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Slovenia: Selection of employees for (collective) dismissals

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Slovenia

Phase:

Management

Type:

Selection of employees for (collective) dismissals

Last modified: 19 July, 2017

Native name:

Zakon o delovnih razmerjih (ZDR-1)

English name:

Employment Relationship Act (ZDR-1)

Article

102 and 112-117

Description

The employer shall draw up a proposal for redundancy selection criteria in case of collective dismissals (within 30 days, dismissal of at least 10 employees in companies with 21-99 workers, at least 10% in companies with 100-299 workers and at least 30 dismissals in lager firms).

In agreement with the trade union at the employer, the employer may draw up their own redundancy selection criteria instead of using the criteria laid down in the collective agreement. When defining redundancy selection criteria, **in particular** the following shall be taken into account:

- the worker's professional education and/or qualification for work and the necessary additional knowledge and skills,
- the worker's work experience,
- the worker's job performance,
- the worker's years of service,
- the worker's health condition,
- the worker's social status, and
- whether the worker is a parent of three or more minor children or the sole breadwinner in a family with minor children.

When determining workers who will become redundant, under the same criteria workers with a worse social status shall be given priority in preserving their employment. The temporary absence from work of a worker due to illness or injury, due to caring for a family member or for a severely disabled person, or due to parental leave or pregnancy may not be a criterion for the selection of the workers that are to be made redundant.

The employer cannot dismiss works council members, trade union representatives, board members or other such officials on duty and until a further year after the expiry of their functions without the consent of the union.

Older workers who have reached the age of 58 or workers who only have up to five years left until the pension qualifying period condition is met may not be dismissed without their agreement. However, some exemptions apply for workers who are guaranteed the right to unemployment benefits until they fulfil the conditions for old-age retirement, who were offered new appropriate employment with the employer, who were employed when they had already fulfilled the conditions for protection against cancellation of the employment contract and in the case of compulsory winding-up of the company.

An employer cannot cancel the employment contract of a pregnant worker or a breastfeeding mother for up to one year of the child's age and for parents on parental leave uninterruptedly in the form of full absence from work and until one month after the end of such leave.

Disabled persons no longer enjoy absolute protection against cancellation of the employment contract. The employer may cancel the employment contract of a disabled person upon the agreement of the Pension and Disability Insurance Institute's commission if the employer has no appropriate job for that particular disabled person.

Comments

No information available.

Cost covered by

Not applicable

Involved actors other than national government

Trade union

Thresholds


Company size by number of employees:


21

Number of affected employees:

10

Sources

 Jokay, K. (2006), Slovenia Country Dossier, Study on restructuring in new Member States, Joint Project of European Social Partner Organisations

 [Zakon o delovnih razmerjih \(ZDR-1\) \(SL\)](#)

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