

— Slovenia —

Ratifications

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

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

Slovenia has agreed to be bound by the “collective complaints” procedure. It has not yet made a declaration enabling national NGOs to submit complaints.

Reports

Between 2000 and 2007, Slovenia submitted 7 reports on the application of the Revised Charter. The seventh report concerning the provisions relating to the theme ‘Employment, Training and Equal opportunities’ (Articles 1, 9, 10, 15, 18, 20, 24 and 25 of the Revised Charter) was submitted on 12 February 2008.

The eighth report concerning the accepted provisions relating to the theme ‘Health, social security and social protection’ was due by 31 October 2008.

The Charter in domestic law

Automatic incorporation into domestic law

The situation of Slovenia with respect to the application of the Charter is the following as of 16 December 2008:

Collective Complaints in process

No. 53/2008 European Federation of National Organisations working with the Homeless (FEANTSA) v. Slovenia

The complainant organisation pleads a violation of Articles 31 (right to housing) and 16 (the right of the family to social, legal and economic protection), read alone or in conjunction with Article E (non discrimination) of the Revised Charter. In support of its request, the complainant organisation alleges that a vulnerable group of persons occupying denationalised flats in the Republic of Slovenia have been deprived of their occupancy titles and subjected to eviction. As the persons concerned were denied access to alternative housing in the long term, they have now become homeless. These measures have also resulted in housing problems for the families of the evicted persons.

Examples of progress achieved or being achieved

Employment

▶ The Employment Act (2003) provides for an increase in paid holidays *Article 2§3 – Annual holiday with pay*

▶ The new Employment Relations Act provides protection against notice of termination of contract and dismissal during worker's pregnancy. A woman unlawfully dismissed is entitled to be reinstated *Article 8§2 – Illegality of dismissal during maternity leave*

▶ The Employment Act (2002) introduces the right to time off for nursing mothers *Article 8§3 – time off for nursing mothers*

▶ Family Relations Act which entered into force in January 2003 regulates protection of parents from dismissal during pregnancy or breastfeeding- *Article 27§ 3 Prohibition of dismissal for reasons relating to family responsibilities.*

Social Protection

▶ The Parental Care and Family Benefits Act entered into force on 1 January 2002. It contains provisions on maternity leave, paternal leave, childcare leave and adoption leave *12§3 – development of the social security system*

Non-discrimination

▶ The Employment Act (2002) contains provisions against discrimination in employment *Article 1§2 – non-discrimination in employment*

▶ A Constitutional Court decision in February 2003 overturned the provision of the existing regulation stipulating that Slovenian nationals were favoured for receiving national grants *Article 10§5 – right to financial assistance*

▶ The Parental Care and Family Benefits Act which entered into force on 1 January 2002, abolished the condition of nationality to which the childbirth allowance was subjected *12§4 – equal treatment in social security matters*

▶ An act on rehabilitation and employment of persons with disabilities will enter into force in 2004 *Article 15§§1 and 2 – right of disabled persons to training and employment*

▶ The new Aliens Act which entered into force in November 2002 abolished the housing condition for migrant workers who wished to be joined by their families *Article 19§§6 – family reunion.*

▶ The Ministry of Education no longer authorises the creation in schools of special classes for Roma children. A special working group on integration strategies into the school system for Roma has been established *Article 17§1 – right of children and young persons to social, legal and economic protection*

▶ Article 14 of the Constitution has been amended in order to guarantee equality irrespective of personal circumstances, including disability. The Principle of Equal Treatment Act guarantees equal treatment for persons with disabilities in the fields of employment, labour relations, education, etc. *Article 15§1 and 3 – Vocational training for persons with disabilities; Integration and participation of persons with disabilities in the life of the community*

▶ The 2003 Employment Relations Act (ERA) prohibits discrimination on the ground of disability with respect to recruitment, employment and work conditions and dismissal in both the public and private sectors. *Article 15§ 2-Employment of persons with disabilities*

Cases of non-compliance

Employment

▶ *Article 4§4 – right to reasonable notice of termination of employment*

A reasonable period of notice based on length of service is not guaranteed.

▶ *Article 18§3 – Right to engage in a gainful occupation in the territory of Contracting Parties*

Numerous restrictive rules relating to the employment of foreign workers have not been liberalised

▶ *Article 7§5 – right of young workers to fair pay*

Apprentices do not enjoy a right to appropriate allowances.

Health / Employment

▶ *Article 3§3 – right to health and safety at work (supervising regulations)*

1. Excessive number of accidents in the extractive sector;
2. inadequate number of inspection visits.

Social Protection

▶ *Article 7§10 – Protection against physical and moral dangers*

Lack of legislation prohibiting possession of child pornography and trafficking of children for sexual exploitation.

▶ *Article 17§1 – right of children and young persons to social, legal and economic protection*

No particular legislation expressly prohibiting corporal punishment within the family.

Non-discrimination (Nationality)

▶ *Article 1§4 – professional guidance, training and retraining*

Discrimination against nationals of other States Parties to the Charter as concerns continued professional training.

▶ *Article 10§§1, 2, 3 and 5 – right to access to higher technical and university training based solely on individual aptitude; right to apprenticeships; right to professional training and retraining of adult workers; right to financial assistance*

Equal treatment for nationals of other States Parties is not guaranteed (residence requirement, reciprocity clause and quota).

▶ *Article 12§4 – equal treatment in social security matters*

Equal treatment of nationals of other States Parties is not ensured in respect of health insurance cover and because of the nationality requirement to which certain family benefits are subjected.

▶ *Article 16 – rights of the family*

Equal treatment for nationals of other States Parties with respect to family benefits is not guaranteed, and there is insufficient legal protection of Roma families.

▶ *Article 19§4 and 31§2 – equal treatment in housing*

Equal treatment regarding access to low-rent accommodation is not secured for all migrant workers who are nationals of the States Parties.

▶ *Article 19§10 – equal treatment for migrant workers*

Self-employed migrant workers are not protected as provided under the Revised Charter.

▶ *Article 31§3 – affordable housing*

Nationals of other Parties to the Revised Charter and to the 1961 Charter lawfully residing or working regularly in Slovenia are not entitled to equal treatment regarding eligibility for non-profit housing.

Non-discrimination (sex)

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

Women are prohibited from working in underground mines, and in principle are prohibited from night work in industry and in the construction sector.

Movement of persons

▶ *Article 19§§8 and 10 – guarantees in case of expulsion*

Migrant workers may be deported if they lack sufficient funds. This ground of expulsion does not belong among those permitted by Article 19§8. This also applies to self-employed workers.