

Slovenia

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PART 1 – NATIONAL FRAMEWORK

Overview

National social dialogue	Principal Level of Collective Bargaining		Industry					
	Workplace Representation		union and works council					
	Board–level Representation		yes (state–owned and private enterprises)					
National worker representation	Workplace level representation in Slovenia is provided by both the union in the workplace and the works council. Both have information and consultation rights, although the works council's are more extensive, while only the union can undertake collective bargaining.							
Principal legal documents on H&S	The Health and Safety at Work Act (2011) and the Workers' Participation in Management Act (2007)							
Public authorities on H&S	The Ministry of Labour, Family and Social Affairs and the Ministry of Health. Control over the implementation of regulations falls within the competence of the Slovenian Labour Inspectorate.							
Employers' obligations on H&S	It is the employer's duty to ensure the health and safety of workers at work. The employer must allow workers to take part in discussions on all questions relating to health and safety at work, either directly or through their representatives.							
Worker representative bodies on H&S	Health and safety representation in Slovenia is primarily provided through the works council, which can be set up in any enterprise with more than 20 employees. Only if there is no works council is a health and safety representative elected.							
Organisation of the social dialogue on H&S issues within the country	Actors involved		Their role		Scope of influence			
	Economic–social council (ESS, http://www.ess.si/)		Social dialogue on national level on legislation		National			
	Sector social partners		Collective bargaining		Sector, individual employer			
	Works council (in enterprises over 20 employees) or Workers' rep(in enterprises with less than 20 employees)		Workers participation		Private sector			
	Workers' OSH rep		Workers participation		Public sector			
Specialized H&S bodies on regional, sectorial or another level	Name		Setup conditions		Composition		Role and functions	
	Association of work councils (www.delavska–participacija.com)		It is a private initiative		It is a membership organisation with 110 work councils as members		Training, counselling and information, publishing. OSH is not its priority.	

PART 2 – ENTERPRISE LEVEL: ORGANISATION OF SOCIAL DIALOGUE AND WORKERS' PARTICIPATION ON H&S AT WORK

General organisation and role on H&S issues	<p>1 – Private sector:</p> <p>a. depending on number of employees either work council (more than 20 employees) or workers' rep (less than 20 employees) are elected by all employed workers at an individual employer. The right to elect them is optional – their election is not obligatory and is, therefore, depending on a certain initiative – usually by trade unions. But if they are elected they have mandate on different issues and not just OSH. The number of work council members depends on number</p>
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	<p>of employees. In large enterprises president of work council may be a professional.</p> <p>b. If no work council or workers' rep are elected as described above, an OSH workers' rep must be elected. This one, however, has only mandate on OSH matters.</p> <p>c. If no rep is elected the employer must consult on OSH matters (for example on risk assessment act) with all employees on meetings during working time.</p> <p>2- Public sector:</p> <p>a. OSH workers rep is elected by all employees with mandate just on OSH matters</p> <p>b. If no rep is elected the employer must consult on OSH matters (for example on risk assessment act) with all employees at meetings during working time</p>
Interaction of H&S representation with the general representation of workers	<p>Works council and workers' rep represent workers generally and also in OSH matters. OSH workers' rep represent workers only on OSH matters.</p>
Worker representation bodies on H&S at work	
<i>Implementation of worker representation in H&S on enterprise level</i>	<p>Two different laws determine the mandate of reps: ZVZD-1 (OSH Act) and ZSDU (Workers Participation Act).</p> <p>According to EU OSHA's ESENER study, reps are elected at 27,30 % individual employers. This is the only known reliable statistical data on the cove</p>
<i>Thresholds of implementation</i>	<p>- Up till 20 employees: workers' rep</p> <p>- As from 20 employees: works council</p> <p>A works council can also be set up in non-corporate structures. However, in these cases the lowest threshold is 50 employees.</p>
<i>Role of the trade unions</i>	<p>Trade unions at enterprise level are mandated to:</p> <ol style="list-style-type: none"> 1- initiate the election of work council or workers' rep 2- propose candidates for election (However, at least five employees may propose candidates too). <p>Very often trade union activists are elected and in principle a close cooperation between trade unions and works council is, therefore, in place.</p>
<i>Composition, mode of nomination or election of members</i>	<p>1- COMPOSITION:</p> <p>The size of the works council varies according to the number of employees:</p> <ul style="list-style-type: none"> - three members in enterprises with up to 50 employees; - five members in enterprises with between 51 and 100 employees; - seven members in enterprises with between 101 and 200 employees; - nine members in enterprises with between 201 and 400 employees; - eleven members in enterprises with between 401 and 600 employees; - thirteen members in enterprises with between 601 and 1,000 employees. <p>In enterprises with more than 1,000 employees the number of members of the workers' council shall be expanded by two per each extra thousand employees.</p> <p>2- MODE OF ELECTION:</p> <p>The right to vote representatives onto the workers' council shall be granted to all employees who have worked in the enterprise for at least six uninterrupted months (right to elect).</p> <p>The Director, employees with special powers and responsibilities and enterprise secretaries (hereinafter: management) shall not be entitled to vote representatives onto the workers' council.</p> <p>The family members of management shall have no right to vote representatives onto the workers' council.</p> <p>The right to be elected onto the workers' council shall be granted to all employees having the right to vote under this Law and employed in the enterprise for at least twelve uninterrupted months (right to be elected).</p> <p>3- ELECTION:</p> <p>The term of office of workers' council members shall be four years. Members may be re-elected.</p> <p>The number of workers' council members shall not change during the term of office, regardless of a change in the number of workers entitled to vote in the enterprise.</p>
<i>Area of competencies</i>	<p>MANDATE ACCORDING TO THE OSH ACT:</p> <ol style="list-style-type: none"> 1- may demand from employer OSH measures to reduce risks 2- may demand inspection from labour inspector if they think that OSH measures in place are not sufficient 3- may be present at the labour inspector's inspection and may voice his/hers opinions 4- must be informed by employer on labour inspector's decisions and measures

	<p>5– the employer must finance special training for reps</p> <p>6– the employer must consult with reps on risk assessment act, on every OSH measure, on choice of preventive services and OSH health services, on first aid organisation, on firefighting services and evacuation plans, on workers information, on OSH training.</p> <p>7– Employer must in “usual way” make accessible (for example in printed version or on-line version) to the reps risk assessment, work accidents documentation.</p> <p>8– Further mandate and rights are determined by ZSDU (workers participation act)</p> <p>-----</p> <p>MANDATE ACCORDING THE ACT ON WORKERS PARTICIPATION (Note: OSH is just a part of this mandate!)</p> <p>1 – INFORMING</p> <p>The employer shall be bound to keep the workers' council informed about issues relating in particular to:</p> <ul style="list-style-type: none"> – the economic position of the enterprise; – the development targets of the enterprise; – the state of production and sales; – the economic position of the branch as a whole; – changes of activity; – any decline in economic activity; – changes in the organisation of production; – technological changes; – the annual accounts and annual report; – other issues under mutual agreement <p>At a request from the workers' council the employer shall be bound to allow inspection of the documentation required to obtain an insight into the matters referred to in the preceding paragraph.</p> <p>2– JOINT CONSULTATIONS:</p> <p>The employer shall be bound to inform the workers' council about and request joint consultations on the status of the enterprise and personnel issues before taking decisions on these issues.</p> <p>The employer shall be bound to give the workers' council the necessary information at least 30 days before taking the decisions, and organise joint consultations at least 15 days before taking the decisions and with regard to the issues of safety and health at work.</p> <p>It falls within the duty of the employer to arrange consultations between the workers' council and the employer to keep the workers' council informed of planned decisions concerning status and personnel issues and with regard to the issues of safety and health at work, to seek advice from the workers' council and to try and harmonize points of view.</p> <p>3– CONSENT:</p> <p>The employer shall be bound to submit for approval by the workers' council draft decisions on:</p> <ul style="list-style-type: none"> – the bases for determining the use of paid leave and other instances of absence from work; – criteria for the assessment of performance at work – criteria for the remuneration of innovative activity in the enterprise; – the management of the housing fund, enterprise vacation homes and other worker welfare facilities; – employee promotion criteria. <p>The workers' council shall consider and form an opinion on the drafts referred to in the preceding paragraph within eight days of their submittal.</p> <p>If the workers' council does not form an opinion on the drafts within the time limit mentioned in the preceding paragraph it shall be considered to have given consent to the drafts.</p> <p>Consent given by the workers' council and delivered to the employer in a written form shall be considered as an agreement between the workers' council and the employer.</p>
Functions	Information, consultation, to give opinion on OSH measures
Rights of workers' representatives on H&S	
Right of withdrawal of production	No (individual right)

<i>stop in case of immediate danger</i>	Workers' rep may not stop the work. It is, however, the right of an individual worker to leave the workplace if in his/her opinion there is an imminent danger.	
<i>Right to conduct surveys</i>	No	
	However, Works council members are entitled to three paid hours a month for consultations with employees and up to 40 paid hours a year for training necessary for the efficient operation of the workers' council. The employer and the workers' council may make an arrangement determining a larger number of hours for the duties of workers' council members, longer leave against payment or without payment for training necessary for the efficient operation of the workers' council, a larger number of hours within working hours for consultations with employees and other benefits concerning the operation of the workers' council	
<i>Right to require external assessments</i>	Yes	
	The workers' council may invite to its sessions experts from inside or outside the enterprise, management personnel, trade union representatives in the enterprise and representatives of employer associations. The expenses for referred persons shall be covered by the enterprise if so agreed with the employer and in the amount agreed upon, which may not be less than 50% of the average monthly salary per enterprise employee for each member of the workers' council. The employer and workers' council may make an arrangement allocating a fixed amount of resources for the duties of the workers' council over a specific time period. The workers' council shall employ these resources at its discretion, but only for the financing of its work.	
<i>Right to lodge an appeal</i>	Yes	
	<ul style="list-style-type: none"> - rep may demand inspection from labour inspector if they think that OSH measures in place are not sufficient - rep may be present at the labour inspector's inspection and may voice his/hers opinions 	
<i>Right to receive training</i>	Yes	
	<i>Amount of training</i>	Workers' council members shall be entitled to three paid hours a month for consultations with employees and up to 40 paid hours a year for training necessary for the efficient operation of the workers' council.
	<i>Frequency of training</i>	The workers' council shall employ these resources at its discretion - but usually there is a yearly understanding with the employer on this.
	<i>Training providers</i>	<ul style="list-style-type: none"> 1- Trade unions 2- Also a private specialised work-council training institution (it started in the beginning as a TU activity but later became independent)
<i>Allocated time during working hours to conduct their role</i>	Yes	
	<p>The employer and the workers' council may make an arrangement determining a larger number of hours for the duties of workers' council members, longer leave against payment or without payment for training necessary for the efficient operation of the workers' council, a larger number of hours within working hours for consultations with employees and other benefits concerning the operation of the workers' council.</p> <p>The enterprise shall be bound to ensure that workers' council members are paid for the time spent on consultations at the same rate they would have been paid had they been working.</p> <p>The time and place of consultations shall be determined in an agreement between the director and the workers' council, taking account of the needs of the work process.</p>	
<i>Protection against sanctions,</i>	Yes	

<i>dismissals in the frame of their mandate</i>	<p>A workers' council member who during the discharge of his duties behaves in accordance with the effective laws, collective agreements and the agreement provided by this Law may not without the consent of the workers' council:</p> <ul style="list-style-type: none"> – be assigned to another work post or another employer; – be included among any redundancies. <p>If a workers' council member behaves as cited in the preceding paragraph it shall not be possible to lower his salary, institute disciplinary or indemnification proceedings against him or place him in any other way in a less favourable or subordinate position.</p> <p>A workers' council member whose term of office ends due to the change of employer shall enjoy the protection provided for a further nine months after they have ceased to hold office, as well as protection against dismissal as envisaged in the Employment Relationship Act.</p>
Link and the nature of the relations between the employee representatives and the trade unions	In most cases trade union candidates are elected and, therefore, a close link exists. Very often they are the same people. However, as sometimes non TU candidates are elected, this may not be true in every case.

PART 3 – ASSESSMENT OF THE SOCIAL DIALOGUE AND WORKERS' PARTICIPATION IN THE COUNTRY

Evolution

Significant changes within the various instruments on H&S issues during the last 5 years	No	
	<i>Objectives of these changes</i>	N/A
	<i>Management of these changes</i>	N/A
	<i>Effects on the improvement or deterioration of the handling of these issues</i>	N/A
Assessment of the achievements on H&S issues through social dialogue	Stable	
	<i>Some important milestones</i>	Bad: we couldn't get the regional rep for SMEs in the new 2011 OSH act. Both the government and the employers were against it. Other TUs did not support the idea.

Perspectives to achieve a good social dialogue and workers' participation on H&S issues

Missing factors	<ul style="list-style-type: none"> – TU leaders dedication to OSH – Research financing of OSH – Ministry of labour support (the seat of OSH national four partite council)
Existing key success factors	Sector and national TU support to the reps network (e-info, training, seminars, publishing)

PART 4 – APPENDICES

Glossary

Occupational Safety and Health Law (ZVZD-1)	<i>Official journal of Republic Slovenia, No. 43/2011</i>
Law on Worker Participation in Management (ZSDU)	<i>Official journal of Republic Slovenia, No. 42/1993, 61/2000, 56/2001, 26/2007, 45/2008</i>

<i>delavski zaupnik za varnost in zdravje pri delu</i>	<i>workers health and safety representative</i>
<i>svet delavcev</i>	<i>works council</i>

Interesting links

www.osha.mddsz.gov.si (OSHA national focal point)

Sources

Trade union contacts	ZSSS (www.zsss.si)	Böhm Lučka
Other	<ul style="list-style-type: none"> - Questionnaire reply - EU OSHA; - L. Fulton (2013) Health and Safety Representation in Europe. Labour Research Department and ETUI (online publication prepared for worker-participation.eu) 	