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Factsheet for case SI-2020-15/482

Restrictions lifted on temporary work in agriculture

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Country	Slovenia, applies nationwide
Time period	Temporary, 11 April 2020 - 31 December 2020
Type	Legislation or other statutory regulation
Category	Change of work arrangements to ensure business continuity – Increase of maximum working time
Case created	11 April 2020 (updated 04 May 2020)

Background information

The 'Intervention measures to mitigate the effects of the Covid-19 infectious disease epidemic on citizens and the economy Act (ZIUZEOP)' modified the already amended 'Agricultural Act', adopted on 24 April 2018, which created a new legal form of labour, the so-called temporary work in agriculture.

As an exception from the labour law, temporary work in agriculture does not fall under the general prohibition on work based on civil contract if there are elements of the employment relationship. It is thus covered by a limited set of labour rights, like the ban on discrimination and harassment, the interdiction of child work, rules on working time, breaks, and rest periods, the prohibition of work for some specific groups. The Agricultural Act explicitly mentions viticulture, fruit growing, hop growing, and vegetable growing as sectors much in need of such unprotected and occasional labour force.

The 2020 provisions lifting restrictions to the utilization of temporary work in agriculture have been introduced to put a remedy to the shortage of immigrant workers in the agricultural sector, due to the limitations to cross-border movements caused by the COVID-19 epidemic.

Content of measure

The measure responds to the concern of some agricultural sectors which, after the ban on border crossing relating to the COVID-19 epidemic, remained without seasonal migrant workers.

By rule, 'temporary work in agriculture' is limited to 120 days a year.

The emergency regulation annuls this limitation until the end of 2020. It means that such type of work can be carried out without restriction all year.

The emergency regulation also stipulates that Public Employment Service may assign temporary work in agriculture to temporary laid-off persons.

Upon the request of agricultural enterprise, the Public Employment Service sends to work a person who is temporary laid-off due to the epidemic

Use of measure

Hop growers report on troubles due to labour shortage after the ban on the border crossing. They say that the sector relies on Rumanian seasonal agricultural workers who are no more allowed to come. Goran Lukič from the Counselling Office for Workers commented that better pay and labour protections would help to make agricultural work more attractive to the Slovene population.

Actors, target groups and funding

Actors	Target groups	Funding
National government	Seasonal workers Sector specific set of companies	No special funding required

Social partners

Role of social partners	Consulted
Form of involvement	Other

Trade unions and employer organizations have submitted proposals to the law. The Chamber of Agriculture and Forestry of Slovenia (KGZS) - the umbrella interest organization of natural and legal persons in the Republic of Slovenia engaged in agriculture, forestry and fishery - demanded uninterrupted 'access' to the migrant labour force, while trade union confederations requested the withdrawal of the relevant article.

The law was adopted under an accelerated procedure with no involvement of the Economic and Social Council. Its functioning is momentarily blocked because the new government, which came to power on 13 March 2020, has not yet appointed its members in the Economic and Social Council.

Sectors and occupations

This case is sector-specific.

Economic area	Sector (NACE level 2)
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A - Agriculture, Forestry And Fishing	A1 Crop and animal production, hunting and related service activities
	A2 Forestry and logging
	A3 Fishing and aquaculture

This case is not occupation-specific.

Sources

- 10 April 2020: Intervention measures to mitigate the effects of the SARS-CoV-2 (COVID-19) infectious disease epidemic on citizens and the economy Act (ZIUZEOP)), Official Gazette RS, no. 49, 2020 (Zakon o interventnih ukrepih za zajezitev epidemije COVID-19 in omilitev njenih posledic za državljane in gospodarstvo (ZIUZEOP)) (www.pisrs.si)
- 10 April 2020: Coronavirus also stopped the import of agricultural migrant workers (Koronavirus ustavil tudi uvoz sezonskih delavcev v kmetijstvu) (www.dnevnik.si)
- 11 April 2020: The minister for agriculture recruits Slovene workers (Ministrica Pivčeva Slovence novači za delo) (www.dnevnik.si)