

## – Slovenia and the European Social Charter –

### Signatures, ratifications and accepted provisions

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

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

### The Charter in domestic law

Automatic incorporation into domestic law.

### Table of accepted provisions

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

### Reports on non-accepted provisions

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

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

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

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

### Collective complaints (under examination)

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

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

### Collective complaints (proceedings completed)

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

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

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

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

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

Follow up:

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

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

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

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

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

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

Follow up:

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

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

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

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

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

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

### Reports submitted by Slovenia

Between 2000 and 2015, Slovenia submitted 16 reports on the application of the Revised Charter.

The [17<sup>th</sup> report](#), which was submitted on 12/03/2018, concerns the accepted provisions relating to Thematic Group 3 "Labour Rights", namely:

- the right to just conditions of work (Article 2),
- the right to a fair remuneration (Article 4),
- the right to organise (Article 5),
- the right to bargain collectively (Article 6),
- the right to take part in the determination and improvement of the working conditions and working environment (Article 22),
- the right of dignity at work (Article 26),
- the right of workers' representatives to protection in the undertaking and facilities to be accorded to them (Article 28),
- the right to information and consultation in collective redundancy procedures (Article 29).

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The assessments of the Committee will be published at the latest in January 2019.

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<sup>3</sup> Following a [decision taken by the Committee of Ministers in 2006](#), the provisions of the Charter have been divided into four thematic groups. States present a report on the provisions relating to one of the four thematic groups on an annual basis. Consequently each provision of the Charter is reported on once every four years.

Following a [decision taken by the Committee of Ministers in April 2014](#), States having accepted the collective complaints procedure are required, in alternation with the abovementioned report, to provide a simplified report on the measures taken to implement the decisions of the Committee adopted in collective complaints concerning their country. The alternation of reports is rotated periodically to ensure coverage of the four thematic groups. Detailed information on the Reporting System is available on the [relevant webpage](#). The reports submitted by States Parties may be consulted in the [relevant section](#).

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

### Thematic Group 1 "Employment, training and equal opportunities" - Conclusions 2012

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

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

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

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

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

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

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

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

### Thematic Group 2 "Health, social security and social protection" - Conclusions 2013

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

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

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

- Equal treatment with regard to social security rights is not guaranteed to nationals of all other States Parties.
- Equal treatment with regard to access to family allowances is not guaranteed to nationals of all other States Parties.
- It has not been established that the retention of accrued benefits is guaranteed to nationals of all other States Parties.
- The maintenance of accruing rights is not guaranteed to nationals of all other States Parties.

**(Conclusions 2015)**

### Thematic Group 3 "Labour rights" - Conclusions 2014

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

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

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

- Notice periods are not reasonable for employees with more than three years of service in the following circumstances:
  - Dismissal in companies with ten employees or fewer in accordance with some collective agreements.
  - Receivership or liquidation.
  - Ordinary dismissal for economic reasons.
- No notice period is provided for in the following circumstances:
  - Dismissal on refusal to transfer a contract to a successor employer.
  - Dismissal during probationary periods.
  - Expiry of work permits.
  - Liquidation where no administrator has been appointed.

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

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

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

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

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

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

▶ *Article 8§3 – Rights of the family to social, legal and economic protection – Assistance, education and training- Time off for nursing mothers*

During the reference period, nursing breaks were not remunerated.

▶ *Article 17§1 – Rights of the family to social, legal and economic protection – Assistance, education and training*

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

▶ *Article 19§2 – Right of migrant workers and their families to protection and assistance – Departure, journey and reception and Article 19§10 – Right of migrant workers and their families to protection and assistance – Equal treatment for the self-employed*

It has not been established that appropriate health and social assistance measures are taken to facilitate the reception of migrant workers.

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

- it has not been established that sufficient measures have been taken to ensure that the treatment of migrant workers concerning remuneration, employment and other working conditions is not less favourable than that of nationals;
- Equal treatment is not secured for migrant workers with respect to access to housing, and in particular to assisted rental schemes and subsidies.

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

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

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

- It has not been established that the supervision of housing standards is adequate;
- Measures taken by public authorities to improve the substandard housing conditions of a considerable number of Roma are not sufficient.

▶ *Article 31§2 – Right to housing – Adequate housing*

- Measures in place to reduce the number of homeless persons were inadequate in quantitative terms;
- It has not been established that there is adequate legal protection for persons threatened by eviction;
- It has not been established that sufficient procedures have been put into place ensuring that evictions of Roma are carried out in conditions respecting the dignity of the persons concerned;
- The law does not prohibit eviction from emergency accommodation/shelters without the provision of alternative accommodation.

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

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



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

**Thematic Group 1 "Employment, training and equal opportunities"**

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

**Thematic Group 2 "Health, social security and social protection"**

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

**Thematic Group 3 "Labour Rights"**

- ▶ Article 2§2 - Conclusions 2014
- ▶ Article 4§1 - Conclusions 2014
- ▶ Article 4§3 - Conclusions 2014
- ▶ Article 4§5 - Conclusions 2014

**Thematic Group 4 "Children, families, migrants"**

- ▶ Article 7§5 - Conclusions 2015

### **III. Examples of progress achieved in the implementation of the rights under the Charter** ***(update in progress)***

#### **Employment**

- ▶ The Minimum Wage Act of 11 February 2010 (No. 13/2010) amended the calculation basis, the adjustment method and the amount of the monthly minimum wage (€593 in 2009; €679 in 2010 and €763 in 2012). The minimum wage was 50% of the gross average income in 2012. The long-term situation with regard to wages has improved – *Article 4§1 – Decent remuneration*
- ▶ 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*
- ▶ The Employment Relations Act (2002) guarantees for workers a reasonable period of notice for termination of employment based on two criteria: the reasons for terminating the contract and the length of service, which are in conformity with the Charter – *Article 4§4 – Right to reasonable notice of termination of employment*

#### **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 – *Article 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 – *Article 12§4 – Equal treatment in social security matters*
- ▶ The Aliens Act which entered into force in November 2002 abolished the housing condition for migrant workers who wished to be joined by their families – *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 – Right of physically or mentally disabled persons to vocational training, rehabilitation and social resettlement*
- ▶ Integration and participation of persons with disabilities in the life of the community – *Article 15§§1 and 3 – Vocational training for persons with disabilities*
- ▶ 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*