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European Monitoring Centre on Change

Slovenia: Staff information and consultation on restructuring plans

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Slovenia

Phase:

Anticipation

Type: [Staff information and consultation on restructuring plans](#)

Last modified: 25 September, 2019

Native name:

Zakon o sodelovanju delavcev pri upravljanju (ZSDU); Zakon o delovnih razmerjih (ZDR-1); Zakon o poslovni skrivnosti (ZPosS)

English name:

Workers Participation in Management Act (ZSDU); Employment Relationship Act (ZDR-1); Trade Secrets Act (ZPosS)

Article

Articles 76 and 99 of the Employment Relationship Act (ZDR-1); Articles 91-98 of the Workers Participation in Management Act (ZSDU); Articles 4 and 7 of the Trade Secrets Act

Description

The employer is obliged to consult the works council about the company status, e.g. changes in the legal situation, the sale of the company or its major part, the closure of the company or its major part, major changes in ownership and in corporate governance. It also applies to staff issues concerning 10% or more of all company employees, e.g. the need for new employees, allocation of posts, the movement of a significant number of employees to outside the company or from one place to another, the adoption of additional pension, disability and health insurance schemes, in-company workforce reductions and the adoption of general rules of disciplinary accountability. The employer has to give the works council the necessary information at least 30 days before taking the decisions, and organise joint consultations at least 15 days before taking the decisions.

Additional information is also required in cases of [collective dismissals](#). The works council can reject the employer's proposal to reduce the size of the workforce if it does not include a draft programme for the solution of the problem of redundancies in accordance with applicable employment regulations, or if the reasons for the decision to reduce the size of the workforce are not well-grounded. The works council has to reject the proposal within eight days after receiving the information from the employer.

The employer cannot adopt the decision if the works council rejects the proposal within eight days. If the works council does not answer within eight days or if the rejection is unfounded, it is considered as consent.

The employer also has to consult the relevant trade union representative about the proposed criteria for the determination of redundant workers and, in the framework of the elaboration of the dismissal programme for redundant workers, about the possible ways of avoiding and limiting the number of dismissals and the possible measures for the prevention and mitigation of harmful consequences. The employer must at the earliest possible time inform the trade unions at the employer about the layoffs in writing. The communication must include:

- the number and the categories of all employed workers;
- the foreseen categories of redundant workers;
- the foreseen term in which the work of workers will no longer be needed;
- the proposed criteria for the determination of redundant workers.

Trade unions must also be involved in cases involving a [business transfer](#). Employers must inform and consult the labour representatives, but are not obliged to accept the proposals of either the trade unions or the works councils. However, employers must have the consent of the trade union, if they want to establish a list of redundant workers according to their criteria and not the ones set out in the collective agreement.

Workers' right to be informed and consulted passes on to workers' representative in companies employing less than 20 workers with the active voting right. Workers' representatives have the same rights and obligations that relate to the works council.

The Trade Secrets Act stipulates that trade secrets disclosed during the obligatory consultations with the trade union, works council or labour representative are legally obtained. It does not constitute unlawful disclosure of trade secrets if a worker gives information to his or her representative for protecting the interests of worker(s). The exemption applies to the exercise of workers' rights, which must follow the rules on the activities and protection of trade union representatives.

Comments

No information available.

Cost covered by

Not applicable








Involved actors other than national government

Trade union
Works council

Thresholds

No, applicable in all circumstances

Sources

-  DG Employment, Social Affairs and Equal Opportunities/Héra (2011), Selected companies' legal obligations regarding restructuring
-  Eurofound (2011), Slovenia: EIRO CAR on the effect of the Information and Consultation Directive on Industrial Relations in the EU Member States five years after its transposition, EIROnline Articles
-  EMCC - Social partner and government agency involvement in the restructuring process
-  Workers Participation in Management Act (Zakon o sodelovanju delavcev pri upravljanju, ZSDU) (SL)
-  Zakon o delovnih razmerjih (ZDR-1) (SL)
-  Employment Relationship Act (ZDR-1) (EN)
-  Zakon o poslovni skrivnosti (Trade Secrets Act, ZPosS) (SL)

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