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Slovenia: Obligation to consider alternatives to collective dismissals

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Slovenia

Phase:

Management

Type: [Obligation to consider alternatives to collective dismissals](#)

Last modified: 25 September, 2019

Native name:

Zakon o delovnih razmerjih (ZDR-1); Zakon o poslovni skrivnosti (ZPosS)

English name:

Employment Relationship Act (ZDR-1); Trade Secrets Act (ZPosS)

Article

Articles 101 and 103 of the Employment Relationship Act (ZDR-1); Articles 4 and 7 of the Trade Secrets Act

Description

The act allows the termination of any employment contract, not just in the event of collective redundancies, only as ultima ratio – the last resort. With collective redundancies (within 30 days, dismissal of at least 10 workers in companies with 21-99 employees, at least 10% in companies with 100-299 employees and at least 30 dismissals in larger firms) the employer must aim to achieve an agreement and first consult with the trade unions.

The dismissal programme for redundant workers must also contain measures for limiting the number of laid-off workers as much as possible and for preventing the harmful consequences of termination of the workers' employment relationships, whereby the employer must check the possibilities of continuation of employment under modified conditions. By trying to reach an agreement, the employer must consult with the trade union on possible measures for limiting the harmful consequences of collective dismissal.

The employer must send the dismissal programme to the employment service as well as to the trade union for information. Any proposal from the employment service regarding the possible measures for preventing or limiting the termination of employment relationships should be taken into consideration. At the same time, the employer is obliged to consider any possible measures for the mitigation of harmful consequences of the termination of employment relationships. Usually, the employer can lay off workers 30 days after the submission of the dismissal programme, but this period can be prolonged to 60 days upon the employment service's request.

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 is also not 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

A study on the role of HRM in crisis management (Trebšje, 2006) examined alternative solutions to dismissals undertaken by the management. The examples given in the study of how the management tried to reduce the harmful consequences of dismissals were the following:

- explored possibilities for employment with business partners,
- financed early retirement,
- offered interest-free loans to employees, who decided to become self-employed,
- explored possibilities for employment with temporary work agencies,
- extended the period of notice,
- dismissed only one family member, if both were employed with the company, so that the family kept one source of revenue,
- offered scholarships with no repayment obligation
- offered a higher severance pay than the payment to which the worker was entitled by law.

However, not all companies included in the study offered such possibilities to redundant workers.

Cost covered by

Employer

Involved actors other than national government

Public employment service
Trade union

Thresholds








Company size by number of employees:

21

Number of affected employees:

10

Sources

-  DG Employment, Social Affairs and Equal Opportunities/Héra (2011), Selected companies' legal obligations regarding restructuring
-  Jokay, K. (2006), Slovenia Country Dossier, Study on restructuring in new Member States, Joint Project of European Social Partner Organisations
-  Barbara, K. (2008), National background paper Slovenia, Anticipating and managing restructuring in enterprises: 27 national seminars, ARENAS Report, European Commission, Brussels
-  [Zakon o delovnih razmerjih \(ZDR-1\) \(SL\)](#)
-  [Employment Relationships Act \(ZDR-1\) \(EN\)](#)
-  [Trebše, M. \(2006\), Analysis of good and bad practice in the field of collective redundancies in Slovenia, Industrijska demokracija, No. 9](#)
-  [Zakon o poslovni skrivnosti \(Trade Secrets Act, ZPosS\) \(SL\)](#)

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