

## Social Dialogue mapping

### Description scheme for country overviews

## SLOVENIA

### Sources:

- 1/ Eurofound Working Life Profiles <https://www.eurofound.europa.eu/country/slovenia#actors-and-institutions>
- 2/ OSH WIKI [https://oshwiki.eu/wiki/OSH\\_system\\_at\\_national\\_level\\_-\\_Slovenia](https://oshwiki.eu/wiki/OSH_system_at_national_level_-_Slovenia)
- 3/ ESENER-3 <https://visualisation.osha.europa.eu/esener#!en/survey/overview/2019>

### Introduction on Social Dialogue in MS (1)

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Representativeness of trade unions is regulated by the Law on Representativeness of Trade Unions (1993). Article 6 of this law stipulates the criteria for representativeness, according to which a representative trade union must be democratic, enable voluntary membership, has been active for the past six months, is independent of governmental bodies and employers, is mostly financed through membership fees and other own sources and has a certain number of members (at least 10% of employees in a particular branch, activity or occupation).

Representativeness of employers' organisations is not regulated by a separate law. It is nevertheless indirectly regulated by the Law on Collective Bargaining (Zakon o kolektivnih pogodbah, Uradni list of the Republic of Slovenia, No. 43/2006), which stipulates in Article 12 that when a collective agreement has been concluded between one or more representative trade unions and one or more representative employers' organisation, one of the parties may ask the labour minister to extend the collective agreement to all employers in the activity to which the agreement refers. The employers' organisation in this case have to employ more than half of all the workers at companies covered by the extension.

### Trade Unions (1)

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- **About trade union representation**

Trade union representation is guaranteed by the Constitution of the Republic of Slovenia, which stipulates in Article 76 that the organisation and work of trade unions as well as trade union membership are free. Consequently, there are no legislative restrictions regarding the right to join trade unions.

- **Main trade union confederations and federations**

The most important trade union confederations and federations in Slovenia are:

- Association of Free Trade Unions of Slovenia (ZSSS) is the largest union organisation;

- Confederation of Public Sector Trade Unions (KSJS);
- Confederation of Trade Unions of Slovenia Pergam (Pergam);
- Confederation of Trade Unions 90 of Slovenia (Konfederacija 90);
- Independent Confederation of New Trade Unions of Slovenia (KNSS);
- Union of Workers' Trade Unions of Slovenia – Solidarity (Solidarnost);
- Slovene Union of Trade Unions Alternativa (Alternativa).

Long name	Abbreviation	Members	Year	Involved in collective bargaining (*)
Association of Free Trade Unions of Slovenia (Zveza Svobodnih Sindikatov Slovenije)	ZSSS	150,000	2015	Yes
Confederation of Public Sector Trade Unions (Konfederacija Sindikatov Javnega Sektorja Slovenije)	KSJS	73,400	2015	Yes
Confederation of Trade Unions of Slovenia Pergam (Konfederacija Sindikatov Slovenije Pergam)	Pergam	72,000	2015	Yes
Confederation of Trade Unions 90 of Slovenia (Konfederacija Sindikatov 90 Slovenije)	Konfederacija 90	36,000	2015	Yes
Union of Workers' Trade Unions of Slovenia – Solidarity (Zveza delavskih sindikatov Slovenije – Solidarnost)	Solidarnost	3,100	2015	Yes
Slovene Union of Trade Unions Alternativa (Slovenska zveza sindikatov Alternativa)	Alternativa	3,100	2015	Yes
Independent Confederation of New Trade Unions of Slovenia (KNSS - NEODVISNOST, Konfederacija novih sindikatov Slovenije)	KNSS	19,000	2015	Yes

## Employers' organisations (1)

### • About Employers' organisations

Membership in employers' organisations suffered its biggest decrease when the obligatory membership in the Chamber of Commerce and Industry was abolished in 2006. Two years afterwards, it was at 55% (Glassner, 2013).

The Association of Employers of Slovenia (ZDS) was the first voluntary economic association in Slovenia representing and protecting the interests of employers.

### • Main Employers' organisations

The most important intersectoral employer organisations in Slovenia are:

- Chamber of Commerce and Industry of Slovenia (GZS);
- Association of Employers of Slovenia (ZDS);
- Slovenian Chamber of Commerce (TZS);
- Chamber of Craft and Small Businesses of Slovenia (OZS);
- Association of Employers in Craft and Small Business of Slovenia (ZDOPS).

Long name	Abbreviation	Members	Year	Involved in collective bargaining (*)
Chamber of Commerce and Industry of Slovenia (Gospodarska zbornica Slovenije)	GZS	7,500	2015	Yes
Association of Employers of Slovenia (Združenje delodajalcev Slovenije)	ZDS	1,400	2015	Yes
Slovenian Chamber of Commerce (Trgovinska zbornica Slovenije)	TZS	5,900	2015	Yes
Chamber of Craft and Small Businesses of Slovenia (Obrtno- Podjetniška zbornica Slovenije)	OZS	30,000	2015	Yes
Association of Employers in Craft and Small Business of Slovenia (Združenje delodajalcev obrti in podjetnikov Slovenije)	ZDOPS	20,000	2015	Yes

## Social Dialogue on OSH (2)

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- **General Remarks on Social Dialogue on OSH**

Legislation establishes a minimum level of worker's rights, and preferential arrangements are achieved through negotiations (thus including negotiations about higher degree of health and safety at work) between social dialogue participants.

Subject of the social dialogue usually consists of negotiations about rights, obligations and responsibilities of employers and employees; wage policy, social security and employment safety, terms and conditions of employment, health and safety at work etc.

In Slovenia, social dialogue takes place at various levels: national, cross-industry, sectoral and company. If negotiations achieve positive results, they result in conclusion of collective agreements (on all levels). Collective agreements are mainly governed by The Collective Agreements Act <sup>[16]</sup> which regulates parties, content and procedures in the signing of a collective agreement and the register of collective agreements. When the subject of negotiations is terms and conditions OSH, collective agreements contain provisions regulating occupational health and safety. Collective agreements can contain only provisions that are more favourable for employees than those provided by legislation.

The social dialogue partners are the trade union organisations and the employers' associations. Sometimes social dialogue is joined by The Slovenian Government (Vlada Republike Slovenije) as the holder of coordination of the relations in the economic and social field. Recently, there is also the fourth participant of the social dialogue, ie. certain civil societies and other non-governmental organizations and associations.

Representative trade unions (Slovenia has established trade union pluralism) on all levels conclude collective agreements of general application. Representativeness of Trade Unions Act [6] determines the procedure of gaining the representativeness of trade unions. Ministry of Labour, Family, Social Affairs and Equal Opportunities of the Republic of Slovenia within its jurisdiction, arising from Representativeness of Trade Unions Act, issues decisions on the representativeness of trade unions on the basis of conditions laid down by Representativeness of Trade Unions Act for federations and confederations of trade unions, and independent unions that are representative in the industry, business, profession, community or the wider local community. Currently there are 8 representative trade union confederations unions in Slovenia, as well as over 30 trade unions, which are representative in a particular industry or profession.

- **National level**

Social dialogue on national level takes place between the national employers' organizations and the national trade union organizations (so-called social partners). It can be tripartite when the Slovenian government joins the negotiations.

As regarding to OSH, there are two consultative bodies on OSH related aspects on national level:

**The Economic and Social Council (Ekonomsko socialni svet)** <sup>[22]</sup>—Social partners in Slovenia are participating in The Economic and Social Council, which is a tripartite body of equally represented participants of the social dialogue: employers, employees and government. Its purpose is to consider issues and measures concerning economic and social policies and other issues such as health and safety at work. It provides opinions and propositions on these issues. Basic areas of work of the Council are: social agreement; social rights and the rights under compulsory insurance such as pensions,

disability benefits, social assistance and other compensation; problems of employment and labour relations; collective bargaining systems; prices and taxes; the economic system and economic policy; legal certainty; cooperation with the ILO and the Council of Europe and related institutions in the European Union and European Union Member States; workers participation in management; trade union rights and freedoms.

**Council of Health and Safety at Work (Svet za varnost in zdravje pri delu)** The Health and Safety at Work Act <sup>[1]</sup> defined it as an advisory body of the Ministry of Labour, Family, Social Affairs and Equal Opportunities (Ministrstvo za delo, družino, socialne zadeve in enake možnosti). Before that Council was an advisory body of the Government. This change of status is supposed to ensure greater coherence of the council members, more effective performance of tasks and professional and administrative support for the Economic and Social Council.

Some changes in the structure of membership of the Council of Health and Safety at Work were also made. It consists of professionals of safety at work, occupational medicine, social security, trade union organisations and employers' associations, and thus all the important subjects in the field of health and safety at work are represented in the Council.

- **Sectoral level**

The most important form of social dialogue is collective bargaining and contracting of collective agreements. On sectoral level, cross-industry and sectoral collective agreements are concluded on behalf of the employees by sectoral trade unions and on the behalf of the employers by sectoral employers' organizations on all matters concerning conditions for work and employment in those sectors.

- **Enterprise level**

Workers at company level are represented through two-tier system – trade union at the company level may be established or workers' representatives may be elected directly but in case of both trade unions have a key role. Social dialogue at company level thus takes place between management and one or both of these two forms of worker's representation at company level. In Slovenia, the rights and obligations of the works council and trade unions at the enterprise level overlap to some extent.

Three acts regulate social dialogue in relation to OSH at the company level: the Health and Safety at Work Act <sup>[4]</sup>, the Worker Participation in Management Act <sup>[5]</sup> and Representativeness of Trade Unions Act <sup>[6]</sup> which regulates representativeness as representative trade union at the level of individual employers (organizations, companies, corporations) are negotiating (additional) rights on behalf of all workers with the employer. The Health and Safety at Work Act <sup>[1]</sup> represents a special act with special provisions about worker's participation in management, dealing only with questions of health and safety at work in relation to the Worker Participation in Management Act <sup>[5]</sup>, which is a central act regarding workers' participation in management in Slovenia.

The Health and Safety at Work Act <sup>[4]</sup> determines the employers' obligation to allow workers to take part in discussions on all questions relating to health and safety at work. This right is exercised through workers directly or workers' representatives responsible for OSH in work councils or through a health and safety representative who is defined by this act as the employees' representative that has the status and role of the work council. If there is no work council and no health and safety representative elected, then employer must consult directly with workers or their assembly if they have one.

For election of both types of representatives, provisions of the Worker Participation in Management

Act <sup>[5]</sup> act apply. According to the Worker Participation in Management Act <sup>[5]</sup>, work councils can be formed at companies with more than 20 employees with a right to vote. In companies with less than 20 employees with a right to vote, workers participate in management through a workers' representative. Every representative of the trade union at the company has the right to nominate candidates for membership in a work council.

The work council or health and safety representative has according to the Health and Safety at Work Act <sup>[4]</sup> the right to demand adoption of suitable measures; they may prepare proposals for the elimination or reduction of occupational health and safety risks; they may request inspection by the competent inspection service; they have the right to be present at any inspection service regarding health and safety at work; they should be informed by the employer about findings, proposals or measures imposed by inspection bodies.

Collective agreement may also be concluded as workers contract, between the management of company (employer) and the trade union organised on the level of the company. This type of contract applies only for employees in this company.