 per cent of first-time job-seekers had been waiting for employment for more than one year. Nevertheless, in respect of the "outflow of young people to employment" indicator we can say that youth is a comparative advantage in the labour market that facilitates employment, since out of all the categories, young people are employed most (in 2002, young people represented 29.9 per cent of all unemployed persons given employment, while those aged 40-50 represented only 16.9 per cent of unemployed persons given employment).

237. The number of young unemployed persons up to 26 years old has fluctuated in recent years, and is still causing concern (24 per cent in 2002, 23.4 per cent in 2000, 25.8 per cent in 1999). The ESS records show that an average of 23,632 persons under 26 were registered during 2002.

238. There are primarily two categories of unemployed young people. Young unemployed people include 9,236 (38 per cent) persons without secondary vocational or professional education, and there is a large proportion of those who finished their schooling but did not obtain a profession or trade (grammar school leavers) or who obtained secondary vocational or professional education in the wrong field.

239. The transition of young people to the labour market is one of the most sensitive points of their career and personal development, and can be eased by a variety of factors (company, the State and others). Here we distinguish between:

- Direct transition from school to employment; in Slovenia there are two main established forms of organizing direct progress from school to employment, namely traineeship and grants or scholarships. Executive grants are a means of planning executive personnel, whereby a company ties young people to itself while they are still in education, and orientates young people's education in line with its needs. In the 2000-2001 school year the number of grant holders was 7,500. The gap is filled by the system of State stipends - national and Zois scholarships - but these do not guarantee a first employment for young people; and
- Indirect transition from school through unemployment to employment. On this indirect path, young people are helped by active employment policy measures.

240. Promoting the employment of young people is covered in one form or another in almost all 18 active employment policy guidelines. Within the active employment policy programmes, young unemployed persons without professional or vocational education are offered programmes for their renewed enrolment in education and training (the 5000 Programme, programmes of motivation and information, development and training programmes, and other programmes provided by ESS) - in 2002 a total of 8,273 young unemployed persons, representing 51.0 per cent of the total included, participated in these programmes.

241. For university students there are programmes designed to offer them an early link with employers - the summer camps for Zois scholarship holders guide the further career path of stipend holders in line with the needs in the labour market and the interests of employers. In the camps, stipend holders develop special interests, specific talents, creativity, cooperation and good interpersonal relations are encouraged, new awareness of the situation in the environment is interwoven, and theoretical knowledge is put into practice. The "Get Work" workshop is intended to help students plan their careers and to train them to successfully enter the labour market.

242. For young graduates there are programmes to promote employment (Job-Seekers Club, promoting entrepreneurship and so forth), among which the programme of partial pay supplement for trainee salaries has proven particularly successful. The programme aims to promote the employment of trainees with college and university education in areas with

above-average levels of unemployment, and to prevent a “brain drain” from these areas. The partial pay supplement for trainee salaries lasts for the duration of the traineeship. The employer undertakes to employ the trainee for at least double the time that the traineeship lasted.

## **Article 7**

### **The right to just and favourable conditions of work**

#### **A. Constitutional and legislative aspects**

243. In accordance with article 8 of the Constitution, laws and other regulations must comply with the generally accepted principles of international law and treaties that are binding on Slovenia. Ratified and published treaties are applied directly.

244. The treaties that Slovenia has ratified, and whose content embraces the right to just and favourable conditions of work, are:

- European Convention for the Protection of Human Rights and Fundamental Freedoms (Ur. l. RS-MP, 1/1994; RS 2/1994);
- European Social Charter (amended) (Ur. l. RS-MP, 7/99; RS 24/99);
- International Covenant on Civil and Political Rights (Ur. l. SFRJ, 7/71);
- Convention for the Protection of Human Rights and Fundamental Freedoms, amended with protocols 3, 5 and 8 and supplemented with protocol 2, and its protocols 1, 4, 6, 7, 9, 10 and 11 (Ur. l. RS-MP, 7/94; Ur. l. RS, 33/94);
- Convention on the Elimination of All Forms of Discrimination against Women (Ur. l. SFRJ-MP, 11/1981);
- ILO Convention No. 100 on Equal Remuneration of Women and Men for Work of Equal Value (Ur. l. RS, 15/92);
- ILO Convention No. 109 on Wages, Hours of Work and Manning (Sea) (Ur. l. RS, 15/92);
- ILO Convention No. 131 on Minimum Wage Fixing, with Special Reference to Developing Countries (Ur. l. RS, 15/92);
- ILO Convention No. 12 on Workmen’s Compensation (Agriculture) (Ur. l. RS, 15/92);
- ILO Convention No. 16 on Medical Examination of Young Persons (Sea) (Ur. l. RS, 15/92);
- ILO Convention No. 17 on Workmen’s Compensation (Accidents) (Ur. l. RS, 15/92);

- ILO Convention No. 18 on Workmen's Compensation (Occupational Diseases) (Ur. l. RS, 15/92);
- ILO Convention No. 32 on Protection against Accidents (Dockers) (Ur. l. RS, 15/92);
- ILO Convention No. 73 on Medical Examination (Seafarers) (Ur. l. RS, 15/92);
- ILO Convention No. 81 on Labour Inspection (Ur. l. RS, 15/92);
- ILO Convention No. 102 on Social Security (Minimum Standards) (Ur. l. RS, 15/92);
- ILO Convention No. 113 on Medical Examination (Fishermen) (Ur. l. RS, 15/92);
- ILO Convention No. 129 on Labour Inspection (Agriculture) (Ur. l. RS, 15/92);
- ILO Convention No. 136 on Benzene (Ur. l. RS, 15/92);
- ILO Convention No. 139 on Occupational Cancer (Ur. l. RS, 15/92);
- ILO Convention No. 148 on Working Environment (Air Pollution, Noise and Vibration) (Ur. l. RS, 15/92);
- ILO Convention No. 155 on Occupational Safety and Health (Ur. l. RS, 15/92);
- ILO Convention No. 161 on Occupational Health Services (Ur. l. RS, 15/92);
- ILO Convention No. 162 on Asbestos (Ur. l. RS, 15/92);
- ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Ur. l. RS-MP, 7/2001);
- ILO Recommendation No. 97 on the Protection of Workers' Health (*Official Journal of the Federal People's Republic of Yugoslavia*, treaties, 12/56).

## **1. Constitution of the Republic of Slovenia**

245. Under the chapter on economic and social relations, the Constitution guarantees the protection of work and provides that the State shall create possibilities for employment and work and shall ensure their legal protection (art. 66).

## **2. Legislative framework**

246. The basic legal acts whereby the right to just and favourable conditions of work are legally regulated in Slovenia are as follows:

- Employment Act (Ur. l. RS, 42/2002);



- Act Regulating Minimum Wages, the Method of Wages Adjustment and Reimbursement for Annual Leave in the Period 1999-2001 (Ur. l. RS, 39/99, 48/2001);
- Act Implementing the Wages Policy Agreement for the Period 2002-2004 (Ur. l. RS, 59/2002);
- Occupational Health and Safety Act (Ur. l. RS, 56/99; 64/2001);
- Labour Inspection Act (Ur. l. RS, 38/94; 36/2000).

247. Within the framework of the right to just and favourable conditions of work, the Employment Act (Ur. l. RS, 42/2002) regulates the issue of pay for work done, the possibility of promotion, rest periods, leisure time, working hours, paid annual leave and pay for public holidays.

248. The Act Regulating Minimum Wages, the Method of Wages Adjustment and Reimbursement for Annual Leave in the Period 1999-2001 (Ur. l. RS, 39/99, 48/2001) lays down the minimum wage, and the method of harmonizing this is regulated by the Act Implementing the Wages Policy Agreement for the Period 2002-2004 (Ur. l. RS, 59/2002). The Act Regulating Minimum Wages and the Act Implementing the Wages Policy Agreement are the result of an agreement between social partners, and both acts have assured the implementation of adopted agreements.

249. The Occupational Health and Safety Act (Ur. l. RS, 56/99; 64/2001) stipulates:

- The rights and duties of employers and workers with regard to safe and healthy work and the measures for ensuring occupational safety and health;
- The bodies responsible for occupational safety and health;
- That executive regulations in the area of occupational safety and health shall be issued by the minister responsible for labour and the minister to whose competence the executive regulation relates;
- That detailed safety measures shall be laid down by the employer in compliance with this Act and other regulations.

250. The Labour Inspection Act (Ur. l. RS, 38/94; 36/2000) governs the area of oversight of laws, other regulations, collective agreements and general acts regulating employment, wages and other income from employment, the employment of workers at home and abroad, cooperation of workers in management, strikes and the occupational safety of workers. Inspection of work is performed by the Labour Inspectorate.

251. In addition to the aforementioned legal acts, this area is further regulated by specific implementing regulations and collective agreements, such as the two collective agreements of general validity: the Collective Agreement for Non-commercial Sector of the Republic of Slovenia (Ur. l. RS/I, 18/91; Ur. l. RS, 23/2001) and the General Collective Agreement for Commercial Sector (Ur. l. RS, 40/97; 64/2000).

**B. The right to pay for work done, minimum wages and the right to equal pay for work of equal value**

**1. The right to pay for work done**

252. The right to pay for work is a right deriving from employment and as such represents an essential element of employment. Article 126 of the Employment Act (ZDR, Ur. l. RS, 42/2002) provides that:

According to the employment contract, remuneration for work is composed of wages, which must always be paid in monetary form, and other possible forms of remuneration, if this is provided by a collective agreement. In fixing wages the employer must take account of the minimum provided by law or collective agreement directly binding on the employer. Wages are composed of basic pay, part of pay for productivity and supplements. A bonus for corporate performance is also a component part of wages, if this is agreed in a collective agreement or employment contract. During the working day workers receive pay for break periods as if they were working.

253. In addition to wages, employers must also provide reimbursement of the cost of food during work, transport to and from work and reimbursement of expenses incurred while performing certain work and tasks on business travel (article 130 of ZDR).

254. Employers are bound to pay workers who have the right to annual leave a supplement for annual leave that is at least equal to the minimum wage. This supplement must be paid to workers no later than 1 July of the current calendar year, although a collective agreement on the level of individual businesses may in the event of cash flow problems being faced by the employer determine a later date for payment of the supplement, but no later than 1 November of the current calendar year. In the case of workers who have the right only to a proportion of the annual leave, they then have the right to only a proportion of the supplement (article 131 of ZDR).

**Table 43**

**Average gross earnings per person in paid employment in enterprises and other organizations (in SIT)**

1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
51 044	75 432	94 618	111 996	129 125	144 251	158 069	173 245	191 669	214 561

*Source:* Statistical Office of the Republic of Slovenia.

**Table 44****Average gross earnings per person in paid employment in enterprises and other organizations (indices, 1992=100)**

1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
100.00	147.78	185.34	219.41	252.97	282.60	309.67	339.40	375.50	420.35

*Source:* Statistical Office of the Republic of Slovenia.

**Table 45****Average net earnings per person in paid employment in enterprises and other organizations (in SIT)**

1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
30 813	46 826	60 089	71 279	81 830	91 199	99 919	109 279	120 689	134 856

*Source:* Statistical Office of the Republic of Slovenia.

**Table 46****Average net earnings per person in paid employment in enterprises and other organizations (indices, 1992=100)**

1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
100.00	151.97	195.01	231.32	265.57	295.98	324.28	354.65	391.68	437.66

*Source:* Statistical Office of the Republic of Slovenia.

**2. Minimum wage**

255. The minimum wage pertains to employed workers for work performed during full or equivalent working hours laid down by law, collective agreement or general act of the employer.

256. The minimum wage is laid down in the Act Regulating Minimum Wages, the Method of Wages Adjustment and Reimbursement for Annual Leave in the Period 1999-2001 (Ur. l. RS, 39/99, 48/2001), and the method of harmonizing the minimum wage is regulated by the Wage Policy Agreement for 2002-2004 (Ur. l. RS, 52/2002) and on its basis the Act Implementing the Wages Policy Agreement for the Period 2002-2004 (Ur. l. RS, 59/2002).

257. In compliance with the law the minimum wage for the period 2002-2004 is harmonized with the growth in prices of essential goods in the following way:

**In 2002**

On the payment of wages for August 2002 the minimum wage is increased by 4.2 per cent;

On payment of wages for December 2002 the minimum wage is increased by the difference between 100 per cent of the growth in prices of essential goods during the period January-November 2002 and the already calculated increase from the preceding sentence.

#### In 2003

In the payment of wages for August 2003 the minimum wage allocated for 2002 is increased by 2.5 per cent;

Inasmuch as the growth in prices of essential goods in the period January-June 2003 exceeds 2.8 per cent, the threshold pay for payment of wages for August 2003 is increased by the difference in the growth of prices of essential goods over 2.6 per cent;

On the payment of wages for December 2003 the minimum wage from the preceding two sentences is increased by the difference between 100 per cent of the growth in prices of essential goods in the period January-November 2003 and the already calculated increase from the preceding two sentences;

On the payment of wages for August in 2002 and 2003, the minimum wage is additionally increased by the established growth in GDP in the previous year.

**Table 47**

#### **Minimum wage 1996-2002 in SIT**

April-June 1996	53 500
October-December 1996	55 061
January-March 1997	55 942
April-June 1997	56 781
July-1997	59 150
December 1997	61 989
January 1998	62 299
August 1998	64 666
January 1999	68 223
August 1999	72 521
January 2000	74 262
July 2000	77 010
August 2000	80 783
January 2001	84 418
August 2001	92 186
January 2002	94 675
August 2002	101 611
December 2002	103 643

*Source:* Ministry of Labour, Family and Social Affairs.

### **3. Equal pay for work of equal value**

258. Article 6, paragraph 2, of the Employment Act (Ur. l. RS, 42/2002) states that women and men must be provided with equal opportunities and equal treatment in wages and other remuneration from employment, and in this regard the same article prohibits both direct and indirect discrimination based on gender, race, age, state of health or disability, religious or other conviction, sexual orientation or national origin.

259. In the chapter relating to pay for work done, the Act also especially highlights the importance of equal pay for women and men, and article 133 thereof lays down that for equal work and for work of equal value, employers are bound to pay workers equally irrespective of gender. Provisions of employment contracts, collective agreements and general acts of employers that run counter to this are invalid.

## **C. Occupational safety and health**

### **1. General overview**

260. The issue of occupational safety and health is regulated on the legislative level by the Occupational Health and Safety Act (ZVZD, Ur. l. RS, 56/99; 64/2001), which stipulates:

- The rights and duties of employers and workers with regard to safe and healthy working conditions, and the measures for ensuring occupational safety and health;
- The bodies competent for occupational safety and health;
- That executive regulations in the area of occupational safety and health shall be issued by the minister responsible for labour and the minister to whose responsibility the executive regulation relates;
- That detailed safety measures shall be determined by employers in compliance with this Act and other regulations.

261. The provisions of the Act are applicable to all activities and to all persons who under the regulations on pension and disability insurance and health insurance are insured against injury at work and occupational diseases, as well as to all other persons involved in the working process. However, where the provisions of the Act do not apply in those activities or parts of activities where the provision of occupational safety and health is governed by special regulations (article 2 of ZVZD). Under the law it is the Slovene National Assembly that adopts the National Programme of Occupational Safety and Health, which serves to determine the development strategy for the area of occupational safety and health, and whose purpose is to protect the life, health and work capacity of workers, and to prevent injuries at work, occupational diseases and illness caused by or linked to work. The Government of Slovenia drafts the proposed national programme in consultation with professional circles, employers' organizations and trade unions (article 4 of ZVZD).

262. As part of the fundamental principles the Act provides that employers shall ensure the safety and health of workers at the workplace. To this end, employers must carry out the measures necessary to ensure the safety and health of workers, including prevention of danger at work, informing and training workers, through appropriate organization and the necessary material means. Employers are bound to take such preventive measures and to select such working and production methods as will ensure a greater degree of occupational safety and health with regard to all their activities and at all organizational levels. The obligations of employers in the area of occupational safety and health do not affect the principle of employer liability.

263. In taking occupational safety and health measures employers must incorporate the following fundamental principles:

- The need to avoid risks;
- Assessment of risks that cannot be avoided;
- Controlling risks at their source;
- Adapting work to individuals through appropriate arrangement of the workplace and working environment, selection of working equipment and work and production methods;
- Ensuring measures for maintaining and enhancing health;
- Adapting to technical advances;
- Replacing what is dangerous with what is not or less dangerous;
- Developing a comprehensive safety policy that includes technology, work organization, working conditions, interpersonal relations and working environment factors;
- Giving priority to general safety measures over special measures;
- Giving proper instruction and information to workers.

264. Workers must observe and carry out measures for ensuring occupational safety and health, and must perform work with sufficient care to protect their own life and health and the life and health of others. Workers must also use safety apparatus and means, and personal protection equipment at work in compliance with the purpose thereof, treat such equipment with care and ensure that it is faultless.

265. On issues of occupational safety and health, employers and workers or their representatives must keep each other informed, consult jointly and take joint decisions in compliance with this Act and the regulations on participation of workers in management.

266. Ensuring occupational safety and health may not cause any financial obligation for workers, nor may the health consequences of performing work affect workers' pay or impinge upon the material and social position gained through work. The measures taken by employers with regard to occupational safety and health may not cause any financial obligation for workers.

267. Employers, employers' associations, insurance companies and institutes in the area of health insurance and pension and disability insurance cooperate in planning joint activities to achieve the highest level of occupational safety and health, as well as the general development of a safety culture, and provide the necessary means for this purpose in compliance with the Act. Legal and natural persons involved in ensuring occupational safety and health as well as universities and other educational institutions also cooperate in planning the aforementioned joint activities.

268. The aforementioned National Programme of Occupational Safety and Health is currently being drawn up. It is expected to be completed and adopted in 2003. The development strategy for the area of occupational safety and health pursues an orientation leading not just to the provision of new jobs but also to ensuring better jobs. This means creating a safe and healthy as well as a stimulating working environment, and especially controlling the existing and newly emerging factors of risk. Programmes must therefore be orientated towards assessing the impact of work on workers' health and vice versa, in other words the impact of workers' health on work and jobs.

269. Given the common responsibility for occupational safety and health, the strategy in this area must focus both on the consistent implementation of the regulations governing this area and on measures that will encourage employers to ensure better working conditions than those required as a minimum by regulations. This goal may be achieved through the conviction that "good health and safety is good business".

270. The main objectives of the National Programme are as follows:

- Reducing the number of injuries at work, occupational diseases and illnesses linked to work;
- Developing a preventive infrastructure and promoting a preventive culture;
- Creating mechanisms for linking the two main areas and other areas for coherent and coordinated socio-economic development.

## **2. Inspection oversight**

271. Inspection oversight of the implementation of laws, other regulations, collective agreements and general acts regulating occupational safety and health is performed by the labour inspectorate.

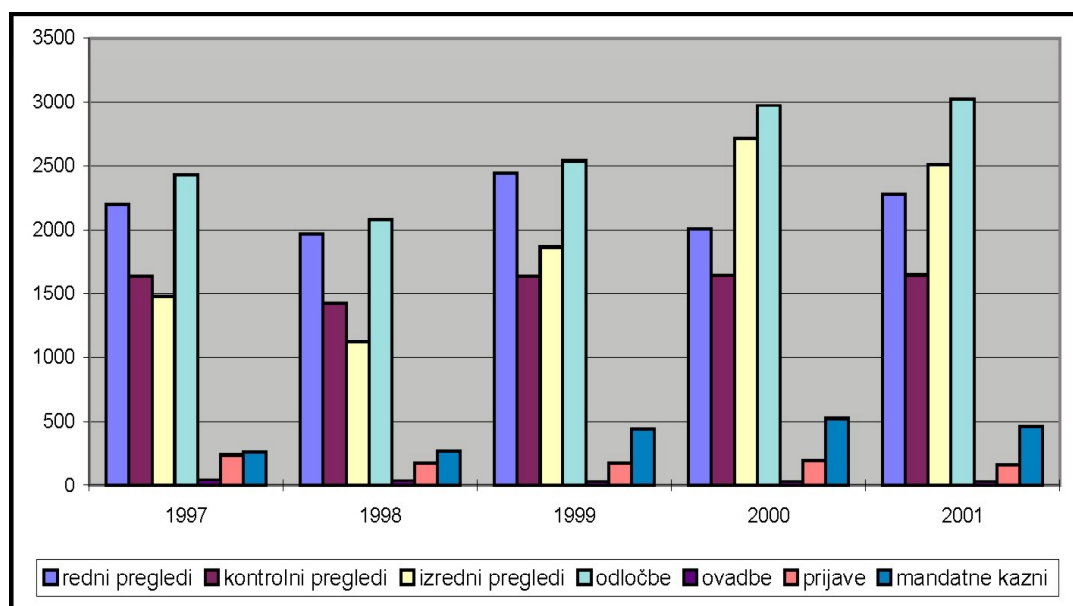
272. The Labour Inspectorate of the Republic of Slovenia is an administrative body within the Ministry of Labour, Family and Social Affairs. The area of work of administrative bodies is indirectly provided for in the Organization and Competence of Ministries Act (Ur. l. RS, 71/94; 71/94) and the Administration Act (Ur. l. RS, 67/94 - chapter on carrying out oversight and the powers of inspectors, and 20/95). The Labour Inspection Act (Ur. l. RS, 38/94 and 32/97) sets out directly the powers and forms of operation of this administrative body.

273. In the area of occupational safety, inspection oversight is performed on the basis of the Labour Inspection Act (Ur. l. RS, 38/94 and 32/97) and the Occupational Health and Safety Act (Ur. l. RS, 56/99; 64/2001), implementing regulations in this area, technical regulations and safety standards.

274. Overseeing the area of occupational safety and health covers direct checking of buildings, inspection of working conditions in premises and work sites, the appropriateness of the means for work (machines and tools) and for personal safety, the conducting or absence of medical examinations, microclimatic conditions, safe work in view of the special nature of the activity and so forth.

**Graph 1**

**Extent of work performed by the Labour Inspectorate in the area of occupational safety and health in the period from 1997 to 2001**



*Source:* Labour Inspectorate.

*Legend:* regular inspections/checks/special inspections/decisions/prosecution sought/reports/mandatory penalties.



**(a) Inspection oversight in the area of occupational safety and health for 1999**

275. In 1999 a total of 145,395 commercial premises were inspected, approximately 5,000 more than in 1998. A total of 5,957 inspections were conducted, representing 1,443 more inspections than in 1998 and 641 more than in 1997. Inspectors also investigated 20 fatal, 399 serious and 9 collective accidents at work, and 8 dangerous occurrences that did not result in any injury but caused major material damage and/or threatened the life and health of workers at work. In connection with established violations of valid legislation, criminal information was referred to the Public Prosecutor in 33 cases, and 173 cases were reported to the misdemeanours judges. A total of 449 on-the-spot mandatory penalties were imposed.

**Table 48****Inspections by inspectors in the area of occupational safety and health**

Regular inspections			Checks			Special inspections		
1998	1999	Growth index <u>1999</u> 1998	1998	1999	Growth index <u>1999</u> 1998	1998	1999	Growth index <u>1999</u> 1998
1 971	2 446	124.1	1 424	1 643	115.4	1 119	1 868	166.9

Source: Labour Inspectorate.

**Table 49****Accidents at work and dangerous occurrences**

Fatal			Serious			Collective			Dangerous occurrences		
1998	1999	Index <u>1999</u> 1998	1998	1999	Index <u>1999</u> 1998	1998	1999	Index <u>1999</u> 1998	1998	1999	Index <u>1999</u> 1998
15	20	133.3	361	399	110.5	13	9	69	15	8	53

Source: Labour Inspectorate.

**Table 50****Decisions, prosecutions sought, reports made and mandatory penalties**

Decisions			Referred to public prosecutor			Reported to misdemeanours judges			Mandatory penalties		
1998	1999	Index <u>1999</u> 1998	1998	1999	Index <u>1999</u> 1998	1998	1999	Index <u>1999</u> 1998	1998	1999	Index <u>1999</u> 1998
2 083	2 538	121.8	37	33	89	174	173	99	265	449	169.4

Source: Labour Inspectorate.

**(b) Inspection oversight in the area of occupational safety and health for 2000**

276. In 2000 a total of 6,373 inspections were carried out in the area of occupational safety and health, of which 2,007 were regular, 1,648 were checks and 2,718 were special inspections.

277. In 2000 there were a total of 1,609 written regulatory decisions issued on the basis of regular inspections. There were 1,648 checks carried out to determine whether the measures laid down in decisions had been effected. Under special inspections, a total of 1,044 inspections were conducted just in the specified area of ensuring occupational safety and health, inspections regarding night work of women, and inspections on the basis of a worker's complaint, and 1,674 inspections were carried out in connection with planned actions. On the basis of the findings from special inspections, 1,216 regulatory decisions were issued.

278. In the first instance, in other words regular inspections, checks and special inspections, and regulatory decisions issued on the basis thereof, a total of 9,346 procedures were carried out in the area of occupational safety and health.

**Table 51****Inspections for 1999 and 2000**

Regular inspections			Checks			Special inspections		
1999	2000	Growth index <u>2000</u> 1999	2000	1999	Growth index <u>2000</u> 1999	1999	2000	Growth index <u>2000</u> 1999
2 446	2 007	82.1	1 643	1 648	100.3	1 868	2 718	145.5

Source: Labour Inspectorate.

**Table 52****Decisions, prosecutions sought, reports to misdemeanours judges and mandatory penalties**

Decisions			Referred to public prosecutor			Reported to misdemeanours judges			Mandatory penalties		
1999	2000	Index <u>2000</u> 1999	1999	2000	Index <u>2000</u> 1999	1999	2000	Index <u>2000</u> 1999	1999	2000	Index <u>2000</u> 1999
2 538	2 973	117.2	33	34	103.1	173	193	111.6	449	528	117.6

Source: Labour Inspectorate.

279. In 2000 investigations were conducted into 498 accidents at work that were reported as serious. A total of 30 criminal referrals were made against responsible persons to the competent State prosecutor regarding deficiencies and irregularities, 91 reports were made to

the misdemeanours judges and a total of 36 regulatory decisions were issued. In 2000 there were 16 accidents in which 19 people died. During the regular performance of work a further 5 people died in traffic accidents, and 1 on his way to work. The main reasons for fatal accidents are therefore: crushing by means of transport, carbon monoxide poisoning, falls from a height, electric shock, flying debris and unsafe roofing, with the resulting long fall.

**(c) Inspection oversight in the area of occupational safety and health for 2001**

280. In 2001 a total of 6,437 inspections were carried out in the area of occupational safety and health. Of this, 2,276 were regular inspections, covering inspection of the overall state of affairs in the area of occupational safety and health at specific sites. A total of 1,651 checks were made to verify whether the arrangements required in regulatory decisions had been effected. A total of 2,510 special inspections were conducted just for the specific area of ensuring occupational safety and health, such as inspections as part of specially organized actions, inspections regarding women's night work or inspections based on a worker's or other person's complaint.

**Table 53**

**Inspections for 2000 and 2001 - growth/fall index for  
number of inspections performed in 2000 and 2001**

	Regular inspections	Checks	Special inspections
2000	2 007	1 648	2 718
2001	2 276	1 651	2 510
Growth index 2000/2001	113.4	100.2	92.3

*Source:* Labour Inspectorate.

**Table 54**

**Decisions, prosecutions sought, reports to misdemeanours  
judges and mandatory penalties**

	Decisions	Referred to State prosecutor	Reported to misdemeanours judges	Mandatory penalties
2000	2 973	34	193	528
2001	3 028	29	161	465
Growth index 2000/2001	101.9	85.3	83.4	88.1

*Source:* Labour Inspectorate.

281. In 2001 there were a total of 25,176 accidents at work in Slovenia. Of this there were a total of 21,484 accidents directly at work and travelling on business during working hours, while all the others were accidents on the way to or from work.

282. In 2001 a total of 406 serious accidents at work were reported, along with 6 collective accidents described by employers as serious. Accidents at work occurring in activities falling within the competence of the labour inspectors claimed 19 lives. This is the same number as in the preceding year.

#### **D. Equal promotion opportunities**

283. Article 6, paragraph 2, of the Employment Act (Ur. I. RS, 42/2002) also provides that women and men must be provided equal opportunities and equal treatment in employment and promotion, as well as in training, education, retraining, wages and other remuneration from employment, absence from work, working conditions, working hours and cancellation of employment contracts. The same article of the Act prohibits both direct and indirect discrimination based on gender, race, age, state of health or disability, religious or other conviction, sexual orientation, or national origin.

#### **E. Breaks, daily and weekly rest periods, working hours and paid leave**

##### **1. Breaks, daily and weekly rest periods**

284. With regard to breaks during working hours the Employment Act (Ur. I. RS, 42/2002) provides that during the working day, workers who work full time have the right to a break of 30 minutes. Workers who work part time, but at least 4 hours a day, have the right to a break during the working day in proportion to the time spent at work. The time of the break during the working day is counted towards the hours spent at work (article 154 of ZDR).

285. The Act also guarantees rest between two working days in succession, and provides that in a period of 24 hours workers have the right to rest lasting for at least 12 uninterrupted hours. Workers whose hours are not evenly apportioned or are temporarily re-assigned have the right in a 24-hour period to rest for at least 11 uninterrupted hours (article 155 of ZDR).

286. Regarding weekly rest the Act provides that in a period of 7 days in succession, in addition to the daily rest workers have the right to a weekly rest period of at least 24 uninterrupted hours. If, for objective, technical and organizational reasons workers must work on a weekly rest day, they must be ensured a weekly rest on some other day in the week (article 156 of ZDR).

##### **2. Working hours and overtime**

287. Article 142 of the Employment Act (Ur. I. RS, 42/2002) provides that full working hours may not exceed 40 hours a week. A law or collective agreement may provide for full-time work as amounting to less than 40 hours a week, but no less than 36 hours a week.

288. With regard to overtime, article 143 of the Act provides that at the request of employers, workers are bound to perform work beyond the full working hours, in other words overtime:

- In cases of exceptionally increased workload;
- If the continuation of the work or production process is needed to prevent material damage or danger to people's life and health;

- If the work is urgently needed to avert breakdowns in the means of work that might cause a suspension of work;
- If the work is necessary to ensure the safety of people and property as well as the safety of traffic;
- In other exceptional, urgent and unforeseen cases provided by law or a collective agreement on the level of the commercial activity.

289. Overtime may last a maximum of 8 hours a week, at the most 20 hours a month and no more than 180 hours a year. The working day may last a maximum of 10 hours. Daily, weekly and monthly time limitations may be taken as the average limitation in the period provided by law or collective agreement, and may not be longer than six months. Overtime may not be introduced if the work can be done during the regular working hours through appropriate organization and division of labour, the allocation of working hours through the introduction of new shifts or by employing new workers.

290. The Act also envisages the possibility of additional work in cases of natural or other disasters. In the event of natural or other disasters, or when such disasters are imminent, workers are bound to perform their work beyond the full or agreed part-time hours at their places of work, or other work in connection with eliminating or preventing the consequences. Such work may last for as long as is necessary to save human life, protect people's health or prevent material damage (article 144 of ZDR).

291. Special protection in the event of overtime work (overtime and additional work in the event of natural or other disaster) is enjoyed by certain categories of workers. Article 145 of the Act stipulates that employers may not introduce overtime work for:

- Female workers in order to protect pregnancy and parenthood;
- Older workers;
- Workers who are not yet 18 years old;
- Workers whose state of health would, on the basis of the opinion of a medical committee, deteriorate owing to such work;
- Workers who perform a full work schedule of less than 36 hours a week owing to the nature of work at the workplace, where there exists a major hazard of injury or health problem;
- Workers who work part time in compliance with the regulations on pension and disability insurance, the regulations on health insurance or other regulations.

### **3. Periodic holidays with pay**

292. Workers acquire the right to full annual leave, when they have been employed for an uninterrupted period of no less than six months, irrespective of whether they are full-time or part-time workers.

293. Article 156 of the Employment Act (Ur. l. RS, 42/2002) provides that workers have the right to annual leave in an individual calendar year that cannot be shorter than four weeks, irrespective of whether they work full time or part time. The minimum number of days of annual leave for workers depends on the allocation of working days in the week for the individual worker. Older workers, persons with disability, workers with at least 60 per cent physical disability and workers caring for children with physical or mental disturbance have the right to at least three additional days of annual leave. Workers have the right to one additional day of annual leave for each child under 15 years old.

294. Any statement whereby a worker might relinquish the right to annual leave is invalid. The same applies to any agreement whereby workers and employers agree on compensation for unused annual leave, except in the case of termination of employment.

295. In compliance with the Act, in cases of absence from work on annual leave, employers are bound to pay workers a supplement (article 137 of ZDR) in the amount of the workers' average monthly wage from the last three months, or from the period of work in the last three months. If, in the entire period of the last three months, a worker has not received at least one monthly wage, he is paid a supplement in the amount of the minimum wage.

### **4. Remuneration for public holidays**

296. Under article 137 of the Employment Act (Ur. l. RS, 42/2002) there is also a provision whereby employers are bound to pay workers remuneration for legally established public and bank holidays.

297. The issue of national holidays and the related question of days off work are regulated by the Public Holidays and Non-Work Days in the Republic of Slovenia Act (Ur. l. RS/I, 26/91). Under this Act, the national holidays that are deemed to be non-work days are as follows:

- 1 and 2 January (New Year),
- 8 February (Prešeren Day, Slovenia's cultural holiday),
- 27 April (day of uprising against the occupation),
- 1 and 2 May (May Day),
- 25 June (National Day),
- 1 November (Day of the Dead),
- 26 December (Independence Day).

298. There are also non-work days on:

- Easter Sunday and Monday (Easter),
- Whit Sunday (Whitsuntide),
- 15 August (Feast of the Assumption),
- 31 October (Reformation Day),
- 25 December (Christmas) (article 2 of ZPDPD).

## **Article 8**

### **Free trade unions**

#### **A. Constitutional and legislative aspects**

299. In compliance with article 8 of the Constitution, laws and other regulations must comply with the generally accepted principles of international law and treaties that are binding on Slovenia. Ratified and published treaties are applied directly.

300. The treaties that Slovenia has ratified and whose content embrace the right to form and join free trade unions are as follows:

- European Convention for the Protection of Human Rights and Fundamental Freedoms (Ur. l. RS-MP, 1/1994; RS 2/1994);
- European Social Charter (amended) (Ur. l. RS-MP, 7/99; RS 24/99);
- International Covenant on Civil and Political Rights (Ur. l. SFRJ, 7/71);
- ILO Convention No. 87 on Freedom of Association and Protection of the Right to Organise (Ur. l. FLRJ-MP, 9/58; Ur. l. RS, 15/92);
- ILO Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively (Ur. l. SFRJ-MP, 11/58; Ur. l. RS, 15/92);
- ILO Convention No. 135 concerning the Protection and Facilities to be Afforded to Workers' Representatives in the Undertaking (Ur. l. SFRJ, 14/82; Ur. l. RS, 15/92).

### **1. Constitution of the Republic of Slovenia**

301. Article 42 of the Constitution (the Right of Assembly and Association) provides that everyone has the right of peaceful assembly and public meeting, as well as of free association with others; however, under the Constitution members of the defence forces and police may not be members of political parties. Legal restrictions on the right of assembly and association are permitted, but only inasmuch as this is required by national security or public safety, and by protection from the spread of infectious diseases.

302. In the chapter on economic and social relations, the Constitution sets out in detail the right to association, with article 76 thereof (Freedom of Trade Unions) guaranteeing the freedom to establish, operate and join trade unions.

303. The right to strike is recognized in Slovenia as a constitutional right. The Constitution regulates the right to strike in the chapter on economic and social relations, and provides that workers have the right to strike. The right to strike may be restricted by law, with due consideration given to the type and nature of the activity involved, where this is required by the public interest (article 77 of the Constitution).

## **2. Legislative framework**

304. The main legal Acts by means of which Slovenia regulates the right to establish, operate and join trade unions are as follows:

- Employment Act (Ur. l. RS, 42/2002);
- Representativeness of Trade Unions Act (Ur. l. RS, 13/93);
- Strike Act (Ur. l. SFRJ, 23/91; Ur. l. RS, 17/91; 66/93).

### **B. Establishing, operating and joining trade unions**

#### **1. Establishing and operating trade unions**

305. The issue of trade union freedom, in terms of establishing and operating trade unions, is regulated on the legislative level by the Employment Act (Ur. l. RS, 42/2002) and the Representativeness of Trade Unions Act (Ur. l. RS, 13/93). This issue is additionally regulated by the two types of collective agreements of general validity - sectoral collective agreements and collective agreements for specific professions.

##### **(a) Representativeness of Trade Unions Act**

306. Trade unions are established at what are termed founding meetings, where the union members adopt the union's statutes or other basic act, on the basis of which the union is established. In order to facilitate legal transactions it is important for the operation of unions that they acquire the status of a legal person. Acquiring the status of legal person is regulated by the Representativeness of Trade Unions Act (Ur. l. RS, 13/93), which provides that a trade union becomes a legal person on the day of issue of a decision depositing the statutes or other basic act.

307. The statutes of trade unions for the territory of municipalities or wider local communities, and of unions in companies, institutes and other organizations and at employers and State bodies, municipality bodies and wider local communities are kept by the administrative bodies competent in the first instance for the area of labour. Union statutes for the territory of the State, for several municipalities or wider local communities, branches, activities and trades are kept by the ministry responsible for labour (Ministry of Labour, Family and Social Affairs).



308. The procedure for depositing the statutes begins at the request of the authorized officer of the trade union. A request for depositing the statutes must include the minutes of the founding meeting and the statutes for which depositing is requested. Decisions on depositing are issued by the minister responsible for labour, or the head of the administrative body competent in the first instance for the area of labour respectively, no later than eight days from receipt of such request.

309. In Slovenia, there are currently just over 10,000 trade unions with the status of legal person, of which 154 have obtained the status of legal person on the basis of a decision issued by the minister responsible for labour, including 23 unions that are currently representative of the national territory (6 associations and confederations, the remainder being unions of various sectoral activities and trades).

**(b) Employment Act**

310. In the chapter on the functioning and protection of union organizers, the Employment Act (Ur. l. RS, No. 42/2002) provides regarding the obligations of employers to unions that employers must ensure for unions the conditions for rapid and effective performance of union activities, in compliance with the valid regulations with which the rights and interests of workers are protected, and also that employers are bound to facilitate access for unions to the data necessary for performing union activities.

**(c) Collective agreements**

311. In addition to the aforementioned laws, the area of operating trade unions is also regulated by the two collective agreements of general validity in Slovenia, and various sectoral collective agreements and collective agreements for specific professions.

312. The General Collective Agreement for the Commercial Sector (Ur. l. RS, 40/97, 64/2000) provides that a collective agreement may not encroach upon the free establishing and operation of unions at the workplace or upon the rights of unions in compliance with their role and assignments to offer initiatives, proposals, views and requests to the competent authorities. Employers are therefore bound to ensure for unions cooperation in all procedures of decision-making on the rights, duties and responsibilities of workers deriving from employment, whereby they must also ensure free access by external union representatives to the unions organized in their businesses, on the basis of prior notification, free dissemination of union information and distribution of union publications.

313. Article 40 of the General Collective Agreement for the Commercial Sector lays down the material conditions for union work as follows:

(1) A collective agreement at the employer, or an agreement on ensuring the conditions for union work between unions and employers, shall lay down the material conditions for trade union work;

(2) Unless otherwise provided by the agreement, the following shall be provided for the work of unions:

- One paid hour annually per union member at the employer, but no less than 30 hours annually if there are up to 20 employees and no less than 60 hours if there are more than 20 employees, and one half hour for each of the remaining employees for the performance of union duties. This number of hours shall not include the participation of union organizers in central union bodies and in bodies of unions covering a business sector (activity) on higher levels. The unions and management body shall agree on the framework arrangements for the use of a specified number of hours for the work of union organizers. In this they shall take into account the needs and interests of the union members and the requirements of the work process;
- The spatial requirements for the work of unions, their bodies and union organizers;
- Technical implementation of the calculation and payment of union membership fees for union members;
- Three paid working days annually for the training of union organizers, but the total number of these hours may not exceed a third of the hours from the first indent.

(3) The number of union organizers at an employer shall be determined by the union in compliance with their statutes or rules and their agreement;

(4) Agreements may envisage the convening of meetings of members at most twice a year during working hours;

(5) Irrespective of the material conditions provided for union work pursuant to this article, an employer and the representative union at such employer may agree that for the time the professional function is performed, union organizers shall be paid a salary of at least as much as they received prior to the start of performing such function.

314. The Collective Agreement for the Non-commercial Sector in the Republic of Slovenia (Ur. l. RS/I, 18/91; Ur. RS, 23/2001) ensures that collective agreements cannot encroach upon the rights, duties and responsibilities of unions in compliance with their role and assignments to operate in a public institution, and offer initiatives, proposals, views and requests to the competent bodies. In the same way, the operation of unions may not be restricted through decisions of the bodies in an institution. The director, authorized staff and professional services provide for unions information on all issues about which management bodies and authorized staff make decisions and which relate to the socio-economic and working status, and the rights, duties and responsibilities of workers deriving from work and employment in public institutions, organizations and bodies that are financed chiefly from public funds, as well as information on each and every person's salary. The director and professional services must also enable the union to participate in all procedures of decision-making on the rights, duties and responsibilities of workers deriving from employment.

315. The Collective Agreement for Non-commercial Sector in the Republic of Slovenia further provides that the following must be provided for the work of unions:

- For union organizers at least 1 paid hour annually for each worker in the institution, but no less than 50 hours for the performance of union functions and for participating in the work of the union body outside the institution. This number of hours shall not include the participation of union organizers in central union bodies (associations) and in bodies of unions covering a business sector (activity). Irrespective of the number of union organizers, the total number of paid hours for their union work (that is, for the work of all organizers together) may not be less than the number of workers in the institutions, and no less than 50 hours annually. The union and director of the institution shall agree on the framework arrangements for the use of the specified number of hours for the work of a union organizer. In this they shall take into account the needs and interests of the union members and the requirements of the work process. The work obligations or norms for union organizers shall be reduced, or their increased workload shall be paid separately as work in the regular working hours;
- Free access by external union representatives to the institution on the basis of prior notification;
- Free dissemination of union information and distribution of union publications;
- Professional help and other conditions (premises, technical and administrative work etc.) for the work of unions, their bodies and union organizers;
- Technical implementation of the calculation and payment of union membership fees for union members.

316. In connection with the above, the director and unions make an agreement on ensuring the conditions for union work.

## **2. Joining unions**

317. Trade union freedom is guaranteed in the Constitution, article 76 of which provides that everyone is free to establish, operate or join unions. This constitutional provision therefore embraces:

- Positive union freedom, meaning the guaranteed right of individuals to become members of unions by their own choice; and
- Negative union freedom, which covers the right of each individual who otherwise fulfils the conditions for joining to decide for himself freely whether or not to join a union.

### **3. Functioning and protection of union organizers**

318. The functioning and protection of union organizers is regulated on the legislative level by the Employment Act (Ur. l. RS, 42/2002), supplemented by the two collective agreements of general validity.

#### **(a) Employment Act**

319. In connection with union organizers the Employment Act (Ur. l. RS, 42/2002) provides that a union with members employed at a specific employer may appoint or elect a union organizer who will represent the union with the employer. If an organizer is not appointed, the union is represented by its president. The union must inform the employer of the appointment or election of union organizers. Union organizers have the right to ensure and protect the rights and interests of union members at the employer, but they must carry out their union activities at a time and in a manner that does not reduce the efficiency of the employer's business operation.

320. Regarding the protection of union organizers and union membership fees, the Act sets out that the number of union organizers who enjoy protection in compliance with article 113<sup>2</sup> of this Act may be determined in compliance with the criteria agreed in the collective agreement or between the employer and union. The wages of such union organizers may not be reduced, nor may they be subjected to disciplinary or damages procedures or in any other way placed in a less favourable or subordinated position.

321. With respect to the protection of union organizers in the event of a change of employer, the Act further provides that union organizers maintain their status if there exist with the employer taking over the business the conditions for their appointment in compliance with a collective agreement. Union organizers whose mandates are terminated owing to a transfer continue to enjoy protection in compliance with the preceding paragraph for one year after termination of their function.

#### **(b) Collective agreements**

322. The General Collective Agreement for the Commercial Sector (Ur. l. RS, 40/97, 64/2000) deals especially with the immunity of union organizers, and in article 41 provides that:

- (1) Union organizers enjoy immunity for their union activities;
- (2) In relation to their union activities, if they act in compliance with the valid laws, collective agreements and general acts, union organizers may not be reassigned to another job or to another employer, or made redundant, without the consent of the union;
- (3) Under the conditions from the second paragraph, the wages of union organizers may not be reduced without the consent of the union, nor may they be subjected to disciplinary or damages procedures, or in any other way placed in a less favourable or subordinated position;

- (4) The deadline within which the union must indicate its consent is eight days. If within this deadline it has given no indication, it shall be deemed to have consented;
- (5) If the union has not granted its consent, the employer may initiate a conciliation process. The burden of proof is on the employer;
- (6) Conciliation may also be initiated by the union, in the event that it believes the union organizer has been mistreated owing to union activities;
- (7) In respect of conciliation, the provisions on conciliation in the procedure for determining surplus workers at an employer shall be applied *mutatis mutandis*;
- (8) The immunity of union organizers from this article shall last a further nine months after the termination of their function as union organizers;
- (9) Pursuant to this article, union organizers shall also mean the officials of unions and union headquarters (presidents of regional and national union committees, presidents of regional unions) that are employed at an employer and perform their function non-professionally.

323. The Collective Agreement for the Non-commercial Sector in the Republic of Slovenia (KPND, Ur. l. RS/I, 18/91; Ur. l. RS, 23/2001) guarantees for union organizers the enjoyment of rights deriving from the Employment Act for a further two years after the termination of their function (article 20 of KPND), and in respect of wages, it provides that during the performance of their function, union organizers are eligible to wages in the amount they received prior to the start of their union function (article 45 of KPND).

#### **4. Linking unions on the national and international level**

324. Article 8 of the Representativeness of Trade Unions Act (Ur. l. RS, 13/93) provides that on the fulfilment of the basic conditions for the representativeness of unions, which:

- are democratic and exercise freedom of joining unions, of their operation and fulfilment of members' rights and obligations;
- have operated uninterruptedly for at least the last six months;
- are independent of State bodies and employers;
- are financed chiefly from membership fees and other sources of their own;
- have a set number of members;

those associations or confederations of unions in which unions from different branches, activities and trades are linked together, and in which at least 10 per cent of the workers of an individual branch, activity or trade have become members, shall be determined as representative for the national territory.

325. In Slovenia there are currently six representative associations:

- The Association of Free Trade Unions of Slovenia;<sup>3</sup>
- The Confederation of New Trade Unions of Slovenia - *NEODVISNOST* (INDEPENDENCE);
- The Confederation of Trade Unions '90 of Slovenia;
- PERGAM - Confederation of Trade Unions Pergam of Slovenia;<sup>4</sup>
- ALTERNATIVA - the Slovene Union of Trade Unions;
- The Union of Workers - *SOLIDARNOST* (SOLIDARITY<sup>5</sup>).

Regarding international links, the legislation makes no special provision, but here direct application is made of the guaranteed right to freedom of association.

## **5. Armed forces, police and State administration**

326. Article 76 of the Constitution provides for the freedom to form, operate and join unions. Although it explicitly addresses only unions, this constitutional provision also relates to employers' organizations.

### **(a) Employees in State bodies**

327. The State Employees Act (ZDDO, Ur. l. RS, 15/90), which relates to employees in the State administration, provides that unions in State bodies have a status as provided in the Employment Act (Ur. l. RS, 42/2002), and that for the functioning of unions, exactly the same conditions must be provided as are set out in the collective agreement for the operation of unions in the non-commercial sector.

### **(b) Members of the armed forces and police**

328. With respect to the formation and operation of unions for members of the armed forces and the police, the sectoral legislation (the Defence Act (Ur. l. RS, 82/94) and the Police Act (Ur. l. RS, 49/98)) does not envisage any restrictions.

## **C. Representativeness of unions**

329. The representativeness of unions and the criteria for being representative are regulated by the Representativeness of Trade Unions Act (ZRSin, Ur. l. RS, 13/93).

330. This Act provides that the quality of being a representative union is acquired by those unions that:

- are democratic and exercise freedom of joining unions, of their operation and fulfilment of members' rights and obligation;

- have been operating uninterruptedly for at least the last six months;
- are independent of State bodies and employers;
- are financed chiefly from membership fees and other sources of their own;
- have a set number of members in compliance with the provisions of this Act (a union demonstrates the number of its members on the basis of signed joining declarations from its members).

331. Under the above conditions, those associations or confederations of unions in which unions from different branches, activities and trades are linked together, and in which at least 10 per cent of the workers of an individual branch, activity or trade have become members, are determined to be representative for the national territory.

332. In a branch, activity, trade, municipality or wider local community, or in an organization, those unions are representative that are united into an association or confederation of unions that is representative of the national territory. Irrespective of the provision of the preceding paragraph, in a branch, activity, trade, municipality or wider local community, unions are representative when they are not members of an association or confederation if they fulfil the conditions laid down by the Act (ZRSin) and if at least 15 per cent of the workers of an individual branch, activity, trade, municipality or wider local community are members. Under these conditions, unions in organizations are also representative.

333. Official decisions are issued regarding representativeness. Decisions on the representativeness of associations, confederations of unions and unions in a branch, activity or trade are issued for the national territory by the minister responsible for labour. Representativeness within companies or public institutions is recognized by the employer under the conditions laid down in the Act.

334. Judicial protection is ensured for disputes in connection with decisions on union representativeness in proceedings at the labour and social courts. The labour courts, whose jurisdiction and organization are regulated by the Labour and Social Courts Act (Ur. l. RS, 19/94, 20/98, 42/02, 63/03), are empowered to rule in collective labour disputes in connection with decisions on union representativeness.

335. The powers of representative unions are as follows:

- Concluding collective agreements with general validity;
- Participating in bodies that decide on issues of workers' economic and social security;
- Nominating worker candidates to participate in management, in compliance with the special regulations of the Worker Participation in Management Act (Ur. l. RS, 42/93, 61/2000, 56/2001).

#### **D. The right to strike**

336. The Constitution recognizes the right to strike as a constitutional right and regulates it as such in the chapter on economic and social relations. Article 77 of the Constitution (Right to strike) provides that workers have the right to strike. The right to strike may be restricted by law, with due consideration given to the type and nature of the activity involved, where this is required by public interest.

337. The legal acts that regulate and restrict the right to strike are as follows:

- Strike Act (Ur. l. SFRJ, 23/91; Ur. l. RS, 17/91; 66/93);
- Defence Act (Ur. l. RS, 82/94; 33/2000);
- Police Act (Ur. l. RS, 49/98; 66/98);
- Enforcement of Penal Sanctions Act (Ur. l. SRS, 17/78; Ur. l. RS, 12/92);
- Health Services Act (Ur. l. RS; 9/92; 36/2000);
- Aviation Act (Ur. l. SFRJ, 45/86; Ur. l. RS, 13/93; 18/2001);
- Customs Service Act (Ur. l. RS, 56/99; 56/99);
- Railway Transport Act (Ur. l. RS, 92/99).

##### **1. Legal regulation of the right to strike**

338. On the legislative level the right to strike is regulated by the Strike Act (Ur. l. SFRJ, 23/91; Ur. l. RS, 17/91; 66/93).

##### **(a) General**

339. The law defines a strike as an organized suspension of work by workers for the fulfilment of economic and social rights and interests deriving from work, and workers have the right to choose freely whether or not to participate in a strike.

340. Strikes may be organized at an employer, in an industrial branch, an activity or as a general strike. Strikes may be organized also in a part of an organization - plant or department - and not only in a company or an organization as a whole.

341. The decision for workers to take industrial action at an employer is taken by the official union body at the employer, the decision for workers in a branch or activity to take such action is taken by the union body of the relevant branch or activity, and the decision on a general strike of workers is taken by the highest body of unions in the country. A decision to take industrial action may also be taken by a majority of workers at an employer. The decision to go on strike also defines the strike committee, which represents the interests of workers and leads the strike on their behalf.



342. The strike committee must announce the strike at least five days prior to the day set for the start of strike action, by sending the decision to begin strike action to the employer. Decisions on the start of strike action in a branch or activity, and of general strikes, must be sent to the competent body of the chamber of commerce or professional association. It is envisaged that at the time of the announcement of the strike and during it, the strike committee and representatives of the bodies against whom strike action is announced will strive to resolve the dispute by mutual agreement.

343. A strike is ended through the agreement of the subjects that took the decision to begin strike action and the bodies to which such a decision was sent, or through a decision of the union or workers that took the decision to begin strike action.

**(b) Procedural requirements**

344. In compliance with the law, the strike committee must announce a strike at least five days before it is due to begin, and must inform the employer of this. The employer is informed by being sent the decision to initiate strike action, adopted previously by a majority of workers or the union leadership. Decisions on the start of strike action in a branch (activity) and general strikes must also be sent to the competent body of the chamber of commerce or professional association.

345. The decision on strike action sets out:

- Workers' demands;
- The time and place of the strike;
- The strike committee.

346. Strikes must be organized and conducted in such a way that they do not threaten the safety and health of people and property, and that they enable the continuation of work after the strike is ended.

347. In activities that are especially important to society and the State (the police, defence, transport and health) strikes may only be started under conditions that ensure:

- A minimal working process that guarantees the safety of people and property, or that part which is an irreplaceable condition for the life and work of members of the public or for the work of other organizations;
- The fulfilment of international obligations.

In such cases, strikes must be announced 10 days prior to their start, and the decision to take strike action must also contain a statement on the manner of providing the minimal working process.

348. Workers in State bodies can exercise the right to strike on condition that this does not essentially jeopardize the fulfilment of the function of such bodies. In compliance with the law, a general act or a collective agreement sets out the jobs and tasks that must continue to be performed as essential during a strike. In this case a strike is announced to the official in charge of the body, who is sent a decision on the start of strike action and a statement on the manner of performing the aforementioned jobs and tasks no later than seven days prior to the start of the strike.

**(c) Prohibition of negative consequences of participating in a strike**

349. The law provides that the organization of and participation in a strike do not constitute a violation of work obligations, may not serve as the basis for the initiation of procedures for determining the disciplinary or material liability of a worker, and may not have the consequence of a worker's employment being terminated.

350. Workers who participate in a strike exercise their basic rights from employment, except the right to personal income benefit, and they exercise the rights from pension and disability insurance in compliance with the regulations on pension and disability insurance.

351. The law further prohibits employers during a strike from employing new workers to replace workers participating in a legitimate strike. Nor may employers prevent workers from taking part in a strike, or use violent means to end a strike.

**2. Restrictions on the right to strike**

352. In compliance with article 77 of the Constitution, the right to strike may be restricted by law, if this is necessitated by public interest. Regarding the permissibility of restricting the right to strike, the restrictions outlined below are envisaged in individual sectoral acts.

**Defence Act (Ur. l. RS, 82/94)**

353. The Defence Act expressly prohibits military personnel from striking while on active service. Workers who perform administrative and professional tasks in the defence area are required to ensure:

- The unimpeded performance of military and other activities linked to the fulfilment of the fundamental duties of citizens, commercial companies, public institutions and other organizations in the defence area; and the unimpeded performance of civil defence tasks;
- The uninterrupted readiness to take action for preparedness, courier services and mobilization;
- The uninterrupted functioning of duty services, IT and telecommunications systems;
- The unimpeded and uninterrupted performance of all tasks and assignments linked to material and health provision for the forces, the maintenance of means, facilities and equipment, transport and storage for military needs.

354. Military personnel and workers who perform administrative and professional tasks in the defence area do not have the right to strike, if there exists an imminent danger of an attack on the country, or if a direct military threat has arisen, or if a state of emergency or war has been declared, until such state has been cancelled. Strikes are also prohibited in other circumstances if the safety and defence of the State are threatened, and such circumstances have been determined by the Government.

Police Act (Ur. l. RS, 49/98)

355. The Internal Affairs Act lays down the duties that must be performed during strikes by authorized official personnel of internal affairs bodies. During strikes, police officers are bound to perform the following tasks:

- Protection of life and the personal safety of people and property;
- Prevention, detection and investigation of crimes;
- Detection and apprehension of the perpetrators of crimes and other wanted persons and their surrender to the competent bodies;
- Protection of certain persons, bodies, facilities, areas, workplaces and confidential data of State bodies;
- Maintenance of public order;
- Supervision and regulation of traffic on public roads, and protection of the State border and performance of border controls;
- Performing tasks laid down in the regulations on aliens.

356. Police officers are bound to perform the above tasks punctually, efficiently and in compliance with the instructions of the heads of department, and during strikes, workers employed by the police are bound to ensure the unimpeded performance of the above tasks.

Enforcement of Penal Sanctions Act (Ur. l. SRS, 17/78; Ur. l. RS, 12/92, 22/2000)

357. The Enforcement of Penal Sanctions Act lays down the duties which during a strike authorized persons have in penal correction institutions. During strikes, administration workers must perform all jobs and tasks that ensure the safety and unimpeded functioning of the administration, and guards must also escort and protect detained persons pursuant to court orders.

Health Services Act (Ur. l. RS, 9/92)

358. The Health Services Act provides that during a strike, workers must provide urgent medical assistance, care and attention to patients.

Aviation Act (Ur. I. SFRJ, 45/86; Ur. I. RS, 13/93)

359. Under the Aviation Act, air traffic controllers and other technical personnel must ensure:

- Unimpeded international air traffic;
- Search and rescue in the event of an air crash;
- The safe passage of air traffic.

Customs Service Act (Ur. I. RS, 56/99)

360. Under the Customs Service Act, during a strike authorized official personnel are bound to ensure the unimpeded performance of the following tasks:

- Customs supervision of goods, passengers and means of transport;
- The assignment of customs approved consumption or use of goods, and the calculation or billing of customs duties;
- Inspection of goods whose import or export are especially regulated;
- Control of currency movements in international passenger and local border traffic;
- Prevention and detection of customs violations and other criminal acts committed in the customs procedure;
- Prevention and detection of violations in the export from or import into the State of domestic and foreign currency;
- The conducting of administrative procedures of the first and second instance, and violation procedures of the first instance.

Railway Transport Act (Ur. I. RS 92/99)

361. Article 7 of the Railway Transport Act relates to actions during strikes, and provides that:

- In compliance with the regulations on safety of rail transport, railway workers must during a strike ensure a minimal extent of rail transport services which ensure the safety of people and property and which are indispensable for the work of legal and natural persons, as well as the fulfilment of international obligations. A collective agreement for railway transport activities and an agreement concluded on its basis will determine the elements for making up a timetable and the method of work during a strike;
- During the strike itself, workers must also perform rail transportation services for defence, protection and rescue, and tasks that are necessary for saving human life and property during natural and other disasters.

## **Article 9**

### **The right to social security**

#### **A. Constitutional and legislative aspects**

362. In compliance with article 8 of the Constitution, laws and other regulations must comply with the generally accepted principles of international law and treaties that are binding on Slovenia. Ratified and published treaties are applied directly.

363. The treaties that Slovenia has ratified, and whose content embraces the right to social security, are:

- European Convention for the Protection of Human Rights and Fundamental Freedoms (Ur. l. RS-MP, 1/1994; RS 2/1994);
- Revised European Social Charter (Ur. l. RS-MP, 7/99; RS 24/99);
- International Covenant on Civil and Political Rights (Ur. l. SFRJ, 7/71);
- ILO Convention No. 102 on Social Security (Minimum Standards) (Ur. l. SFRJ-MP, 1/55; Ur. l. RS, 15/92);
- ILO Convention No. 121 on Employment Injury Benefits (Ur. l. SFRJ-MP, 27/70; Ur. l. RS, 15/92);
- ILO Convention No. 103 on Maternity Protection (Ur. l. SFRJ-MP, 9/55; Ur. l. RS 15/92);
- ILO Convention No. 128 on Invalidity, Old-Age and Survivors' Benefits (Ur. l. DFJ, 92/45; Ur. l. RS, 15/92);
- ILO Convention No. 56 on Sickness Insurance (Sea) (Ur. l. FLRJ, 9/61; Ur. l. RS, 15/92);
- ILO Convention No. 25 on Sickness Insurance (Agriculture) (from the Yugoslav People's Assembly Presidium, 12/52; Ur. l. RS, 15/92).

On 20 January 2003 Slovenia signed the European Social Security Code.

#### **1. Constitution of the Republic of Slovenia**

364. In the chapter on human rights and fundamental freedoms the Constitution guarantees the right to social security, and provides that under conditions provided by law, citizens have the right to social security. The State arranges compulsory health, pension, disability and other social insurance, and ensures their functioning (article 50 of the Constitution).

365. Regarding the right to health care, the Constitution states that everyone has the right to health care, under conditions provided by law. It provides the right by law to health care from public funds. No one may be compelled to undergo medical treatment, except in cases provided for by law (article 51 of the Constitution).

## **2. Legislative framework**

366. The main legal acts that regulate the right to social security and associated social insurance in Slovenia are:

- Employment and Insurance against Unemployment Act (ZZZPB, Ur. l. RS-old, 5/91; Ur. l. RS, 12/92, 71/93, 38/94, 69/98, 67/2002);
- Pension and Disability Insurance Act (Ur. l. RS, 106/99, 124/2000, 114/2002);
- Health Care and Health Insurance Act (Ur. l. RS, 9/92, 56/99, 60/2002);
- Parental Protection and Family Benefit Act (Ur. l. RS, 97/2001);
- Social Security Contributions Act (Ur. l. RS, 5/96; 81/2000);
- Social Security Act (Ur. l. RS, 54/92, 42/94 - Constitutional Court decision, 1/99, 41/99, 36/00, 54/00 and 26/01).

## **B. General overview**

### **(a) Legal arrangement of the system of social security**

367. The Employment and Insurance against Unemployment Act regulates insurance against unemployment and the rights deriving from insurance. The main rights from unemployment insurance are the right to cash unemployment benefit and the right to unemployment assistance.

368. The Pension and Disability Insurance Act governs pension and disability insurance. The rights deriving from pension and disability insurance are:

#### The right to pensions:

- old-age pension;
- disability pension;
- widow's pension;
- survivor's pension;
- partial pension;

The disability insurance rights:

- right to occupational rehabilitation;
- right to disability benefit;
- right to transfer and part-time work;
- right to other benefits from disability insurance;
- right to reimbursement of travel expenses;

Additional rights:

- right to attendance allowance;
- right to disability allowance;
- pension care supplement;

Other rights:

- indemnity for widows/widowers;
- widow's/widower's payment;
- right to supplement for recreation or right to a single annual supplement.

369. Health insurance is regulated by the Health Care and Health Insurance Act. Compulsory health insurance covers:

- insurance against sickness and injury outside work;
- insurance against injury at work and occupational diseases.

To the extent provided by the Act, insured persons are guaranteed:

- payment of health services;
- benefit during temporary absence from work;
- funeral and death benefit;
- reimbursement of travel expenses linked to claiming health services.

370. Insurance for parental protection is regulated by the Parental Protection and Family Benefit Act. The rights from parental protection insurance are:

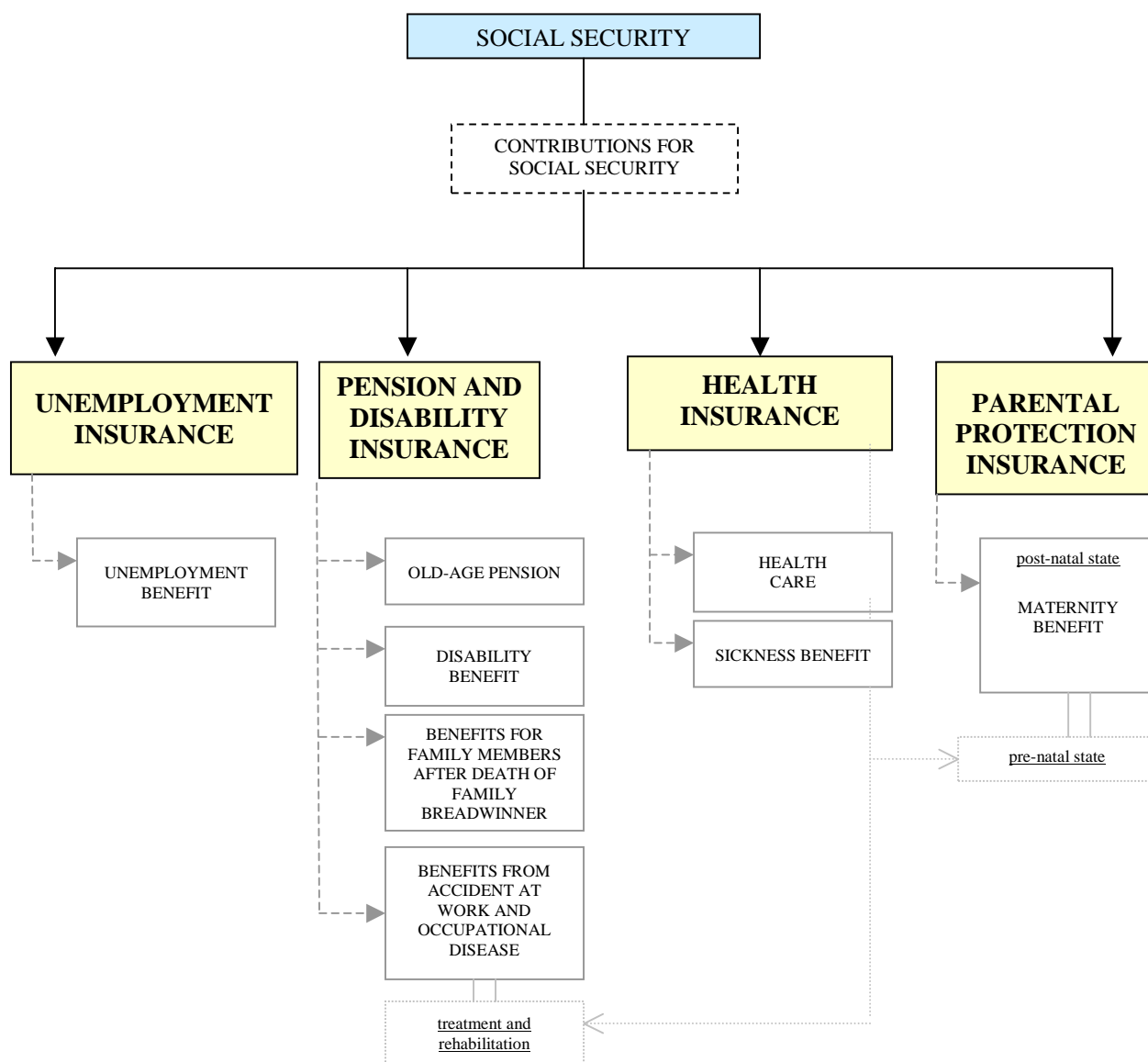
- parental leave;

- parental benefit;
- rights from part-time work.

371. The calculation, payment and level of contributions for social insurance are regulated in the Social Security Contributions Act (Ur. l. RS, 5/96, 81/2000).

**Diagram 2**

**Basic presentation of the system of social security in Slovenia in line with the terms of ILO Convention No. 102**





372. The Social Security Act (Ur. I. RS, 54/92, 42/94 - Constitutional Court decision, 1/99, 41/99, 36/00, 54/00 in 26/01) is the basic regulation setting out social protection services and rights.

373. Following the amendments and supplements to the Social Security Act, which entered into force on 1 September 2001, monetary social assistance was reorganized, and the amendments to the Act were implemented gradually up until January 2003. Since that date they have been fully in force. The purpose of monetary social assistance is still to provide funds for meeting minimum needs in an amount that enables people to support themselves. This right remains universal. It is intended for single persons or families as a whole. Benefits can be claimed by all persons who cannot provide funds in the amount of the minimum income for themselves and their family members for reasons beyond their control. Emphasis is laid on the duty of individuals to try, as far as they can, to provide a proper standard of living for themselves and those they are bound to support, and also on the principle that such social assistance is the ultimate cash benefit on the list provided by the State, in other words the claimant is bound to try securing any other potential source of support before being eligible for monetary social assistance.

374. Amendments to the Social Security Act have made it possible for a larger number of people to receive social assistance, and they have been guaranteed a larger sum of assistance. The Act has been implemented gradually, being fully in force since January 2003. Since 1 February 2003, the basic amount of the minimum income has been SIT 43,522 (for a single person and the first adult). Monetary social assistance is also being received by a larger number of people than before the amendment of the Act.

**Table 55**

**Number of recipients and average level of monetary social assistance (MSA)  
paid by month for the period since September 2001**

Month, year	Number of recipients of MSA	Average level of MSA
September 2001	35 481	34 005
October 2001	36 173	33 437
November 2001	37 683	32 824
December 2001	39 179	32 671
January 2002	37 034	33 116
February 2002	37 574	35 747
March 2002	38 342	35 759
April 2002	40 185	35 503
May 2002	40 477	35 518
June 2002	40 747	35 524
July 2002	39 372	39 282
August 2002	39 849	39 223
September 2002	40 396	39 250

**Table 55 (continued)**

Month, year	Number of recipients of MSA	Average level of MSA
October 2002	42 176	39 017
November 2002	44 699	38 732
December 2002	46 538	38 732
January 2003	46 312	42 548
February 2003	49 057	45 438

*Source:* Ministry of Labour, Family and Social Affairs.

**(b) Structure of spending and sources of financing for social security**

**Table 56**

**Spending on social security (in million SIT)**

	1996	1997	1998	1999	2000
Total	666 317	771 986	865 257	969 489	1 072 763
Social benefits	652 045	756 774	847 509	946 090	1 045 065
Without means testing	595 014	690 826	775 902	861 569	946 540
Monetary social benefits	414 092	482 770	540 833	601 582	649 446
- Periodic	397 997	459 931	515 785	573 245	620 410
- One-off	16 095	22 839	25 048	28 337	29 036
Social benefits in kind	180 922	208 057	235 069	259 987	297 094
Redirected contributions <sup>1</sup>	48 055	55 938	61 975	68 283	69 361
With means testing	57 031	65 948	71 607	84 521	98 525
Monetary social benefits	36 172	42 591	45 619	560 049	67 167
- Periodic	36 172	42 591	45 619	56 049	67 167
- One-off	-	-	-	-	-
Social benefits in kind	20 859	23 357	25 988	28 472	31 358
Redirected contributions <sup>1</sup>	151	135	128	127	143
Administrative costs	11 913	12 650	13 699	16 796	23 061
Other spending	2 360	2 562	4 049	6 603	4 637

*Source:* Statistical Yearbook of the Republic of Slovenia 2002.

<sup>1</sup> Redirected contributions are shown only for information, and are not included in the totals of aggregated value.

**Table 57**  
**Spending on social benefits by area (in million SIT)**

	1996	1997	1998	1999	2000
Total	652 045	756 774	847 509	946 090	1 045 065
Sickness/health care	200 804	232 267	261 568	290 877	320 677
Disability	55 399	63 847	71 100	83 773	93 545
Old age	288 265	330 394	370 125	409 819	453 833
Death of family breadwinner	12 841	14 963	16 347	19 223	20 599
Family/children	55 255	64 414	69 327	82 526	96 355
Unemployment	27 534	36 767	44 505	44 385	42 911
Other forms of social exclusion	11 947	14 123	14 538	15 488	17 146

*Source:* Statistical Yearbook of the Republic of Slovenia 2002.

**Table 58**  
**Sources of financing social security (in million SIT)**

	1996	1997	1998	1999	2000
Total	666 035	763 497	858 879	959 515	1 054 101
Social contributions	472 298	504 717	572 934	641 254	698 593
Employer social contributions	216 247	220 148	244 986	272 298	284 390
Actual	178 406	175 247	195 125	214 647	240 015
Ascribed	37 841	44 901	49 861	57 651	44 375
Insured person social contributions	256 050	284 570	327 949	368 956	414 203
Employed	211 405	235 973	264 062	290 774	328 481
Self-employed	21 036	25 977	32 158	33 955	37 275
Other persons - actual	23 609	22 620	31 729	44 228	48 447
Redirected contributions*	48 665	56 039	62 982	68 457	69 732
State contributions - general revenues	187 295	252 633	277 062	309 506	331 836
Central State units	164 671	227 237	248 760	278 401	297 450
Regional and local level State units	22 624	25 397	28 302	31 105	34 387
Other sources	6 443	6 147	8 883	8 755	23 672

*Source:* Statistical Yearbook of the Republic of Slovenia 2002.

\* Redirected contributions are shown only for information, and are not included in the totals of aggregated value.

## **B. Social security system**

### **1. Insurance against unemployment**

375. The Employment and Insurance against Unemployment Act regulates insurance in the event of unemployment and the rights deriving from insurance. The main rights from unemployment insurance are the right to cash unemployment benefit and the right to unemployment assistance.

#### **(a) Unemployment benefit**

##### *Categories of persons protected*

376. Workers in employment (all employees) are compulsorily insured against unemployment.

377. The following may take insurance on a voluntary basis against unemployment:

- Independent entrepreneurs, self-employed persons and persons who own commercial companies, if they are not insured on another basis;
- Slovene citizens formally employed by an employer in another country, who cannot upon their return to Slovenia exercise the rights in the event of unemployment on another basis;
- Spouses of Slovene citizens employed in a foreign country, if they were employed prior to their departure abroad.

##### *Conditions for obtaining insurance rights*

378. Insured persons may claim the right to the cash benefit under the following conditions:

- Prior to the commencement of unemployment, they must have been insured against unemployment; and
- If there is no suitable employment available for them.

379. Insured persons maintain the right to unemployment benefit if:

- They are available for employment;
- There is no suitable employment available for them;
- After half the time for which they are eligible for benefit, there is no suitable employment available for them;
- They are actively seeking employment;

- There is no appropriate active employment policy programme available;
- They are resident in the Republic of Slovenia, unless otherwise provided by an international agreement (for the time that insured persons are not resident in the Republic of Slovenia, their right to cash benefit is suspended).

380. Upon fulfilment of the above general conditions, the right to unemployment benefit may be claimed by insured persons whose employment at one or more employers prior to termination lasted at least 12 months of the last 18 months.

381. Insured persons who performed seasonal work under an employment contract for a certain time have the right to unemployment benefit, if upon a recalculation of hours into full-time working days they have at least 12 months of paid-up insurance in the last 18 months prior to unemployment.

*Nature of benefit*

382. The right from insurance against unemployment is a cash benefit.

*Basis and calculation of benefit*

383. The basis for allocating the benefit is the average monthly salary of the insured person received in the 12 months prior to the commencement of unemployment. If an insured person received benefit in compliance with the regulations on employment, health insurance or pension and disability insurance, or if they did not receive a salary, the basis for allocating cash benefit for unemployment incorporates the basic wage increased by a supplement for the working period that the eligible persons would have received had they worked.

384. An insured person's unemployment benefit amounts in the first three months to 70 per cent, and in subsequent months to 60 per cent of the basis from the preceding paragraph. From the allocated benefit, contributions are calculated according to the levels determined by the regulations on contributions for pension and disability insurance, health care and employment. Contributions for pension and disability insurance are paid to the Pension and Disability Insurance Institute of Slovenia, and those for health care to the Health Insurance Institute of Slovenia. Unemployment benefit cannot be less than 100 per cent of the minimum wage by law, reduced by taxes and contributions calculated on the basis of the minimum wage, and cannot be higher than three times the lowest benefit thus determined.

*Start of eligibility for benefit*

385. The law provides that unemployment benefit is paid to insured persons from the first day upon termination of their employment, if they register at the employment office and submit a request for claiming the right to benefit within 30 days of termination of their employment. If they claim unemployment benefit after this deadline, the total benefit due to the insured person is

reduced by the amount of time the deadline has been exceeded, counting from the thirty-first day of termination of employment up until the submission of a request. The deadline does not apply during:

- Sickness;
- Maternity leave;
- Call up to military service and the performance of tasks or training for protection and rescue by a competent authority;
- Serving of a detention or prison sentence or of a correctional or protection measure of up to six months.

386. In such cases, insured persons must register at the employment office within eight days after the reasons enumerated in the preceding paragraph have ceased to be valid. Insured persons may not claim the right to unemployment benefit once 60 days have elapsed since the termination of employment or 30 days since the above reasons ceased to be valid.

*Duration of eligibility for benefit*

387. In compliance with the Employment and Insurance against Unemployment Act, the right to unemployment benefit may last a maximum of:

- 3 months for insurance of 1 to 5 years;
- 6 months for insurance of 5 to 15 years;
- 9 months for insurance of 15 to 25 years;
- 12 months for insurance over 25 years;
- 18 months for insured persons over 50 years old and for insurance over 25 years;
- 24 months for insured persons over 55 years old and for insurance over 25 years.

**(b) Unemployment assistance**

388. Within a deadline of 30 days from the expiry of the right to unemployment benefit, insured persons may claim the right to unemployment assistance.

389. The right to unemployment assistance is obtained if the insured person's income together with the income of family members per person, in the last three months prior to claiming unemployment assistance, on average did not exceed 80 per cent of the minimum wage by law. The right to unemployment assistance is also obtained by insured persons where as trainees they were subject to termination of employment set for a fixed period of less than 12 months, and where they successfully completed the training period, if within 30 days of the termination of

employment they register at the employment office and fulfil the previously mentioned criteria (means test). A further condition is that the insured person has permanent residence in the Republic of Slovenia (article 35 of ZZZPB).

390. Unemployment assistance is equal to 80 per cent of the minimum wage by law, reduced by taxes and contributions that are calculated on the basis of the minimum wage.

391. Unemployment assistance is paid for a maximum of 15 months. Unemployed persons who are at most three years off retirement age are paid unemployment assistance until retirement. The conditions and criteria for obtaining, maintaining, suspending, reducing and terminating unemployment assistance are the same as those for unemployment benefit.

**Table 59**

**Recipients of unemployment benefit (UB) and unemployment assistance (UA), 1991-2001**

Year	Unemployment benefit (no. of recipients)	Unemployment assistance (no. of recipients)	Total no. of UB and UA recipients	UB and UA Growth index (previous year =100)	Average duration of unemployment benefit received UB/months	Average duration of UA received UA/months	Average monthly no. of UB and UA recipients	Percentage of UB and UA recipients in monthly unemployment
1991	31 818	14 110	45 928	168.6	4.2	7.6	30 053	40.0
1992	32 533	18 229	50 762	110.5	8.5	10.4	46 191	45.0
1993	42 582	20 052	62 634	123.4	14.3	19.0	55 618	43.1
1994	31 452	11 036	42 488	67.8	14.4	8.0	53 454	42.1
1995	28 305	5 936	34 241	80.6	12.7	7.3	36 824	30.3
1996	33 715	4 112	37 827	110.5	13.1	5.9	36 343	30.3
1997	37 152	3 734	40 886	108.1	11.6	3.7	40 791	32.6
1998	36 082	2 818	38 900	102.8	14.3	3.7	41 065	32.6
1999	31 227	3 283	34 510	88.7	17.8	3.9	36 905	31.0
2000	23 091	3 754	26 845	77.8	22.3	6.9	31 001	29.1
2001	19 489	4 516	24 005	89.4	20.6	8.0	25 774	25.3

Source: ESS.

## **2. Pension and disability insurance**

392. Pension and disability insurance is regulated by the Pension and Disability Insurance Act (ZPIZ, Ur. l. RS, 106/99, 124/2000, 114/2002).

393. The rights deriving from pension and disability insurance also cover the right to a pension, which can be:

- Old-age pension;
- Disability pension;
- Widow's pension;
- Survivor's pension;
- Partial pension.

**(a) Old-age pension**

*Categories of protected persons*

394. In compliance with the law, the following are covered by compulsory pension and disability insurance for old-age pensions:

- Employees in the Republic of Slovenia;
- Citizens of the Republic of Slovenia employed by foreign companies;
- Self-employed persons;
- Farmers;
- Trainees;
- Top sportspersons and chess players;
- Unemployed insured persons;
- One of the parents eligible for parental supplement;
- Prisoners.

*Conditions for obtaining insurance rights*

395. In compliance with the Act, the minimum insurance period for obtaining old-age pension is 15 years of paid-up insurance premiums.

396. The full age guaranteeing for insured persons a pension in the amount depending only on completing the paid-up pension period is 63 years for men and 61 years for women; otherwise article 36 of the Act provides that insured persons acquire the right to an old-age pension:

- At age 58, if they have a paid-up pension period of 40 years (men) or 38 years (women);
- At age 63 (men) or 61 (women), if they have a paid-up pension period of 20 years;
- At age 65 (men) or 63 (women), if they have at least 15 years of paid-up pension period.

397. The age threshold for obtaining the rights to an old-age pension is reduced where there are children whom the insured person has cared for and raised for at least five years. The age threshold for insured persons may be lowered at most down to 58 years for men and to 56 years for insured women. The age threshold for insured women is also lowered for employment before they were 18 years old, but at most down to 55 years.



*Nature of benefit*

398. The right from pension insurance for old age is the old-age pension - a cash benefit.

*Basis and calculation of benefit*

399. Old-age pension is allocated from the monthly average salary received by the insured person, or from the insurance basis on which contributions were calculated in any successive 18 years of insurance after 1 January 1970 that are more favourable for the person (pension basis).

400. Old-age pension is allocated from the pension basis in percentages depending on the paid-up pension period, which for a person with a paid-up period of 15 years amounts to 35 per cent of the pension basis (men) or 38 per cent of the pension basis (women), and then for each additional year of paid-up pension the percentage allocated is increased by 1.5 per cent. If the paid-up period does not amount to a full year, but to at least six months, the percentage of allocation from the preceding sentence is increased by 0.75 per cent.

*Start of eligibility for benefit*

401. In compliance with the Act, insured persons acquire the right to an old-age pension on the day they fulfil the conditions for obtaining this right. The condition for obtaining the right to a pension is the termination of compulsory insurance, where the pension is payable to the beneficiary from the first day subsequent to termination of insurance.

*Duration of eligibility for benefit*

402. Eligibility lasts until the beneficiary's death.

**(b) Disability pension**

*Categories of protected persons*

403. In compliance with the Act, the following persons are insured with compulsory pension and disability insurance:

- Employees in the Republic of Slovenia;
- Citizens of the Republic of Slovenia employed by foreign companies;
- Self-employed persons;
- Farmers;
- Trainees;
- Top sportspersons and chess players;
- Unemployed insured persons;

- One of the parents eligible for parental supplement;
- Prisoners.

404. Persons insured for special cases of insurance are those who have compulsory insurance for disability, physical impairment or death resulting from injury at work or occupational disease:

- School and university students in practical classes, in performing production work or work experience, or on specialist excursions;
- Children and adolescents with physical and mental developmental impairment in practical classes at training companies or in compulsory practical work;
- Persons who have finished their schooling and are on voluntary work experience, irrespective of whether they receive remuneration for such work experience;
- Self-employed persons whose insurance under certain conditions is not compulsory;
- Disabled military persons, civilians disabled by war and other persons with disability on occupational rehabilitation or training in practical work and exercises;
- School and university students in undergraduate and graduate courses performing work via the authorized student employment services;
- Persons serving prison sentences who do not have compulsory insurance under this Pension and Disability Insurance Act (ZPIZ), and adolescents ordered to a correctional facility, at work, on vocational courses and performing activities permitted under the Act (these persons also have compulsory insurance against disability resulting from injury outside work and arising out of force majeure).

*Conditions for obtaining insurance rights*

405. In compliance with the Act, the general conditions for obtaining disability pension are set below. The right to a disability pension is obtained by:

- Insured persons who have sustained category I disability;
- Insured persons who have sustained category II disability and are incapable of any other suitable work without occupational rehabilitation, which is not provided to them because they are over 50;
- Insured persons that have sustained category II or III disability, and who are not provided with suitable employment or reassignment because they are 63 or over (men) or 61 or over (women) (article 67 of ZPIZ).

406. Insured persons obtain the right to a disability pension if the disability is a result of injury or sickness outside work, on condition that upon the onset of disability they had a paid-up pension period covering at least a one third of the period from age 20 to the onset of disability (working years), with working years counted as full years (article 68 of ZPIZ).

407. If disability is a consequence of injury at work or occupational disease, the insured person obtains the right to a disability pension irrespective of the paid-up period.

*Nature of benefit*

408. The right from pension insurance against disability is a disability pension - a cash benefit.

*Basis and calculation of benefit*

409. Disability pension is allocated from the pension basis, calculated in the same way as the pension basis for allocating old-age pension (article 72 of ZPIZ).

410. Disability pension for disability resulting from sickness or injury outside work is calculated from the pension basis in a percentage determined relative to the paid-up pension period in the manner provided in article 50 of this Act, without reduction related to age on retirement. Such disability pension is allocated to insured persons who have become disabled before reaching the age of 63 (men) or 61 (women), in the amount of at least 45 per cent (men) or 48 per cent (women) of the pension basis. If, however, disability owing to sickness or injury outside work was sustained after reaching 63 (men) or 61 (women), disability pension is allocated from the pension basis at least in the amount determined for allocating old-age pension for a paid-up insurance period of 15 years (article 75 of ZPIZ).

411. Disability pension for disability resulting from injury at work or occupational disease is allocated from the pension basis in the same amount as old-age pension for a paid-up pension period of at least 40 years (men) or 38 years (women), without any reduction depending on age at retirement (article 74 of ZPIZ).

412. The level of percentage for allocating disability pension is determined by taking account of the actual pension period of the insured person and the attributed pension period, that is the putative pension period accorded to an insured person who on the day of sustaining disability had not reached the age of 63 (men) or 61 (women).

413. Where the disability on the basis of which an insured person acquires the right to disability pension is partly a result of injury at work or occupational disease, and partly the result of disease or injury outside work, the disability pension is allocated as one pension composed of a proportionate part of disability pension allocated for injury at work or occupational disease, and a proportionate part of disability pension allocated for sickness or injury outside work. The proportionate parts for allocating disability pension pursuant to the preceding paragraph are calculated relative to how far the total disability resulted from injury at work or occupational disease and how far it resulted from sickness or injury outside work (combined causes of disability) (article 77 of ZPIZ).

*Start of eligibility for benefit*

414. Insured persons gain the right to disability pension on the day they fulfil the conditions for obtaining this right. The condition for obtaining the right to the pension is the termination of compulsory insurance, where the pension is payable to the beneficiary from the first day subsequent to termination of insurance.

*Duration of eligibility for benefit*

415. Disability pension is payable to the beneficiary from the first day subsequent to termination of compulsory pension and disability insurance, and lasts until the death of the pension beneficiary.

**(c) Widow's and survivor's pension**

*Categories of protected persons*

416. Under the Act the following persons are eligible for widow's or survivor's pension:

- Widow or widower;
- Children (born in or out of wedlock, and adopted children);
- Stepchildren, grandchildren and other children without parents, whom the insured person has supported;
- Parents (father and mother, stepfather and stepmother) and adoptive parents whom the insured person has supported;
- Brothers and sisters whom the insured person has supported until his death, and who do not have their own means of support;
- A spouse whose marriage was annulled, if such spouse has the right to maintenance under a court order or agreement, and received such maintenance until the death of the insured person;
- A person who, in the last three years prior to the death of the insured person, lived with the insured person in a domestic partnership.

*Conditions for obtaining insurance rights*

417. In compliance with the Act, for obtaining rights in the event of the death of an insured person, conditions must be met on the part of both the insured person and the eligible person.

*Conditions on the part of the insured person*

418. For a family member of a widow, widower or other insured person to obtain the right to a pension through the death of the insured person, certain conditions must be met on the part of the deceased insured person, namely that the deceased:

- Has a paid-up insurance period of at least 5 years or at least 10 years of paid-up pension;
- Has fulfilled the conditions for obtaining the right to old-age or disability pension;
- Was the recipient of an old-age or disability pension, or enjoyed the right on the basis of disability.

419. If the insured person died as a result of injuries at work or occupational disease, the eligible persons obtain the right to a pension through the death of the insured person irrespective of the insured person's paid-up pension period (article 109 of ZPIZ).

*Conditions on the part of eligible persons*

**WIDOW'S PENSION**

420. A widow's pension may be claimed by the widow or widower of the deceased insured person:

- If by the death of the insured person through whom the right is obtained, they had reached the age of 53 years;
- If up until the insured person's death they had been completely incapable of work, or became so in one year following the insured person's death;
- If the insured person was survived by a child or several children who have the right to a survivor's pension through the deceased insured person, and the widow or widower has the duty to support them.

421. A widow or widower who within the duration of the right to a widow's pension becomes completely incapable of work, retains the right to the widow's pension until such incapacity is established.

422. A widow or widower who by the death of the insured person had not reached the age of 53, but had reached the age of 48, obtains the right to a widow's pension upon reaching age 53.

423. Where an insured person had already reached the age of 58 at the time of getting married, the widow or widower obtains the right to a widow's pension only in the event that he or she had a child with the deceased spouse or that the marriage lasted continuously for one year. This rule is not applied in the event that the marriage was annulled prior to reaching the aforementioned age and was remade after the insured person had already reached 58 years.

424. A widow or widower who, within the duration of the right to a widow's pension obtained through incapacity for work or children, reaches the age of 53, retains the right to a widow's pension in perpetuity. If they lose this right prior to reaching 53 years, but after reaching 48, they may reclaim the right upon reaching 53.

425. A widow or widower who, upon the insured person's death does not have the attributes of an insured person, obtains the right to a widow's pension:

- If by the death of the insured person they had reached the age of 48;
- If by the insured person's death at age 48 years they had reached the age of 45.

426. The right to a widow's pension on the above-mentioned conditions is also held by a spouse whose marriage was annulled, if under a court order or agreement they have the right to maintenance, and received this up until the insured person's death. If a spouse from a subsequent marriage has the right to a widow's pension, the aforementioned divorced spouse obtains the right to a widow's pension as a co-recipient (article 113 of ZPIZ).

427. Equally, under the above-mentioned conditions, the right to a widow's pension may also be obtained by a person who for the last three years prior to the death of the insured person lived with that person in a domestic partnership, which under the regulations on marriage and family relations is legally equated with marriage, or lived with the deceased in such a partnership for the last year prior to death and had at any time a child with the deceased (article 114 of ZPIZ).

#### SURVIVOR'S PENSION

428. The conditions that must be fulfilled by children are:

- The child has the right to a survivor's pension up to the age of 15, or to the end of their schooling, but at most to the age of 26;
- The right to a survivor's pension is also held by a child who has compulsory insurance as a trainee;
- A child who is registered at the employment office after age 15 has the right to a survivor's pension at most until they reach 18 years, on condition that they are registered at the employment office and fulfil the obligations under the regulations on employment;
- Children who become completely incapable of work up until the age when they are ensured the right to a survivor's pension or to the end of their schooling, have the right to a survivor's pension for the duration of such incapacity;
- Children who become completely incapable of work after the age when they are ensured the right to a survivor's pension or after finishing school obtains the right to a survivor's pension if the insured person or the recipient of the right has supported the child up until the person's death.

429. Parents whom the insured person has supported up until his death are entitled to a survivor's pension if:

- By the death of the insured person they had reached the age of 58; or
- Upon the death of the insured person they were completely incapable of work (if in such cases, within the duration of the right to a survivor's pension the eligible person reaches the age of 58, he or she may then retain the survivor's pension in perpetuity) (article 119 of ZPIZ).

430. Brothers and sisters of the deceased insured person whom the insured person supported until his death are entitled to a survivor's pension if they fulfil the conditions laid down for children, or the conditions laid down for parents of the deceased insured person (article 120 of ZPIZ).

*Nature of benefit*

431. Widows' and survivors' pensions are periodic cash benefits obtained by the insured person on the fulfilment of certain legal requirements.

*Basis and calculation of benefit*

432. Widows' and survivors' pensions are allocated from the old-age or disability pension that the insured person would receive upon his death, or from the pension pertaining to the pension recipient upon his death, as follows:

After the death of the insured person - from the old-age pension the insured person would have depending on the paid-up pension period, and, if more favourable for the eligible person, from the disability pension the insured person would have depending on the cause of death. If the insured person died as a result of injury at work or occupational disease, the basis for allocating a widow's or a survivor's pension is determined in the amount of the disability pension that would be allocated to the insured person for 40 years of paid-up pension period (men) or 38 years (women), irrespective of age. If the insured person died as a result of disease or injury outside work, the basis for allocating a widow's or a survivor's pension is determined in the amount of the disability pension that would be allocated to the insured person depending on the paid-up pension period, taking into account the attributed period and without reduction;

After the death of old-age pension recipient - from the pension to which the pension recipient had the right upon his death, and, if more favourable for the eligible person, from the disability pension the pension recipient would receive if instead of old-age pension he claimed disability pension;

After the death of disability pension recipient - from the pension to which he was entitled upon his death; after the death of the insured person who enjoyed the right on the basis of disability under this Act - from the disability pension to which he would have been entitled, if upon death the person met the conditions for being granted the right to disability pension (article 122 of ZPIZ).

433. A widow's pension is allocated in the amount of 70 per cent of the basis for allocating a survivor's pension. A widow or widower who, in addition to the right to a widow's pension holds the right to an old-age or disability pension, may receive the pension of their choice. In cases cited in the preceding paragraph, a widow's pension is allocated at least in the amount of the basis from article 57 of ZPIZ, that is, the basis for allocating additional rights. Irrespective of the already mentioned case where a widow or widower in addition to the right to a widow's pension holds the right to their own old-age or disability pension, if it is more favourable for them, a widow or widower may in addition to old-age or disability pension be paid 15 per cent of the amount of a widow's pension, whereby the total payments may amount to a maximum of 100 per cent of the average pension paid in the country in the preceding calendar year (article 123 of ZPIZ).

434. Survivors' pensions are allocated from the basis determined for allocating survivors' pensions in a percentage whose amount depends on the number of family members. If only the close family members (children, adopted children) or only wider family members (stepchildren, grandchildren and other children without parents, brothers and sisters, parents and adoptive parents) have the right to a survivor's pension, the survivor's pension is allocated in the following amounts.

For one member	For two members	For three members	For four or more members
70 per cent	80 per cent	90 per cent	100 per cent

435. If the right to a survivor's pension is held by members of both the close and the wider family, the survivor's pension is allocated to members of the close family in the amount already mentioned, while members of the wider family are eligible for the remainder of the basis for allocating survivor's pension (article 124 of ZPIZ).

436. Children who lose both insured parents are eligible, in addition to a survivor's pension through one parent, for 30 per cent of the basis for allocating survivor's pension through the other parent, for each child, but to a maximum total of 100 per cent of the basis for allocating survivor's pension through the other parent. In this case, the total amount of survivor's pension and part of the survivor's pension cannot exceed the amount of the survivor's pension allocated from the old-age pension for a man for 40 years of paid-up pension period, allocated from the highest pension basis claimed at full age (article 125 of ZPIZ).

437. Where family members fulfil the conditions for being granted a widow's or a survivor's pension, the widow's pension is allocated:

- In a proportion of the survivor's pension allocated from the basis in a percentage determined from the number of family members in article 124, paragraph 2, of ZPIZ, which also includes a widow or widower, if they and the close family members are eligible for pensions;
- In an amount determined at the level of 70 per cent of the basis for allocation. If a widow, widower and wider family members are eligible for pensions, the close family members can receive the remainder of the basis for allocating survivor's pension; or



- In a proportion of the survivor's pension allocated from the basis in a percentage determined from the number of family members, which includes a widow or widower; if they and the close family members are eligible for pensions, the wider family members can receive the remainder of the basis for allocating survivor's pension (article 126 of ZPIZ).

*Start of eligibility for benefit*

438. In accordance with the Act, insured persons obtain the right to widow and survivor's pension on the day the conditions are met for obtaining this right. The condition for obtaining the right to a pension is termination of compulsory insurance, where the pension is payable to the beneficiary from the first day subsequent to the termination of insurance.

*Duration of eligibility for benefit*

439. A widow's and a survivor's pensions are payable to beneficiaries from the first day subsequent to the termination of compulsory pension and disability insurance, and last for the duration of the conditions laid down for this by law.

**Table 60**

**Pension recipients - annual average**

	1990	1995	1997	1998	1999	2000	2001
Total	356 274	444 643	456 160	461 910	467 408	474 436	485 895
Old-age pension	197 259	263 669	271 072	275 571	280 193	285 835	296 160
Disability pension	82 289	97 275	98 545	98 644	98 493	98 902	98 780
Survivor's pension	76 726	83 699	86 543	87 695	88 722	89 699	90 955

Source: Statistical Yearbook of the Republic of Slovenia 2002.

**Table 61**

**Outgoings from pension and disability insurance (in million SIT)**

	1990	1995	1997	1998	1999	2000	2001
Total	22 909	325 809	419 125	466 459	526 403	587 906	655 233
Old-age pension*	12 219	167 422	214 987	240 552	272 536	305 086	338 590
Disability pension*	4 104	49 696	61 997	67 886	75 222	82 910	90 027
Survivor's pension**	3 347	36 300	46 213	51 179	57 294	63 695	70 189
Farmer pension	583	4 388	4 379	4 238	4 150	4 022	3 853
Military pension	-	5 056	6 048	6 514	7 135	7 621	8 027
Pensions claimed in other former Yugoslav republics	-	360	391	429	445	462	480

**Table 61 (continued)**

	1990	1995	1997	1998	1999	2000	2001
Pension supplement claimed in other former Yugoslav republics	-	574	632	688	798	915	899
Disability allowance**	160	2 705	3 510	3 911	4 399	4 905	5 426
Rehabilitation and employment of disabled persons	552	7 914	12 576	15 115	18 547	22 773	27 207
Contributions from pensions	293	23 460	31 680	35 287	39 762	44 079	48 820
Other spending	816	21 070	31 127	34 942	39 662	44 106	52 314
Costs of providing insurance	836	6 864	5 579	5 718	6 453	7 305	9 401

Source: Statistical Yearbook of the Republic of Slovenia 2002.

\* Up to 1990 in dinars.

\*\* Since 1993 with care supplement.

### **3. Health insurance**

440. Health insurance is regulated by the Health Care and Health Insurance Act (ZZVZZ, Ur. l. RS, 9/92, 56/99, 60/2002). Compulsory health insurance covers:

- Insurance against sickness and injury outside work;
- Insurance against injury at work and occupational disease.

441. In an amount provided by law, insured persons are provided with:

- Payment of health services;
- Benefit during temporary absence from work;
- Funeral and death benefit;
- Reimbursement of travel expenses linked to claiming health services.

442. The Act also governs voluntary health insurance and provides that insurance companies may introduce voluntary insurance for the difference up to the full value of services under article 23, points 2 to 6, of ZZVZZ. In the same way, they may also introduce voluntary insurance for a larger extent of rights as provided by law or for a higher standard of services and for additional rights that are not covered by compulsory insurance.

**(a) Health services**

*Categories of protected persons*

443. Pursuant to article 14 of ZZVZZ, the following are insured:

- Insured persons; and
- Their family members.

444. Insured persons are:

1. Persons that are employed in the Republic of Slovenia;
2. Persons employed by an employer based in the Republic of Slovenia, and sent to work or for professional training abroad, if they do not have compulsory insurance in the country to which they have been sent;
3. Persons employed by foreign and international organizations and institutions, and at foreign consular and diplomatic representative offices based in the Republic of Slovenia, unless otherwise provided by treaty;
4. Persons with permanent residence in the Republic of Slovenia, and employed by a foreign employer, who are not insured with a foreign health insurance provider;
5. Persons who independently perform a commercial or professional activity as their sole or main occupation in the territory of the Republic of Slovenia;
6. Persons who own private companies in the Republic of Slovenia, if they are not insured in another way;
7. Farmers, members of their enterprises and other persons performing farm activities in the Republic of Slovenia as their sole or main occupation;
8. Top sportspersons and chess players who are members of sports and chess organizations in the Republic of Slovenia, and who are not insured in any other way;
9. Unemployed persons receiving benefit or unemployment assistance from the employment office;
10. Persons with permanent residence in the Republic of Slovenia who are receiving pensions under Slovene regulations or maintenance under the regulations on maintenance of farmers;
11. Persons with permanent residence in the Republic of Slovenia who receive pensions from a foreign pension insurance provider, unless otherwise provided by treaty;

12. Persons with permanent residence in the Republic of Slovenia insured with a foreign health insurance provider who cannot exercise their rights from such insurance while living in the Republic of Slovenia;
13. Family members of a person insured with a foreign health insurance provider who have permanent residence in the Republic of Slovenia and are not insured as family members with foreign health insurance providers;
14. Aliens attending education or training courses in the Republic of Slovenia who are not insured in any other way;
15. Persons with permanent residence in the Republic of Slovenia who are recipients of disability allowances under the regulations on military disabled persons and civilian persons disabled in war, of rights under the regulations on protection of war veterans, victims of wartime aggression and participants in other wars, and recipients of national Second World War pensions, if they are not insured in any other way;
16. Persons with permanent residence in the Republic of Slovenia receiving benefit under the act governing social protection for mentally and physically handicapped adults, if they are not insured in any other way;
17. Persons with permanent residence in the Republic of Slovenia receiving permanent monetary social assistance;
18. Persons with permanent residence in the Republic of Slovenia who are receiving Second World War pensions under the regulations on protection of war participants, if they are not insured in any other way;
19. Persons liable to military service with permanent residence in the Republic of Slovenia who are performing civilian service instead of military service;
20. Persons with other incomes and with permanent residence in the Republic of Slovenia, if they are not insured in any other way;
21. Citizens of the Republic of Slovenia with permanent residence in the Republic of Slovenia who are not insured in any other way.

445. The following are deemed to be persons insured under point 7 of the preceding paragraph:

- Persons with pension and disability insurance on the basis of performing farming activities;
- Persons performing farming activities as their sole or main occupation without pension or disability insurance, if the farm enterprise per member of the enterprise attains each month at least such cadastral and other income amounting to 50 per cent of the minimum wage, reduced by taxes and contributions. Members of a farm enterprise include all persons who within this enterprise perform farming activities as their sole or main occupation (article 15 of ZZVZZ).

446. Persons listed under points 1, 2, 3, 5, 6, 8 and 19 of paragraph 434 above are insured against injury at work and occupational diseases.

447. Persons listed under point 7 of paragraph 434 above are insured against injury at work and occupational disease if they pay a contribution from the basis determined for pension and disability insurance. Those persons listed under point 7 who do not pay this contribution receive rights in the event of injury at work or occupational disease in an amount provided for sickness or injury outside work (article 16 of ZZVZZ).

448. The following are also insured against injury at work and occupational disease:

- School and university students in practical classes, in performing production work or work experience, or on specialist excursions;
- Children and adolescents with physical and mental developmental impairment in practical classes at training companies or in compulsory practical work;
- Persons who have finished their schooling and are on voluntary work experience, irrespective of whether they receive remuneration for such work experience;
- Disabled military persons, civilians disabled by war and other persons with disabilities on occupational rehabilitation or training in practical work and exercises;
- Persons performing work on the basis of an employment contract;
- School and college or university students performing work via the authorized organizations;
- Unemployed persons performing public works organized under the employment regulations;
- Volunteers;
- Persons serving prison sentences and correctional measures at work, vocational education and performing permitted activities in compliance with the law;
- Persons performing activities as secondary occupations (article 17 of ZZVZZ).

449. The following are also insured against injury at work:

- Persons participating in organized public works of general importance, in rescue actions or in protection and rescue in natural and other disasters
- Participants in youth camps in the Republic of Slovenia;
- Persons performing works or tasks of military service or substitute civilian service, national defence, civil protection, monitoring and information services, general rescue services or communications units, and in defence and protection training;

- Persons assisting internal affairs bodies and authorized persons of these bodies in performing their tasks in compliance with the law;
- Persons performing tasks of internal affairs bodies as persons in the reserves of internal affairs bodies;
- Persons performing public and other functions or civil duties at the request of State and other authorized bodies;
- Sportspeople, trainers or organizers participating in sports events within an organized sports activity;
- Persons who as members of operational units of volunteer firefighting organizations perform tasks in extinguishing fires, protection and rescue in other disasters, in training, protection at fire hazard places and at public events, tasks in public appearances and demonstrations with the presentation of demonstrative exercises and in instructing people about the dangers of fires;
- Persons who as members of mountain rescue services or divers perform tasks of saving lives or averting and preventing dangers that directly threaten people's lives or property (article 18 of ZZVZZ).

450. Under conditions provided for in the Act, the following are insured as family members of the insured person:

(a) Close family members:

1. Spouse;
2. Children (born in or out of wedlock, and adopted children);

(b) Wider family members:

1. Stepchildren supported by the insured person;
2. Grandchildren, brothers, sisters and other children without parents whom the insured person has taken in and supports, under the conditions provided for in this Act for children;
3. Parents (father and mother, stepfather and stepmother and adoptive parent) who live with the insured person in a common household, whom the insured person supports, and who do not have sufficient means of their own to support themselves and are permanently and completely incapable of work.

*Conditions for obtaining insurance rights*

451. The right to health services is one that derives from health insurance. The condition therefore for obtaining the right to health services is a formally concluded health insurance policy.

452. Slovenia has uniform health insurance that covers all the inhabitants of Slovenia and offers them health protection in an extent and manner defined in the valid legislation. So everyone who lives and works in the Republic of Slovenia has in essence the status of insured person. For those persons who do not have their own means of obtaining such status, the contribution for compulsory insurance is paid by the municipality (municipality budget funds). Persons who do not have their own means must personally arrange their health insurance and obtain the status of an insured person. At the competent municipality they must sign a statement that they have no income and in this way they acquire the right to have their health insurance contributions paid out of the municipality's budget. In this way they obtain the status of insured person, from which all the rights to health protection derive.

*Nature of right*

453. The right from health insurance is the right to health services - benefits in kind.

*Scope of services*

454. Article 23 of ZZVZZ defines the rights to health services deriving from compulsory insurance. In this way, through compulsory insurance, insured persons are guaranteed the payment of health services:

- (a) 100 per cent of the cost of:
  - Systematic and other preventive examinations of children, school students, full-time university students, women in connection with pregnancy and other adults in line with the programme, except for examinations provided by employers on the basis of the law;
  - Early discovery and prevention of diseases;
  - Treatment and rehabilitation of children, school students and full-time university students, and children with physical and mental developmental impairment;
  - Health protection of women in connection with family planning, pregnancy and childbirth;
  - Prevention, discovery and treatment of HIV infection and contagious diseases as provided for by law;
  - Compulsory vaccination, immunoprophylaxis and chemoprophylaxis according to the programme;

- Treatment of and rehabilitation for malignant diseases, muscular and neuromuscular diseases, paraplegia, tetraplegia, cerebral palsy, epilepsy, haemophilia, mental illness, advanced forms of diabetes, multiple sclerosis and psoriasis;
  - Treatment of and rehabilitation for occupational diseases and injuries at work;
  - Health protection in connection with donating and exchanging tissue and organs for transplants to other persons, urgent medical attention and emergency ambulance services;
  - Home care visits, treatment and care in the home and in social protection institutes;
  - Prescription medication in compliance with the categorization of medications, orthopaedic and other aids in connection with treatment under the above indents;
- (b) At least 95 per cent of the cost of:
- Organ transplants and other highly complex surgical procedures;
  - Treatment abroad;
  - Intensive therapy, radiotherapy, dialysis and other essential, highly complex procedures;
- (c) At least 85 per cent of the cost of:
- Fertility treatment, artificial insemination, termination of pregnancy, sterilization;
  - Hospital and health resort services as the continuation of hospital treatment, except for injuries outside work;
  - Non-medical part of care in hospital and health resort as the continuation of treatment under specific conditions;
  - Treatment of dental and oral diseases;
  - Orthopaedic, orthotic, aural and other aids, except in specific cited cases;
- (d) At least 75 per cent of the cost of:
- Treatment of injuries outside work;
  - Medication from the positive list;



- (e) Up to a maximum of 60 per cent of the cost of:
  - Ambulance transport that is not for emergencies;
  - Health resort treatment that is not a continuation of hospital treatment;
- (f) A maximum of 50 per cent of the cost of:
  - Medication from the intermediate list;
  - Dental prosthetic treatment for adults;
  - Ophthalmic aids for adults.

455. Full payment of health services is provided to military disabled persons and civilians disabled in war, where the difference is made up from the national budget of Slovenia.

*Start of eligibility for benefit*

456. Eligibility for health services begins on the first day of health insurance and thereafter. The Health Insurance Institute may determine the conditions for interim insurance of up to six months for the rights to orthopaedic, orthotic, ophthalmic, aural, dental prosthetic and other aids, except for rights under article 23, paragraph 1, point 1 (involving rights for which payment of health services in their entirety is ensured).

*Duration of eligibility for benefit*

457. Health services are provided for the duration of the condition requiring a particular health service.

**(b) Benefit during temporary absence from work**

*Categories of protected persons*

458. The following have the right to benefit during temporary absence from work:

- Insured persons under article 15, paragraph 1, points 1, 2, 3, 4, 5, 6 and 8 of ZZVZZ;
- Insured persons under article 15, paragraph 1, point 7 of ZZVZZ, if they pay the contribution from the basis determined for pension and disability insurance.

459. These are:

- Persons employed in the Republic of Slovenia;
- Persons employed by an employer based in the Republic of Slovenia, and sent to work or for professional training abroad, if they do not have compulsory insurance in the country to which they have been sent;

- Persons employed by foreign and international organizations and institutions, and at foreign consular and diplomatic representative offices based in the Republic of Slovenia, unless otherwise provided by treaty;
- Persons with permanent residence in the Republic of Slovenia, and employed by a foreign employer, who are not insured with a foreign health insurance provider;
- Persons who independently perform a commercial or professional activity as their sole or main occupation in the territory of the Republic of Slovenia;
- Persons who own private companies in the Republic of Slovenia, if they are not insured in any other way;
- Farmers, members of their enterprises and other persons performing farm activities in the Republic of Slovenia as their sole or main occupation (if they pay the contribution from the basis determined for pension and disability insurance);
- Top sportspersons and chess players who are members of sports and chess organizations in the Republic of Slovenia, and who are not insured in any other way.

*Conditions for obtaining insurance rights*

460. The right to benefit during temporary absence from work is one that derives from health insurance. The condition for obtaining the right to benefit, therefore, is a formally concluded health insurance policy.

*Nature of benefit*

461. The right from health insurance is benefit during temporary absence from work - a cash benefit.

*Basis and calculation of benefit*

462. The basis for benefit is the average monthly salary and benefit, or the average basis for payment of contributions in the calendar year prior to the year in which the temporary absence from work began. The benefit amounts to:

- 100 per cent of the basis during absence from work owing to occupational disease, injury at work, tissue and organ transplant to benefit another person, the consequences of giving blood and quarantine ordered by a physician;
- 90 per cent of the basis during absence from work owing to sickness;
- 80 per cent of the basis during absence from work owing to injury outside work, care for a family member and accompaniment ordered by a physician.

463. Disabled military personnel and civilians disabled in war have the right to a benefit amounting to 100 per cent of the basis.

464. The basis for benefit with regard to an insured person who has not received a salary during the period of absence from work is the average monthly amount of pay in the period of insurance prior to the start of absence from work. For insured persons who are injured on the way to work before work has started, and for insured persons who, after completion or supplementation of military service, or after early discharge from military service owing to sickness or injury, cannot begin work, the calculation of the basis takes into account the pay they would have received if they had started work.

*Start of eligibility for benefit*

465. In accordance with the Act, insured persons are allocated benefit on the basis of an opinion from their personal physician or competent medical committee:

- From the first day of absence from work owing to tissue or organ transplant for another person, blood donation, care for a close family member, quarantine, and accompaniment ordered by a physician, and as a result of injuries sustained in circumstances specified in article 18 of ZZVZZ;
- In all other cases, from the 31st day of absence from work.

466. For the first 30 days, insured persons are paid benefit in accordance with labour legislation (article 137 of the Employment Act) for an individual absence from work, but for a maximum of 120 working days in a calendar year, by their employer from the employer's own funds. In cases of incapacity for work owing to occupational disease or injury at work, employers pay a benefit to the worker from their own funds for up to 30 working days for each individual absence from work. In periods of longer absence from work the employer pays the benefit, charged to health insurance.

467. In cases of two or more successive absences from work owing to the same disease or injury not connected with work, where the individual break between one and the other absence is less than 10 working days, and for periods of further absence starting from the break, the employer pays the benefit, charged to health insurance.

468. The level of benefit payable by the employer amounts to 80 per cent of the wages of the worker in the preceding month for full-time work. In cases of incapacity for work owing to occupational disease or injury at work, workers are eligible for benefit in the amount of their average monthly wages in the last three months or from the period of work in the last three months (100 per cent).

*Duration of eligibility for benefit*

469. When an insured person is absent from work owing to temporary incapacity for work, he is referred by his personal physician or medical committee to a disability commission, if a return of working capacity is not anticipated, and in any event after one year of uninterrupted absence from work or from part-time work. If in this case disability is determined, and the insured person has the right to benefit:

- Until the day when a decision establishing category I disability becomes legally enforceable;
- Until the day when a decision establishing category II or III disability becomes final.

470. Insured persons whose employment has been terminated during absence from work are eligible for benefit for a further maximum period of 30 days of temporary incapacity for work after termination of employment.

471. If the absence from work is a consequence of injury at work or occupational disease, insured persons are also eligible for benefit after termination of employment, until they are again capable of work. Insured persons who while receiving benefit are temporarily laid off, receive benefit reduced by the amount that their pay would be reduced during this period.

**Table 62**

**Average number of health-care users**

	1990	1995	1997	1998	1999	2000	2001
Users - total	2 325 415	1 975 636	1 944 190	1 945 913	1 939 369	1 941 065	1 954 765
Employees, pensioners and other users - total	1 299 675	1 354 775	1 341 183	1 360 724	1 353 575	1 371 333	1 408 289
Their family members - total	894 912 <sup>a</sup>	573 916 <sup>a</sup>	562 341	585 189	548 738	534 389	514 497
Employees and others	886 767	784 717	770 459	767 814	765 982	770 369	774 475
Their family members	696 248	495 274	479 336	478 288	466 624	455 864	448 524
Persons temporarily not employed	12 203	34 773	35 418	36 510	35 450	31 693	22 336
Their family members	10 534	9 341	10 729	10 982	9 608	7 068	5 543
Pensioners	375 046	460 513	455 133	449 794	456 660	463 536	484 729
Their family members	188 130	58 629	59 559	60 260	58 860	57 729	46 489
Others <sup>b</sup>	18 093	52 883	51 749	53 165	53 755	57 190	63 546
Their family members	...	10 672	12 717	13 608	13 646	13 728	13 941
Other users <sup>c</sup>	7 566	21 889	28 424	29 389	41 728	48 545	63 203
Farmers - total	130 828	46 945	40 666	39 155	37 056	35 343	31 979
Farmers - liable to contributions	56 704	29 959	25 436	24 052	22 568	21 352	19 240

*Source:* Statistical Yearbook of the Republic of Slovenia 2002.

<sup>a</sup> Estimate.

<sup>b</sup> Recipients of disability care allowance, temporary allowances, foreign pensioners, insured persons of persons employed and insured abroad, recipients of a variety of assistance and allowances, disabled military personnel and their family members.

<sup>c</sup> Since 1980 this has included students in higher education and academies and their family members.

**Table 63****Outgoings of health communities for health services (in million SIT)\***

Total	1990	1995	1997	1998	1999	2000	2001
	10 076	143 448	185 331	208 495	229 104	260 352	303 936
General outpatient and dispensary treatment	2 005	24 078	33 339	37 978	42 436	47 908	2 831
Specialist outpatient treatment	1 256	15 725	19 426	20 549	22 753	26 361	33 392
Hospital treatment	4 314	48 773	65 576	72 553	80 697	92 441	105 567
Health resort treatment	269	1 506	2 342	2 702	2 932	3 517	3 981
Medications and injections	1 047	21 203	24 764	29 489	32 636	37 326	46 265
Dental care and dental prosthesis	764	6 727	9 038	9 975	11 374	13 440	16 081
Transport in ambulances and other vehicles							
- private transport	142	1 231	1 396	1 926	2 292	2 747	3 061
Other outgoings	279	24 205	29 450	33 323	33 984	36 612	42 758
Of which:							
- sick benefit	...	15 905	19 093	20 483	20 552	22 737	28 947
- orthopaedic aids	...	4 506	5 223	6 039	6 793	7 500	8 088

*Source:* Statistical Yearbook of the Republic of Slovenia 2002.

\* Up to 1990 in dinars.

#### **4. Accidents at work and occupational diseases**

472. Insurance against injury at work and occupational diseases is regulated within the system of compulsory health insurance and pension and disability insurance, in the following manner:

(a) If an injury at work or occupational disease results in temporary incapacity: by the Health Care and Health Insurance Act, which within compulsory health insurance regulates the right to payment of health services (benefits in kind) and pay during temporary absence from work (cash benefit);

(b) If an injury at work or occupational disease results in long-term incapacity: by the Pension and Disability Insurance Act, which regulates the right to disability pension<sup>6</sup> (cash benefits) and the right to occupational rehabilitation.

**Table 64**  
**Accidents and fatal injuries at work**

	1997	1998	1999	2000	2001
Injuries at work					
Total	26 578	25 710	26 485	25 940	25 176
Men	20 092	19 198	19 703	19 384	18 711
per 1,000 male employees	49.0	45.4	46.0	44.6	43.0
Women	6 486	6 512	6 782	6 556	6 465
per 1,000 female employees	18.8	18.6	19.3	18.3	18.1
Fatalities					
Number	42	31	27	26	34
per 1,000 employees	0.6	0.4	0.3	0.3	0.4

*Source:* Statistical Yearbook of the Republic of Slovenia 2002.

### **5. System of benefits for family members in the event of death of the family breadwinner**

473. The system of benefits for family members in the event of death of the family breadwinner is incorporated into pension and disability insurance. The two basic rights deriving from pension and disability insurance in this regard are the survivor's and the widow's pensions.<sup>7</sup>

### **6. Insurance for parental protection**

474. Insurance for parental protection is regulated by the Parental Protection and Family Benefit Act (Ur. l. RS, 97/2001). The rights from parental protection insurance are:

- Parental leave;
- Parental benefit;
- Rights deriving from part-time work.

475. The right to parental benefit covers:

- Maternity benefit;
- Paternity benefit;
- Allowance for care of a child;
- Adoption allowance.

476. Protection of motherhood in terms of maternity protection is regulated in the following way:

(a) Prenatal state: regulated by the Health Care and Health Insurance Act, which regulates under compulsory health insurance the right to payment of health services and to benefit during temporary absence from work; the Parental Protection and Family Benefit Act governs the right to maternity leave and in this way also the right to maternity benefit (indeed a pregnant woman must begin maternity leave 28 days prior to confinement);

(b) Post-natal state: regulated by the Parental Protection and Family Benefit Act, which governs the right to parental leave and parental benefit (the right to parental benefit covers the right to maternity benefit, paternity benefit, an allowance for childcare and adoption allowance).

*Categories of protected persons*

477. Those insured for parental protection are:

- Employees in the territory of the Republic of Slovenia;
- Elected or appointed holders of public or other offices in bodies of the legislative, executive or judicial branches of power in the Republic of Slovenia or in local self-government bodies, if they receive salaries for such offices;
- Aliens employed in the territory of the Republic of Slovenia in international organizations and institutions, and foreign diplomatic and consular representative offices, if such insurance is provided by international agreement;
- Self-employed persons;
- Farmers;
- Top sportspersons and chess players;
- Unemployed persons receiving benefit from ESS;
- Persons receiving benefit during temporary absence from work from the Health Insurance Institute of Slovenia under the regulations governing health insurance;
- Persons serving penal sentences;
- Persons receiving parental benefit pursuant to the Act.

*Conditions for obtaining insurance rights*

478. The right to parental benefit is held by those persons who:

- Have the right to parental leave; and
- Were insured for parental protection prior to the day the particular type of parental leave began.

The right to parental benefit is also held by those persons who do not have the right to parental leave, if they were insured for parental protection for at least 12 months in the last three years prior to the start of the particular type of parental leave.

*Nature of benefit*

479. The right from insurance for parental protection is parental benefit - a cash benefit.

*Basis and calculation of benefit*

480. The basis for an individual type of parental benefit is the average basis on which contributions were calculated for parental protection in the last 12 months prior to the start of parental leave. If contributions were calculated for an insured person for parental protection for a shorter period, 55 per cent of the minimum wage is taken as the basis for the missing months. For insured persons who have the right to parental benefit, but do not hold the right to parental leave, on the basis that they were insured for parental protection for at least 12 months of the last three years prior to the start of the particular type of parental leave, 55 per cent of the minimum wage is taken as the basis. For each month of insurance for parental protection insured persons had in the last three years prior to the start of the particular type of parental leave, the basis determined thus is increased by 2 per cent, but by a maximum of 50 per cent.

481. The basis may not be higher than 2.5 times the average monthly wage in the Republic of Slovenia on the basis of the last known official data on monthly wages during the allocation of the allowance, except for maternity benefit (max.). The basis may not be less than 55 per cent of the minimum wage (min.).

482. Parental benefit for complete absence from work amounts to 100 per cent of the basis, and for partial absence from work it is equal to the proportionate part of the partial absence from work.

*Start of eligibility for benefit*

483. Eligibility for parental benefits starts at the beginning of a parental leave.

*Duration of eligibility for benefit*

484. On fulfilment of the conditions required, insured persons enjoy:

- During maternity leave the right to maternity benefit;



- During paternity leave lasting 15 days, the right to paternity benefit, and for 75 days the State provides payment of contributions for social security from the minimum wage;
- During leave to care for a child, the right to childcare allowance;
- During adoption leave, the right to adoption allowance.

The right to parental benefit ceases upon termination of the parental leave.

**Table 65**

**Maternity benefit, 1994-2002**

Year	Maternity benefit	
	Eligible	Funds paid out (in '000 SIT)
1994	19 257	14 865 351
1995	17 261	16 825 630
1996	17 080	18 892 133
1997	16 916	21 202 239
1998	16 374	22 569 824
1999	16 181	24 541 501
2000	16 343	27 729 576
2001	16 617	31 645 974

*Source:* Ministry of Labour, Family and Social Affairs.

**C. Contributions for social security**

485. The calculation, payment and level of contributions for social insurance are regulated by the Social Security Contributions Act (ZPSV, Ur. l. RS, 5/96, 81/2000) in the following manner:

**SUM OF CONTRIBUTIONS:**

**INSURED PERSONS (employees)**

- health care: 6.36 per cent
- pension and disability insurance: 15.50 per cent
- insurance against unemployment: 0.14 per cent
- insurance for parental protection: 0.10 per cent

**TOTAL:** 22.10 per cent of gross pay

**EMPLOYERS:**

- health care: 6.36 per cent + 0.53 per cent

- pension and disability insurance: 8.85 per cent
- insurance against unemployment: 0.06 per cent
- insurance for parental protection: 0.10 per cent

TOTAL: 15.90 per cent of gross pay

### **1. Insurance against unemployment (unemployment benefit)**

486. The contribution for employment is paid according to the following rates (article 14 of ZPSV):

- insured persons at the rate of 0.14 per cent; and
- employers at the rate of 0.06 per cent.

The basis for payment of contributions is the gross pay or gross benefit for absence from work.

### **2. Pension and disability insurance**

- old-age pension;
- disability benefits;
- benefits in the case of accidents at work and occupational diseases (long-term incapacity);
- benefits for family members after the death of the family breadwinner.

487. The contribution for compulsory pension and disability insurance is paid according to the following rates:

- insured persons at a rate of 15.50 per cent of the basis;
- employers at a rate of 8.85 per cent of the basis;
- self-employed persons at a rate of 24.35 per cent of the insurance basis;
- farmers (performing farming as their sole or main occupation) at a rate of 15.50 per cent of the insurance basis.

488. The basis for payment of contributions for employees and employers is the gross pay or gross benefit for absence from work, and for self-employed persons and farmers it is the insurance basis.

### **3. Health insurance**

- health care;
- sickness benefit;
- benefits in the case of accidents at work and occupational diseases (temporary incapacity);
- benefits for maternity leave (pregnancy and childbirth).

489. The contribution for compulsory health insurance (health services and benefit for temporary absence from work) is paid according to the following rates:

- insured persons at a rate of 6.36 per cent of the basis;
- employers at a rate of 6.36 per cent of the basis;
- self-employed persons at a rate of 12.92 per cent of the insurance basis;
- farmers (performing farming as their sole or main occupation) at a rate of 6.36 per cent of the insurance basis.

490. The rates of contributions for temporary incapacity for work (accidents at work and occupational diseases):

- employers at a rate of 0.53 per cent of the basis;
- self-employed persons at a rate of 0.53 per cent of the basis;
- farmers (performing farming as their sole or main occupation) at a rate of 0.53 per cent of the basis.

491. The basis for payment of contributions for employees and employers is the gross pay or gross benefit for absence from work, and for self-employed persons and farmers it is the insurance basis for pension and disability insurance.

### **4. Insurance for parental protection**

492. The contribution rates are as follows:

- employers at a rate of 0.10 per cent of the basis;
- insured persons at a rate of 0.10 per cent of the basis;
- self-employed persons at a rate of 0.20 per cent of the basis;
- farmers (performing farming as their sole or main occupation) at a rate of 0.20 per cent of the basis.

493. Contributions are calculated on the basis of payment of contributions, which is equal to the basis for payment of contributions for compulsory pension and disability insurance (gross pay or gross benefit for absence from work, or for self-employed persons and farmers the insurance basis for pension and disability insurance).

## **D. Institutional framework**

### **1. Insurance against unemployment**

494. The functioning of ESS and oversight of its work are regulated by the Employment and Insurance against Unemployment Act (ZZZPB), the statutes of ESS (Ur. l. RS, 84/99) and the Rules on Exercising Supervision of the Work of the Employment Service of the Republic of Slovenia and Other Entities in the Field of Employment (Rules on exercising supervision, Ur. l. RS, 17/99).

495. ESS is established as a public institute, and is organized uniformly for the territory of the Republic of Slovenia, where for the performance of individual activities or part of activities, or for performing activities in a specific region, the Service may create organizational units (article 61 of ZZZPB).

496. ESS operates organizationally and functionally on three levels, these being at the head office of ESS, which houses the management and central services, and in the regional units and employment offices throughout Slovenia. In Slovenia there are currently 10 regional units and 59 employment offices operating.

497. The official bodies of ESS are the administrative board and the ESS director (article 61 (a) of ZZZPB). The administrative board has 13 members. Employer organizations representative for the territory of Slovenia, trade unions representative for the territory of Slovenia and the Government of Slovenia each appoint four members to the administrative board, with one member appointed by ESS employees.

### **2. Pension and disability insurance**

498. In accordance with the Pension and Disability Insurance Act (Ur. l. RS, 106/99, 124/2000, 114/2002) the administrator and provider of compulsory pension and disability insurance is the Pension and Disability Insurance Institute of Slovenia, which has the status of a public institute (article 10 of ZPIZ).

499. The functioning and organization of the institute are regulated by the Statutes of the Pension and Disability Insurance Institute of Slovenia (Ur. l. RS, 78/2000).

500. The Pension and Disability Insurance Institute of Slovenia functions organizationally on two levels, these being at the head office of the Institute, housing the director and the Institute's services, and in regional units. In Slovenia there are currently nine regional units operating.

501. The Institute's bodies are:

- The assembly, which is the Institute's administrative body;
- The administrative board, which is the executive body of the Institute's assembly; and
- The director, who is the managing body of the Institute (article 10 of the Statutes).

502. The Institute's assembly is the administrative body, which is composed, under the representative principle, of 30 members as follows:

- Eight representatives of trade unions, including at least one representative from each federation or confederation representing the national territory;
- Eight representatives of employers' associations;
- Seven representatives of the Government of Slovenia;
- Seven representatives of pensioners and occupationally disabled persons, including one representative of the Federation of Disabled Workers of Slovenia.

### **3. Health insurance**

503. Under the Health Care and Health Insurance Act (Ur. l. RS, 9/92, 56/99, 60/2002) the provider of compulsory insurance is the Health Insurance Institute of Slovenia, and voluntary health insurance is provided by individual insurance companies (article 12 of ZZVZZ).

504. The functioning of the Health Insurance Institute of Slovenia is regulated in detail by the Statutes of the Health Insurance Institute of Slovenia (Ur. l. RS, 9/95).

505. The provision of compulsory health insurance is a public service performed by the Health Insurance Institute of Slovenia as a public institute (article 69 of ZZVZZ), which, in addition to activities of compulsory insurance, also performs voluntary health insurance activities (article 10 of the Statutes of ZZS).

506. The Health Insurance Institute of Slovenia conducts its business through its 10 regional units, with 46 branch offices.

507. The bodies of the Institute are: the assembly, the administrative board and the director. The assembly is composed of 45 members, of which 20 members are representatives of employers and 25 representatives of insured persons (among them also trade unions' representatives). In areas of regional units, regional councils also operate.

#### **4. Insurance for parental protection**

508. In accordance with the Parental Protection and Family Benefit Act (Ur. l. RS, 97/2001), the rights from insurance for parental protection are claimed at Social Work Centres (CSDs).

509. The Social Security Act (ZVS, Ur. l. RS, 54/92, 42/94 - Constitutional Court decision, 1/99, 41/99, 36/00, 54/00 and 26/01) is the umbrella law regulating the issue of CSDs, which perform tasks entrusted to them by law as public authorizations, and as well as tasks required of them by other regulations.

510. CSDs are set up in administrative units. Each CSD covers those municipalities that fall within an administrative unit for which a CSD is established. In Slovenia there are 62 CSDs, and these are linked together via the Association of Social Work Centres of Slovenia.

### **Article 10**

#### **Protection of the family, motherhood and children**

##### **A. Constitutional and legislative aspects**

511. In accordance with article 8 of the Constitution, laws and other regulations must comply with the generally accepted principles of international law and treaties that are binding on Slovenia. Ratified and published treaties are applied directly.

512. The treaties that Slovenia has ratified, and whose content embraces the area of protection of the family, motherhood and children, are:

- International Covenant on Civil and Political Rights (Ur. l. SFRJ, 7/71);
- European Convention for the Protection of Human Rights and Fundamental Freedoms (Ur. l. RS-MP, 1/1994; RS 2/1994);
- Revised European Social Charter (Ur. l. RS-MP, 7/99; RS 24/99);
- European Convention on the Exercise of Children's Rights (Ur. l. RS-MP, 26/99; Ur. l. RS, 86/99);
- Convention on the Rights of the Child (Ur. l. SFRJ-MP, 15/1990);
- Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption (Ur. l. RS-MP, 14/99; Ur. l. RS, 45/99);
- International Convention on the Elimination of All Forms of Racial Discrimination (Ur. l. SFRJ-MP, 6/1967);
- Convention on the Elimination of All Forms of Discrimination against Women (Ur. l. SFRJ-MP, 11/1981);
- ILO Convention No. 29 on Forced Labour (Ur. l. RS, 15/92);

- ILO Convention No. 90 on Night Work of Young Persons (Industry) (Ur. l. FLRJ-MP, 6/57; Ur. l. RS, 15/92);
- ILO Convention No. 102 on Social Security (Minimum Standards) (Ur. l. SFRJ-MP, 1/55; Ur. l. RS, 15/92);
- ILO Convention No. 103 on Maternity Protection (Ur. l. SFRJ-MP, 9/55; Ur. l. RS, 15/92);
- ILO Convention No. 131 on Minimum Wage Fixing (Ur. l. SFRJ-MP, 14/82; Ur. l. RS, 15/92);
- ILO Convention No. 138 concerning Minimum Age for Admission to Employment (Ur. l. SFRJ-MP, 14/82; Ur. l. RS, 15/92);
- ILO Convention No. 142 concerning Vocational Guidance and Vocational Training in the Development of Human Resources (Ur. l. SFRJ-MP, 14/82; Ur. l. RS, 15/92);
- ILO Convention No. 155 on Occupational Safety and Health (Ur. l. SFRJ-MP, 7/87; Ur. l. RS, 15/92);
- ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Ur. l. RS-MP, 7/2001).

### **1. Constitution of the Republic of Slovenia**

513. Article 53 of the Constitution provides that marriage is based on the equality of spouses. Marriages are solemnized before an empowered State authority. Marriage and the legal relations within it and the family, as well as those within an extramarital union, are regulated by law. The State protects the family, motherhood, fatherhood, children and young people and creates the necessary conditions for such protection.

514. Parents have the right and duty to maintain, educate and raise their children. This right and duty may be revoked or restricted only for such reasons as are provided by law in order to protect the child's interests. Children born out of wedlock have the same rights as those born in wedlock (article 54 of the Constitution).

515. Everyone is free to decide whether to have children, and the State guarantees the opportunities for exercising this freedom and creates such conditions as will enable parents to decide to have children (article 55 of the Constitution).

516. Article 56 of the Constitution establishes the framework for special protection of children, by providing that:

- Children enjoy special protection and care, and that children enjoy human rights and fundamental freedoms consistent with their age and maturity;

- Children are guaranteed special protection from economic, social, physical, mental or other exploitation and abuse;
- Children and minors who are not cared for by their parents, who have no parents or who are without proper family care enjoy the special protection of the State.

## **2. Legislative framework**

517. The main legal acts with which Slovenia regulates the protection of the family, motherhood and children are:

- Marriage and Family Relations Act (Ur. l. SRS, 14/1989, 64/2001);
- Parental Protection and Family Benefits Act (Ur. l. RS, 97/2001);
- Health Care and Health Insurance Act (Ur. l. RS, 9/92; 99/2001);
- Guarantee and Maintenance Fund of the Republic of Slovenia Act (Ur. l. RS, 25/97; 10/1998, 41/99, 53/99, 22/2000, 119/2002);
- Kindergarten Act (Ur. l. RS, 12/96; No. 44/2000);
- Employment Act (Ur. l. RS, 42/2002);
- Occupational Health and Safety Act (Ur. l. RS, 56/99);
- Social Protection Act (Ur. l. RS, 54/92, 26/2001);
- Personal Income Tax Act (Ur. l. RS, 71/93; 13/2001);
- Penal Code (Ur. l. RS, 63/94; 23/99);
- General Administrative Procedure Act (Ur. l., 80/99; 70/2000);
- Non-Litigious Civil Procedure Act (Ur. l. SRS, 30/86; 20/88);
- Civil Procedure Act (Ur. l. RS, 26/99);
- Criminal Procedure Act (Ur. l. RS, 63/94, 66/2000, 111/2001, 32/2002 - decision of Constitutional Court, 44/2003 - decision of CC, 56/2003);
- Free Legal Aid Act (Ur. l. RS, 48/2001).

## **B. Marriage**

518. The Constitution provides that marriage is based on the equality of spouses, and that marriages are solemnized before an empowered State authority. Marriage and the legal relations within it and the family, as well as those within an extramarital union, are regulated by law (article 53 of the Constitution).



519. Article 14 (Equality before the law) of the Constitution provides that in Slovenia everyone is guaranteed equal human rights and fundamental freedoms, irrespective of national origin, race, sex, language, religion, political or other conviction, material standing, birth, education, social status or any other personal circumstance.

520. The main legal act governing the area of marriage is the Marriage and Family Relations Act (Ur. l. SRS, 14/1989; 64/2001). This Act regulates the area of marriage, the relations between parents and children and between other relatives, adoption, fostering and the protection of minors and other persons who are incapable of looking after themselves, their rights and benefits.

### **1. Equality of both spouses**

521. The Marriage and Family Relations Act states that marriage is a legally regulated union of a man and a woman, and further provides that marriage is based on the free decision to enter into matrimony, on mutual emotional ties, mutual respect, understanding, trust and mutual help.

522. Article 14 of the Act explicitly provides that both spouses in marriage are equal.

523. The social community with its system of education, health and social security enables people to prepare in every way for harmonious family life, and helps them in their personal relations and in exercising parental rights.

524. Article 12 of the Act regulates the status of extramarital unions, and in this connection sets out that the long-term partnership of a man and woman who are not married carries for them the same legal consequences under this Act as if they had been married, provided there was no reason for which a marriage between them would be void; in other areas such partnership has legal consequences, if the law so provides.

### **2. Contracting and terminating marriage**

525. In order for a marriage to be contracted, two persons of different gender must declare before an empowered State authority, in a manner provided by law, their agreement to contract a marriage.

526. Marriage is not valid without the free consent of the future spouses. Consent is not free, if such consent was forced or given in error.<sup>8</sup>

527. The Act also sets out specifically the individual cases where marriage cannot be contracted. Marriage cannot be entered into by:

- A person who is not yet 18 years old;
- A person who is severely mentally disabled or irrational;.
- Any person until their previous marriage is terminated or declared void;

- Lineally related persons (brother and sister, half-brother and half-sister, uncle and niece, aunt and nephew), nor by the children of brothers and sisters, half-brothers and half-sisters (this does not apply to relationships arising in adoption, except for the adoptive parent and adopted child);
- A guardian and their ward, for as long as such guardianship lasts.

Where there are justified reasons, a social work centre may permit marriage between the children of brothers and sisters, between the children of half-brothers and half-sisters, between a guardian and ward, and the marriage of a person who is not yet 18 years old.

528. Marriage is terminated:

- Upon the death of one spouse;
- Upon the declaration of one spouse as dead; and
- Upon divorce.

**Table 66**

**Marriages and divorces**

	Ø 1990-1994	Ø 1995-1999	1997	1998	1999	2000	2001
Marriages contracted (total)	8 630	7 709	7 500	7 528	7 716	7 201	6 935
Divorces finalized (total)	1 907	1 229	1 996	2 074	2 074	2 125	2 274

*Source:* Statistical Yearbook of the Republic of Slovenia 2002.

**Table 67**

**Average age of bride and groom on marriage**

	Ø 1990-1994	Ø 1995-1999	1997	1998	1999	2000	2001
Bride	26.1	27.5	27.6	27.8	28.1	28.4	28.8
Groom	29.4	30.7	30.7	30.9	31.3	31.4	31.8

*Source:* Statistical Yearbook of the Republic of Slovenia 2002.

**Table 68**

**Coefficient of marriages and divorces, and number of divorces  
per 1,000 marriages**

	Ø 1990-1994	Ø 1995-1999	1997	1998	1999	2000	2001
Marriages contracted per 1,000 inhabitants	4.3	3.9	3.8	3.8	3.9	3.6	3.5
Divorces finalized per 1,000 inhabitants	1.0	1.0	1.0	1.0	1.0	1.1	1.2
Divorces finalized per 1,000 marriages contracted	221.0	252.6	266.1	275.5	268.8	298.6	330.8

*Source:* Statistical Yearbook of the Republic of Slovenia 2002.

### 3. Property relations between spouses

529. In accordance with the Marriage and Family Relations Act, the assets owned by a spouse upon contracting a marriage remain that spouse's property and he or she may dispose of it independently. Assets acquired by a spouse through work during the marriage are the common property of both spouses.

530. Common assets are managed and disposed of by the spouses together by agreement. Spouses may agree that just one of them manages such assets or a part thereof, or that one of them manages and also disposes of them, wherein that spouse takes into account the benefit of the other spouse. Either spouse may back out of such agreement at any time, but may not do so at an unfavourable time. Pursuant to article 53 of the Act, unless otherwise agreed, a spouse to whom management has been entrusted may as part of the regular management also dispose of common assets or a part thereof.

531. A spouse may not dispose of his or her undefined share of common assets through legal transactions between living persons, and especially may not expropriate or encumber such assets. The right to real estate that is the common property of the spouses is entered in the land register in the names of both spouses as their common property in undefined shares.

532. The Act further provides that for obligations held prior to marriage and for obligations assumed after contracting a marriage, spouses are liable with their separate property and with their share in common property. The Act goes on to regulate the obligations binding on both spouses, the obligations arising in connection with common assets and the obligations assumed by one spouse for the current needs of the family.

533. Common assets are divided up if the marriage is terminated or declared void. During the marriage, common assets may be divided up by agreement or at the request of either spouse. In the division of common assets, the shares in common property held by the spouses are deemed to be equal, but the spouses may demonstrate that they contributed to the common assets in different proportions. Where there is a dispute on the size of share held by each spouse in the common assets, the courts take into account not just the income of each spouse, but also other circumstances, such as the assistance one spouse provides to the other, the care and raising of children, housework, care for the maintenance of assets and every other form of work and cooperation in managing, maintaining and increasing the common assets. Spouses may

themselves agree on the level of shares in common assets, or may request the court to determine such share. Upon establishing the shares in the common assets, on the proposal of the spouses this is divided up by the rules valid for dividing shared property.

### **C. Family protection**

534. In the chapter on human rights and freedoms the Constitution provides that the State shall protect the family, motherhood, fatherhood, children and young people and shall create the necessary conditions for such protection (art. 53).

535. Parents have the right and duty to maintain, educate and raise their children. This right and duty may be revoked or restricted only for such reasons as are provided by law in order to protect the child's interests. Children born out of wedlock have the same rights as those born in wedlock (article 54 of the Constitution). Everyone is free to decide whether to have children, and the State guarantees the opportunities for exercising this freedom and creates such conditions as will enable parents to decide to have children (article 55 of the Constitution).

536. Apart from the Constitution, the main laws governing the area of family protection, family relations, the system of family benefits and child day care are:

- Marriage and Family Relations Act (Ur. l. SRS, 14/1989; 64/2001);
- Parental Protection and Family Benefits Act (Ur. l. RS, 97/2001);
- Guarantee and Maintenance Fund of the Republic of Slovenia Act (Ur. l. RS, Nos. 25/97; 10/98; 41/99; 53/99; 22/2000; and 119/2002);
- Kindergarten Act (Ur. l. RS, Nos. 12/96 and 44/2000);
- Penal Code (Ur. l. RS, 63/94).

#### **1. General**

537. The Marriage and Family Relations Act (Ur. l. SRS, 14/1989; Ur. l. RS, 64/2001) defines the family as a domestic union of parents and children, which for the benefit of the children enjoys special protection.

538. The Act provides that parents have the right and duty, through direct care and through their work and activities, to promote the successful physical and mental development of their children. For healthy growth, harmonious personal development and independent life and work, parents have the right and duty to care for the lives, personal development, rights and benefits of their minor children. These rights and duties make up the parental right.

539. The parental right pertains jointly to the father and mother. In cases provided by law, the parental right may be extended, restricted, or even removed. The parental right is removed from

a parent by court order where such parent abuses the right, or has abandoned a child, or through his or her behaviour has clearly demonstrated an unwillingness to care for the child, or is in some other way seriously neglecting the parental duty. The parental right expires upon the majority of the child, that is, when the child reaches the age of 18 years, or if a minor marries before reaching majority (by contracting a marriage, the minor acquires full contractual capacity).

**Table 69**

**Population by gender, households, apartments and apartment buildings,  
Slovenia, 2002 census - preliminary data**

Population			Households		Apartments		Apartment buildings
Total	Male	Female	Total	Average number of members	Total	Per apartment building	
1 948 250	943 994	1 004 256	688 733	2.8	775 131	1.6	478 830

*Source:* Statistical Service of the Republic of Slovenia, Census of population, households and apartments 2002.

**Table 70**

**Population, households and apartments, Slovenia, censuses for 1991 and 2002**

	Census			Index	
	1991 <sup>a</sup>	1991 <sup>b</sup>	2002 <sup>c</sup>	<u>2002</u> 1991 <sup>a</sup>	<u>2002</u> 2001 <sup>b</sup>
Population	1 965 986	1 913 355	1 948 250	99.1	101.8
Households	640 195	632 278	688 773	107.6	108.9
Average number of household members	3.1	3	2.8	92.1	93.5
Apartments	684 279	-	775 131	113.3	-

*Source:* Statistical Service of the Republic of Slovenia, Census of population, households and apartments 2002.

<sup>a</sup> Final data.

<sup>b</sup> Data (population, households) calculated by the 2002 Census methodology.

<sup>c</sup> Preliminary data.

## 2. Family benefits system

540. Family benefits in Slovenia are regulated by the Parental Protection and Family Benefit Act (Ur. l. RS, 97/2001). The Act entered into force on 1 January 2002, and replaced the previously valid Family Benefits Act (Ur. l. RS, 65/93; 26/2001).

541. The substance regulated by the Act is as follows:

- insurance for parental protection and the rights deriving therefrom;
- family benefits;
- the conditions and procedure for exercising individual rights;
- other issues regarding implementation of the Act.

542. Family benefits are cash benefits embracing:

- parental supplement;
- childbirth assistance;
- child supplement;
- large family supplement;
- childcare supplement;
- partial pay for loss of earnings.

543. In 1998, the Slovene national budget allocated for family benefits 1.58 per cent, in 1999 1.67 per cent, in 2000 1.82 per cent, and in 2001 1.89 per cent of GDP.

**Table 71**

**Number of eligible persons and spending on certain benefits, 1994-2002**

Year	Child supplement			Childbirth assistance		Parental supplement		Childcare supplement		
	Eligible persons	Children	Funds paid (in 1,000 SIT)	Eligible persons	Funds paid (in 1,000 SIT)	Eligible persons	Funds paid (in 1,000 SIT)	Eligible persons	Children	Funds paid (in 1,000 SIT)
1994	100 063	187 639	10 777 919	18 432	343 167	2 474	423 484	-	-	-
1995	123 006	222 634	14 032 696	18 408	381 358	3 015	557 363	-	-	-
1996	204 029	342 443	21 104 101	18 420	398 861	2 822	556 237	-	-	-
1997	248 950	408 536	25 117 458	17 916	433 342	2 734	566 334	3 602	3 705	49 535
1998	254 228	410 864	26 705 104	17 637	428 986	2 616	573 746	4 013	4 132	567 601
1999	245 998	405 040	35 939 307	17 295	452 382	2 563	602 862	4 291	4 424	640 682
2000	247 505	411 397	44 904 004	18 083	531 273	2 452	608 000	4 590	4 731	722 598
2001	248 996	412 495	48 066 533	16 101	462 130	2 317	622 434	4 806	4 963	828 762
2002	245 047	408 078	51 461 986	18 620	921 221	2 174	781 603	-	5 212	1 175 399

*Source:* Ministry of Labour, Family and Social Affairs.

544. In addition to family benefits, the State also provides for children and other family members other cash benefits that enable economic and social security for families, including: grants, pay benefit for the care of a close family member, family pensions and other cash subsidies in the area of education and housing.

**(a) Family benefits**

545. In accordance with the Parental Protection and Family Benefits Act, family benefits comprise parental supplement, childbirth assistance, child supplement, large family supplement, childcare supplement, partial pay for loss of earnings.

**PARENTAL SUPPLEMENT**

546. Parental supplement is monetary assistance for parents when following the birth of a child they are not eligible for parental benefit. In 2002 parental supplement amounted to 35,000 tolar, and in 2003 it was 37,520 tolar per month.

547. The right to parental supplement is held by a mother who:

- is a citizen of the Republic of Slovenia;
- has permanent residence in the Republic of Slovenia; and
- if the child is a citizen of the Republic of Slovenia.

548. The father has the right to parental supplement under the same conditions as the mother, if the mother:

- has signed an employment contract or started performing an agricultural or other independent activity;
- has abandoned the child;
- on the basis of the opinion of a competent physician, is permanently or temporarily incapable of independent life and work;
- has died.

549. Another person has the right to parental supplement under the same conditions as the mother, when that person is actually caring for the child.

550. The right to parental supplement lasts for 365 days from the birth of the child. The father or other person has the right to parental supplement for the same duration as the mother, reduced by as many days as the mother has already exercised this right.

Those eligible for parental supplement also have pension and disability insurance, for which the Republic of Slovenia pays their contributions from the minimum wage.

## CHILDBIRTH ASSISTANCE

551. Childbirth assistance is a one-off cash benefit intended for the purchase of accessories for a newborn. In 2002 this assistance amounted to 50,000 tolar. Instead of a cash benefit, accessories for a newborn can be provided in the form of a package of the same value. The right to childbirth assistance is enjoyed by every child whose mother or father has permanent residence in the Republic of Slovenia.

## CHILD SUPPLEMENT

552. Child supplement provides parents and children with a supplementary benefit for maintenance and education, when the income per family member does not exceed the upper limit for the income bracket under the Parental Protection and Family Benefits Act. The right to child supplement is granted for a period of one year.

553. The right to child supplement is held by one of the parents or another person, for a child resident in the Republic of Slovenia, if:

- they are citizens of the Republic of Slovenia;
- they are not citizens of the Republic of Slovenia, on condition of reciprocity.

554. On condition that at least one of the parents has an employment contract with an employer based in the Republic of Slovenia, they have the right to child supplement also for a child who is not resident in the Republic of Slovenia, if:

- they are citizens of the Republic of Slovenia and do not have the right to claim child supplement in the country where they live;
- they are not citizens of the Republic of Slovenia and this is agreed in a treaty.

555. The right to child supplement is also held under the aforementioned conditions by a child more than 18 years old who has no parents or does not live with parents in the same household, if so decided based on circumstances by a social work centre.

556. Those eligible for child supplement are:

- persons under 18 years of age;
- older persons, if they are in full-time education, while they hold the status of pupil, trainee or student in an undergraduate course, but at most up to the age of 26 (in exceptional cases the status of child may also be held by persons beyond this age, if their higher education lasts five or six years, or if they did not finish their education in the prescribed time owing to long-term illness or injury or performing military service during their education. The status of child is extended for as long as the education has been extended for this reason).



**Child supplement (2002) amounts each month in tolars (in SIT)**

Income per family member in % of average wage in Slovenia	Amount of child supplement for individual child		
	First child	Second child	Third and subsequent children
up to 15%	18 870	20 760	22 650
from 15% to 25%	16 140	17 840	19 530
from 25% to 30%	12 300	13 750	15 190
from 30% to 35%	9 690	11 070	12 460
from 35% to 45%	7 930	9 250	10 570
from 45% to 55%	5 030	6 290	7 550
from 55% to 75%	3 770	5 030	6 290
from 75% to 99%	3 270	4 530	5 790

557. The income bracket is determined as a percentage of the average monthly wage of employees in the Republic of Slovenia for the calendar year prior to submission of a claim. In March each year the minister determines the nominal thresholds for income brackets for the previous calendar year. The level of child supplement is determined relative to the ranking of the family in their income bracket. Depending on the number of children, the total level of child supplement is determined for all children who are eligible for child supplement by adding up the individual amounts of child supplement for each child. To rank a family in a particular income bracket, account is taken of the average monthly income per family member in the preceding calendar year. The average monthly income per family member is calculated by dividing the total family income by the number of months to which the income relates and by the number of family members.

558. As from 1 January 2004 a system will apply whereby the individual amount of child supplement will be increased by 10 per cent when the child lives in a single-parent family. A single-parent family is a community of one of the parents with the children, where that parent exercises the parental right alone, in compliance with a special act. From 1 January 2003 a system has been applied whereby the individual amount of child supplement is increased by 20 per cent if a pre-school child is not enrolled in pre-school education in compliance with the regulations governing kindergartens.

559. Children aged over 18 years who claim for themselves the right to child supplement, are eligible for child supplement in the amount applicable for the first child.

**LARGE FAMILY SUPPLEMENT**

560. Large family supplement is an annual benefit intended for families with several children. This supplement involves a gradual claiming of the right: in 2002 it amounted to 25,000 tolars, in 2003 it was 53,600 tolars and in 2004 it will be 70,000 tolars (increased by the growth in the cost of living); it is paid out as a lump sum. Under ZSDP a large family is a family that has three or more children.

561. The right to large family supplement is held by one of the parents, if:

- the parents and children are citizens of the Republic of Slovenia; and
- they have a common permanent residence in the Republic of Slovenia.

The right to the supplement is also held by one of the children when three or more children from the same family live without their parents.

562. The right to large family supplement lasts for as long as the legal conditions are fulfilled. The right expires in the year after the oldest child reaches the legally provided age (18 years) or finishes education (max. 26 years).

#### SUPPLEMENT FOR THE CARE OF A CHILD REQUIRING SPECIAL CARE AND PROTECTION

563. This is a cash supplement for a child who needs special care and protection, and is intended to cover the increased cost of living that a family incurs for the care and protection of such a child. The monthly amount of the childcare supplement amounted in 2002 to 18,000 tolar. For children with severely impaired mental development and children with severe motor impairment who require special care and protection, in 2002 the supplement amounted to 36,000 tolar. The right is claimed on the basis of the opinion of a medical committee.

564. The right to childcare supplement is held by one of the parents, if:

- the child is a citizen of the Republic of Slovenia; and
- has permanent residence in the Republic of Slovenia.

565. The right to childcare supplement lasts:

- for the period during which the child is provided with special care for medical reasons, or
- up to 18 years of age, and after this age, if they are in full-time education, up to the end of such education, but at most up to the age of 26 years.

#### PARTIAL PAY FOR LOSS OF EARNINGS

566. Partial pay for loss of earnings is a personal benefit received by one of the parents when they terminate their employment or begin part-time work in order to care for a child with severely impaired mental development or a child with severe motor impairment (children who require special care and protection). The right is claimed on the basis of the opinion of a medical committee.

567. The monthly amount of the partial pay for loss of earnings is the minimum wage, from which the eligible person pays social security contributions. If one of the parents begins part-time work, they are eligible for a proportionate amount of partial pay for loss of earnings.

568. The right to partial pay for loss of earnings is held by one of the parents:

- If they are citizens of the Republic of Slovenia; and
- Have permanent residence in the Republic of Slovenia;

and the child is:

- A citizen of the Republic of Slovenia;
- Has permanent residence in the Republic of Slovenia.

569. Partial pay for loss of earnings can be claimed by a person if it is determined that in order to care for a child that requires special care and protection, they would leave the labour market. A person is deemed to have left the labour market if he terminates his employment for an indefinite period or if he has asked to be removed from the register of unemployed persons.

570. The right to partial pay for loss of earnings is held by one of the parents until the conditions are met for claiming rights deriving from pension and disability insurance, or up to a maximum of three months after the death of the child.

**(b) Maintenance benefit**

571. In addition to family benefits and other cash benefits, the State also provides for children a maintenance benefit, which is regulated by the Guarantee and Maintenance Fund of the Republic of Slovenia Act (Ur. l. RS, 25/97; 10/98; 41/99; 53/99, 22/2000; 119/2002).

572. The Guarantee and Maintenance Fund of the Republic of Slovenia (the Fund), whose establishment and functioning are governed by the Guarantee and Maintenance Fund Act, is concerned with making up for the rights of children in the event of non-payment of maintenance. The Fund is a legal person under public law, and founded by the Republic of Slovenia.

573. Under this Act, eligibility for maintenance benefit is held by a child for whom under a temporary order, a court order or agreement at a social work centre, maintenance has been determined, but is not being paid by the liable person. Equally, the child must be a citizen of the Republic of Slovenia and must have permanent residence in Slovenia. The right to maintenance benefit is also held by an alien with permanent residence in the Republic of Slovenia, if this is provided by international agreement or on condition of reciprocity. The eligible person may not be more than 18 years old, and an enforcement proposal must have been submitted at least three months previously. The amount of maintenance as at 1 April 2002 amounted for a child up to 6 years old to 12,483 SIT, for a child from 6 to 14 years, 13,731 SIT, and for a child over 14 it was 16,227 SIT. When the maintenance is lower than these amounts, the level of maintenance benefit is equal to the amount of maintenance determined in the court or temporary order or by agreement. The maintenance benefit is reduced by the amount of any maintenance paid.

574. From October 1999 to September 2000 the Guarantee and Maintenance Fund of the Republic of Slovenia received 2,106 requests for maintenance benefit, for 2,704 children, and in 2001 it received a further 638 requests. Statistical data for 2000 show that the majority of requests are for one child (70 per cent), over 24 per cent are for two children, and over 3 per cent

are for three, four and five children. The data also reveal that there are liable persons who do not meet their obligations towards several children from different claimants, and the Fund is also aware of the case of a woman claimant to whom two liable persons had not met their maintenance obligations. The majority of requests, just under 97 per cent, have been submitted by mothers, with male claimants accounting for only 3.4 per cent. Maintenance is most commonly claimed under court order (around 70 per cent), while in 29 per cent of cases it has been possible to agree on the level of maintenance at social work centres. Almost three quarters of requests submitted involved an enforcement submission that is still ongoing.

**(c) Tax relief**

575. In addition to the aforementioned family benefits, families are also eligible for a rising scale of tax relief, governed by the Personal Income Tax Act (Ur. l. RS, 71/93; 13/2001).

576. Tax relief is determined in the form of a reduced basis for income tax, and is increased relative to the number of children. For the first child, tax relief amounts to 10 per cent of the average annual wage in the Republic of Slovenia, or 50 per cent of the average wage for a child whose physical and mental development is moderately or severely impaired. For each additional child the relief is increased by 5 per cent of the average wage. The age limit is 18 years, unless the child is in full-time education (26 years). For children incapable of work there is no age limit. The greatest benefits from tax relief are obtained by families with higher incomes, while those from child benefits are obtained by families with lower incomes.

**3. Legal protection of the family**

577. Article 299 of the Penal Code (Ur. l. RS, 63/94, 23/99) provides that whoever insults another, or treats him badly or violently, or endangers his security, thereby provoking public indignation or fright, shall be sentenced to imprisonment for not more than two years. If the offence under the above article has been committed by at least two persons, or has entailed the serious humiliation of several persons or actual bodily harm, the perpetrator(s) shall be sentenced to imprisonment for not more than three years. This crime is prosecuted *ex officio*.

578. Article 201 of the Penal Code deals with the crime of violating family obligations, and provides that whoever seriously breaches the family obligations imposed on him by statute by leaving a member of his family who depends on him in dire straits shall be sentenced to imprisonment of not more than two years. In the event of a suspension of sentence, the Court may order the perpetrator to regularly perform his obligations of care, education and support.

**D. Protection of motherhood**

579. In the chapter on human rights and freedoms the Constitution provides that the State shall protect the family, motherhood, fatherhood, children and young people and shall create the necessary conditions for such protection (art. 53).

580. Aside from the Constitution, the regulations governing the area of protection of motherhood and maternity are:

- Parental Protection and Family Benefits Act (Ur. l. RS, 97/2001);
- Health Care and Health Insurance Act (Ur. l. RS, 9/92 and 99/2001);
- Employment Act (Ur. l. RS, 42/2002);
- Social Security Contributions Act (Ur. l. RS, 5/96; 81/2000).

581. Protection of motherhood in the sense of maternity protection is regulated in Slovenia in the following manner:

(a) *Prenatal state:* This is governed by the Health Care and Health Insurance Act, which as part of the compulsory health insurance regulates the right to payment of health services and benefit during temporary absence from work; the Parental Protection and Family Benefits Act governs the right to maternity leave and thereby also the right to maternity benefit (that is, a pregnant woman must begin maternity leave 28 days prior to the date of expected confinement; she may also begin leave 42 days prior to that date);

(b) *Post-natal state:* This is governed by the Parental Protection and Family Benefits Act, which regulates the right to parental leave, maternity leave, paternity leave, childcare leave, adoption leave and parental benefit, maternity benefit, paternity benefit, benefit to care for a child and adoption benefit.

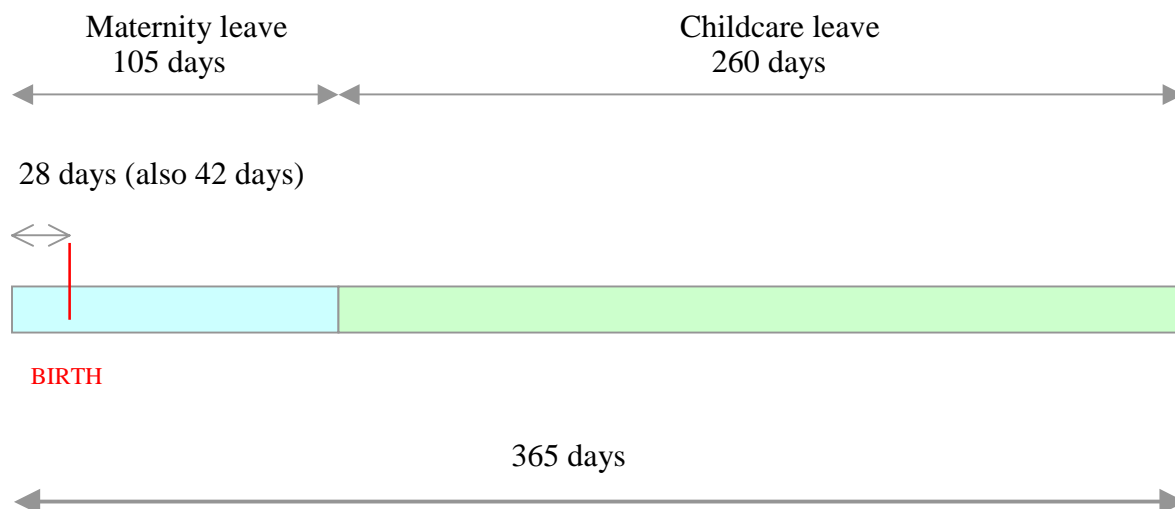
### **1. The system of parental protection**

582. The Employment Act (Ur. l. RS, 42/2002) provides that employers are bound to ensure the right to absence from work or part-time work for workers so they may take parental leave as provided by law. Workers who take parental leave have the right to a salary benefit in conformity with the regulations governing parental leave.

583. The legal act that governs the system in Slovenia for parental protection, and thereby regulates the right to parental leave and parental benefit, is the Parental Protection and Family Benefits Act (Ur. l. RS, 97/2001).

**Diagram 3**

**Maternity leave and childcare leave (Parental Protection and Family Benefits Act)**



**Table 72**

**Average age of mother on birth of a child**

	Ø 1990-1994	Ø 1995-1999	1997	1998	1999	2000	2001
Age of mother for live births	26.5	27.7	27.7	27.9	28.1	28.3	28.5
for still births	27.3	28.4	28.4	29.1	28.5	29.6	29.2
for all births	26.5	27.7	27.7	27.9	28.1	28.2	28.5

*Source:* Statistical Yearbook of the Republic of Slovenia 2002.

**(a) Insurance for parental protection**

584. Insurance for parental protection is regulated by the Parental Protection and Family Benefits Act (Ur. l. RS, 97/2001).

585. Those insured for parental protection are:

- Employees in the territory of the Republic of Slovenia;
- Elected or appointed holders of public or other offices in bodies of the legislative, executive or judicial branches of power in the Republic of Slovenia or in local self-government bodies, if they receive salaries for such offices;
- Foreigners employed in the territory of the Republic of Slovenia in international organizations and institutions, and foreign diplomatic and consular representative offices, if such insurance is provided by international agreement;

- Self-employed persons;
- Farmers;
- Top sportspersons and chess players;
- Unemployed persons receiving benefit from ESS;
- Persons receiving benefit during temporary absence from work from the Health Insurance Institute of Slovenia under the regulations governing health insurance;
- Persons serving penal sentences;
- Persons receiving parental benefit pursuant to the ZSDP Act.

586. The rights deriving from insurance for parental protection are:

- Parental leave;
- Parental benefit;
- Rights deriving from part-time work.

The calculation, payment and level of contributions for parental protection insurance are regulated by the Social Security Contributions Act (Ur. l. RS, 5/96, 81/2000).

587. The contribution levels for parental protection are as follows:

- Employers at a rate of 0.10 per cent of the basis;
- Insured persons at a rate of 0.10 per cent of the basis;
- Self-employed persons at a rate of 0.20 per cent of the basis;
- Farmers (performing farming activities as their sole or main occupation) at a rate of 0.20 per cent of the basis.

588. Contributions are calculated from a contributions payment basis that is equal to the basis for payment of contributions for compulsory pension and disability insurance (gross pay or gross benefit during absence from work, or for self-employed persons and farmers the insurance basis for pension and disability insurance).

**(b) Parental leave**

589. The Parental Protection and Family Benefits Act (Ur. l. RS, 97/2001) regulates the right to parental leave. Parental leave takes the following forms:

- Maternity leave;
- Paternity leave;
- Childcare leave;
- Adoption leave.

590. Parental leave is determined in calendar days for full absence from work.

**MATERNITY LEAVE**

591. The mother has the right to maternity leave lasting 105 days.

592. The right to maternity leave expires:

- If the mother gives birth to a stillborn child, in which case she has the right to maternity leave for a further 42 days from the birth;
- If the child dies during maternity leave, in which case the mother has the right to maternity leave to the extent that she has already taken it up to the day of the child's death, but at least 42 days from the birth of the child. After the death of the child, the mother is eligible for a maximum of 10 days of maternity leave;
- If the mother abandons the child on or after the birth of her child, in which case she has the right to maternity leave for a further 42 days from the birth;
- If the mother abandons the child during maternity leave, and has already taken 42 days of maternity leave, in which case she no longer has the right to maternity leave from the day following her abandonment of the child.

593. The mother must begin maternity leave 28 days, and may begin it 42 days, prior to the expected date of confinement as determined by a gynaecologist. If the mother does not begin maternity leave at this time, she cannot take the unused part of maternity leave after the child's birth, unless the birth occurred before the due date. If the mother has still not begun maternity leave on the day of birth, maternity leave begins on the day the child is born.

594. The father has the right to maternity leave if the mother:

- Dies;
- Abandons the child;
- Is, based on the opinion of a competent physician, permanently or temporarily incapable of independent life and work.



595. The father has the right to the same number of days of maternity leave as the mother has, reduced by as many days as the mother has already used this right, but for at least 28 days. In agreement with the mother, the father also has the right to maternity leave in cases where a child is born to a mother under 18 years old with the status of trainee, school pupil or student. In this case, maternity leave lasts 77 days and is reduced by the number of days that the child is old when the father begins maternity leave. The father has the right to maternity leave if he is actually caring for the child.

596. Another person has the right to the same number of days of maternity leave as the mother has, reduced by as many days as the mother and father have already used this right. In agreement with the mother, one of the child's grandparents has the right to maternity leave in cases where a child is born to a mother under 18 years old with the status of trainee, school pupil or student. In this case, maternity leave lasts 77 days and is reduced by the number of days that the child is old when the other person begins maternity leave.

#### PATERNITY LEAVE

597. The father has the right to paternity leave lasting 90 days. This right is not transferable.

598. The father does not have the right to paternity leave if:

- The mother bears a stillborn child;
- He has been deprived of his parental right or banned from contacting the child in compliance with a special act;
- The child lives with the mother or with another person and the father is not caring for the child.

599. If the father takes paternity leave prior to reasons from the preceding paragraph arising, he is eligible to the right to the extent it was already taken before the reasons arose for the termination of the right. The father must take paternity leave during the mother's maternity leave for at least 15 days in the form of full absence from work (after the mother's maternity leave expires, he may no longer take this portion of the leave). The father does not have this right if he is taking maternity leave.

600. The father may take paternity leave lasting 75 days in the form of full absence from work at most up until the child is 8 years old. Records of taking this portion of leave are kept by the employer and the social work centre.

#### CHILDCARE LEAVE

601. One of the parents has the right to childcare leave lasting 260 days directly after the expiry of maternity leave. This right may be exercised by one of the parents, both parents, and, under certain conditions, also a grandparent of the child or another person. If the right to childcare leave is exercised by both parents for the same child, they must make up a written agreement in which they define the period and manner of taking the leave.

602. Leave may be extended in the following cases:

- On the birth of twins, childcare leave is extended for a further 90 days;
- On the birth of multiple live infants, childcare leave is extended for each additional child by a further 90 days;
- On the birth of a premature child, childcare leave is extended for as many days as the pregnancy lasted;
- On the birth of a child that needs special care and protection, childcare leave is extended for a further 90 days on the basis of the opinion of a medical committee at the Paediatric Clinic in Ljubljana (hereinafter “medical committee”), appointed by the minister responsible for family protection (hereinafter “the minister”);
- If on the birth of the child the parents are already caring for at least two children under 8 years old, childcare leave is extended by 30 days, for three children by 60 days and for four or more children by 90 days.

The rights from the above indents are cumulative.

603. A portion of the childcare leave lasting 75 days may be transferred and taken up until the child is 8 years old. Another person has the right to childcare leave to the extent that the mother and father have, reduced by as many days as the mother and father have already used this right. In agreement with the mother, one of the child’s grandparents has the right to childcare leave in cases where a child is born to a mother under 18 years old with the status of trainee, school pupil or student. In this case, childcare leave lasts 77 days and is reduced by the number of days that the child is old when the other person begins childcare leave.

#### ADOPTION LEAVE

604. An adoptive parent or person to whom a child has been entrusted for care with the intention of adoption in compliance with a special regulation, has the right to adoption leave:

- Lasting 150 days for a child between 1 and 4 years old;
- Lasting 120 days for a child between 4 and 10 years old.

605. An adoptive parent or person to whom a child has been entrusted for care with the intention of adoption in compliance with a special regulation does not have the right to adoption leave, if for the same child they have used the right to maternity leave, paternity leave or childcare leave. If childcare leave was taken for less than 150 days, adoption leave is granted, but is reduced by the number of days of childcare and paternity leave taken. A person who is adopting the child of his or her spouse does not have the right to adoption leave.

**(c) Parental benefit**

606. The right to parental benefit, which is regulated by the Parental Protection and Family Benefits Act (Ur. l. RS, 97/2001), covers:

- Maternity benefit;
- Paternity benefit;
- Childcare benefit;
- Adoption benefit.

607. The right to parental benefit is held by those persons who:

- Have the right to parental leave; and
- Were insured for parental protection prior to the day the individual type of parental leave began.

The right to parental benefit is also held by those persons who do not have the right to parental leave, if they were insured for parental protection for at least 12 months in the last three years prior to the start of the individual type of parental leave.

608. On fulfilment of the required conditions, the insured person is eligible for:

- The right to maternity benefit during maternity leave;
- The right to paternity benefit during paternity leave lasting 15 days, and for 75 days the Republic of Slovenia provides payment of the person's social security contributions from the minimum wage;
- The right to childcare benefit during childcare leave;
- The right to adoption benefit during adoption leave.

609. The basis for the individual type of parental benefit is the average basis from which parental protection contributions were calculated in the last 12 months prior to the start of parental leave. If parental protection contributions were calculated for the insured person for a shorter period, 55 per cent of the minimum wage is taken as the basis for the missing months. For insured persons who have the right to parental benefit even though they do not have the right to parental leave, on the basis that they were insured for parental protection for at least 12 months in the last three years prior to the start of the individual type of parental leave, 55 per cent of the minimum wage is taken as the basis. For each month of insurance for parental protection the insured person had in the last three years prior to the start of the individual type of parental leave, the basis determined in this way is increased by 2 per cent, but at most by 50 per cent.

610. The basis may not be higher than 2.5 times the average monthly wage in the Republic of Slovenia on the basis of the latest known official data on monthly wages during the allocation of benefit, except for maternity benefit. The basis may not be lower than 55 per cent of the minimum wage.

611. Parental benefit for full absence from work amounts to 100 per cent of the basis, and for partial absence from work it is equal to a proportionate part of the partial absence from work.

## **2. Special protection of workers for pregnancy and parenthood**

612. In the Employment Act (Ur. l. RS, 42/2002), a special chapter on protection of certain categories of workers highlights the special protection of workers for pregnancy and parenthood.

613. The Act grants workers owing to pregnancy and parenthood the right to special protection in employment. Employers must facilitate for workers the easy coordination of family and professional obligations. In the event of a dispute in connection with the exercising of special protection owing to pregnancy and parenthood, the burden of proof is on the employer.

614. For the duration of employment, employers may not demand or seek any data on the pregnancy of an employee, unless the employee herself permits this in order to exercise rights during pregnancy.

615. With regard to the prohibition on performing work during pregnancy and while breastfeeding, the Act provides that during pregnancy and for the whole time that an employee is breastfeeding, the employee may not perform work that might endanger her health or the health of the child through exposure to factors of risk or working conditions laid down in the implementing regulation. During pregnancy and throughout the period of breastfeeding, if the employee performs work where she is exposed to factors of risk, to processes and working conditions that are laid down in detail in the implementing regulation, the employer must take appropriate steps through the temporary adaptation of working conditions or adaptation of working hours, if an assessment of risk indicates a danger to her health or to that of the child. If the employee performs work under the above conditions, and if through temporary adaptation of working conditions or adaptation of working hours it is not possible to avoid a danger to the health of the employee or that of her child, the employer must provide for the employee other appropriate work for the same pay, if this is more favourable for her. Where the employer does not provide the employee with other appropriate work, the employer must provide wages in lieu during the period that the employee is absent from work for this reason.

616. With regard to night and overtime work, the Act provides that a worker caring for a child under 3 years old may only be required to perform overtime or night work with their prior written consent. During pregnancy and for one year following birth, or throughout the time she is breastfeeding, a worker may not perform overtime or night work if a risk assessment indicates that such work would pose a danger to her health or to that of her child. A working parent with a child under 7 years old, or a gravely ill child, or a child with physical or mental impairment, who lives alone with the child and provides for the child's upbringing and care, may be required to perform overtime or night work only with his prior written consent.

617. With regard to parental leave, which is regulated in detail by the Parental Protection and Family Benefits Act (Ur. I. RS, 97/2001), the Employment Act provides that employers are bound to ensure the right to absence from work or part-time work for workers in order for them to take parental leave as provided by the Parental Protection and Family Benefits Act. Workers who take parental leave have the right to wage benefit in compliance with the regulations governing parental leave (Parental Protection and Family Benefits Act). The Parental Protection and Family Benefits Act also envisages the right to payment of social security contributions for part-time work, for children under 3 years old. In 2002, a total of 463 parents were eligible for a proportion of their social security contributions being paid, and funds paid out for this right amounted to SIT 40,690,000.

618. The Act also highlights the rights of nursing mothers, by providing that a female worker who is breastfeeding a child and is working full time has the right to a break for breastfeeding during working hours for a period of at least one hour every day.

**Table 73**

**Benefit during maternity leave, 1994-2002**

Year	Benefit during parental leave	
	Eligible	Funds paid (in 1,000 SIT)
1994	19 257	14 865 351
1995	17 261	16 825 630
1996	17 080	18 892 133
1997	16 916	21 202 239
1998	16 374	22 569 824
1999	16 181	24 541 501
2000	16 343	27 729 576
2001	16 617	31 645 974
2002	15 904	32 917 715

*Source:* Ministry of Labour, Family and Social Affairs.

**E. Protection of children and minors**

619. Article 53 of the Constitution provides that the State shall protect the family, motherhood, fatherhood, children and young people and shall create the conditions necessary for such protection.

620. With regard to children born out of wedlock, the Constitution provides that they have the same rights as children born in wedlock (art. 54). Special protection for children is further emphasized in article 56 of the Constitution, which states that:

- Children shall enjoy special protection and care, and shall enjoy human rights and fundamental freedoms consistent with their age and maturity;
- Children shall be guaranteed special protection from economic, social, physical, mental or other exploitation and abuse;

- Children and minors who are not cared for by their parents, who have no parents or who are without proper family care shall enjoy the special protection of the State.

621. The regulations that cover the area of protection of children and young persons are as follows:

- Marriage and Family Relations Act (Ur. l. SRS, 14/1989; Ur. l. RS, 64/2001);
- Parental Protection and Family Benefits Act (Ur. l. RS, 97/2001);
- Employment Act (Ur. l. RS, 42/2002);
- Occupational Health and Safety Act (Ur. l. RS, 56/99);
- Penal Code (Ur. l. RS, 63/94; 23/99);
- General Administrative Procedure Act (Ur. l., 80/99; 70/2000);
- Non-Litigious Civil Procedure Act (Ur. l. SRS, 30/86; 20/88);
- Civil Procedure Act (Ur. l. RS, 26/99);
- Criminal Procedure Act (Ur. l. RS, 63/94, 66/2000, 111/2001, 32/2002 - decision of Constitutional Court, 44/2003 - decision of CC, 56/2003);
- Free Legal Aid Act (Ur. l. RS, 48/2001).

## **1. General**

### **(a) Majority and full contractual capacity**

622. In Slovenia a person attains majority upon reaching eighteen (18) years of age. By coming of age a person also acquires full contractual capacity.

623. In exceptional cases, and in conformity with the Marriage and Family Relations Act (ZZZDR, Ur. l. SRS, 14/1989; Ur. l. RS, 64/2001) persons may also acquire full contractual capacity before reaching the age of 18, in the following cases:

- By contracting marriage (in principle, marriage may only be contracted by a person of age, as provided by article 18 of ZZZDR, but in exceptional cases a social work centre may permit a person under 18 to marry if there are justifiable reasons for this, as provided by article 23 of ZZZDR); or
- By becoming a parent, and if there are important reasons for this - decided by the court on the proposal of a social work centre (art. 117 of ZZZDR).

**(b) The position of children born out of wedlock**

624. Both the Constitution (art. 54) and the Marriage and Family Relations Act (Ur. l. SRS, 14/1989; Ur. l. RS, 64/2001) contain provisions laying down that children born out of wedlock enjoy the same rights as children born in wedlock.

625. The same principle is applied in the case of inheritance, which is regulated by the Inheritance Act (Ur. l. SRS, 15/76, 23/78). Article 4 of this Act stresses the principle of equality in inheritance, and provides that citizens enjoy equality in inheritance under equal conditions. To this point the law adds the provision that children also enjoy equality in inheritance, irrespective of whether they are born in or out of wedlock.

**(c) Protection of children without parents**

626. Article 53 of the Constitution provides for the duty of the State to protect children and young people and to create the conditions necessary for such protection. Additional protection is provided by article 56, which lays down especially that children and minors who are not cared for by their parents, who have no parents or who are without proper family care enjoy the special protection of the State.

627. The Marriage and Family Relations Act (Ur. l. SRS, 14/1989; Ur. l. RS, 64/2001) provides that the State shall provide protection for minor children whenever their healthy development is endangered, and where the other benefits of the child demand this. The Act singles out adoption, fostering and care as special forms of social protection.

628. Fostering is a special form of protection for children, and its purpose is that with persons who are not their parents, children can be provided with healthy growth, education, harmonious development of their personality and empowerment for independent life and work. Care is a special form of protection for minors who are not cared for by their parents, and for adults who are not able to look after themselves, their rights and benefits. Under the provisions of the Act, the State also provides protection for other persons who do not have the possibility of looking after their own rights and benefits.

**2. Legal protection of children and young persons**

**(a) Labour law**

629. The area of labour is governed by the Employment Act (Ur. l. RS, 42/2002). With respect to parties to an employment contract and the capacity to make contracts, the Act provides that an employment contract may be made with a person who has reached the age of 15 (minimum age). Any employment contract made with a person under 15 is null and void.

630. In a special chapter the Act also ensures special protection for workers who are not yet 18 years old, and provides that such workers shall enjoy special protection in employment.

631. Regarding the prohibition of performing certain jobs, the Act states that workers who are not yet 18 may not be required to perform:

- Work underground or underwater;
- Work which in objective terms exceeds their physical and psychological capability;
- Work which includes injurious exposure to factors that are poisonous, carcinogenic, that cause inherited genetic injury or that are injurious to an unborn child or in any other way chronically affect human health;
- Work which includes injurious exposure to radiation;
- Work which includes the risk of accidents which young persons cannot recognize or avoid owing to their inadequate attention to safety or to a lack of experience or training;
- Work which includes health risks owing to extreme cold, heat, noise or vibrations, and which is set out in detail in the implementing regulation.

632. Furthermore, a worker who is not yet 18 years old may not be required to perform work involving exposure to factors of risk and processes and jobs that are set out in detail in the implementing regulation, if a risk assessment indicates a threat to the safety, health and development of the worker.

633. In connection with working hours, breaks and rest periods, the Act provides that the working hours of a worker who is not yet 18 years old may not last more than 8 hours a day and 40 hours a week. Those who work at least four and a half hours a day have the right to a break during working hours lasting at least 30 minutes. Workers who are not yet 18 have the right to a rest period between two days of at least 12 hours in succession, and to a weekly rest period of 48 unbroken hours.

634. The Act also introduces a prohibition on performing night work. Workers who are not yet 18 years old may not work at night between 2200 and 0600 the following morning, and in cases of work in the area of cultural, artistic, sports and advertising activities between midnight and 0400 in the morning. In exceptional cases, night work may be ordered in the case of force majeure, when such work lasts for a fixed period and must be carried out immediately, and adult workers are not available in sufficient numbers.

635. Workers who have not yet reached 18 have the right to annual leave increased by 7 working days (giving a minimum total of 27 working days).

636. The Employment Act also makes special provision for work by children under 15 years old, trainees, school and university students, and explicitly prohibits work by children under 15. It does permit, however, children under 15 in exceptional cases to be paid for participating in the making of films, and in the preparation and implementation of artistic, stage and other work in the area of cultural, artistic, sports and advertising activities. Children who are 13 years or older may also perform light work for a maximum period of 30 days in any calendar year during the



school holidays in other activities, in a manner, extent and on condition that the work they perform does not endanger their safety, health, morals, education and development. Children may perform such work following the prior approval of a labour inspector, who issues such approval on the basis of a request from a legitimate representative.

637. At employers, and as part of their curricula, trainees and school and university students who are 14 years or older may perform practical study work. Trainees who are receiving vocational education at an employer on the basis of a study contract have official employment booklets.

638. School students who are 15 years or older, and university students, may also perform temporary or occasional work on the basis of a referral from an authorized organization that performs the activity of providing work for school and university students. Under the definition of temporary or occasional work, school or university students may also perform work at a specific job for an employer, but for a maximum period of 90 days without a break in any calendar year.

639. Notwithstanding the aforementioned provisions, the working hours of children under 15 years old who perform light work during the school holidays may not last longer than 7 hours a day and 35 hours a week. Work performed by children during the school year and outside the hours designated for study may last no longer than 2 hours a day and no longer than 12 hours a week. In any event, children are prohibited from performing night work between eight in the evening and six in the morning, and in every 24-hour period they must be ensured a daily rest period of at least 14 hours in succession.

**(b) Criminal law**

640. In Slovenia the area of defining crimes is regulated by the Penal Code (Ur. l. RS, 63/94, 70/94 - modification, 23/99).

641. In the chapter on crimes, the Penal Code provides the following:

– Sexual assault on a person under 15 (art. 183)

(1) Whoever has sexual intercourse or performs any lewd act with a person of the same or opposite sex under the age of 15 years, where there exists a clear disparity between the maturity of the perpetrator and victim, shall be sentenced to imprisonment of not less than six months and not more than five years.

(2) Whoever commits an act from the preceding paragraph with a defenceless person under the age of 15, by using force or by threatening him/her with imminent attack on life or limb shall be sentenced to imprisonment of not more than three years.

(3) A teacher, educator, guardian, adoptive parent, parent, priest, physician or any other person who, through the abuse of his position, has sexual intercourse or performs any lewd act with a person under the age of 15 whom he is entrusted to teach, educate, protect or care for shall be sentenced to imprisonment of not less than one and not more than eight years.

(4) Whoever, under circumstances under the first, second or third paragraphs, violates the sexual integrity of a person under 15 years old in any other way shall be sentenced to imprisonment of not more than three years.

– Violation of sexual integrity by abuse of position (art. 184)

(1) Whoever, by abusing his position, induces a person of the same or different sex who is his subordinate or who depends on him to have sexual intercourse with him or to perform or submit to any lewd act shall be sentenced to imprisonment of not more than three years.

(2) A teacher, educator, guardian, adoptive parent, parent or any other person who through the abuse of his position has sexual intercourse or performs any lewd act with a person above the age of 15 whom he is entrusted to teach, educate, protect or care for shall be sentenced to imprisonment of not less than six months and not more than five years.

– Pimping (art. 185)

(1) Whoever engages in pimping or procures the opportunity for sexual intercourse or other lewd acts for money shall be sentenced to imprisonment of not less than three months and not more than five years.

(2) Whoever acts as a pimp for a minor shall be sentenced to imprisonment of not less than 1 and not more than 10 years.

– Presentation of persons for prostitution (art. 186)

(1) Whoever solicits, lures, entices or drugs other persons into prostitution or is in any other way engaged in presenting these persons for prostitution to a third person or in any way cooperates in the organizing and conducting of prostitution shall be sentenced to imprisonment of not less than three months and not more than five years.

(2) If the offence under the preceding paragraph has been committed against a minor or by force, threat or deception, the perpetrator shall be sentenced to imprisonment of not less than 1 and not more than 10 years.

– Presentation and manufacturing of pornographic material (art. 187)

(1) Whoever by sale, presentation or public exhibition or in any other way provides a person under the age of 14 with access to writings, pictures, audio-visual or other objects of pornographic content or whoever presents a pornographic performance to such a person shall be punished by a fine or sentenced to imprisonment of not more than one year.

(2) Whoever abuses a minor for the production of pornographic pictures, audio-visual or other objects of pornographic content, or whoever employs a minor for a pornographic performance shall be sentenced to imprisonment of not more than three years.

642. In the chapter on crimes against human health, the Penal Code lays down:

– Rendering opportunity for consumption of narcotic drugs (art. 197)

(1) Whoever solicits another person to use a drug or provides a person with drugs to be used by him or by a third person, or whoever provides a person with a place or other facility for the use of drugs shall be sentenced to imprisonment of not less than three months and not more than five years.

(2) If the offence under the preceding paragraph is committed against a minor or against several persons, the perpetrator shall be sentenced to imprisonment of not less than 1 and not more than 10 years.

(3) Narcotics and the tools for their consumption shall be seized.

643. In the chapter on crimes against marriage, family and youth the Penal Code lays down the following:

– Alteration of family status (art. 199)

(1) Whoever substitutes a child for another or otherwise alters its family status shall be sentenced to imprisonment of not more than two years.

(2) Any attempt shall be punishable.

– Abduction of a minor (art. 200)

(1) Whoever unlawfully abducts a minor from his parent, adoptive parent, guardian, institution or from a person to whom the minor has been entrusted, or whoever detains a minor or prevents him from living with the person he is entitled to live with, or whoever malevolently prevents the implementation of an enforceable judgement referring to a minor shall be punished by a fine or sentenced to imprisonment of not more than one year.

(2) In the event of a suspension of sentence, the court may place a proviso on the suspension by ordering the perpetrator to relinquish a minor to the rightful claimant or to make possible the implementation of an enforceable judgement referring to the minor.

(3) If the perpetrator under the first paragraph of the present article has relinquished a minor to the rightful claimant by his own free will and made possible the implementation of the enforceable judgement, his punishment may be remitted.

– Neglect and maltreatment of a minor (art. 201)

(1) A parent, adoptive parent, guardian or other person who seriously breaches his obligation of support and education by neglecting a minor whom he is obliged to take care of shall be sentenced to imprisonment of not more than two years.

(2) A parent, adoptive parent, guardian or other person who forces a minor to work excessively or to perform work unsuitable to his age, or who out of greed inures a minor to begging or other conduct prejudicial to his proper development or who treats him harshly or tortures him shall be sentenced to imprisonment of not more than three years.

– Violation of family obligations (art. 202)

(1) Whoever seriously breaches the family obligations imposed on him by statute by leaving a member of his family who depends on him in dire straits shall be sentenced to imprisonment of not more than two years.

(2) In the event of a suspension of sentence, the court may order the perpetrator to regularly perform his obligations of care, education and support.

– Persistent non-payment of maintenance (art. 203)

(1) Whoever fails to provide maintenance for a person whom he is obliged to maintain by statute and for whom the amount of maintenance has been determined by an enforceable judgement, judicial settlement or any other enforceable agreement made in the presence of another authority or by any other means of implementation shall be sentenced to imprisonment of not more than one year.

(2) In the event of a suspension of sentence, the court may place a proviso on the suspension by ordering the perpetrator to pay regular maintenance, pay backdated maintenance or perform other obligations adjudged to be part of maintenance.

– Incest (art. 204)

An adult who has sexual intercourse with an under-age lineal relative or under-age brother or sister shall be sentenced to imprisonment of not more than two years.

**(c) Legal representation of children**

644. Under the Marriage and Family Relations Act (Ur. I. SRS, 14/1989; Ur. I. RS, 64/2001) minor children are represented by their parents. If something needs to be delivered or communicated to a minor child, it may be delivered or communicated in a valid manner to one or the other parent, and if the parents do not live together, then to the parent with whom the child is living. A minor who has reached 15 years of age may conduct his own legal transactions unless the law provides otherwise. In order for such transactions to be valid, the approval of the parents is required if the transactions are so significant as to have a vital influence on the minor's life, or if they are such that they might also affect the minor's life after reaching majority. Minors who reached 15 years of age and are employed may dispose of their own personal income.

645. If the official care body believes that parents are failing to manage their child's property in accordance with their authority, i.e. in accordance with the child's interests, it may propose, under article 69 of the Non-litigious Civil Procedure Act (Ur. I. SRS, 30/86, Ur. I. RS, 131/03; hereinafter "ZNP"), that in relation to managing the child's property, parents be given the status of a guardian, so as to protect the child's assets.

646. Parents manage their children's property for the children's benefit until they reach majority. Income from children's property may be used by the parents primarily for the children's maintenance, upbringing and education, and also for the essential needs of the family community, if the parents themselves have insufficient means. With the consent of a social work centre, parents may dispose of or encumber things from their children's property only for the children's maintenance, upbringing and education, or if some other benefit to the child so demands.

647. When a person attains legal maturity, it is presumed that he/she is capable of looking after himself/herself, and this is when parental rights cease. In some cases, however, reasons for extending parental rights are given even before the child reaches maturity, i.e. if a child is incapable of looking after himself/herself and protecting his/her benefits and rights because of a physical or mental handicap. Such a person will remain in the parents' care, and need not be placed under guardianship. The procedure for the extension of parental rights and their subsequent termination is decided upon by the court in conformity with the provisions of ZNP.

648. Minors who have no parents or for whom the parents are not caring (that is, if neither of the parents is alive or known, or if both parents have been deprived of parental right or contractual capacity) are placed by the social work centre into care. The care-provider (guardian) of a minor is bound to look after the minor just as a parent, and has the majority of rights and duties that constitute parental rights, with the exception of the duty to maintain and the duty to have their ward with them.

649. A special guardian is appointed to a minor over whom the parents are exercising parental rights, in the event of a dispute between them and the parents for concluding individual legal transactions between them, and in other cases if their interests are at odds. A special guardian is also appointed to a ward in the event of a dispute between the ward and guardian, for the purpose of concluding individual legal transactions between them and in other cases if their interests are at odds. If a dispute or legal transaction is being conducted between minors over whom the same

person has the parental right, or between persons who have the same guardian, and the interests of the minors or wards are at odds, for each of them a special guardian is appointed to conduct the dispute or transaction.

## **ADMINISTRATIVE PROCEDURE**

650. Administrative procedures are conducted in conformity with the General Administrative Procedure Act (Ur. l. RS, 80/99; 70/2000; and 52/2002). Under this Act, administrative and other State bodies, local community bodies and holders of public authorization, where in administrative affairs they decide on the rights, obligations or legal interests of individuals, legal persons and other parties, must act directly in applying regulations.

651. In an administrative procedure, a party may be any natural or legal person of private or public law, at whose request a procedure has been instigated or against whom a procedure is under way. Others (a group of persons, etc.) may also be a party, if they are holders of rights and obligations upon which the administrative procedure is deciding. The right to participate in a procedure is also held by a person who demonstrates a legal interest. A legal interest is demonstrated by a person who confirms that he is entering into the procedure in order to protect his legal interests (accessory participant).

652. A party that has full contractual capacity may conduct his own affairs in a procedure (procedural capacity). Minors who have not yet attained full contractual capacity are procedurally capable within the limits in which contractual capacity has been granted to them.

653. Parties that do not have procedural capacity are represented by their legitimate representatives. A legitimate representative is determined by law or official act of the competent body on the basis of the law. The legitimate representative may conduct on behalf of the party all procedural affairs, except in cases provided by regulation whereby the representative must have special authorization for individual procedural matters. If the body conducting the procedure establishes that the legitimate representative of a person in care does not demonstrate the necessary solicitousness in their representation, it may indicate this to the official care body.

654. If a procedurally incapable party has no legitimate representative, or some action must be taken against a person whose residence is not known and there is no person with the power of attorney, the party is appointed a temporary representative by the body conducting the procedure, if the urgency of the case so demands and the procedure needs to be carried out. A body that has appointed a temporary representative to a procedurally incapable party must provide immediate notification of this to the official care body. The body also appoints the party a temporary representative in the event that the interests of the party and those of the legitimate representative are at odds, and in the event that opposing parties have the same legitimate representative.

655. With regard to witnesses, the Administrative Procedure Act provides that anyone who was capable of observing the facts about which they would bear witness, and can prove such observation, may be a witness in an administrative procedure.

## JUDICIAL PROCEEDINGS

656. Depending on the nature of the case, judicial proceedings in matters of civil law are conducted in conformity with the Non-Litigious Civil Procedure Act (Ur. I. SRS, 30/1986; 20/1988; Ur. I. RS, 87/2002, 13/2003 - decision of CC) (non-litigious procedure) or the Civil Procedure Act (Ur. I. RS, 26/1999; 83/2002; 96/2002, 58/03 - decision of CC, 2/2004) (civil procedure). In criminal cases, judicial proceedings and pre-trial procedures are conducted in conformity with the Criminal Procedure Act (Ur. I. RS, 63/1994; 25/1996; 39/1996; 5/1998; 49/1998; 66/1998; 72/1998; 6/1999; 42/2000; 66/2000; 111/2001; 32/2002; 44/2003 - decision of CC, 56/2003).

### *Non-litigious civil procedure*

657. The Non-Litigious Civil Procedure Act lays down the rules of procedure whereby the regular courts deliberate over the personal standing, family and property relations and other matters for which this or another act provides that they be resolved in non-litigious procedures.

658. Participants in non-litigious procedures are the petitioner, the person against whom a petition has been lodged (opposing participant), the person regarding whom the procedure is being conducted and the person to whom the court ruling directly relates, and also the person whose legal interests may be affected by the court ruling. Persons and bodies to whom the Act grants the right to participate in the procedure are also participants.

659. In the chapter on special procedures, the Act also lays down the procedures for arranging personal standing and family relations, and in respect of the participants in the procedure it adds that the court may permit a participant who is not contractually capable of conducting his own procedural affairs in order to exercise his rights or interests, if it takes the view that such person is able to understand the significance and legal consequences of such actions.

### *Civil procedure*

660. The Civil Procedure Act lays down the rules of procedure whereby the courts deliberate and decide on disputes arising from personal and family relations, and on disputes arising from property and other civil law relations of natural and legal persons, unless under a special act any of these disputes are within the jurisdiction of a specialized court or other body. Any natural or legal person may be a party in civil law.

661. A party who has full contractual capacity may conduct his own civil law affairs (capacity to sue). Minors who have not yet attained full contractual capacity have the capacity to sue within the limits in which contractual capacity has been granted to them. Parties that do not have the capacity to sue are represented by their legitimate representative. The legitimate representative is provided by the act or by an official act issued by the body responsible for social affairs, on the basis of the act.

662. As previously mentioned, a child who has reached 15 years of age and is able to understand the significance and legal consequences of his actions may have the position of party in the procedure, in procedures involving matrimonial disputes and in procedures involving disputes arising from relations between parents and children. The court must enable the child to

conduct his procedural affairs independently as a party in the procedure. A legitimate representative may act in the procedure only until the child declares that he is taking over the case himself.

663. Children who are not yet 15 years old or whom the courts judge incapable of understanding the significance and legal consequences of their actions are represented by legitimate representatives.

664. Nevertheless, where a child has reached 10 years of age and is capable of understanding the significance of the procedure and the consequences of the decision, the courts must inform the child in an appropriate way of the instigation of the procedure and of the child's right to express his or her opinion. Depending on the child's age and other circumstances, the judge calls the child in for an informal interview at or outside the court, through the services of the social work centre or a school counsellor. A person of the child's own choice may be present at the interview.

665. Where a child has reached 15 years of age and has expressed his or her opinion in the procedure, the court delivers to the child its ruling, against which the child has the right to lodge an appeal.

#### *Criminal procedure*

666. In criminal procedures, regulated by the Criminal Procedure Act, involving crimes against sexual integrity under chapter XIX of the Penal Code, except for acts pursuant to articles 185 to 187 and the crime of neglecting a minor and maltreatment pursuant to article 201 of the Penal Code, throughout the time from the instigation of the criminal procedure the minor injured parties must have an authorized person with power of attorney to safeguard their rights, especially in connection with the protection of their integrity during the court hearing and in exercising a demand under property law. Minors who are injured parties and have no such authorized representative are appointed a lawyer with power of attorney by the court *ex officio*.

667. Minors who, in view of their age and mental development, cannot understand the significance of their right not to testify may not be called to testify as witnesses unless the accused person so requests. Minors who have not yet reached 16 years of age are called to testify through their parents or legitimate representative, unless this is not possible owing to the need to act quickly or owing to some other circumstance.

#### **(d) Legal aid**

668. The right to free legal aid derives from the following constitutional rights:

- The right to judicial protection (Constitution, art. 23);
- Equality before the law (*ibid.*, art. 14);
- The principle of a social State based on the rule of law (*ibid.*, art. 2);



- Equal protection of rights (ibid., art. 22);
- Right to legal remedies (ibid., art. 25).

669. By earmarking budgetary funds for free legal aid, the State fulfils its obligation to abolish financial obstacles to its provision, and ensures that the individual's social position does not preclude the implementation of the constitutionally guaranteed rights. Free legal aid represents the fulfilment of the right to judicial protection under the principle of equality, taking into account the social position of persons who could not ensure this right without damage to the means of support for themselves and their families.

670. In addition to the rights, obligations and legal relations and protection from accusations in criminal cases in independent domestic and international courts established for this purpose, judicial protection also comprises all forms of out-of-court protection and settlement of disputes provided by law.

671. The right to free legal aid in the Republic of Slovenia is regulated by the Free Legal Aid Act (ZBPP, Ur. l. RS, 48/2001).

672. Free legal aid signifies the right of the eligible person to:

- Full or partial provision of funds to cover the costs of legal aid;
- A waiver on payment of the costs of judicial proceedings;
- The costs of out-of-court settlement of disputes.

673. Everyone who may be eligible for free legal aid under the conditions laid down in ZBPP must endeavour to resolve the dispute out of court, if the appropriate conditions for this are ensured pursuant to the law.

674. Under ZBPP, free legal aid may be approved for:

- Legal advice;
- Legal representation;
- Other services provided by law.

675. Legal aid is given for all forms of judicial protection at all courts of general jurisdiction and specialized courts in the Republic of Slovenia, at the Constitutional Court of the Republic of Slovenia and at bodies, institutions or persons in the Republic of Slovenia that are competent for effecting out-of-court settlement of disputes or out-of-court arrangement of legal relations, and as relief for the costs of judicial proceedings.

676. Free legal aid is approved, on the basis of an application, for procedures in international courts and arbitration, if the rules of the international court or arbitration do not provide the right to free legal aid, or if the person in such procedure is not eligible under the rules on free legal aid.

## **Article 11**

### **The right to an adequate standard of living**

677. Slovenia became a full member of the World Food Programme of the United Nations (UN/WFP) in October 1995, and on this occasion it acceded to the Quebec Declaration, which explicitly states that one of the basic human rights is access to food and water for every person on earth.

678. In 1996 the World Food Summit was held in Rome. On that occasion the heads of State and other high State officials of the member States supported the Rome Declaration/Global Action Plan (RD/GAP) for the fight against hunger and poverty as well as the project Horizon 2015, which envisages the cutting in half of hunger and poverty in countries with low income and food deficits (LIFDCs). All countries whose national income per capita is higher than US\$ 3,500 should with all means, on all levels and through a variety of projects begin fulfilment of the RD/GAP guidelines.

679. The World Food Summit - five years later, held in June 2002 in Rome, represented therefore another appeal for projects fulfilling the RD/GAP guidelines to be stepped up on all levels.

680. Through accession to the Quebec Declaration in 1995, the Rome Charter and GAP in 1996 and the Rome Declaration five years later, Slovenia clearly undertook to recognize the rights of everyone on the planet to food and water and to a standard of living that is adequate for them and their families.

681. The Ministry of Agriculture, Forestry and Food, which also covers the area of activities of UN/WFP, is actively cooperating in the fulfilment of the guidelines for all declarations whose action plans involve fighting hunger and poverty. The Ministry has also been charged by the Government of Slovenia with implementing projects of a humanitarian nature, with the aim of raising food security in LIFDC countries. On the world scale, Slovenia does not rank among the LIFDC countries.

682. Safe food in Slovenia is ensured in compliance with article 2 of the Veterinary Act, which provides for measures to ensure the protection of the population from zoonoses, alimentary infections and intoxications by preventing and suppressing these diseases, and preventing the transfer of these diseases from animals to humans.

## **Article 12**

### **The right to the highest attainable standard of physical and mental health**

#### **A. Constitutional and legislative aspects**

683. The Constitution (Ur. l. RS, 33/91) defines Slovenia as a social State based on the rule of law (art. 2). In the chapter on human rights and fundamental freedoms, the right to social security is especially provided. Article 50 lays down that citizens have the right to social security under conditions provided by law. The State regulates compulsory health, pension, disability and other social insurance, and ensures its proper functioning. Special protection in

accordance with the law is guaranteed to war veterans and victims of war. Within this chapter, special provision is also made for the right to health care. Article 51 provides that everyone has the right to health care under conditions provided by law. The rights to health care from public funds are also provided by law.

684. The fundamental laws in the area of health in Slovenia are:

- Health Care and Health Insurance Act (Ur. l. RS, 9/1992, 9/1996, 29/1998, 99/2001 and 60/2002);
- Health Services Act (Ur. l. RS, 9/1992, 37/1995, 31/2000, 45/2001 and 86/2002);
- Pharmacies Act (Ur. l. RS, 9/1992 and 86/2002).

## **B. General overview**

### **1. Health of Slovenia's population in 2001**

685. The data on mortality for 2001 still provide the basis for research into the population's state of health. The leading cause of death in Slovenia in 2001 was diseases of the circulatory system, which accounted for almost half of all the causes of death. As regards age-standardized premature death owing to cardiovascular diseases, Slovenia exceeds the EU average by 20 per cent (see table 74 below).

**Table 74**

**Standardized mortality rate, cardiovascular diseases, 0-64 years, European Union, Central and Eastern European countries, 1999, latest official data**

Country	Standardized mortality from cardiovascular diseases
Netherlands	46.9
Germany	53.0
Italy (1998)	42.5
Austria	53.3
Greece	59.8
Denmark (1998)	47.8
France	34.1
Czech Republic	85.6
Finland	61.6
Slovenia	61.0
EU average	49.4
Hungary	136.0
Croatia	94.9

*Source:* WHO/Europe, HFA Database, June 2002.

686. This is followed by malignant neoplasms (cancer), injury and poisoning, diseases of the respiratory system, digestive organs and so forth. Regarding the age-standardized premature mortality from cancer, Slovenia exceeds the EU average by 19 per cent (see table 75 below).

**Table 75**

**Standardized mortality rate, cancer, 0-64 years, European Union, Central and Eastern European countries, 1999, latest official data**

Country	Standardized mortality from cancer
Netherlands	81.1
Germany	77.1
Italy (1998)	75.2
Austria	72.9
Greece	65.8
Denmark (1998)	87.6
France	89.3
Czech Republic	107.0
Finland	59.4
Slovenia	93.8
EU average	78.8
Hungary	143.5
Croatia	101.9

*Source:* WHO/Europe, HFA Database, June 2002.

687. The leading cause of death in people more than 65 years old is again circulatory system diseases (57 per cent). These are followed by neoplasms (20 per cent), the group of other diseases (20 per cent) and injuries (4 per cent). Injuries and poisoning are still a major public health problem in Slovenia. Health-care providers are concerned at the fact that injuries and poisoning are the leading cause of death in the age group 1-45 years. Although mortality from injuries in the period 1985-2001 in Slovenia has been continuously falling, this figure is still twice as high as the EU average (see table 76 below).

**Table 76**

**Age-standardized mortality rate, unintentional injury and poisoning and all external causes, European Union, Central and Eastern European countries, latest official data**

Country	Mortality rate from unintentional injury and poisoning (per 100,000 inhabitants)
Netherlands	18.5
Germany	22.3
Italy (1998)	29.0
Austria	29.3
Greece	33.9
Denmark (1998)	36.9
France	43.2
Czech Republic	45.6
Finland	47.3

**Table 76 (continued)**

Country	Mortality rate from unintentional injury and poisoning (per 100,000 inhabitants)
Slovenia	47.8
EU average	28.8
Hungary	58.9
Croatia	93.9

*Source:* WHO/Europe, HFA Database, June 2002.

688. In 2001 there were 5,012 premature deaths in Slovenia (3,570 males, 1,442 females). The number of years of potential life lost (YPLL) was 71,632 (for males 52,125, for females 19,507). The major contributors to this were injuries and poisoning at 28.6 per cent (20,501.5, with 17,634 for males and 2,867.5 for females); neoplasms at 23.9 per cent (17,100; 10,064 for males and 7,035.5 for females) and circulatory diseases at 14.6 per cent (10,492.5; 7,710 for males and 2,782 for females).

689. The combined number of reported circulatory diseases in all outpatient health-care activities on the primary level has grown recently - in 2001 it was 307,851 (154.5 per 1,000 inhabitants), and in 2000 it was 315,424 (159.5 per 1,000 inhabitants). Outpatient specialist activities on the secondary level reported in 2000 circulatory diseases as diagnosed diseases and conditions in 113,468 visits (57.4 per 1,000 inhabitants). In terms of the rate of hospitalization, cardiovascular diseases were in first place, followed very closely by malignant tumours. In 2001 the main causes of one of the episodes of first hospitalization, for which there was a total of 30,747 (15.6 per 1,000 inhabitants) owing to all circulatory diseases, were reported as: hypertension 3,157 (1.6 per 1,000 inhabitants); ischaemic heart disease 6,966 (3.5 per 1,000), of which angina pectoris 2,993, first acute myocardial infarct 1,993 (1.0 per 1,000) and subsequent myocardial infarct 58.

690. In the period 1980-1999 the incidence of cancer (data from the Cancer Register) increased by 64 per cent among males and 51 per cent among females, with mortality increasing by 33 per cent among males and 29 per cent among females. The threat of cancer increases with age. Of 8,643 people that contracted cancer in Slovenia in 1999, less than 1 per cent were children under 14 years, 3 per cent of patients were aged 15-34, 13 per cent from 35 to 49, 29 per cent from 50 to 64, and 55 per cent were 65 years or older. Since life expectancy in Slovenia currently stands at 72 years for men and 79 years for women, according to data from the Register for 1999 we may anticipate that almost one out of every three men and one out of every three women will contract cancer.

691. Injuries are the third largest cause of mortality in Slovenia, directly after circulatory diseases and neoplasms. Each year, 1,600 people die from injuries. In comparison with neoplasms, circulatory diseases and other chronic diseases, injury and poisoning affect a disproportionately large proportion of children and young adults, and are the main cause of mortality among children, adolescents and adults up to 44 years old. In 2001 the rate of mortality due to injury among pre-school children amounted to 35 per cent, among school-age children to 47 per cent, among adolescents to as high as 73 per cent and among young adults

to 46 per cent. Injuries account for as much as 27 per cent of the total number of years of potential life lost, which ranks injuries in first place among the causes of premature death and in first place in terms of the burden of social and economic loss for society.

## **2. National programme of health care**

692. The National Health Care Programme for the Republic of Slovenia - Health for All by 2004 (Ur. l. RS, 49/2000) - takes account of the strategic guidelines from the World Health Organization (WHO) document entitled "Health for All by 2000", the state of health of Slovenia's population, the conditions for the policy of strengthening health, reducing the differences in possibilities for health among different population groups and increasing personal responsibility for health, ensuring the right to a living environment that enables a high degree of health and prosperity, raising the quality of health care and research into health issues.

693. The national health-care programme defines the manner of ensuring these guidelines while taking account of the entire health-care system, economic and social conditions in Slovenia and all factors that exert a major influence on people's health. Programmes to strengthen health extend into many areas outside the health sector.

694. On the basis of the population's state of health, its demographic characteristics (primarily an increase in the proportion of people over 60 years old), socio-economic features (growth in the number of poor people) and the development of the modern medical profession, we may anticipate increased demand for health services and thereby an increase in the costs of health programmes. There is also an urgent requirement for greater efficiency and success among providers. A basis for this is provided by the rational public health service network, in which public health institutes and private concessionaries work together as equals.

695. The funds for health education, monitoring the population's state of health, fulfilling the national programmes for strengthening health, the national programmes to develop tertiary activities, welfare medicine, hygiene/epidemiological and health/ecological activities, prevention of infectious diseases, including infection with the HIV virus and diseases of addiction, and supplementary funds for the functioning of the public health service on the primary level in demographically and socially at-risk areas are provided by the State from the budget, and by municipalities for programmes that are not covered by the State programme.

696. Health-care programmes and services provided by law are provided within the system of compulsory health insurance. In addition to this there also exists voluntary health insurance for the difference up to the full value of certain services, for a greater scope of rights, for a higher standard of services and for additional services.

697. In the Republic of Slovenia, too, we wish to formulate a health-care policy. Responsibility for health and the right to health depend first and foremost on the awareness, behaviour and responsibility of the individual to protect and maintain their own health, while the State must ensure the fulfilment of this responsibility through delegation to all providers of the

development of health care and social security. This responsibility of the State must be harmonized with the overall guidelines for health-care development in the EU countries and with the European Social Charter, and it must take into account the fact that health-care activities are also one of the primary forces of development. The guidelines recommended by WHO point towards strengthening health, which means that individuals and communities have greater possibilities and responsibility to influence their own health.

698. To this end, through legislation, education programmes and other measures, the State will support the orientation towards preventive health programmes to strengthen health and prevent disease. In line with this orientation, we will also adapt the method of operating the health service.

699. The topics dealt with in the national health-care programme document are:

- Health care for the inhabitants of Slovenia in comparison with certain countries in Europe;
- The strategy and developmental orientation of health care;
- Priority development areas;
- Guidelines and standards for setting up the public health service network;
- Monitoring the development of health care and the state of health;
- Responsibility for implementing the national health-care programme.

### **3. Financing**

700. In the area of health care, ever since 1992 and following the amended health legislation and gradual reform of health care, relatively stable and balanced financing has been provided in Slovenia. In 1998 the share of GDP for health from public sources amounted to 6.6 per cent; the share of private funds and funds of voluntary health insurance amounted to 0.9 per cent of GDP. The estimated share of GDP from both sources for 1998 amounted to 7.9 per cent of GDP, and this was unchanged from 1997. In the last five years the share of public expenditure on health was balanced and did not exceed 7 per cent of GDP. The private portion of funds, taking into account funds of voluntary health insurance since 1992, has been growing, and in 1998 it already represented 13 per cent of the entire spending on health. If, in addition to these sources, we also take into account total private funds paid by insured persons for various health-related purposes (personal purchases of medication, self-payment services, voluntary insurance at Adriatic and other spending linked to health needs), the entire share of private funds for health in Slovenia would have already exceeded 20 per cent and would be comparable to the EU countries. Additional statistical data are presented below.

Table 77

**Assessment of expenditure on health in current prices  
and percentages of GDP\***

Source and type of expenditure	1996 bn SIT % GDP		1997 bn SIT % GDP		1998 bn SIT % GDP		1999 bn SIT % GDP		2000 bn SIT % GDP	
Public expenditure	168.90	6.62	191.31	6.58	216.26	6.64	237.82	6.55	270.40	6.64
Compulsory insurance	116.97	4.58	133.52	4.59	148.78	4.57	166.09	4.57	190.37	4.67
Payment for health services	25.22	0.99	27.96	0.96	33.91	1.04	37.43	1.03	42.89	1.05
Payment for medication and aids	3.71	0.15	4.30	0.15	4.78	0.15	5.00	0.14	7.85	0.19
HIIS costs	23.00	0.90	25.53	0.88	28.78	0.88	29.30	0.81	29.29	0.72
Other expenditure	4.76	0.19	5.40	0.19	5.71	0.18	6.23	0.17	6.78	0.16
State budget	3.04	0.12	3.63	0.12	3.73	0.11	4.12	0.11	4.27	0.10
Funds	1.72	0.07	1.77	0.06	1.98	0.06	2.16	0.06	2.16	0.05
For health programmes and other expenditure										
Investment										
Municipality budgets*	1.69	0.07	2.07	0.07	2.54	0.08	3.05	0.08	3.33	0.08
Other expenditure										
Voluntary health insurance**	21.35	0.84	25.71	0.88	29.47	0.91	33.75	0.93	41.66	1.02
Total	196.70	7.70	224.49	7.72	253.98	7.81	280.85	7.72	322.17	7.91
GDP*	2 552.67		2 906.7		3 279.9		3 279.9		4 074.0	

*Source:* HIIS.

\* Data for budget funds from the State and municipalities and for GDP for 2000 are an estimate based on annual adjusted estimates of the Institute for Macroeconomic Analysis and Development of GDP for the previous year, and on estimates from the same institute for the current year.

\*\* The table contains data for compulsory and voluntary health insurance after final accounts of the Institute for all years except 1999, where there are data for voluntary insurance from the Institute from January to October 1999 and an estimate of business of the mutual fund for the remaining two months of 1999.

The data do not include funds for voluntary health insurance of Adriatic and direct payments by individuals, i.e. self-payment.



**Value of entire agreement programme by individual activity in 2000  
(in December 1999 prices):**

- 61.14 per cent: Specialist outpatient and hospital activity
- 28.39 per cent: Basic health-care activity
- 5.96 per cent: Social security institute activity
- 2.43 per cent: Pharmaceutical activity
- 1.94 per cent: Health resort activity

*Source:* HIIS.

**4. Indicators according to WHO definitions**

**(a) Child mortality**

701. Infant mortality is an important indicator of social and economic development, and of the quality of health care. In recent decades infant mortality in Slovenia has fallen significantly. In 1990 it was 8.4 per 1,000 live births, and by 2001 it had fallen to 4.2 per 1,000 live births. Early neonatal mortality has also fallen, in terms of deaths in the first week of life, while the number of stillbirths has remained approximately at the same level (in 1990 it was 4.5 per 1,000 births, and in 1999 it was 5.0 per 1,000 births). In almost half of the infant deaths in the last 10 years, the cause of death was a condition arising in the perinatal period, followed by congenital defects.

702. In children aged 1 to 3 years, mortality in the observed period fell from 45.9 to 37.2 per 100,000, and in children aged 4 to 6 years it fell from 33.4 to 15.3 per 100,000. Two groups of cause predominated - injury and poisoning, which accounted for almost half of all deaths and congenital defects.

703. The annual mortality rate in the last decade (1990-1999) among young people aged 7 to 19 years stood at 38 deaths per 100,000 young people. In the older group (15-19 years) we recorded three times more deaths than in the younger group. In the observed decade (1990-1999) the number of deaths of young people did not change significantly. The leading causes of death in the group in question are injury and poisoning, representing 67.2 per cent of all deaths. Among injury and poisoning, traffic accidents are the most frequent cause of death at 57.7 per cent, followed by suicide at 23.7 per cent. Boys were at much greater risk from injury and poisoning (3:1). Other major causes of death in this age group are cancer-related illnesses, with four deaths per 100,000 young people (7-19 years). In third place are diseases of the nervous system, with two deaths per 100,000 young people (7-19 years). On average more boys than girls also died from diseases (2:1).

**(b) Access to healthy drinking water**

704. All the inhabitants of urban areas and 97 per cent of the inhabitants of rural areas have access to clean drinking water.

**(c) Access to suitable sanitation**

705. All inhabitants have access to suitable sanitation.

**(d) Infectious diseases and vaccinations**

706. In the last 10 years in Slovenia infectious diseases have not represented the most common cause of premature mortality, but they are still significant owing both to infections and their epidemic appearances and to the high frequency of severe, even fatal, advance of infection.

707. Some diseases are being controlled through the most effective means, that is through a well-prepared and coordinated programme of inoculation. The prescribed programme and professional guidelines precisely define the network of vaccination providers and the tasks necessary for implementation of all phases of the vaccination programme, including evaluation. The proposed vaccination programme, coordination of the programme and professional guidelines, consultation and analysis, and assessment of the situation in the country are all drawn up at the Health Protection Institute of the Republic of Slovenia, which also handles the procurement, central storage and distribution of vaccines for the unimpeded provision of vaccinations. A responsible physician is appointed in each health institute for carrying out the vaccination programme.

708. Inoculation against diphtheria was introduced in 1937. Since 1967 no new cases have been recorded. Despite this, there still remains the probability of discovering the cause of diphtheria in the throat, but owing to the high level of inoculation in the population, there are no conditions at present for the spread of the disease. In the last 10 years the proportion of those liable to be vaccinated, that is children up to the age of 1 year, has been continuously around 96 per cent. On the basis of results of studying the immunity of the population to diphtheria, we have observed that vaccinated children are well protected against the disease. We have observed, however, that immunity to diphtheria is reduced in older people, so we have proposed the inoculation of adults.

709. Compulsory inoculation against tetanus has been conducted in Slovenia since 1951. Every year around 96 per cent of children under one year are vaccinated. Adults are also vaccinated in the event of tetanogenic wounds. The results of systematic inoculation and also post-exposure inoculation are obvious, since the rare cases of tetanus involve only persons over 50 years old that have never been inoculated against tetanus in their lives. In the same way, for decades no cases of neonatal tetanus have been recorded.

710. Owing to compulsory inoculation against whooping cough, which began in 1959, the number of whooping cough cases has already been below 100 a year since 1988, and in the last two years it has even been under 30 cases a year. In earlier years there was excessively wide application of contraindications in vaccinating against whooping cough, which caused a lower percentage of inoculations than would be necessary to have an effect on the spread of the disease. With the introduction of inoculation using acellular vaccines, the percentage of inoculations against whooping cough has risen, since it may also be used on children with neurological diseases.

711. We have been vaccinating against polio since 1957. Each year, with three doses around 96 per cent of children are inoculated before they are one year old. Since 1978 no cases of polio have been recorded. Despite this, the polio eradication programme pays special attention to determining the causes of acute flaccid paralysis in children under 15 years old. In recent years a great deal of attention has been focused on inoculation and identification of acute flaccid paralysees and explanation of their causes, as well as on retaining polio viruses in the laboratory and appropriate destruction of infectious material that might contain the polio virus.

712. Together with other European countries, preparations were also made to have Slovenia recognized as a country free from the polio virus and polio in children. Slovenia was recognized as such last year.

713. Vaccination against measles in Slovenia began in 1968. Since 1979 every child has received two doses of vaccine against measles. Unfortunately, the proportion of inoculated children does not exceed 92 per cent, which is contributing to an increase in the number of non-immune members of the population. In order to eliminate the disease there is an urgent need for children to be inoculated in a sufficiently large percentage. In particular, children who might be affected by measles owing to other diseases need to be inoculated. On the basis of data on immunization and the results of seroepidemiological studies of sensitivity of the population, we estimate that the conditions exist for a rise in the number of sensitive members of the population and in the risk of a measles epidemic in approximately three to five years. For this reason, we urgently need to maintain a high level of inoculation of those liable to the disease with two doses of vaccine.

714. Inoculation against mumps was introduced in Slovenia in 1979. Since then the number of mumps cases has fallen from year to year. Children receive two doses of vaccine, at the same time as the measles and German measles vaccine, against which we began vaccinating girls in 1972. Since 1990 inoculation against German measles has been compulsory for both sexes, and the number of German measles cases has fallen significantly.

**Table 78**

**Number of registered cases of infectious diseases against which inoculation  
has been provided in Slovenia from 1990 to 2001**

Year	Whooping cough	Measles	Tetanus	Mumps	German measles
1990	70	93	10	173	1 894
1991	53	32	12	132	6 799
1992	29	10	9	97	526
1993	65	7	8	93	201
1994	96	133	13	82	119
1995	35	398	8	65	139
1996	57	7	5	56	54
1997	81	9	5	60	36
1998	25	13	3	45	47
1999	23	1	5	41	22
2000	34	?	9	45	9
2001	77	?	2	43	8

715. Immunization against diphtheria, tetanus, whooping cough and polio in pre-school children in recent years may be assessed as satisfactory, although there are still individual areas where immunization is insufficient, especially where there is a higher proportion of Roma communities.

716. Immunization against the aforementioned diseases in pre-school children has attained the level required. In this group, only immunization against tetanus in young people of 18 is slightly worse.

**Table 79**

**Proportion of those liable to inoculation in Slovenia from 1990 to 1999**

Year	Whooping cough	Diphtheria-tetanus	Polio	Measles	Mumps	German measles
1990	95.14	96.35	95.34	91.93	91.90	92.10
1991	95.43	96.41	95.95	89.95	89.92	89.98
1992	95.29	96.29	96.09	89.61	89.54	89.62
1993	96.81	96.78	96.94	88.71	88.66	88.72
1994	95.26	96.14	96.29	89.98	89.93	89.95
1995	95.75	96.73	96.77	92.57	92.52	92.51
1996	96.18	96.88	97.21	91.56	91.52	91.52
1997	91.98	92.53	90.97	94.70	94.70	94.70
1998	89.47	90.13	90.23	91.60	91.59	91.69
1999	91.89	92.40	93.25	96.26	96.23	96.31

**(e) Life expectancy**

717. In Slovenia life expectancy at birth in 2001 was 75.9 years (72.1 years for men and 79.6 years for women). Slovenia is the one country in transition that achieved in 2000 the sixth objective of WHO. It is currently 2.4 years behind the EU average (see table 80 below).

**Table 80**

**Life expectancy at birth, countries of the European Union, Central and Eastern Europe, latest official data**

Country	Life expectancy at birth
Germany	78.1
Ireland (1998)	76.2
Italy (1998)	79.1
Austria	78.6
Denmark (1998)	76.7
Slovakia	73.4
France	78.8
Czech Republic	75.2
Finland	77.6

**Table 80 (continued)**

Country	Life expectancy at birth
Slovenia	75.9
EU average	78.3
Poland	73.9
Croatia	73.0
Hungary	71.5

*Source:* WHO/Europe, HFA Database, June 2002.

**(f) Access to qualified medical personnel**

718. For the treatment of common illnesses and injuries, access to qualified medical personnel who are regularly stocked with basic medication and who are within one hour's walk or drive away is available to all inhabitants.

719. On the primary level, adult health care is provided by general practitioners, senior nurses and medical technicians. From 1990 to 2001 the coverage of the adult population improved, and in 2001 there was an average of 2,144 adults aged 20 and over per physician in adult health care. Major regional differences could be observed: the number of inhabitants per general practitioner is greatest in north-east Slovenia, and exceeds the prescribed norms. Within the system of polyclinic surgeries, general practitioners also provide health care for pre-school children and for school-age children and young people.

720. Before the change to the system of health care (prior to 1992), general medicine was organized within 63 health centres. After 1991 private practitioners also started providing general medicine, and they were organized for the most part in solo practices, and less in the form of large, private health institutions. In 1992 there were six private outpatient clinics, in 1996 there were 102 private physicians practising general medicine, in 1999 there were 178 private practitioners and in 2001 there were 200 private practitioners.

**(g) Access to qualified medical personnel during pregnancy**

721. Access to qualified medical personnel during pregnancy is available to 99.3 per cent of pregnant women, while 99 per cent of pregnant women visit such personnel upon confinement.

722. Basic health care for women is provided by gynaecological outpatient clinics. In recent years the coverage for women's health care by gynaecologists has gradually improved, while the coverage by middle-ranking and senior nurses has slightly deteriorated. In 2001, based on the calculation from hours of work performed in women's health care, each gynaecologist attended to 7,055 women.

723. The maternal mortality rate is a reliable indicator of the level of development of a society and of changes to the organization of the health service. In terms of the maternal mortality rate (the number of women dying from complications in pregnancy, in and after birth), in recent years we are once again ranked among the Eastern European countries, since in 1999 another 17 women died per 100,000 live births. In the 10-year period the highest rate of

maternal mortality was recorded in the Gorica, Celje and Novo Mesto regions, which in terms of the average level of maternal mortality differ significantly from the advanced regions of Europe. The most common causes of maternal mortality in Slovenia are indirectly related to childbirth (gynaecological conditions that existed prior to pregnancy or confinement, and deteriorated significantly during pregnancy or confinement) and other direct childbirth causes. The rate of mortality due to ectopic pregnancy and abortion has shown the most satisfactory drop in recent years, but these are the most easily preventable causes of maternal mortality. The number of deaths due to haemorrhaging and puerperium complications in recent years has not been reduced satisfactorily, but these causes are harder to prevent.

**(h) Access of children to qualified medical personnel**

724. Access to adequate medical care provided by qualified personnel is available to all children. Primary health care for pre-school children is provided by paediatricians as part of the pre-school children's health-care activity and by private paediatricians with concessions, and in other places as well partly by school and partly by general practitioners. The coverage of pre-school children on the primary level by physicians in pre-school children's health care has improved in recent years, and in 2000 there was an average of 808 children aged 0 to 6 years per doctor in pre-school children's health care, calculated from working hours performed. In terms of the prescribed minimum standard of 1,000 children per 1 physician, coverage was best in the Maribor and Ljubljana regions, with 625 and 675 children per doctor respectively, and worst in the Celje, Novo Mesto and Ravne regions with 1,212, 1,039 and 1,018 children per doctor respectively.

725. Personnel coverage for school-age children and young people on the primary level (by physicians, specialists, nurses and medical technicians) has improved significantly in recent years. In 2000 the average personnel coverage by physicians, calculated from working hours performed, was 2,056 young persons (7-19 years) per school doctor. The target standard is 1,700 school-age children per doctor. The minimum standard of 2,200 has already been achieved in the Maribor, Ljubljana, Murska Sobota, Nova Gorica and Koper health regions. In 2000 the situation was poorest in the Celje and Ravne areas, where each school doctor had to attend to 3,012 and 3,011 children respectively. These are followed by the Novo Mesto and Kranj regions, where school doctors had to attend to 2,801 and 2,523 children respectively.

**5. State of health among social groups**

726. According to available data, the state of health is poorest in those groups of society characterized by a lower level of education and a higher level of unemployment.

727. In the period of transition to a market economy, with the increased inequalities in society, inequalities in the health of different social groups have started to increase.

728. By ensuring access to health care for all population groups, and through social policy measures and implementation of the programme to combat social exclusion, Slovenia is also providing an adequate level of health for the most at-risk groups.

729. Slovenia is carrying out social and health policy measures whereby it ensures access to health care and fulfilment of rights to health care.

730. In Slovenia, infant mortality is among the lowest in the world, which is a consequence of accessible preventive health care in connection with pregnancy and childbirth, and of high-quality preventive and curative health care provided for all children.

731. In connection with the protection of health from environmental hazards and injurious influences at the workplace, Slovenia has adopted numerous laws and regulations to regulate this area. Regulations are harmonized with the EU *acquis communautaire* in this area, and have embraced the most demanding of standards.

732. Control and monitoring of infectious diseases is regulated by a law and implementing regulations. Immunization of children is high, for some diseases it is over 90 per cent, while the prevalence of certain infectious diseases such as tuberculosis and HIV/AIDS is low.

733. The ageing of the population represents a factor that will, to a great extent, affect the right of the population to be provided with high-quality health care, and will contribute to an increase in the costs of health services. Under the current arrangements, old people are not deprived of health care, nor are they discriminated against in the exercise of their right to health care.

734. The founders of public institutions of primary health care are the local communities, a fact that ensures their continued cooperation and involvement in decision-making in the provision of primary health care.

735. The provision of information and materials intended to inform people of the factors that have a negative or protective influence on health is one of the priorities of the National Programme of Health Care for the Republic of Slovenia - Health for All by 2004.

736. Slovenia has adopted legislation which governs the area of access to alcohol and tobacco, and sponsoring and advertising related to these substances, and which introduces the obligation of the State to provide strategic planning in such areas.

737. Another part of primary health care is the prevention of cardiovascular diseases, which are the most common cause of premature death and sickness.

738. In the area of prohibited drugs, Slovenia has adopted a national programme to combat such drugs, together with an action plan of activities extending from prevention to treatment and measures in other sectors that fall within the area of reducing supply.

## **6. Government measures in the area of health**

739. The Constitution (Ur. l. RS, 33/91) defines Slovenia as a social State based on the rule of law (art. 2). In the chapter on human rights and fundamental freedoms, the right to social security is especially provided. Article 50 provides that citizens have the right to social security under conditions defined by law. The State regulates compulsory health, pension, disability and other social insurance, and ensures its proper functioning. Special protection in accordance with the law is guaranteed to war veterans and victims of war. Within this chapter, special provision is also made for the right to health care. Article 51 provides that everyone has the right to health care under conditions provided by law. The right to health care from public funds is also provided by law.

740. The National Programme of Health Care for the Republic of Slovenia - Health for All by 2004 (Ur. l. RS, 49/2000) contains a special chapter entitled "Protecting the health of the elderly", which, given the specific needs of this population group, highlights the following priority tasks outlined below.

**(a) Enabling the longest possible independent life in the environment to which they are accustomed, especially within their family circle**

741. As part of the provision for the elderly, health-care providers in the public health service network will develop:

- Treatment at home and medical care;
- Hospitals for extended hospital treatment.

742. As part of the social protection programmes, we will cooperate in the development and functioning of:

- Day centres for the elderly;
- Home help for the elderly;
- Services in protected apartments.

Family members and volunteers will also be expected to be more involved in the work of old people's homes. In old people's homes and in special social protection institutions we will provide appropriate treatment, rehabilitation and medical care for residents. In the preparation for old age we will emphasize the education of all people so that they may be more familiar with the processes and phenomena that are involved in or accompany the normal ageing process, along with the changes that arise through the illnesses suffered by the elderly.

**(b) Providing appropriate health care**

743. Primary health care will be provided and brought closer to old people. Hospital care will be orientated towards rapid and effective diagnosis, therapy and rehabilitation, aimed at the fastest possible return of patients to their home environment. The ageing of the population will consequently demand an expanded scope of medical services at all levels of health care.

**(c) Organizing non-institutional forms of life for old people**

744. In line with the findings of international science, old people will also be provided with the possibility of independent life outside institutions by the relevant services at the local community level.

**(d) Care for the terminally ill and the dying**

745. Greater attention will be given to this group of people and their closest family members. We will elaborate programmes of help for the families of persons dying.



**(e) Establishing standardized compulsory insurance for long-term care**

746. By establishing standardized compulsory insurance for long-term care we will primarily make equal the rights to long-term care, ensure the quality of services provided, equal conditions and equal opportunities for exercising the right to long-term care, achieve a greater degree of humanization of care for the elderly, sick and lonely, reduce the level of hospitalization and facilitate for people a high quality of living in their closest social environment.

747. Article 25 of the Health Care and Health Insurance Act provides that payment is provided in its entirety for services in the event of urgent treatment for persons over 75 years old who do not have voluntary insurance. There is otherwise a high coverage of voluntary insurance in Slovenia.

748. For these persons the Health Insurance Institute may also approve the entire payment for orthopaedic, orthotic and other accessories under the conditions provided by a general act.

**7. Social participation in the planning, organization, administering and overseeing of basic health-care provision**

749. Article 3 of the Health Care and Health Insurance Act provides that through economic, ecological and social policy measures the Republic of Slovenia creates the conditions for providing health care and tasks in the strengthening, maintaining and re-establishing of health, and coordinates the functioning and development of all areas aimed at health care. In accordance with their rights and duties, municipalities and cities ensure the conditions for providing health care in their areas. Companies, institutes and other organizations are bound in the performance and planning of their activities to ensure conditions for the provision of health care through the development and use of technologies that are not injurious to health and the environment, and through the implementation of measures to protect and enhance health among their employees or those in their care.

750. Article 8 of the same Act further provides that municipalities and cities fulfil the tasks in the area of health care by formulating and carrying out programmes to strengthen the health of people in their areas and by ensuring budget funds for these programmes; they ensure the implementation of hygiene and epidemiological and health statistics and welfare medicine activities for their areas that are not included in the national programme; they formulate and carry out the programme of tasks for maintaining a healthy environment that are not included in the national programme; they ensure health care for members of the civil defence, general emergency and rescue services, national defence and municipal or city communications units, if they are not covered on some other basis; and as the founders of public health institutions they ensure funds for investment and other obligations provided by law and founding act, and provide a post-mortem service.

**8. Health education activities**

751. Health education components, especially concerning the factors of risk that threaten people's health, are built into all educational programmes at all levels and outside schools, both for young persons and adults. Activities are planned in a coordinated and uniform way for the whole country, and are conducted by the Ministry of Health. Health education activities among

the public are aimed at getting people used to a healthy way of life; here activities are orientated towards overcoming those factors that pose the greatest threat to human health and life in an individual area. Socio-environmental programmes and projects to promote health are the main orientation of the WHO strategy "Health for All by 2000", which is supported by the majority of European countries and thereby supplement the existing systems of health care and the integral and intersectoral programmes dealing with people's health in a specific formulated community.

752. Changing patterns of behaviour extends into smoking, food, physical activity, excessive consumption of alcoholic drinks and drugs, mental health, sexual and reproductive health. Activities are based on health education components and teaching the skills for implementing them. Below is a description of the aforementioned activities in the National Programme of Health Care for the Republic of Slovenia - Health for All by 2004 (Ur. l. RS, 49/2000).

### **Activities to prevent smoking**

753. Activities will be directed at four areas: implementing programmes to prevent smoking, developing the conditions that make it possible to choose a smoke-free environment, and the preparation and implementation of programmes for people to give up smoking. Employees will promote tobacco-free workplaces. We will also propose that a portion of the duties from the sale of tobacco products be allocated for educating and informing people and financing preventive activities. In 1996 the Restriction of the Use of Tobacco Products Act (Ur. l. RS, 57/96) was passed, and in 2002 the Act Amending and Supplementing the Restriction of the Use of Tobacco Products Act (Ur. l. RS, 119/2002), which takes into account the European directive 2001/37/EC, and a national tobacco programme is also being drawn up.

### **Introducing a healthy and balanced diet**

754. Activities will be directed primarily at informing the public about the principles of a healthy, balanced diet and introducing nutritional habits in terms of the right choice of foodstuffs and the biological composition of food. Permanent food monitoring will be organized in order to study health statistics on morbidity and mortality directly and indirectly related to the manner and quality of eating, determining the state of nutrition primarily for at-risk population groups and cooperating in conducting nutritional policy in the country, and in the orientation towards obtaining and supplying healthy food. At the Ministry of Health a department for foodstuffs and nutrition was set up as a professional advisory body, which performs various tasks in connection with conducting nutrition policy and health issues, primarily in the area of food safety and a healthy diet.

### **Increasing the number of people engaged in physical and sports activities**

755. Through planned activities we will raise the number of people of all ages engaged in physical and sports activities, especially adults, with the aim of strengthening their physical and psychological capacities and of preventing cardiovascular diseases and other chronic degenerative diseases.

### **Prevention of excessive consumption of alcoholic drinks and illicit drugs**

756. We will formulate and carry out a national programme for preventing excessive consumption of alcoholic drinks and illicit drugs; activities will be directed primarily towards work with youths, the family and school. We will propose that a part of the duties on the sale of alcohol be used for health-care activities. The Act Regulating the Prevention of the Use of Illicit Drugs and the Treatment of Drug Users (Ur. l. RS, 98/1999) and the Act Restricting the Use of Alcohol (Ur. l. RS, 15/2003) were passed in 1999 and 2003 respectively, and preparations are under way for appointing a Council for Alcohol Policy.

757. In 1998 the Government of Slovenia set up the Office for Drugs, whose priority task was to draw up a national programme for prohibited drugs. This programme has been adopted by the Government's Drugs Commission and Social Security Council, while reading and adoption in the National Assembly are envisaged for the first half of this year, in line with the plan for the adoption of the European *acquis*.

### **Improving mental health**

758. We will formulate and carry out programmes that promote mentally healthy lifestyles, especially for children and young people, by encouraging involvement in programmes designed to help employees cope with stress at the workplace and programmes for old people.

### **Promoting sexual and reproductive health**

759. We will draw up and implement a programme for healthy sexuality, which will extend into three areas: sex education, family planning and preventing sexually transmissible diseases. By controlling infection with the HIV virus we will implement a national programme to combat AIDS.

760. The funds for financing health education activities are provided from the State and municipality budgets. Article 8 of the Health Care and Health Insurance Act states that the Republic of Slovenia shall provide funds from the budget additionally for programming, coordinating and monitoring implementation of health education, including publishing, in accordance with the health-care plan, and that it shall co-finance scientific and research activities in the area of health care.

761. In 2002 the Ministry of Health therefore issued the following public tenders:

- Public tender for co-financing publishing projects in the area of health promotion (funds required for co-financing under this tender: 10 million SIT);
- Public tender for co-financing the costs of organizing international professional meetings in the field of health care and medicine in Slovenia in 2002 (funds required for co-financing under this tender: 4 million SIT);

- Public tender for co-financing the costs of participating in professional meetings abroad in the field of health care and medicine in 2002 (funds required for co-financing under this tender: 3 million SIT);
- Public tender for co-financing health promotion programmes in 2002 (funds required for co-financing under this tender: 25 million SIT).

## **9. International help**

762. We in the Republic of Slovenia are not receiving any international assistance in implementing the rights covered by article 12 of the Covenant.

## **Articles 13 and 14**

### **The right to education**

#### **The area of education**

763. The aims of social inclusion were built into both the systemic and substantive changes in the area of education. In 1996 Slovenia's Parliament adopted new schools legislation, and in this way set in law the new systemic arrangements in all sections of education. The arrangements ensure a greater diversity and flexibility of forms and methods of schooling, openness and transferability of the school system, and systemic possibilities for lifelong learning.

764. The adopted systemic arrangements created a basis for the substantive reform of programmes, curricula and catalogues of knowledge, which was conducted between 1996 and 1999. The fundamental objectives and principles of the substantive reform included the demand that programmes be formulated in such a way as to ensure equal opportunities in education, to increase the role played by schools in social integration, to increase the level of inclusion of children, youths and adults in education, and prepare them for a high-quality of life, for lifelong learning and for a profession.

765. The extent to which the substantive reform has achieved these objectives will be evident in the evaluation of reformed programmes, which is being conducted by the Evaluation Council at the Slovene Education Office and which has been under way since 1999.

#### **Pre-school education**

766. Article 10 of the Kindergarten Act (Ur. l. RS, 12/96 and 44/2000) requires municipalities to ensure the possibility of including children in kindergartens. In the event that in the place of residence there is no kindergarten providing a public service, or the kindergarten is full, and parents express an interest in including sufficient numbers of children to support the creation of a facility, the local community is under an obligation to begin the procedure for providing additional places in a public kindergarten or to issue a concession tender. The Act also provides that children from socially at-risk families have priority in admission to kindergartens.

767. Pre-school education programmes are financed from public funds, founder's funds, payments by parents, donations and other sources.

768. The Kindergarten Act provides that the basis for payments by parents is the cost of the programme in which the child is included. Payment by parents is determined by the local community on the basis of a scale that places parents in different brackets. Here account is taken of income per family member in comparison with the average wage per employee in Slovenia. Parents who receive social security cash benefit are not required to pay for kindergarten. In the event that more than one child from the same family is included in a kindergarten, for the older child the parents pay one payment bracket less.

769. Since 1 January 2000 parents have paid a maximum of 80 per cent and at least 10 per cent of the cost of the kindergarten programme in which their children are included. Full payment by parents is therefore 80 per cent. Parents may claim lower payment by applying to the competent municipal body, which on the basis of requested data places parents on the scale and in this way determines the kindergarten payment. The municipality re-sets the parental payments on 1 January each year.

770. In exceptional cases, on the basis of opinions and data from the competent services (tax authority, social services), the municipality may change an already determined payment or ranking in a payment bracket.

771. The average payment by parents in 2001 amounted to 32.4 per cent of the cost of programmes. The difference up to the full cost of programmes, that is 67.6 per cent, was provided by municipalities in compliance with legislation.

**Table 81**

**Percentage of children whose parents have been exempted from payment  
for pre-school education programmes**

Year	1997	1998	1999	2000	2001	2002
%	4.4	4.2	4.2	5.7	5.7	6.0

*Source:* Slovene Statistical Office, 2000, 2001 and 2002, the Pre-school Education Section, Ministry of Education.

772. The public network of kindergartens comprises public kindergartens and private kindergartens with concession, pre-school education departments in educational institutions for children and adolescents with special needs, and kindergarten departments in hospitals whose activities are intended to cover the national territory.

773. In the 2001/02 school year there were 801 kindergarten units with 3,477 sections. There were 48 developmental sections for children with special needs, 82 integrated sections and 28 sections in hospitals whose activities are intended to cover the national territory.

**Table 82**

**Proportion of children attending kindergarten**

School year	% of children attending	
1997/98	58.6	
1998/99	58.9	
1999/2000	61.1	56.2*
2000/01	61.6	56.6*
2001/02	55.2*	

*Source:* Pre-school Education Section, Ministry of Education.

\* Note: Since kindergartens were requested to supply the number of children attending by age, the methodology employed in determining the level of inclusion has changed. Previously the proportion of included children was determined in comparison with the population of children aged 1 to 6 years, whereas now the proportion of included children by full year of age is determined in comparison with the entire population of children of the same age. With the current methodology proportion of inclusion is reduced by around 4 per cent.

**Table 83**

**Number of children attending kindergarten by age group**

Number	Of which preparing for school	Aged 1 year and less	Aged 2 years	Aged 3 years	Aged 4 years	Aged 5 years	Aged 6 years
1999/2000 school year							
64 151	17 966	2 967	6 656	9 970	12 922	14 408	17 228
2000/01 school year							
63 328	15 817	3 422	6 974	10 641	13 316	14 407	14 568
2001/02 school year							
61 803	12 562	3 638	7 104	10 071	13 307	14 710	11 973

774. The establishment of public and private kindergartens provides parents with a greater choice of forms, methods and content for their children. The Kindergarten Act ensures for parents the right to choose a pre-school education programme in public and private kindergartens. For children who cannot attend kindergarten owing to illness, pre-school education can be carried out at home.

775. Private kindergartens offer either a public programme of pre-school education, in which special attention is paid to specific activities (music, health, food, English), or programmes based on special pedagogical principles (Waldorf kindergartens) and Catholic kindergarten programmes.

776. A diverse range of programmes is also offered in public kindergartens. This is made possible by the Kindergartens Curriculum, a national document representing simply the framework of a professional basis for work with children. Depending on the responsiveness of the children, the features of the environment and the needs of parents, kindergartens draw up operational curricula.

### **Primary schools**

777. The network of primary (or elementary) schools in Slovenia are marked by the trend of bringing primary schools, at least in the lower grades, as close as possible to the children's place of residence. In the 2000/01 school year, in addition to 448 independent and central schools, there were also 366 school branches, which are not organizationally independent, but are outstations of central schools. For the most part the branches organize classes for pupils in grades 1 to 4, and rarely for less or more grades, although occasionally even for the entire scale of grades 1 to 8. In a large number of school branches (225 schools) classes are given in combined sections, so that the same class will include pupils from two or more grades. Owing to the overall reduction in the number of pupils in the country, this form of schooling is also appearing more frequently than in the past in central and independent schools (in the 2000/01 school year there were 17 such schools).

778. In the sphere of primary school education, the compulsory part of the programme, which includes compulsory subjects, optional subjects and class community periods, is entirely financed from public funds. In accordance with the norms and standards, the Government also finances parts of the extended programme: remedial classes, additional classes, open-air school, assistance to pupils with learning difficulties and work with gifted pupils, supervision and care outside school hours for pupils from grades 1 to 4, and optional compulsory activities to the extent determined by the timetable for the eight-year primary school. For other activities within the extended programme, for example, open-air school, additional optional compulsory activities, etc., the school may charge additional fees (the Ministry of Education, Science and Sport co-finances open-air schools for all pupils, and additionally provides schools with a further 15 per cent of the funds pertaining to schools for this purpose, that is for pupils who cannot pay the entire fees for open-air school owing to constraints of a social security nature).

779. In grade 1 of nine-year primary schools, for half of the class hours pupils have an additional teacher who is generally a qualified pre-school educator. Similarly, pupils are accompanied throughout the first period of education (the first three years of primary school) by the same teacher. During this period only a descriptive assessment of the pupils' knowledge is made. The curriculum for grade 1 takes into account the developmental level of pupils and methods and forms of work that are appropriate for children aged 6 years. Important aspects of learning, such as writing and reading, are geared towards gradual, thorough and also individual acquisition of skills, that is to say the achievement of targets is spread right across the first three-year period for those pupils who require this pace of learning.

780. The Council of Experts for General Education of the Republic of Slovenia adopted new curricula for all subjects in the nine-year primary schools. Within these the objectives are formulated in such a way that they extend into different aspects of the pupil's development - from emotional to social, cognitive, motor and moral development.

781. Built into the new curricula are various methods and forms of teaching, which render lessons more diverse and interesting, while teachers and pupils are left with sufficient time for repeating and consolidating material, for oral verification and assessment of knowledge, and for discussion and establishing more genuine contact between teacher and pupil (greater role of the teacher in the child's upbringing).

782. By taking into account the European recommendations for individualization and differentiation of lessons, and through the possibility of choosing three subjects in the last three-year period, systemic attention is paid to each pupil, taking into account his or her abilities, interests and expectations. Regarding work with gifted pupils and with pupils with learning difficulties, the relevant ministry finances half a teaching hour per week per school unit.

783. In grades 8 and 9 pupils opt for lessons on one of three levels of difficulty in their native language, a foreign language or mathematics, while in grade 7 a quarter of all lesson hours are allocated for lessons in these subjects on different levels.

784. In the first and second education periods pupils do not, as a rule, repeat grades, but in the last three-year period, pupils who have not been assessed positively take remedial exams or repeat the grade.

785. A tenth year of school is also being introduced, and is aimed at pupils who in the final verification of knowledge have not been successful, and at those wishing to improve on their results.

786. For the eight-year primary school programme the Expert Council for General Education adopted a modernized curriculum, which will be applied up until the complete introduction of nine-year primary schools.

### **Secondary schools**

787. The network of secondary schools comprises both public and private secondary schools. In the 2000/01 school year the majority of secondary schools in Slovenia (77) provided general education programmes (grammar schools). These are followed by schools providing programmes in the area of economics (39), metallurgy and engineering (32), electrotechnology and computing (18), textiles (14) and social sciences and culture (14). These are followed in turn by schools providing programmes of catering and tourism, woodworking, health, construction and so forth.

788. The distribution of secondary schools and programmes is carried out in conformity with the adopted criteria and standards for creating the secondary schools network. Each year the competent ministry issues a public tender in which it sets out the secondary schools and the programmes they provide, as well as the number of free places in individual programmes and schools. In the process of drawing up the advertisement of free places the ministry takes account of the adopted standards and criteria for creating the secondary schools network, and the needs and possibilities of the economy and schools.



789. All pupils who successfully finish primary school can choose whichever programme they want. A verification of talent is required only for certain programmes in the artistic field (arts, grammar schools, design and the like). To enrol in the sports department of a general education school, sports results must be demonstrated.

790. For programmes of lower vocational education, at least six years of primary school and fulfilment of primary school requirements are sufficient.

791. The annual tender allows for inclusion in any programme. However, individual schools can restrict enrolment if the number of candidates significantly exceeds that of places offered (this involves primarily individual grammar schools and certain schools and programmes that are only provided in major centres).

### **Higher education**

792. Special attention is devoted to the network of professional colleges, which takes account of the demand for graduates in certain fields or professions at the regional and national levels. In the 2001/02 school year, 22 higher education programmes were offered within the public network, and in addition to this, private institutions provided a further 12 higher education programmes (five colleges in the central region of Slovenia), where the principle of regionalism is observed. Owing to the exceptional interest shown by candidates, a public and private initiative has been launched to offer a further 40 programmes of higher professional education, although prior to any further expansion of the network, there is a need to analyse the labour market, to rationalize the network and to evaluate the work of professional colleges.

793. In Slovenia there are currently 2 universities and 10 independent university institutes. The two universities - in Ljubljana and Maribor - are State-run, and the State is also the founder of one of the independent university institutes. There are public university institutes in seven cities. Moreover, individual faculties organize courses especially for adult education in what are termed "outstation departments", and the network is quite extensive (more than 10 locations across Slovenia). Distance learning is also gradually taking hold. At Ljubljana University, this type of learning is offered by the Faculty of Economics, at Maribor by the Faculty of Civil Engineering, and at the professional colleges by the Doba Vocational College for Commercial Secretaries.

794. The strategic goals in the area of higher education are primarily as follows: to increase the proportion of the population, especially the younger generations, in professional and university education, to increase the number of enrolment places and gradually remove the barriers to enrolment for the majority of courses, to gradually co-finance external study and to improve the success rate and effectiveness of undergraduate courses.

**Table 84**

**Advertised enrolment places in higher (university) education,  
1998/99 to 2003/04**

School year	1998/99	1999/2000	2000/01	2001/02	2002/03	2003/04
Total	20 574	21 448	22 009	22 131	22 788	22 783
Full-time study	13 863	14 078	14 371	14 561	15 194	15 377
External study	6 711	7 370	7 638	7 570	7 594	7 406

*Source:* Press material at press conference of the Ministry of Education, Science and Sport, 10 January 2003.

**Table 85**

**Enrolment places by method of study (ratio of full-time to external students)  
in higher education, 2001/02 to 2003/04**

School year	2001/02 %	2002/03 %	2003/04 %
Full-time study	65.8	66.7	67.4
External study	34.2	33.3	32.5

*Source:* Press material at press conference of the Ministry of Education, Science and Sport, 10 January 2003.

**Table 86**

**Growth in the number of course places, 1996/97 to 2001/2002**

School year	First year enrolment			Enrolment in all years	
	Full-time	External	Total	Full-time	Total
1996/97	14 527	5 893	20 420	37 314	50 667
1997/98	15 220	7 289	22 509	40 304	55 845
1998/99	16 669	9 877	26 546	43 654	64 072
1999/2000	17 198	10 062	27 260	44 837	66 198
2000/01	18 075	9 808	27 883	46 022	68 427
2001/02	18 279	10 350	28 629	49 400	72 320

*Source:* The development of education, National report of the Republic of Slovenia, MŠZŠ, 2001; statistical publications RR 759 and 786 (Students in the Republic of Slovenia, 2000/01 and 2001/02).

**Table 87**

**Expansion of the network of professional colleges, courses offered  
and number of enrolment places, 1998/99 to 2003/04**

School year	Number of colleges		Number of courses	Advertised enrolment places		
	Public, concessions	Private		For young persons	For adults	Total
1998/99	5	1	6	380	310	690
1999/2000	7	1	9	670	670	1 340
2000/01	13	4	12	1 120	1 550	2 670
2001/02	15	7	15	1 100	2 224	3 324
2002/03	17	15	17	1 460	3 768	5 228
2003/04	18	19	19	1 750	4 407	6 157

*Source:* Press material at press conference of the Ministry of Education, Science and Sport, 10 January 2003.

**School and university student halls of residence**

795. For the residential boarding of school students in the Republic of Slovenia, a public network of halls of residence is provided. These halls of residence are educational institutions that carry out the publicly valid education programme on the basis of the Organization and Financing of Education Act. The State establishes them for students of secondary schools who are continuing their education after primary school at secondary schools outside their place of residence.

796. The public network includes 43 halls of residence for school students, while 3 private halls of residence are also financed from the national budget. The network of halls of residence is very extensive, and its capacities can meet the needs of all school students in the country. Some of these halls function within schools, while others, especially in larger centres, are independent institutions and are intended for students from all the schools in that area.

797. Each year between 7,000 and 8,000 school students live in the halls of residence, representing approximately 7 per cent of the entire population of secondary school students. The role of the halls of residence vis-à-vis students is to provide care, upbringing and education.

798. Students pay a residence fee to stay in the halls of residence, and this fee is the same for all students. The educational part of the programme is financed from the State budget.

799. Measures are also aimed at providing residential capacities for both college and university students. Part of the capacity is provided by the school halls of residence, which, in view of demographic trends and also the extensiveness of the network of secondary schools, advertise free places for college and university students. On the other hand, an expansion of the capacities of university student halls of residence is under way with new buildings, renovations and acquisition of concessionaries. The aim is to have a third of all students housed in student halls of residence by 2005.

### **Adult education and lifelong learning**

800. Adult education, which has an important developmental role, will be able to meet expectations only through the fulfilment of the concept and strategy of lifelong learning for all. In this concept, education of young people and adults complement each other, which means that the opportunities for study among the population are equally and efficiently distributed.

801. People with different characteristics do not, however, have the same opportunities to enrol in education and learning, especially education intended for adults, either because such possibilities are simply not available to them, or because for various reasons they cannot take advantage of these possibilities. Age alone does not explain the differences between age groups in the level of participation in education; at least two other factors need to be taken into account, namely the influence of education and that of the source of education funding.

802. Data collected at the end of 1998 indicate that the participation of adults in various forms of education changes considerably in individual life periods. The 26-40 age group is most active in education, with the percentage of participants falling markedly after age 40.

803. The predominant orientation of education measures towards the younger generation is reflected in the deterioration of access of older population groups to education. Certain other countries are marked by similar trends. A comparison with OECD member countries indicates that in the majority of those countries, participation falls steadily with the growth in age of participants, especially after age 55.

804. Analyses also indicate that lower activity in education is, to a large extent, affected by the previously attained education. The higher the previous level of education the higher the level of participation in further education, irrespective of age. Given that older people attended school for shorter periods (in the 55-64 age group, only 26 per cent have finished secondary school), we may conclude that their lower level of education is the main factor in their lower participation in education. Since 1987 the number of those active in education among the least educated adults has even fallen, while the number of those most educated enrolled in education has grown.

805. Another factor that has an important influence on the participation of adults in education is financing. Data indicate that of the population aged under 25 (full-time university and school students are not included), 54 per cent finance their own education, and only 16 per cent receive State assistance. Employers only rarely cover the costs of education for this group of people. In the 26-40 and 41-60 age groups the great majority of employers do cover the costs of more than two thirds of all education courses for these groups. The education of the oldest age group, however, depends heavily on State financing. This age group very rarely covers the cost of its own education.

806. The least amount of financial support from employers is allocated to education for those with the lowest level of education, and their support is forthcoming in 36 per cent of such cases. On the other hand, employers cover almost three quarters of the cost of education for the highest educated groups. In approximately two thirds of cases they also cover the cost of education for persons with lower and secondary vocational and secondary general and professional education.

In other words, those with a higher level of education receive a significant amount of financial support from employers in their enrolment in education programmes, and the best educated among them are also supported by the State, while the least educated people are for the most part left to their own financial devices.

807. An analysis of accessibility of educational opportunities for adults has shown that the possibilities are differentiated relative to age and level of education attained. Most frequently, education is pursued by adults aged 26 to 40 years who have at least secondary school education, and they are followed closely by younger adults aged between 16 and 25 years. Adult participation in education falls dramatically after age 40, and is lower than the national average, while after age 60 education is pursued only by very few individuals. Education is more accessible to those adults who have finished at least secondary school, for they receive the greatest financial incentives from both employers and the State.

808. In 2000 the Council of Europe adopted a series of resolutions relating to the great social and economic changes that are currently under way in the European Union. Based on an awareness that European society needs radical changes in its approach to education, the Commission drew up a *Memorandum on Lifelong Learning*. This document defines knowledge as a key factor in the economic development of the European Union as a world region, and represents the culmination of all efforts by the European Commission to promote lifelong learning since 1993. Based on a broad debate in which Slovenia also took part, the European Commission is drawing up an action plan which will serve for the member States and also the candidate countries as an important guideline in planning education and human resource development policies. Key messages from the Memorandum have already had a marked influence on the formulation of the National Development Programme of the Republic of Slovenia for the period up to 2006.

809. Providers and institutional centres of adult education in Slovenia can be divided into three groups:

(a) Adult education organizations whose basic activity is adult education: "people's universities" (community colleges) and company education centres;

(b) Youth and adult education organizations. These are educational organizations in the school system, which for the most part educate young people, but additionally they also offer courses for adults (such education is also provided on the basis of concessions by certain private educational organizations);

(c) The third group of organizations providing adult education is very widespread and extensive, and this can be defined as other organizations that are involved in adult education but whose basic activity is not adult education. This involves organizations that alongside their main activity (which is not educational) provide adult education (chiefly in an informal mode) as an important component of their programme. Here we may also include organizations in the area of culture and art, such as libraries, museums, theatres, archives, cultural centres and so forth, political organizations and parties, organizations for the rural and farming population, local community organizations, leisure organizations, professional organizations, nature protection

organizations, social security organizations, organizations for people with disabilities, family, parent and marriage help organizations, tourism organizations, holiday organizations, organizations of old people and pensioners, organizations of households and organizations of workers temporarily working abroad.

810. Ministries provide funds for the establishment and functioning of organizations that make up the network of public adult education institutions, as well as for the development and functioning of essential infrastructure. A similar role, especially involving informal professional and occupational training, is played in their respective areas by the chambers of commerce, and, where the right of workers to education is being exercised, also by trade unions.

811. The Adult Education Act lays down that the State budget shall provide funding for public organizations of adult education (covering wages, costs, implementation of programmes, infrastructural activities and other tasks). The Act also allows other sources of financing, and the possibility of setting up a fund for adult education at the national and local levels (investment in school premises, computer literacy, and language vouchers for adults). Other legislation that extends the scope and accessibility to financial sources for adult education, increases the range of courses offered, promotes educational activities in voluntary organizations and enables greater oversight in allocating and using public funds, includes in particular the Public Procurement Act, legislation governing privatization, and the Societies Act.

812. The Adult Education Act provides that those participating in adult education acquire specific knowledge, abilities and skills, and can receive publicly recognized education under a special course for adults and take courses or parts of courses intended for young people. Adult education courses are aimed at raising the general educational and cultural levels of the population, improving their functional literacy and enhancing their knowledge for work and occupations, educating and training unemployed persons, education for democracy, learning foreign languages, teaching foreigners Slovenian, and educating the public on special minority rights, the rights of adults with special needs and those of special groups.

813. As part of the programme to combat poverty and social exclusion, in the area of adult education we have developed certain special education programmes and are (co-)financing the following educational programmes that would contribute to eliminating the causes of poverty and social exclusion:

- Functional literacy courses, the “Training for Life Success” programme and the “Family Literacy” programme: these are being funded entirely from public finances. In the 2000/01 school year we financed the implementation of these programmes for 11 course groups with 112 participants, and in the 2001/02 school year for 4 course groups under the Training for Life Success programme and a further 4 course groups under the Family Literacy programme;
- Study circles as an already established form of educational and social animation of adults in the local environment. In the 2000/01 school year we financed 173 study circles with 880 active participants, and in the 2001/02 school year 286 study circles;

- Knowledge exchanges and independent learning centres: in the 2000/01 school year we co-financed 4 knowledge exchanges and 24 general education centres for independent learning, and in the 2001/2002 school year the activities of 4 knowledge exchanges and 32 general education centres for independent learning;
- Learning four foreign languages: in the 2000/01 school year we financed 321 groups with 2,000 participants financed, and in the 2001/02 school year 361 groups;
- Co-financing education for adults obtaining a first vocation: in the 2000/01 school year we co-financed 109 course groups with 2,650 participants, and in the 2001/02 school year 336 course groups;
- Project learning for young adults is the first publicly recognized education programme of informal education, intended primarily for personal development and pre-vocational education and training. In the last two school years we have co-financed implementation of the programme for eight groups;
- Education for unemployed persons: in the 1998/99 school year, by decision of the Government of Slovenia, we began implementing the “5000 Programme”, which is aimed at young adults without a vocation. Implementation of this programme is ensured together with ESS. In the 2000/01 school year the Ministry of Education, Science and Sport co-financed 65 sections (1,300 unemployed persons), and in the 2001/02 school year, 50 sections;
- Local advice centres offer adults in local environments simple access to quality information and advice on learning possibilities. In the second half of 2001 five local advice centres began operating, and four are being prepared;
- Education programmes for older adults: the aim of these programmes is personal growth and improvement of the quality of life. In the 2001/02 school year we co-financed implementation of such programmes for 76 groups;
- Computer literacy and familiarizing adults with the Internet: in the 2001/02 school year we co-financed implementation of the programme for 56 groups;
- Programmes on the exercise of the special rights of minorities and adults with special needs: in the 2001/02 school year we co-financed 48 groups;
- Raising the education level of the adult population and increasing the involvement of adults in education. For this purpose special funds were reserved in the budget for 2002 (a system of vouchers is being planned).

**Table 88**

**Continuing vocational education and training of employees  
in companies and other organizations, 1999\***

All companies and organizations		Companies and other organizations that educate and train their employees		
Companies and other organizations**	Total number of employees	Number of companies that educate and train their employees	Number of employees	Number of participants in education and training
6 510	543 618	3 673	402 438	190 739

*Source: Statistical Yearbook 2002.*

\* Data in this table are an estimate based on a sample.

\*\* Survey includes all companies and other organizations with 10 or more employees.

**Table 89**

**Providers of continuing education and education programmes  
and number of participants, 1999/2000**

	Number of providers (organizations)*	Number of programmes (seminars, courses, etc.)	Participants		
			Enrolled	Completed programme with certificate or public diploma	
				Total	Women
Total	380	17 213	250 751	148 838	62 948
Education programmes not publicly recognized	-	10 403	182 202	88 281	34 544
Publicly recognized education programmes	-	2 498	36 102	34 451	13 432
Language courses	-	4 312	32 447	26 106	14 972

*Source: Statistical Yearbook 2002.*

\* These organizations are “people’s universities”, other specialized organizations, sections at schools and companies, driving schools and others.

**Transferability between schools, programmes and levels of education**

814. Transferability at the primary school level is entirely open, since primary schools all provide a standardized curriculum. As a rule, however, children enrol at the nearest primary school (each primary school has a defined school catchment - the geographical area from which



children enrol), although by agreement with the parents and schools it is possible to enrol pupils in any other primary school. In transferring from one primary school to another there are no differential requirements to be met.

815. Transferability between different secondary schools with identical curricula is made possible both by the Gimnazije Act and the Vocational and Technical Education Act. Students may therefore transfer during the school year, with the agreement of the school to which they wish to transfer. This decision is made by the head teacher of the school, who obtains the opinion of the staff assembly.

816. Transferring between different secondary school programmes is generally possible, but for programmes whose subject courses differ, appropriate differential exams must be sat. Transferring most commonly involves moving from a more to a less difficult programme. For the most part, transfers take place after the first year.

817. The new school laws have introduced a range of mechanisms that ensure transferability also after completing a specific type of secondary school programme (such as vocational and school-leaver courses). Thus, for example a student in a general grammar school programme does not take the *matura* leaving exam, which signifies the end of school, but enrolls in a vocational course and following successful completion of the course acquires a trade or profession.

### **Proportion of students continuing their education to the next level**

818. The proportion of primary school pupils who continue their education at secondary schools is over 98 per cent.

819. The proportion of school students and trainees who continue their education after completing secondary vocational school in programmes of vocational technical education is growing from year to year, and is currently in excess of 40 per cent.

### **Steps to reduce the dropout rate and to raise the level of education**

820. One of the key points in combating social exclusion is the issue of dropping out. Surveys carried out even before the systemic and substantive changes showed that the extent of enrolment and dropping out in further education (i.e. after compulsory education) is influenced by the excessively rigid forms of education, that is, forms that do not take account of the different needs, abilities and interests of students, pupils, trainees and university students, and do not open up possibilities for renewed involvement of individuals in the education system.

821. Precisely for this reason, the new school legislation and the substantive reform introduced a segmented education system and a sectioned model of individualization and differentiation. It is important that with the introduced variety of forms and methods of education, the system ensures vertical and horizontal transferability. Various forms of education should also ensure the possibility of renewed involvement in the education system (the concept of lifelong learning).

**Table 90**

**Dropout rate in secondary education by type of programme and gender**

Type of education programme	Generation of 1992-1997			Generation of 1993-1998*		
	All	Male	Female	All	Male	Female
Lower vocational education	29.4	29.6	28.8	31.9	31.0	34.4
Secondary vocational education	18.6	18.7	18.4	16.6	17.9	14.5
Secondary professional and technical education	12.8	13.6	12.2	11.9	13.9	10.0
Total all vocational, technical and professional programmes	16.2	17.2	15.2	15.0	17.0	12.5
<i>Gimnazija</i> grammar schools	7.0	7.6	6.6	6.5	6.2	6.7
Total all secondary school programmes	14.1	15.2	12.7	13.0	15.0	10.8

\* The estimate for the generation of 1994-1999 is 11.6 per cent.

822. The table shows how the dropout rate is highest in lower vocational education. A more detailed analysis has shown that the dropout rate is high in programmes to which students have transferred from other programmes in which they had already been unsuccessful. There is no essential difference by gender, although, as a rule, the dropout rate among girls is lower. There is typically a high dropping out in the first year, with almost no dropouts from the fourth year. Irrespective of the fact that the dropout rate among students in secondary schools is high, with various measures in recent years there is a clear indication that it is falling.

823. Given that most dropouts are in the first year, and that transferring students to another, generally easier, programme has proven unsuccessful, undoubtedly one of the causes of dropping out is low motivation, be it for the particular programme or for education in general.

824. In order to bridge the gap between enrolment choices and actual enrolment, a number of important steps outlined below have been taken.

**(a) Expanding the network of schools and enrolment places**

825. In addition to increasing the actual number of secondary schools, we have made good provision for the geographical distribution of these schools.

826. The proportion of students who have succeeded in having their primary choices fulfilled - that is, they were able to enrol in programmes they most desired - is constantly growing as shown in the table below.

School year	1997/98	1998/99	1999/2000	2000/01	2001/02	2002/03
%	93.5	95.2	96.3	95.7	96.3	95.1

827. Expanding enrolment places is not only important from the aspect of dropping out, but also from the aspect of the other goal we wish to achieve, that is, raising the educational level. And of course the new systemic feature of completing one's education with a vocational school-leaving exam, which was implemented for the first time in the 2001/02 school year, offers students wider possibilities for pursuing further education.

**(b) Advisory work in determining vocational wishes**

828. The activities performed by the advisory service at primary schools includes vocational guidance - help for pupils in selecting and fulfilling their educational and vocational path. Advisory work is conducted in five sections, namely:

- Informing pupils of the possibilities of further education, occupations and employment;
- Organizing visits by pupils to companies and other employers;
- Lectures and talks with external experts, representatives of individual occupations and vocational advisers from ESS;
- Collecting data on pupils for vocational guidance requirements;
- Individual and group vocational guidance.

829. Two relatively important areas of vocational guidance at secondary schools are monitoring and advice for freshmen, those repeating and those transferring, and assistance in vocational orientation.

830. Moreover, the adopted programme orientations for the work of the advisory services emphasize in particular that the school advisory service must be involved in seeking out and offering possible forms of support and help to families, where, owing to socio-economic hardship, the physical, personal and social development of students is threatened. Here it links up with class teachers and other teachers, parents, school managers and appropriate external institutions (social work centres and other social security institutions and organizations).

**(c) The substance of secondary school programme reform**

831. New principles were adopted for the formulation of vocational and professional education programmes (open curriculum, modular education programmes, linking of educational content). A range of projects are being drawn up to enable implementation in 2002 and 2003 of the principles in the education system, and the granting of certificates in the formal system of vocational education and their inclusion in formal education. The basis for devising education programmes and obtaining vocational qualifications is vocational standards. The new principles adopted enable the development of vocational standards and national vocational qualifications in the certificate system for new vocational qualifications and education programmes that are based on vocational competence and develop key qualifications.

832. Vocational education modules will be prepared in a way that will ensure equality of standards of knowledge and skills, which can be demonstrated with certificates of vocational qualification, and with standards on which the modules will be based in formal vocational education.

**(d) Implementation of new forms of secondary school education: dual system, certificate system and vocational courses**

833. *Dual system*: in addition to practical education at employers, a school system of education on the same level of difficulty is being implemented. The ratio of theoretical (school) knowledge to practical training under the trainee system is 2:3 (40 per cent school knowledge and 60 per cent training). In the generation that enrolled in 1997, the dropout rate had been a mere 1.5 per cent. This low dropout rate can be ascribed primarily to the greater motivation of students and to the fact that they are obtaining specific, practical knowledge with an emphasis on individual approach.

834. *The certificate system* is not conceived as a substitute for the school system, but as a complement and/or supplement to it. As a system of educational modules in programmes of vocational and professional education and training, and a system of determining and confirming vocational qualifications, it should enable access by everyone to the certificate system, irrespective of age and type of vocational qualification, where national vocational qualifications are publicly valid documents that prove vocational training on a specific level of difficulty. It should have the effect of reducing the number of unemployed persons who lack basic vocational qualifications and among whom there are precisely the highest number of young dropouts. Another important reason for introducing the certificate system is to reduce the differences between knowledge and skills that can be acquired within the regular school system, and those that are required and sought by employers (and which can be acquired through work experience). As such, it also offers the possibility of addressing the problem of the high dropout rate.

835. *Vocational courses* are aimed at students who have completed their general secondary school education and wish to take employment or continue their education with the aim of acquiring vocational qualifications. They last from six months to one year, and offer for the most part technical and professional knowledge, ending with a vocational school-leaver's exam. Courses began on a trial basis in the 1996/97 school year.

**(e) Education and continuing professional development for professional workers in education**

836. The decrees on orientations of professional education for professional workers in educational institutions and on individual levels of education set out not only the study programmes that professional workers must complete in order to fulfil the educational conditions for teaching individual subjects and performing educational work, but also the study programmes that are part of continuing professional development.

837. Through schools legislation the State provides for each professional worker at least five days of continuing professional training in the school year. This training is conducted on the basis of advertised programmes, and is partly financed by the Ministry of Education, Science and

Sport and partly by the school in which the professional worker is employed. Programmes are formulated according to a national strategy of professional education, and are categorized by priority. Participation in these programmes is evaluated with points, which forms the basis for promotion to higher positions and pay brackets. By financing or co-financing these programmes, the Ministry enables the supplementation of professional education for those already employed in education, and in doing so it contributes directly to a higher quality of education, while at the same time it allows for appropriate further qualification and reduces the possibility of staff becoming redundant owing to inadequate education. In the 2002/03 school year, 1,433 such programmes were advertised in 23 areas.

**Table 91**

**Number of programmes, providers and programme implementations  
offered by individual school year from 1996/97 to 2002/03**

School year	Number of programmes	Number of providers	Number of implementations
1996/97	1 049	95	1 470
1997/98	1 208	135	2 497
1998/99	1 491	156	2 277
1999/2000	1 548	175	2 796
2001/02	1 338	160	2 650
2002/03	1 433	168	2 026

*Source:* National Education Institute, Department for Continuing Professional Training, December 2002.

838. Already a number of years ago ESS began cooperating with schools in dealing with students who dropped out during the school year, and two years ago this idea was revived. The Ministry of Education, Science and Sport together with ESS created a form which students and parents sign on leaving school, and which is sent to the Employment Service. ESS Advisers invite leaving students for an interview in order to help them select a more appropriate education programme or method of education or find employment.

### **Education in ethnically and linguistically mixed areas**

839. In addition to the Act Implementing the Special Rights of Members of the Italian and Hungarian Ethnic Communities Regarding Education and Training, adopted in May 2001, the members of the Italian and Hungarian communities have the right to education and care in kindergartens, to primary school education and equal access to secondary schools in the minority language.

840. In the ethnically and linguistically mixed Slovene-Hungarian area in Prekmurje there are bilingual kindergartens, primary schools and a secondary school with Slovenian and Hungarian as the teaching languages. These establishments are attended by all children and students from this area. Sections are mixed, with lessons given in Slovenian and Hungarian.

The educational work enables children of both nationalities to learn, in addition to their native language, the other language and its culture, and to familiarize themselves with the history and culture of both peoples.

841. In the ethnically and linguistically mixed area of Slovenian Istria there are kindergartens, primary schools and secondary schools with lessons given in Slovenian and Italian. Students in schools with lessons given in Slovenian are obliged to learn Italian as their second language, while students at Italian-language schools must learn Slovenian as their second language, and they are familiarized with the history, culture and natural heritage of both peoples.

842. To ensure the equal development of the Italian and Hungarian ethnic communities alongside the Slovene community, the organization and education programmes in kindergartens and schools in ethnically mixed areas are appropriately adapted with regard to the objectives of education, timetable, syllabus, catalogues of knowledge and exam catalogues, the conditions for enrolling in programmes and the guidelines elaborated for implementing programmes. In order to ensure for these students an educational standard equal to that of pupils, trainees and students in other areas, the new act allows an increase in the upper limit of requirements for an individual part of the education system, and it also allows the adaptation of the organization of education, timetable, syllabus and catalogue of knowledge. The act also allows for primary school timetables to determine that pupils choose only two optional subjects.

843. The act also regulates the protection of the public network of kindergartens and schools (and consequently their accessibility) for members of the Italian and Hungarian ethnic communities in such a way that for changes to the network it introduces the obligation to obtain the consent of the Government of Slovenia and of the relevant self-governing ethnic community.

844. The national budget provides funds for the preparation and subsidizing of bilingual textbooks and textbooks in the language of the ethnic community.

### **Financing ethnic community schools in Slovenia**

845. The Ministry of Education, Science and Sport provides additional funds to bilingual kindergartens to fulfil the principle “one language - one teacher”, which means that in sections for the first and second age groups, two teachers are present for six hours a day.

846. In addition to bilingual schools, we are also providing funds for the additional costs linked to bilingual teaching. These funds cover:

- The costs of procuring additional teaching aids;
- The costs of educating workers in the mother country;
- Cooperating with schools and institutions in the mother country.

847. Professional staff at bilingual kindergartens and schools are provided with a supplement to their personal incomes amounting to 20 per cent of the basic pay, and at kindergartens and schools with instruction in Italian, with a supplement amounting to 15 per cent of the basic pay.

848. Bilingual education establishments and education establishments with lessons in Italian are also provided with funding for:

- The preparation of original textbooks needed primarily for implementing the language of the environment and for translating Slovenian textbooks;
- Bilingual documentation and documentation of the language of the ethnic community.

### **Food subsidies**

849. Since 1992 the Ministry of Education, Science and Sport has been subsidizing one school break-time snack daily for socially disadvantaged pupils, students and trainees. The basis for subsidizing school food is provided for in article 81 of the Organization and Financing of Education Act.

850. The Ministry of Education, Science and Sport distributes funds among individual schools on the basis of the following criteria: the level of average personal income and of unemployment in the municipality, and for secondary schools the type of school and lessons in shifts are also taken into account. For primary schools with adapted programmes, institutions for educating children and adolescents with special needs and primary schools with Roma pupils, the funds are increased.

851. Parents may exercise the right to reimbursement at the school their children are attending. The school advisory service selects the pupils and students most in need of subsidized food on the basis of criteria such as exceeding the social minimum only slightly, unemployment of parents, long-term social problems, sickness or alcoholism in the family, single-parent families, etc.

852. The Ministry of Education, Science and Sport also ensures free school food for all those pupils attending grade 1 of nine-year primary schools and whose parents are receiving social security benefits. Schools distribute free food to pupils for a specific period (at most for six months), and then parents must declare any change regarding their eligibility for social security benefits. It is envisaged that this form of assistance to grade 1 pupils will continue to be provided in the future.

853. In the 2000/01 school year 22.8 per cent of all pupils, students and trainees received reimbursement for their break-time snack.

854. Food for university students is subsidized by the Ministry of Labour, Family and Social Affairs.

### **Textbook funds**

855. From 1994 to 1998 the Ministry devoted the greatest attention to the creation of new and the renewal of existing textbook funds in primary schools. In the 1996/97 school year textbook funds were already fully operational at all primary schools, with every second pupil borrowing textbooks from the fund. It is important that all funds are well used, so that there are practically

no currently valid textbooks lying on the shelves once the school year has started. Since 1999 the Ministry has also allocated one-off assistance in the amount of SIT 4,000 to every pupil attending grade 1 at a nine-year primary school.

**Lending of textbooks in percentages relative to number of pupils by individual grade, 1998/99 school year**

Grade	1	2	3	4	5	6	7	8
Lending in %	52.8	60.7	61.0	66.7	71.8	75.1	76.4	77.6

856. The number of children borrowing textbooks through the textbook funds is growing: in the 2001/02 school year 80 per cent of pupils in eight-year primary schools and 92 per cent in nine-year primary schools borrowed books, with half the students and trainees at secondary schools also borrowing books.

857. In the 1997/98 school year the Ministry began promoting the establishment of textbook funds also in secondary schools. Secondary schools decided independently to revive or set up textbook funds. In the 1998/99 school year 83.4 per cent of schools opted for a textbook fund.

858. In secondary schools where textbook funds have been set up, lending by year is as follows:

Year	1	2	3	4	5
Lending in %	14.29	21.75	30.28	32.47	30.28

859. For a number of years now the Ministry of Education, Science and Sport has subsidized low print-run textbooks. This involves chiefly specialist theoretical textbooks for secondary schools, textbooks for members of the minority nationalities and textbooks intended for children and adolescents with special needs. In 1998 the Ministry paid particular attention to co-financing the creation of textbooks.

### **Open-air schools**

860. The Primary School Act requires schools to organize at least twice during compulsory schooling open-air schools, with participation by children being voluntary. According to the needs of children and with the consent of parents, each primary school organizes its own model of open-air school in terms of the objectives to be achieved, content, time and location, taking into account the circumstances and material possibilities of each pupil.

861. The Ministry of Education, Science and Sport co-finances open-air school programmes for primary school pupils. In order to provide schools with the most favourable conditions for holding open-air schools, the Ministry provides funds for the operation of the Centre for School and Extramural Activities. Anxious to eliminate the inability of primary school pupils to swim, the Ministry provides funding for professional workers to conduct swimming courses. Through additional funding the Ministry also enables pupils who cannot pay the entire contribution for open-air school to participate. Funds are allocated based on special criteria and are aimed exclusively at reducing the contribution from parents for the particular open-air school. The amount is determined each year separately.



### **Information technology literacy**

862. Modern information and communication technology requires the effective handling of information. Through the programme of computer literacy (the "Ro" programme), made possible in 1994 by the School Tolar Act, we raised the level of information technology in the education system, and in this way made an important contribution to the more efficient, modern, creative and friendly role of education facilities.

863. Within the project, three areas of activity were identified with the following objectives:

#### Education:

- Train teachers and students in the use of modern information and communication technology in a new quality of teaching and learning;

#### Information technology for schools:

- Bring IT into the learning material and methods of work, set up computer networks at schools, standardize computer software, ensure appropriate provision of modern computer and IT equipment, and provide an appropriate organizational structure for the entire system of bringing IT to schools;

#### Research and development work:

- Ensure the possibility of research and development work in the area of introducing new IT into education.

864. Free access to the Internet and support for teacher and student users are made possible by the Academic Research and Network of Slovenia (ARNES).

865. Each educational institution or facility (i.e. kindergartens, primary schools, education centres for children with special needs, music schools, vocational schools, secondary schools and grammar schools, school halls of residence, teacher training colleges) is involved in various activities within the Ro programme, namely:

- Education;
- Access to legal software, manuals and other materials;
- Purchase of computer hardware;
- Arranging computer networks and hook-up to the Internet;
- Access to research and development results.

### **Children and adolescents with special needs**

866. Within the framework of 7 educational facilities for children and adolescents with special needs, there are 25 departments, and in 2 hospitals whose activities are intended to cover the national territory, there are 19 departments.

867. For children with special needs, the adoption of new school legislation opened up wider possibilities for education. One primary new feature introduced by the Placement of Children with Special Needs Act, adopted in May 2000, in connection with the acts governing kindergartens, primary schools, vocational and professional education and grammar schools, is the creation of possibilities for including children in suitable education programmes in regular forms of education, if the children are capable, in terms of their psychophysical status and with suitable adaptation of the organization, method of verifying knowledge, advancement and school timetable, of achieving at least a minimum standard of knowledge defined in an individual programme.

868. Here the placement decisions regarding children with special needs provide for additional professional help and for accompanying persons to give physical assistance to children with impeded movement. The placement decisions also establish the right to reimbursement of the costs of transport to a primary school at a distance of less than four kilometres. The Act also provides for the reimbursement of the cost of transport of children placed in programmes for pre-school children. Similarly, the Act provides for reimbursement of the cost of transporting the child's assistant.

### **Education of the Roma community**

869. Education for members of the Roma community is provided in compliance with the Organization and Financing of Education Act, the Kindergarten Act, the Primary School Act and other regulations. In November 1995 the Government also adopted the Programme of Measures to Assist the Roma in the Republic of Slovenia. In compliance with this document, the Ministry of Education, Science and Sport works in cooperation with the municipalities to ensure that Roma children are included in the kindergarten education programmes for at least two years before entering school, while schools with Roma students are provided with additional teaching hours for lessons in small groups outside the main class, and the Ministry financially supports school initiatives for implementing forms of educational work that promote their socialization, provides funds for school snacks for Roma pupils and helps schools purchase textbooks.

870. Sections composed entirely of Roma pupils appear only exceptionally in primary schools (only seven in the 1998/99 school year). This fact speaks favourably of how primary schools have been dominated by an orientation towards integration of Roma pupils in ordinary sections. This way of including Roma pupils in connection with occasional work in small groups has produced good results in recent years, since there is a growing number of Roma pupils who complete their compulsory education at the subject level of grades, while there is also a growing number who complete primary school or who complete their compulsory education and pursue further education. The increased success is also helped by including Roma pupils in extended stay sections.

871. Special norms and standards are provided for the Roma in creating sections, with the norm for the creation of a Roma section at a primary school being 16 pupils and 21 where there are at least 3 Roma pupils. For all schools with Roma pupils, the Ministry reimburses the cost of school snacks for half the number of enrolled Roma pupils, and subsidizes textbooks and work folders needed by Roma students. As assistance in covering the costs of school requisites, transport and admission fees for activity days, the Ministry allocates SIT 1,100 a month for each Roma pupil. In pre-schools a Roma section can be created if there are at least five Roma children in it. In such a section the Ministry co-finances a quarter of the cost of the programme. In addition to professional help, the Ministry also expands where needed the systemization of jobs in the area of counselling, cooking and cleaning.

872. In 2000 the Council of Experts for General Education adopted the Instructions for Implementing the Nine-year Primary School Programme for Roma Pupils. Recommendations are being drawn up for implementing nine-year primary schooling for Roma pupils, and adaptations of the kindergarten curricula for Roma are also due to be adopted shortly. In December 2002 a working group on drafting a strategy for including Roma children in education will be set up.

873. In the 2001/02 school year, with help from the Ministry of Education, Science and Sport, a Roma language course was conducted in the Prekmurje region, and included elements of Roma culture for teachers and educators. It was carried out by the Murska Sobota Primary School III. This year, as part of the *Skriti zaklad* (Hidden Treasure) public tender, the school will provide a follow-up, and a course will also be conducted by Škocjan Primary School for teachers and educators in the Dolenjska region.

874. Within the framework of the target research programmes, last year and this year the competition theme focused on the inclusion of Roma pupils in education, and we also supported several projects for Roma announced by schools as part of the Hidden Treasure competition (in addition to the Roma language course).

875. Following are estimates of the number of Roma children and adults in education establishments:

- Kindergartens: around 160 (the Ministry of Education, Science and Sport co-finances the programme in sections with exclusively Roma children. We do not know how many Roma are integrated);
- Primary schools: 1,344 (of which there are 128 in schools with adapted programmes);
- Secondary schools: 100 (a very rough estimate);
- Adult education: around 300 (attending primary school programmes).

### **Inclusion of refugee children in the education system**

876. Education for persons with temporary refuge and refugees in Slovenia is free at all levels of the school system. Under the current legislation, education is free for asylum-seekers only in primary schools. The basic costs necessary for unimpeded education are covered by the Ministry of Education, Science and Sport, the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Government Office for Immigration and Refugees.

877. The amount of funds earmarked for helping these persons is determined on the basis of the number of persons, the level of education, the age of persons attending school and the distance from the location of schools. The partners concerned draw up mutual obligation contracts for the calendar year, and work is conducted and coordinated by the Ministry of Education, Science and Sport. The objectives are:

- To monitor learning results at all levels of the school system;
- To monitor students with special learning difficulties and those who have been incorporated into schools with adapted programmes;
- To ensure organized meals, especially for those students most at risk socially and in terms of health;
- To provide accommodation in halls of residence;
- To make arrangements for payment of fees at colleges and universities.

**Table 92**

**Number of enrolled pupils with status of temporary refuge, and refugee and asylum-seeker children in primary schools, 1998-2002**

Year	Number of schools	Total	Male	Female
1998/99	126	582	243	339
1999/2000	142	582	298	284
2000/01	112	488	245	243
2001/02	99	307	135	172

878. The table above shows that the number of pupils has been falling each school year, with a 53 per cent drop in the 2001/02 school year. The increased numbers of pupils in the 1999/2000 school year are the consequence of an influx of people fleeing Kosovo.

879. An analysis of learning results indicates that this group of students has become completely integrated into the Slovene environment. Their academic results are better each year and are entirely comparable with those achieved by the Slovene student population. In the 1996/97 school year the academic results of students from Bosnia and Herzegovina were around 10 per cent lower, but in 1997/98 only 2 per cent lower. Organized additional teaching

help has undoubtedly contributed to such a satisfactory result, which indicates that the majority of these students have overcome the language difficulties and have integrated into the school environment (greater difficulties are being experienced by asylum-seeker children).

880. The various forms of help given to such students include free textbooks; free school-break snacks; school lunch (students with serious health problems and extended stay students are eligible for this); school transport (free for those who live more than four kilometres away from the school or who have to take a dangerous route to school); and learning help to students who have difficulty integrating into the school system (organized and financed by the Ministry of Education, Science and Sport).

881. Students with temporary refuge status are educated in Slovenia under the same conditions as Slovene students (and are exempted from paying school fees). Even students from Bosnia and Herzegovina who arrived in Slovenia as refugees and who later changed their status to temporary residents do not pay school fees, although the two countries do not have any agreement signed in the area of education.

**Table 93**

**Number of students in secondary schools, 2001/02, by gender**

Secondary school	Number of schools	Total	Male	Female
Three-year vocational	33	78	40	38
Four-year secondary	40	80	30	50

882. Secondary school education is not compulsory in Slovenia, so assistance from donors is also limited. Forms of help include textbooks (benefit amounting to SIT 20,000 annually), free school snacks, halls of residence, and transport.

883. Since the arrival of the first refugees and up to the present day, Slovenia has enabled persons from Bosnia and Herzegovina to pursue higher education. Right up to 1999, students who are citizens of Bosnia and Herzegovina enrolled in the majority of colleges, university schools and faculties without paying fees. In the 1999/2000 school year the first demands began to appear in the area of higher education for a more systematic monitoring of enrolment by these students. Slovenia and Bosnia and Herzegovina do not have any bilateral agreement covering this issue. Forms of help for students with temporary refuge include exemption from paying tuition fees (provided by the Ministry of Education, Science and Sport), provision for staying in halls of residence and monthly assistance for food amounting to SIT 10,000 (provided by UNHCR).

**Education of aliens**

884. Foreign or stateless children residing in Slovenia have the right, pursuant to article 10 of the Primary School Act, to compulsory primary school education under the same conditions as Slovene citizens. For these children, supplementary lessons are organized in their own native language and culture, in compliance with treaties, recommendations and directives of the Council of Europe and the European Union. Slovenia has signed a protocol on cooperation with Croatia. On the basis of this protocol, pupils who are citizens of a signatory State and who are

living in another signatory State have the right to attend primary school and to prepare for primary school under the same conditions as in their home country. Citizens of a signatory State who have permanent residence in the territory of a neighbouring signatory State, may enrol in secondary and higher education under the conditions applicable to citizens of the home country.

885. The Slovenian for Foreigners Programme was created for the purpose of teaching Slovenian language courses aimed at foreigners. According to data from the Centre for Slovenian as a Second/Foreign Language at the Faculty of Arts in Ljubljana, within the Centre alone each year around 400 people take a variety of courses, and the number is growing from year to year. Several thousand foreign citizens are thought to be awaiting a test of their active knowledge of Slovenian (this certificate is one of the requisite documents for obtaining Slovenian citizenship).

## **Article 15**

### **The right to take part in cultural life, to enjoy the benefits of scientific progress and to benefit from the protection of moral and material interests resulting from copyright work**

#### **A. The field of science**

##### **1. Scientific progress and results**

886. On the legislative level, a new Research and Development Activity Act (Ur. l. RS, 96/02) has been adopted, and its first four articles set out general provisions laying down the framework and orientations that are important for ensuring the right of everyone to enjoy the benefits of scientific progress and its applications. The following provisions of the Act are worthy of mention:

## **Article 1**

“This Act lays down the principles and objectives, and regulates the manner of implementing research and development activity policy, which is financed from the national budget and other sources (from European programmes and funds, local communities and the commercial sector) and is orientated towards achieving the goals of social and economic development for Slovenia.”

## **Article 2**

“Persons who perform research and development activity shall be guaranteed the autonomy of their research. Research and development activity shall be based on the principles of ethics and responsibility for fulfilling the objectives set out in the National Research and Development Programme and in budget memorandums, while respecting the social, environmental protection and sustainable aspects of social development, on the principles of competitiveness, quality, efficiency, openness and cooperation, and on links serving mutual interests in the national and international environment. Financing of research and development activity shall be carried out in such a way as to ensure the efficiency and transparency of the use of public funds. Priority in international cooperation shall be given to involvement in the European Research Area and

European Union framework programmes. The results of research and development activity financed from the national budget shall be public, with restrictions provided by the regulations governing protection of intellectual property, protection of copyright and data protection.”

### **Article 3**

“The purpose of this Act is to create the organization of, and lay down the conditions for, financing research and development activities for fulfilling the fundamental strategic development objectives, which ensure:

- The creation of new knowledge and awareness, and the transfer of this and internationally attainable knowledge to the public benefit and commercial application so as to increase the prosperity of society;
- The strengthening of capacity to manage general social progress and technological progress as the main source of raising labour productivity and the national competitive capacity in the global environment;
- The raising of individual and public quality of life and affirming the national identity.”

### **Article 4**

“The objectives of the Act are:

- To increase the social importance and effectiveness of research and development activity by establishing a polycentric model for the development of science and a network linking research organizations in the area of science, education and the economy;
- To create the conditions for autonomous and professionally independent guiding, evaluating and monitoring of research and development activity;
- To encourage the operation of development cores in science, commerce and society in areas that constitute the basis for long-term economic and social development;
- To develop human resources while ensuring equal opportunities for women and men, and to develop research creativity by increasing the role of science in the education of executive personnel, especially at university;
- To increase the total extent of funds and investments in research and development activity, which will be achieved by directing public funds into strategic development areas;
- To promote international and interdisciplinary cooperation.”

887. In support of scientific progress and fulfilment of the right to enjoy the benefits of scientific progress and its applications, on the national level there are three institutional support systems in operation, namely:

- Basic and applied scientific research projects;
- Targeted research projects;
- Independent research of all other line ministries.

888. Research is conducted at the two universities, 18 public research organizations and certain institutes, and involves over 10,000 full- or part-time researchers, including research for preserving the cultural heritage and promoting a healthy and clean environment. Special mention should be made of the Scientific Research Centre of the Slovene Academy of Sciences and Arts, which is the country's largest research organization in the area of humanities, and studies the fundamental elements of national identity and cultures. Studies are conducted as part of the permanent programme of the Natural and Cultural Heritage of the Slovene nation.

889. The application of scientific progress to benefit the preservation of human cultural heritage and the promotion of a healthy and clean environment is ensured through basic and applied research in the areas of natural sciences, technology, medicine, biotechnology, social sciences and humanities. In these areas, 10 research projects have been carried out in recent years for the purpose of preserving the human cultural heritage and a further 14 research projects for promoting a healthy and clean environment. A specific number of research projects with these objectives have also been financed by other ministries.

890. Similarly, in order to ensure the application of scientific progress for the benefit of preserving the human cultural heritage and of promoting a healthy and clean environment, within the Ministry targeted research programmes are in operation to support the strategic development of Slovenia, "Competitiveness of Slovenia 2001-2006", represented by nine multidisciplinary framework strategic programmes at the government level, linking the research and development programmes of several sectoral fields. Given the national priorities, the programmes are as follows: competitiveness of the economy; efficiency of the State and the development of democracy; human resources and social cohesion; economic infrastructure; balanced regional and spatial development and the developmental role of the environment; integrated development in the area of food safety, healthy diet and the countryside; international relations and national security; national identity, pluralism and international integration; and the information society. In the programme of balanced regional and spatial development and the developmental role of the environment, there are 28 research projects under way; in the programme of integrated development in the area of food safety, healthy diet and the countryside there are 32 projects, and in the programme of national identity, pluralism and international integration there are 9 projects.



## **2. Encouraging application**

891. Application of the results of scientific progress is encouraged through the following measures:

- In the evaluation of research groups, alongside scientific excellence and the international importance of results, account is also taken of the applied developmental orientation and application of research results;
- In the promotion of researchers to scientific and research positions in the public sector, alongside scientific and professional quality, again account is taken of success in translating results into practice.

892. Under the Ministry of Education, Science and Sport there exists a special form of State support for the planned training of junior researchers in six scientific disciplines. Each year the programme involves between 150 and 200 junior researchers.

893. Many persons trained for research are systematically employed in institutions, in the State administration and in local community administration in the area of preserving cultural heritage and promoting a healthy and clean environment.

894. Spreading information about scientific progress is ensured through the following measures:

- In the electronic and printed media there are special sections on science and on the results of science and its applications, aimed at the general public;
- Systematic support for professional and science as well as popular science journals in Slovenian and other languages targeting special circles and the general public, including young people;
- Subsidizing monographs and scientific meetings.

895. The Ministry co-finances programmes to promote scientific and research achievements, designed to provide a better understanding of science, to encourage the popular presentation of scientific achievements to various circles, to encourage the acquisition of new knowledge, to present in a comprehensive manner the work of Slovenian scientists and to promote science institutions.

896. The Ministry of Education, Science and Sport together with other ministries that support science and its applications provide regular annual reports in written form and via the Internet on research work and on public spending to support research activities. The research reports are available as integrated texts in the national public library system.

897. Anyone interested can find over the Internet in the databases provided by the COBISS system (Cooperative Online Bibliographic System and Services) and SICRIS (Slovenian Current Research Information System) data on research organizations, research groups, researchers, research projects and programmes and bibliographical data on researchers. Data on projects in the SICRIS system are integrated into the European information system.

898. The Ministry does not take any steps directly to prevent the application of scientific and technical progress for purposes that run counter to the enjoyment of human rights, but in medical disciplines there is a committee that judges the ethical aspects and permissibility of carrying out research in medicine.

899. The conditions and procedures for formulating, selecting, financing and overseeing implementation of basic and applied projects, targeted research programmes, financing of meetings, publications and monographs of junior researchers and the promotion of science are regulated by relevant implementing regulations.

### **3. Promoting and developing international contacts and cooperation in the field of science**

900. The new Research and Development Activity Act (Ur. l. RS, 96/02) lays down fundamental principles that highlight openness and mutual-interest cooperation and linking in the national and international environment. Priority in international cooperation is given to inclusion in the European Research Area and framework programmes of the European Union.

901. International cooperation in the area of science is largely governed by bilateral and multilateral agreements on scientific and technological cooperation which Slovenia has concluded since independence with individual countries or international organizations. Slovenia has concluded bilateral agreements on scientific cooperation with 27 countries, these being the majority of European Union member States, all neighbouring countries, the majority of European Union candidate countries, all the countries of South-East Europe and all the major countries of the world, such as the United States of America, the Russian Federation, China, Japan, India and Brazil. Under bilateral agreements, work is currently under way on around 550 joint research projects co-financed by Slovenia in compliance with international agreements.

902. Slovenia has also concluded international agreements on cooperation in the area of science through the United Nations Development Programme, other intergovernmental organizations and international centres, with the European Union and other European programmes, and cooperates in regional organizations such as the Central European Initiative and the Alps-Adriatic Working Community. The most extensive cooperation is in the fields of science, research, technology and development with the European Union, with which Slovenia already collaborated as an equal based on the relevant agreement in the fifth framework programme for the period 1998-2002, and through the Memorandum of Understanding of 29 October 2002 the full and equal cooperation of Slovenia has been provided in the new sixth framework programme of the European Union for the period 2002-2006. In addition, Slovenia has been a full member of the COST Programme since 1992 and the EUREKA Programme since 1994. Within the range of European programmes there are currently under way more than 500 research and development projects in which Slovene organizations are collaborating.

903. The manner of including and financing the cooperation of Slovene scientists and experts in international cooperation programmes is regulated in detail by the Rules on Financing and Co-Financing the International Scientific Co-operation of the Republic of Slovenia (Ur. l. RS, 62/96, 11/98, 48/99 and 46/01), which lays down the issuing of a public tender for every activity and the extent of funding. On the basis of the annual public tender, the Rules also

provide for co-financing the participation by Slovene scientists and experts in international scientific conferences and other international meetings, and the work of Slovene non-governmental scientific and expert associations in appropriate international, European or regional scientific and expert associations.

904. It should be noted that Slovenia's scientific cooperation and the contacts of Slovene scientists and experts around the world are very extensive and developed, and no special problems have been noticed in this respect. The main limiting factor is the limited budget funds mentioned above.

## **B. The field of culture**

905. The National Development Programme 2002-2006 also places culture in the strategic development of Slovenia. The accessibility of culture, cultural diversity and conditions enabling this are among the basic priorities of our cultural policy, laid down in article 8 of the Exercising of the Public Interest in Culture Act (Ur. l. RS, 96/2002). The aims, priorities and measures for the greatest possible accessibility of cultural wealth will be set out in greater detail by the National Programme for Culture, which the Ministry of Culture (MOC) has already prepared and submitted to the Parliament for adoption. The Act proceeds from the concept of cultural wealth as public benefits, and of equal access of public institutions and non-governmental organizations to public funding for culture, and the methods and procedures of public tenders that make this possible. The overall cultural policy of Slovenia, as implemented by MOC, is orientated towards increasing and ensuring accessibility.

906. MOC keeps records of public cultural infrastructure, in other words premises in public, State or municipality ownership intended for cultural use. In addition, it keeps records of public cultural institutions. Institutional public infrastructure is also described in detail in the *Analysis of the situation in the area of culture and proposal of priority tasks*, which MOC drew up and issued in 2002 as a basis for planning Slovenia's National Programme for Culture. The Librarianship Act (Ur. l. RS, 87/2001), the Cultural Heritage Protection Act (Ur. l. RS, 7/99 and 110/02-ZGO-1) and the Archives and Archives Material Act (Ur. l. RS, 20/97 and 32/97) ensure the protection and accessibility of the cultural heritage and envisage the development of the library, museum and archive network in Slovenia.

907. Slovenia's cultural development is based on the principle of polycentric development also in the area of music and the performing arts. This has resulted in an extensive network of theatres, two opera houses and four symphony orchestras. The high level of institutionalization of culture is a consequence of the role culture has played in the process of forming the Slovene nation.

908. The Slovene nation and its identity are founded on a cultural identity, which has been preserved through history and strengthened primarily in the area of literary works, social life (the reading rooms of the nineteenth century) and also painting, architecture and of course local arts and crafts and publications in Slovenian. As a cornerstone of the Slovene nation, the cultural identity must be maintained and developed, something which, in turn, is a basic priority of the Slovene National Programme for Culture (in connection with education). The consequence of Slovenia's geopolitical position is a mixing of influences from the Germanic, Slavonic and

Romance spheres, and owing to its relatively small size Slovenia has always been open to international currents, linking itself to reference centres in the wider regional area (Vienna, Trieste, Prague, Zagreb, Belgrade, Budapest and so on).

909. The two ethnic minorities and the Roma community in Slovenia enjoy constitutional protection and collective rights, and since Slovenia's independence, ethnic groups from the former Yugoslav republics have come to the fore, with the principle of integration being highlighted in the Exercising of the Public Interest in Culture Act. In ensuring the rights of the individual, an important role is played by the Human Rights Ombudsman, and by the fact that Slovenia is a signatory to treaties and conventions that protect the rights of minorities. MOC established two programmes in support of the implementation of cultural rights: a programme for the special protection of minority rights and another integrating minority cultural programmes.

910. The role of providing information on, communicating and promoting cultural life is played by the public radio and television station (RTV Slovenija), while the printed media are in private ownership and therefore operate according to market requirements, which, to judge from the surveys commissioned by MOC, are poor in the area of culture, with cultural content being squeezed out in favour of an increased tabloid content. The area of the media is regulated by the Public Media Act (Ur. l. RS, 35/2001) and the *Radiotelevizija Slovenija* Act (Ur. l. RS, 18/94).

911. Cultural heritage is governed by the Cultural Heritage Protection Act (Ur. l. RS, 7/99), and the Archives and Archives Material Act (Ur. l. RS, 20/97 and 32/97). In the forefront are activities aimed at stocktaking, standardizing, valuing and digitalizing cultural heritage (the GIS information system). In recent years, special emphasis has been given to the importance of museums as information and education centres. The Privatization of Cultural Monuments in Public Ownership Act (Ur. l. RS, 89/99 and 107/99) has ensured during the period of transition that the major monuments, which were previously in public ownership and not subject to denationalization (i.e. are not returned to former owners), remained in public ownership and generally accessible.

912. The Copyright and Related Rights Act (Ur. l. RS, 21/95) adheres to all the EU directives in this area and derives from the most up-to-date arrangements for these issues, and should ensure the greatest material independence of persons producing creative works while at the same time taking account of the public interest in having the greatest possible access to their works. The Exercising of the Public Interest in Culture Act is based on the principle of free operation in the area of culture, and addresses culture only from the aspect of supporting it. Meanwhile, all these issues are provided with a framework in the Constitution, which provides the right to free artistic expression and entrusts public authorities with responsibility for the development and protection of the cultural heritage.

913. Professional education in culture is conducted as part of the syllabus of three universities, and in particular at three academies of fine arts, of music and of theatre, television and film, and at private schools. Primary music education is especially well developed, and this is also the basis for further education of musicians and for the public gaining a musical education. There is no study of cultural management, a failing recognized by MOC. Like other line ministries, in compliance with NDP, MOC encourages lifelong learning (the University of the Third Age, for example).

914. Other measures include encouraging lifelong learning, programmes to revitalize cultural heritage (museums as centres of education and events), linking the process of education and culture, reviving town centres, the working of the Slovene Fund for Amateur Activities, activities in line with the annual MOC programme (development of libraries, youth cultural centres, intermedia cultural centres), the National Fund for Amateur Culture and regional branches, linking tourism and culture, recognizing the possibilities of linking the economy and culture (sponsorship and patronage), activities in connection with tax relief, and e-schools, e-libraries and e-government.

915. Owing to the problems linked to implementation of the Copyright and Related Rights Act, the Government's programme for 2003 includes the drafting of amendments and supplements to the Act. To this end, MOC is formulating an analysis of the situation with regard to respect for the protection of copyright. Meanwhile, the following are active in this area: the Slovene Intellectual Property Office, the Copyright Agency of Slovenia, the ZAMP and SAZAS for minor copyrights, and the Chamber of Commerce and Industry of Slovenia (photocopying, for example). Public debate is conducted primarily within the Slovene Writers' Association and the Slovene Association of Literary Translators. One particular issue is determining the tariffs for the royalties payable on the public broadcasting of original works and the library royalties for lending written and audio-visual library material, where library royalties are not otherwise bound to be paid. Following Slovenia's independence there was a need to settle these issues independently, for which Slovenia made appropriate provision relatively quickly, but a larger problem is establishing collective organizations for creative (copyright) workers, which would be based on membership and not on the structures that were transposed from the former Yugoslav creative worker organizations.

916. It is with this in mind that the National Development Programme, Slovenia's National Cultural Programme and the Exercising of the Public Interest in Culture Act have been conceived. In the forefront is the promotion and facilitation of access to public funds for culture (tenders), to public cultural infrastructure and the effective functioning of public institutions. The MOC programme is orientated towards this through support for artistic and cultural programmes in the public interest. Practical measures are linked to implementation of programmes that are (co-)financed by MOC. For example, in 1996 the Slovene Writers' Association initiated an educational programme, within the framework of which Slovene literary figures, who are members of the Association, visit secondary schools around Slovenia. The programme and other activities of the Association are financed by both MOC and the Ministry of Education, Science and Sport. On Slovenian Book Day (23 April, plus accompanying events that last a whole week), in cooperation with the Slovene National Committee for UNESCO, the Association holds a competition for the best essay on the subject of books, in which UNESCO schools in Slovenia participate. Another important element is the promotion of economy-culture partnership (seeking sponsors, donors, patrons and the concomitant popularization of culture).

917. The primary measure for stimulating creative activity is the appropriate valuation of original works and a strong cultural infrastructure that meets the spatial, technical and other requirements of creative people. The fact that in Slovenia salaries in the public sector are comparable with those in the commercial sector, that the system is geared towards these salaries being harmonized and that salaries in public cultural institutions do not lag significantly behind them is proof that creative individuals enjoy favourable conditions for their work. In addition,

Slovenia has developed a social security system of contribution payments for health, disability and social security insurance by self-employed persons in culture who are important creative figures in the area of culture.

918. Regular structural financing of institutions and the introduction of multi-year funding for public cultural programmes of non-governmental cultural organizations are establishing stable conditions for creative activities in the area of culture. Moreover, public cultural institutions in Slovenia are independent legal persons enjoying a high degree of professional autonomy and act independently in legal and commercial transactions.

919. In view of the measures outlined above one may conclude that Slovenia ranks among those countries with a high cultural standard. The social democratic tradition demands that the State should have a high degree of responsibility for the welfare of its citizens, which creates the requisite conditions for meeting its commitments under international instruments in the area of culture.

920. By means of (co-)financing cultural exchange programmes, grants, translations (in cooperation with the MOC Publishing and Libraries Department), international meetings of societies and associations, and cultural organizations and individuals who are active internationally, the MOC is fulfilling the active policy of international presence for Slovene culture in the world. Examples of this include Vilenica, PEN, the Centre for Promotion of Slovene Literature, subsidizing the translation of Slovenian works into foreign languages, the Trubar Fund, the *Litterae Slovenicae* collection and the Book Days as international and pan-Slovenian events.

### Notes

<sup>1</sup> Statistical monthly data on registered employment do not provide information on employment trends by gender. The Labour Force Survey offers information on employment by gender but is more orientated towards the measurement of various structures, while the numbers of employed and unemployed people are rounded off, so the calculated growth rates are inaccurate. Therefore, for the employment trend we used the data from the annual survey on employment by levels of professional skills and activity.

<sup>2</sup> Article 113 of the ZDR provides:

- (1) Employers may not cancel employment contracts:
  - Of worker council members, labour organizers, members of the supervisory council representing workers, or worker representatives in an institution council; and
  - Of appointed or elected union organizers, without the consent of the body of which they are members, or the union, if they act in compliance with the law, the collective agreement and employment contract, unless in the event of a

commercial reason they decline an appropriate employment offer or in the event of cancellation within the process of an employer being terminated;

(2) Protection from cancellation for persons from the preceding paragraph shall last for the entire duration of their function, and for a further year after the termination thereof.

<sup>3</sup> Since 1999, the Association of Free Trade Unions of Slovenia is a full member of the European Trade Union Confederation (ETUC).

<sup>4</sup> The Confederation of Trade Unions of Slovenia, PERGAM, is a member of UNI EU that is included in ETUC, EGF (European Graphical Federation), IGF (International Graphical Federation), and EMCEF (European Mine, Chemical and Energy Workers' Federation). A PERGAM representative is member of the Multinational UNI Europa Committee, representing the interests of trade unions of EU member States, acceding States and those that are not EU members.

<sup>5</sup> Sindikat delavcev Slovenije - SOLIDARNOST deluje v mednarodnih povezavah neinstitucionalno v programu PHARE za Slovenijo, podano pa je tudi pismo o nameri za včlanitev v mednarodno zvezo evropskih sindikatov ETUC.

<sup>6</sup> See under: Pension and disability insurance - disability pension.

<sup>7</sup> See under: Pension and disability insurance - survivor's and widow's pensions.

<sup>8</sup> Consent is forced if a spouse has consented to the marriage out of fear caused by a serious threat. Consent is given in error by a person regarding their spouse if a spouse thought that they were marrying the right person, but was in fact marrying another, or married a person who was not the one to whom the spouse was betrothed. Consent is given in error regarding the essential qualities of the spouse, if the other spouse would be put off marrying if they had known of such qualities, and such qualities render life together impossible.

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