

**POROČILO O DELU INŠPEKTORATA RS ZA DELO**

**ZA LETO 2020**

Prepared by: the Labour Inspectorate of the Republic of Slovenia (IRSD), Štukljeva cesta 44, Ljubljana

For the IRSD: Chief Inspector Jadranko Grlić

Compiled and edited by: Romana Košorok

Technical editing by: Marko Vaupotič, Jerica Preskar

The report was prepared in collaboration with: Jadranko Grlić, Slavko Krištofelc, Jasmina Rakita Cencelj, Peter Stefanoski, Branka Knafelc, Romana Košorok, Marko Vaupotič, Boštjan Hartner, Lidija Korat, Aleš Ažman, Irena Kastelec, Ana Cepič, Sonja Konestabo, Gloria Čuže, Meta Ukmar, Andrej Grdiša, Karin Seljak, Tanja Cmrečnjak Pelicon, Polona Grobelnik Jurjovič, Georgina Jotanović, Marjan Rosa, Urška Zabret, Natalija Zaletel, Mojca Kovačič

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Any terms used in this annual report that refer to a person and are written with masculine pronouns apply neutrally to both men and women.

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# INTRODUCTION

Another year has passed and here is the new work report of the Labour Inspectorate of the Republic of Slovenia. The 2020 report differs from the reports prepared so far, as we at the Inspectorate, as well as across the entire country and beyond, have faced the challenges of an epidemic that has left its mark on all pores of our everyday lives. 2020 could also be called the “coronavirus year” or the year of changes. I will highlight just a few below.

The emergence of the novel coronavirus required the adoption of a number of new regulations in order to curb the spread of the virus as effectively as possible on the one hand, and to allow the economy to remain "fit" even at times of restricted business activities and prevent the dismissal of workers as much as possible on the other. Many provisions from the anti-corona legislative packages also referred to the work of the Inspectorate and assigned us additional tasks and responsibilities.

Due to the epidemic, the predetermined control priorities defined in the Inspectorate's 2020 programme guidelines were modified, as the Inspectorate focused on controls aimed at ensuring the safe work of employees during the epidemic and keeping the economy as much as possible afloat, and ensuring that state aid to companies and employees is distributed legally and that employers comply with relevant regulations.

Among other things, 2020 was marked by enhanced employer interest in remote working from home. Remote working from home was mainly due to the epidemiological situation in the country and the recommendations of the medical professionals for alleviating the situation regarding coronavirus, and was not due to the employers’ prior decision to adopt this method of work. Gradually, this has become an increasingly common way of working, as confirmed by statistics. At the beginning of 2020, before the epidemic was first declared, the Inspectorate was informed about 1,266 employees working from home, and after that date their numbers rose sharply and at the end of the year there were 20,757 employers who organised remote working from home for their employees.

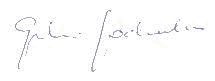
The Inspectorate had to adapt to the increasing trend in remote working from home. In cooperation with the relevant ministry (of labour, family, social affairs and equal opportunities) and in cooperation with the Ministry of Public Administration, in December 2020 we established electronic notification of the inspectorate about the planned remote working scheme. This is very important for us as well as for our ministry, as it means greater transparency of notifications and their content, and at the same time we saved quite a bit of time that had previously been spent on entering data in our information system.

Remote working from home was not only present in taxable persons subject to our supervision, but also in the Inspectorate itself, as it followed all measures suggested by medical professionals in order to protect the employees, while being aware of its mission to ensure compliance with labour legislation (in a broader sense) and social protection legislation. Due to the specific nature of our work (direct inspection), inspection of taxable persons was also performed despite the epidemic.

Despite the many challenges we faced due to the novel coronavirus in 2020 and the monitoring of compliance with intervention legislation, in 2020, as in every year, we carried out controls in the most problematic areas, such as the payment of wages and holiday allowances, working hours, annual leave, termination of employment contracts and so forth.

In my opinion, the inspectorate’s activities continued to be successful in 2020 and constantly adapted to the need for a different method of working, compliance with medical recommendations and remote communication. I would like to sincerely thank all my colleagues for the good work that the Inspectorate has done and I hope that, in the future, we will continue to pursue the same goal, as well as help and respect each other. I would like to thank all the stakeholders with which we were working, especially the line ministry.

Finally, I would like to express my personal wish, which I am sure you all share with me, that life will return to normal as soon as possible.



Jadranko Grlić

Chief Inspector

# LIST OF ACRONYMS AND THEIR MEANINGS

## LEGISLATION

* **DZ** The Family Code– DZ (Official Gazette of the Republic of Slovenia *[Uradni list RS],*, Nos [15/17](http://www.uradni-list.si/1/objava.jsp?sop=2017-01-0729), [21/18](http://www.uradni-list.si/1/objava.jsp?sop=2018-01-0887) – ZNOrg, [22/19](http://www.uradni-list.si/1/objava.jsp?sop=2019-01-0917), [67/19](http://www.uradni-list.si/1/objava.jsp?sop=2019-01-2936) – ZMatR-C and [200/20](http://www.uradni-list.si/1/objava.jsp?sop=2020-01-3628) – ZOOMTVI)
* **ZČmIS** Transnational Provision of Services Act (Official Gazette of the Republic of Slovenia *[Uradni list RS],* No. [10/17](http://www.uradni-list.si/1/objava.jsp?sop=2017-01-0461))
* **ZDCOPMD** Act Regulating the Working Time and Compulsory Rest Periods of Mobile Workers and on Recording Equipment in Road Transport (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos [45/16](http://www.uradni-list.si/1/objava.jsp?sop=2016-01-1974) – official consolidated version and [62/16 – corr.](http://www.uradni-list.si/1/objava.jsp?sop=2016-21-2682) and [92/20](http://www.uradni-list.si/1/objava.jsp?sop=2020-01-1629) – ZPrCP-E)
* **ZDR-1** Employment Relationship Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos [21/13](http://www.uradni-list.si/1/objava.jsp?sop=2013-01-0784), [78/13 – corr.](http://www.uradni-list.si/1/objava.jsp?sop=2013-21-2826), [47/15](http://www.uradni-list.si/1/objava.jsp?sop=2015-01-1930) – ZZSDT, [33/16](http://www.uradni-list.si/1/objava.jsp?sop=2016-01-1428) – PZ-F, [52/16](http://www.uradni-list.si/1/objava.jsp?sop=2016-01-2296), [15/17](http://www.uradni-list.si/1/objava.jsp?sop=2017-01-0741) – Constitutional Court decision, [22/19](http://www.uradni-list.si/1/objava.jsp?sop=2019-01-0914) – ZPosS, [81/19](http://www.uradni-list.si/1/objava.jsp?sop=2019-01-3722) in [203/20](http://www.uradni-list.si/1/objava.jsp?sop=2020-01-3772) – ZIUPOPDVE)
* **ZDUOP** Additional Measures to Mitigate the Consequences of COVID-19 Act (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, No. [15/21](http://www.uradni-list.si/1/objava.jsp?sop=2021-01-0315))
* **ZEPDSV** Labour and Social Security Registers Act (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, No. [40/06](http://www.uradni-list.si/1/objava.jsp?sop=2006-01-1768))
* **ZGD-1** Companies Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos [65/09](http://www.uradni-list.si/1/objava.jsp?sop=2009-01-3036) – official consolidated version, [33/11](http://www.uradni-list.si/1/objava.jsp?sop=2011-01-1587), [91/11](http://www.uradni-list.si/1/objava.jsp?sop=2011-01-3912), [32/12](http://www.uradni-list.si/1/objava.jsp?sop=2012-01-1401), [57/12](http://www.uradni-list.si/1/objava.jsp?sop=2012-01-2405), [44/13](http://www.uradni-list.si/1/objava.jsp?sop=2013-01-1696) – Constitutional Court’s decision, [82/13](http://www.uradni-list.si/1/objava.jsp?sop=2013-01-3035), [55/15](http://www.uradni-list.si/1/objava.jsp?sop=2015-01-2281), [15/17](http://www.uradni-list.si/1/objava.jsp?sop=2017-01-0730), [22/19](http://www.uradni-list.si/1/objava.jsp?sop=2019-01-0914) – ZPosS, [158/20](http://www.uradni-list.si/1/objava.jsp?sop=2020-01-2765) – ZIntPK-C in [18/21](http://www.uradni-list.si/1/objava.jsp?sop=2021-01-0413))
* **ZID-1** Labour Inspection Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos [19/14](http://www.uradni-list.si/1/objava.jsp?sop=2014-01-0663) and [55/17](http://www.uradni-list.si/1/objava.jsp?sop=2017-01-2522))
* **ZIN** Inspection Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos [43/07](http://www.uradni-list.si/1/objava.jsp?sop=2007-01-2353) – official consolidated version and [40/14](http://www.uradni-list.si/1/objava.jsp?sop=2014-01-1619))
* **ZIUOOPE** Act Determining the Intervention Measures to Mitigate and Remedy the Consequences of the COVID-19 Epidemic (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos [80/20](http://www.uradni-list.si/1/objava.jsp?sop=2020-01-1195), [152/20](http://www.uradni-list.si/1/objava.jsp?sop=2020-01-2610), 175/20 – ZZUOOP, [175/20](http://www.uradni-list.si/1/objava.jsp?sop=2020-01-3096) – ZIUOPDVE, [203/20](http://www.uradni-list.si/1/objava.jsp?sop=2020-01-3772) – ZIUPOPDVE and [15/21](http://www.uradni-list.si/1/objava.jsp?sop=2021-01-0315) – ZDUOP)
* **ZIUOOPE** Act Determining the Intervention Measures to Mitigate and Remedy the Consequences of the COVID-19 Epidemic (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, Nos [175/20](http://www.uradni-list.si/1/objava.jsp?sop=2020-01-3096), [203/20](http://www.uradni-list.si/1/objava.jsp?sop=2020-01-3772) – ZIUPOPDVE and [15/21](http://www.uradni-list.si/1/objava.jsp?sop=2021-01-0315) ZDUOP)
* **ZIUPDV** Act on Intervention Measures to Prepare for the Second Wave of COVID-19 (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, Nos. [98/20](http://www.uradni-list.si/1/objava.jsp?sop=2020-01-1831) and [152/20](http://www.uradni-list.si/1/objava.jsp?sop=2020-01-2610) – ZZUOOP)
* **ZIUPOPDVE** Act Determining Intervention Measures to Assist in Mitigating the Consequences of the Second Wave of COVID-19 (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, Nos. [203/20](http://www.uradni-list.si/1/objava.jsp?sop=2020-01-3772) and [15/21](http://www.uradni-list.si/1/objava.jsp?sop=2021-01-0315) – ZDUOP)
* **ZIUPPP** Act Determining the Intervention Measures on Salaries and Contributions (Official Gazette of the Republic of Slovenia *[Uradni list RS],* Nos. [36/20](http://www.uradni-list.si/1/objava.jsp?sop=2020-01-0679), [49/20](http://www.uradni-list.si/1/objava.jsp?sop=2020-01-0766) – ZIUZEOP, [61/20](http://www.uradni-list.si/1/objava.jsp?sop=2020-01-0901) – ZIUZEOP-A and [80/20](http://www.uradni-list.si/1/objava.jsp?sop=2020-01-1195) – ZIUOOPE)
* **ZIUZEOP** Act Determining the Intervention Measures to Contain the COVID-19 Epidemic and Mitigate Its Consequences for Citizens and the Economy (Official Gazette of the Republic of Slovenia *[Uradni list RS],* Nos, [49/20](http://www.uradni-list.si/1/objava.jsp?sop=2020-01-0766), [61/20](http://www.uradni-list.si/1/objava.jsp?sop=2020-01-0901), [152/20](http://www.uradni-list.si/1/objava.jsp?sop=2020-01-2610) – ZZUOOP, [175/20](http://www.uradni-list.si/1/objava.jsp?sop=2020-01-3096) – ZIUOPDVE and [15/21](http://www.uradni-list.si/1/objava.jsp?sop=2021-01-0315) – ZDUOP)
* **ZIZ** Claim Enforcement and Security Act (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, Nos. [3/07](http://www.uradni-list.si/1/objava.jsp?sop=2007-01-0098) – official consolidated version, [93/07](http://www.uradni-list.si/1/objava.jsp?sop=2007-01-4598), [37/08](http://www.uradni-list.si/1/objava.jsp?sop=2008-01-1524) – ZST-1, [45/08](http://www.uradni-list.si/1/objava.jsp?sop=2008-01-1979) – ZArbit, [28/09](http://www.uradni-list.si/1/objava.jsp?sop=2009-01-1187), [51/10](http://www.uradni-list.si/1/objava.jsp?sop=2010-01-2762), [26/11](http://www.uradni-list.si/1/objava.jsp?sop=2011-01-1157), [17/13](http://www.uradni-list.si/1/objava.jsp?sop=2013-01-0574) – odl. – Constitutional Court Decision No. [45/14](http://www.uradni-list.si/1/objava.jsp?sop=2014-01-1839) – Constitutional Court Decisions Nos. [53/14](http://www.uradni-list.si/1/objava.jsp?sop=2014-01-2342), [58/14](http://www.uradni-list.si/1/objava.jsp?sop=2014-01-2548) – Constitutional Court Decisions Nos. [54/15](http://www.uradni-list.si/1/objava.jsp?sop=2015-01-2226), [76/15](http://www.uradni-list.si/1/objava.jsp?sop=2015-01-2981) – Constitutional Court Decisions Nos. [11/18](http://www.uradni-list.si/1/objava.jsp?sop=2018-01-0458), [53/19](http://www.uradni-list.si/1/objava.jsp?sop=2019-01-2439) – Constitutional Court Decisions Nos. [66/19](http://www.uradni-list.si/1/objava.jsp?sop=2019-01-2928) – ZDavP-2M in [23/20](http://www.uradni-list.si/1/objava.jsp?sop=2020-01-0553) – SPZ-B)
* **ZJN-3**  Public Procurement Act (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, Nos [91/15](http://www.uradni-list.si/1/objava.jsp?sop=2015-01-3570) and [14/18](http://www.uradni-list.si/1/objava.jsp?sop=2018-01-0588))
* **ZKme-1** Agriculture Act (Official Gazette of the Republic of Slovenia *[Uradni list RS],* Nos. [45/08](http://www.uradni-list.si/1/objava.jsp?sop=2008-01-1978), [57/12](http://www.uradni-list.si/1/objava.jsp?sop=2012-01-2416), [90/12](http://www.uradni-list.si/1/objava.jsp?sop=2012-01-3528) – ZdZPVHVVR, [26/14](http://www.uradni-list.si/1/objava.jsp?sop=2014-01-1069), [32/15](http://www.uradni-list.si/1/objava.jsp?sop=2015-01-1327), [27/17](http://www.uradni-list.si/1/objava.jsp?sop=2017-01-1446) in [22/18](http://www.uradni-list.si/1/objava.jsp?sop=2018-01-0946))
* **ZMEPIZ-1** Act Governing the Register of Insured Persons and Beneficiaries of Rights Provided under Pension and Disability Insurance (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, Nos [111/13](http://www.uradni-list.si/1/objava.jsp?sop=2013-01-4125) and [97/14](http://www.uradni-list.si/1/objava.jsp?sop=2014-01-4072))
* **ZminP** Minimum Wage Act (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos [13/10](http://www.uradni-list.si/1/objava.jsp?sop=2010-01-0519), [92/15](http://www.uradni-list.si/1/objava.jsp?sop=2015-01-3610) and [83/18](http://www.uradni-list.si/1/objava.jsp?sop=2018-01-4067))
* **ZNB** Communicable Diseases Act (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, No.[33/06](http://www.uradni-list.si/1/objava.jsp?sop=2006-01-1348)– official consolidated version, [49/20](http://www.uradni-list.si/1/objava.jsp?sop=2020-01-0766) – ZIUZEOP, [142/20](http://www.uradni-list.si/1/objava.jsp?sop=2020-01-2523), [175/20](http://www.uradni-list.si/1/objava.jsp?sop=2020-01-3096) – ZIUOPDVE in [15/21](http://www.uradni-list.si/1/objava.jsp?sop=2021-01-0315) – ZDUOP)
* **ZNP-1** Civil Procedure Act (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, No. [16/19](http://www.uradni-list.si/1/objava.jsp?sop=2019-01-0613))
* **ZOFVI** Organisation and Financing of Education Act, Official Gazette of the Republic of Slovenia *[Uradni list RS]*, Nos. [16/07](http://www.uradni-list.si/1/objava.jsp?sop=2007-01-0718) – official consolidated version, [36/08](http://www.uradni-list.si/1/objava.jsp?sop=2008-01-1460), [58/09](http://www.uradni-list.si/1/objava.jsp?sop=2009-01-2871), [64/09 – corrigendum.](http://www.uradni-list.si/1/objava.jsp?sop=2009-21-3033), [65/09 – corrigendum](http://www.uradni-list.si/1/objava.jsp?sop=2009-21-3051), [20/11](http://www.uradni-list.si/1/objava.jsp?sop=2011-01-0821), [40/12](http://www.uradni-list.si/1/objava.jsp?sop=2012-01-1700) – ZUJF, [57/12](http://www.uradni-list.si/1/objava.jsp?sop=2012-01-2410) – ZPCP-2D, [47/15](http://www.uradni-list.si/1/objava.jsp?sop=2015-01-1934), [46/16](http://www.uradni-list.si/1/objava.jsp?sop=2016-01-1999), [49/16 – corrigendum](http://www.uradni-list.si/1/objava.jsp?sop=2016-21-2169) and [25/17](http://www.uradni-list.si/1/objava.jsp?sop=2017-01-1324) – ZVaj)
* **ZP-1** Minor Offences Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos [29/11](http://www.uradni-list.si/1/objava.jsp?sop=2011-01-1376) – official consolidated version, [21/13](http://www.uradni-list.si/1/objava.jsp?sop=2013-01-0786), [111/13](http://www.uradni-list.si/1/objava.jsp?sop=2013-01-4126), [74/14](http://www.uradni-list.si/1/objava.jsp?sop=2014-01-3062) – Constitutional Court decision, [92/14](http://www.uradni-list.si/1/objava.jsp?sop=2014-01-3705) – Constitutional Court decision, [32/16](http://www.uradni-list.si/1/objava.jsp?sop=2016-01-1364), [15/17](http://www.uradni-list.si/1/objava.jsp?sop=2017-01-0740) – Constitutional Court decision, [73/19](http://www.uradni-list.si/1/objava.jsp?sop=2019-01-3233) – Constitutional Court decision, [175/20](http://www.uradni-list.si/1/objava.jsp?sop=2020-01-3096) – ZIUOPDVE and [5/21](http://www.uradni-list.si/1/objava.jsp?sop=2021-01-0110) – Constitutional Court decision)
* **ZPDZC-1** Prevention of Undeclared Work and Employment Act (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, Nos. [32/14](http://www.uradni-list.si/1/objava.jsp?sop=2014-01-1320), [47/15](http://www.uradni-list.si/1/objava.jsp?sop=2015-01-1930) – ZZSDT and [43/19](http://www.uradni-list.si/1/objava.jsp?sop=2019-01-1923))
* **ZPIZ-1** Pension and Disability Insurance Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos [109/06](http://www.uradni-list.si/1/objava.jsp?sop=2006-01-4646) – official consolidated version, [114/06](http://www.uradni-list.si/1/objava.jsp?sop=2006-01-4833) – ZUTPG, [10/08](http://www.uradni-list.si/1/objava.jsp?sop=2008-01-0305) – ZVarDod, [98/09](http://www.uradni-list.si/1/objava.jsp?sop=2009-01-4285) – ZIUZGK, [38/10](http://www.uradni-list.si/1/objava.jsp?sop=2010-01-1847) – ZUKN, [61/10](http://www.uradni-list.si/1/objava.jsp?sop=2010-01-3350) – ZSVarPre, [79/10](http://www.uradni-list.si/1/objava.jsp?sop=2010-01-4265) – ZPKDPIZ, [94/10](http://www.uradni-list.si/1/objava.jsp?sop=2010-01-4935) – ZIU, [94/11](http://www.uradni-list.si/1/objava.jsp?sop=2011-01-4010) – Constitutional Court decision, [105/11](http://www.uradni-list.si/1/objava.jsp?sop=2011-01-4612) – Constitutional Court decision, [110/11](http://www.uradni-list.si/1/objava.jsp?sop=2011-01-4999) – ZDIU12, [40/12](http://www.uradni-list.si/1/objava.jsp?sop=2012-01-1700) – ZUJF, [96/12](http://www.uradni-list.si/1/objava.jsp?sop=2012-01-3693) – ZPIZ-2 and [9/17](http://www.uradni-list.si/1/objava.jsp?sop=2017-01-0418) – Constitutional Court decision)
* **ZPIZ-2** Pension and Disability Insurance Act (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos. [96/12](http://www.uradni-list.si/1/objava.jsp?sop=2012-01-3693), [39/13](http://www.uradni-list.si/1/objava.jsp?sop=2013-01-1516), [99/13](http://www.uradni-list.si/1/objava.jsp?sop=2013-01-3549) – ZSVarPre-C, [101/13](http://www.uradni-list.si/1/objava.jsp?sop=2013-01-3675) – ZIPRS1415, [44/14](http://www.uradni-list.si/1/objava.jsp?sop=2014-01-1808) – ORZPIZ206, [85/14](http://www.uradni-list.si/1/objava.jsp?sop=2014-01-3442) – ZUJF-B, [95/14](http://www.uradni-list.si/1/objava.jsp?sop=2014-01-3951) – ZUJF-C, [90/15](http://www.uradni-list.si/1/objava.jsp?sop=2015-01-3499) – ZIUPTD, [102/15](http://www.uradni-list.si/1/objava.jsp?sop=2015-01-4087), [23/17](http://www.uradni-list.si/1/objava.jsp?sop=2017-01-1209), [40/17](http://www.uradni-list.si/1/objava.jsp?sop=2017-01-2004), [65/17](http://www.uradni-list.si/1/objava.jsp?sop=2017-01-3064), [28/19](http://www.uradni-list.si/1/objava.jsp?sop=2019-01-1328), [75/19](http://www.uradni-list.si/1/objava.jsp?sop=2019-01-3306), [139/20](http://www.uradni-list.si/1/objava.jsp?sop=2020-01-2448) and [189/20](http://www.uradni-list.si/1/objava.jsp?sop=2020-01-3287) – ZFRO)
* **ZPND** Domestic Violence Prevention Act (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos [16/08](http://www.uradni-list.si/1/objava.jsp?sop=2008-01-0487), [68/16](http://www.uradni-list.si/1/objava.jsp?sop=2016-01-2931) and [54/17](http://www.uradni-list.si/1/objava.jsp?sop=2017-01-2437) – ZSV-H)
* **ZRud-1** Mining Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos [14/14](http://www.uradni-list.si/1/objava.jsp?sop=2014-01-0381) – official consolidated version and [61/17](http://www.uradni-list.si/1/objava.jsp?sop=2017-01-2914) – GZ)
* **ZStk** Strike Act (Official Gazette of the Socialist Federal Republic of Yugoslavia [*Uradni list SFRJ]*, No. 23/91)
* **ZSV** Social Assistance Act (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, Nos. [3/07](http://www.uradni-list.si/1/objava.jsp?sop=2007-01-0100) – official consolidated version, [23/07 – corrigendum](http://www.uradni-list.si/1/objava.jsp?sop=2007-21-1207), [41/07 – corrigendum](http://www.uradni-list.si/1/objava.jsp?sop=2007-21-2284), [61/10](http://www.uradni-list.si/1/objava.jsp?sop=2010-01-3350) – ZSVarPre, [62/10](http://www.uradni-list.si/1/objava.jsp?sop=2010-01-3387) – ZUPJS, [57/12](http://www.uradni-list.si/1/objava.jsp?sop=2012-01-2404), [39/16](http://www.uradni-list.si/1/objava.jsp?sop=2016-01-1707), [52/16](http://www.uradni-list.si/1/objava.jsp?sop=2016-01-2294) – ZPPreb-1, [15/17](http://www.uradni-list.si/1/objava.jsp?sop=2017-01-0729) – DZ, [29/17](http://www.uradni-list.si/1/objava.jsp?sop=2017-01-1524), [54/17](http://www.uradni-list.si/1/objava.jsp?sop=2017-01-2437), [21/18](http://www.uradni-list.si/1/objava.jsp?sop=2018-01-0887) – ZNOrg, [31/18](http://www.uradni-list.si/1/objava.jsp?sop=2018-01-1403) – ZOA-A, [28/19](http://www.uradni-list.si/1/objava.jsp?sop=2019-01-1329) and [189/20](http://www.uradni-list.si/1/objava.jsp?sop=2020-01-3287) – ZFRO)
* **ZSVarPre** Social Assistance Payments Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos [61/10](http://www.uradni-list.si/1/objava.jsp?sop=2010-01-3350), [40/11](http://www.uradni-list.si/1/objava.jsp?sop=2011-01-1911), [14/13](http://www.uradni-list.si/1/objava.jsp?sop=2013-01-0371), [99/13](http://www.uradni-list.si/1/objava.jsp?sop=2013-01-3549), [90/15](http://www.uradni-list.si/1/objava.jsp?sop=2015-01-3501), [88/16](http://www.uradni-list.si/1/objava.jsp?sop=2016-01-3926), [31/18](http://www.uradni-list.si/1/objava.jsp?sop=2018-01-1406) and [73/18](http://www.uradni-list.si/1/objava.jsp?sop=2018-01-3573))
* **ZUP** General Administrative Procedure Act (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, Nos. [24/06](http://www.uradni-list.si/1/objava.jsp?sop=2006-01-0970) – official consolidated version, [105/06](http://www.uradni-list.si/1/objava.jsp?sop=2006-01-4487) – ZUS-1, [126/07](http://www.uradni-list.si/1/objava.jsp?sop=2007-01-6415), [65/08](http://www.uradni-list.si/1/objava.jsp?sop=2008-01-2816), [8/10](http://www.uradni-list.si/1/objava.jsp?sop=2010-01-0251), [82/13](http://www.uradni-list.si/1/objava.jsp?sop=2013-01-3034) in [175/20](http://www.uradni-list.si/1/objava.jsp?sop=2020-01-3096) – ZIUOPDVE)
* **ZUPJS** Exercise of Rights to Public Funds Act (Offic[ial Gazette of the Republic of Slovenia [Uradni list RS], Nos. [62/10](http://www.uradni-list.si/1/objava.jsp?sop=2010-01-3387), 40/11](http://www.uradni-list.si/1/objava.jsp?sop=2011-01-1910), [40/12](http://www.uradni-list.si/1/objava.jsp?sop=2012-01-1700) – ZUJF, [57/12](http://www.uradni-list.si/1/objava.jsp?sop=2012-01-2410) – ZPCP-2D, [14/13](http://www.uradni-list.si/1/objava.jsp?sop=2013-01-0370), [56/13](http://www.uradni-list.si/1/objava.jsp?sop=2013-01-2139) – ZŠtip-1, [99/13](http://www.uradni-list.si/1/objava.jsp?sop=2013-01-3548), [14/15](http://www.uradni-list.si/1/objava.jsp?sop=2015-01-0505) – ZUUJFO, [57/15](http://www.uradni-list.si/1/objava.jsp?sop=2015-01-2374), [90/15](http://www.uradni-list.si/1/objava.jsp?sop=2015-01-3503), [38/16](http://www.uradni-list.si/1/objava.jsp?sop=2016-01-1639) – Constitutional Court decision, [51/16](http://www.uradni-list.si/1/objava.jsp?sop=2016-01-2254) – Constitutional Court decision, [88/16](http://www.uradni-list.si/1/objava.jsp?sop=2016-01-3928), [61/17](http://www.uradni-list.si/1/objava.jsp?sop=2017-01-2917) – ZUPŠ, [75/17](http://www.uradni-list.si/1/objava.jsp?sop=2017-01-3595), [77/18](http://www.uradni-list.si/1/objava.jsp?sop=2018-01-3752), [47/19](http://www.uradni-list.si/1/objava.jsp?sop=2019-01-2286) in [189/20](http://www.uradni-list.si/1/objava.jsp?sop=2020-01-3287) – ZFRO)
* **ZUTD** Labour Market Regulation Act (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos. [80/10](http://www.uradni-list.si/1/objava.jsp?sop=2010-01-4304), [40/12](http://www.uradni-list.si/1/objava.jsp?sop=2012-01-1700) – ZUJF, [21/13](http://www.uradni-list.si/1/objava.jsp?sop=2013-01-0785), [63/13](http://www.uradni-list.si/1/objava.jsp?sop=2013-01-2512), [100/13](http://www.uradni-list.si/1/objava.jsp?sop=2013-01-3600), [32/14](http://www.uradni-list.si/1/objava.jsp?sop=2014-01-1320) – ZPDZC-1, [47/15](http://www.uradni-list.si/1/objava.jsp?sop=2015-01-1930) – ZZSDT, [55/17](http://www.uradni-list.si/1/objava.jsp?sop=2017-01-2523), [75/19](http://www.uradni-list.si/1/objava.jsp?sop=2019-01-3307), [11/20](http://www.uradni-list.si/1/objava.jsp?sop=2020-01-0345) – Constitutional Court decision and [189/20](http://www.uradni-list.si/1/objava.jsp?sop=2020-01-3287) – ZFRO)
* **ZVZD-1** Health and Safety at Work Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 43/11)
* **ZZdrS** Medical Practitioners Act (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, Nos. [72/06](http://www.uradni-list.si/1/objava.jsp?sop=2006-01-3076) – official consolidated version, [15/08](http://www.uradni-list.si/1/objava.jsp?sop=2008-01-0455) – ZPacP, [58/08](http://www.uradni-list.si/1/objava.jsp?sop=2008-01-2482), [107/10](http://www.uradni-list.si/1/objava.jsp?sop=2010-01-5581) – ZPPKZ, [40/12](http://www.uradni-list.si/1/objava.jsp?sop=2012-01-1700) – ZUJF, [88/16](http://www.uradni-list.si/1/objava.jsp?sop=2016-01-3927) – ZdZPZD, [40/17](http://www.uradni-list.si/1/objava.jsp?sop=2017-01-2005), [64/17](http://www.uradni-list.si/1/objava.jsp?sop=2017-01-3026) – ZZDej-K, [49/18](http://www.uradni-list.si/1/objava.jsp?sop=2018-01-2523) in [66/19](http://www.uradni-list.si/1/objava.jsp?sop=2019-01-2922)) Medical Practitioners Act (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos. 72/06 – official consolidated version, 15/08 – ZPacP, 58/08, 107/10 – ZPPKZ, 40/12 – ZUJF, 88/16 – ZdZPZD, 40/17, 64/17 – ZZDej-K, 49/18 and 66/19)
* **ZZSDT** Employment, Self-employment and Work of Foreigners Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos [1/18](http://www.uradni-list.si/1/objava.jsp?sop=2018-01-0002) – official consolidated version and [31/18](http://www.uradni-list.si/1/objava.jsp?sop=2018-01-1405))
* **ZZUOOP** Act Determining Temporary Measures to Mitigate and Remedy the Consequences of COVID-19 (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, Nos. [152/20](http://www.uradni-list.si/1/objava.jsp?sop=2020-01-2610) and [175/20](http://www.uradni-list.si/1/objava.jsp?sop=2020-01-3096) - ZIUOPDVE)
* **ZZUSUDJZ** Act on provisional measures for judicial, administrative and other public matters to cope with the spread of the infectious disease SARS-CoV-2 (COVID-19) (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, Nos. [36/20](http://www.uradni-list.si/1/objava.jsp?sop=2020-01-0681) and [61/20](http://www.uradni-list.si/1/objava.jsp?sop=2020-01-0899)).

## AUTHORITIES AND OTHER ACRONYMS

* **AJPES** Agency of the Republic of Slovenia for Public Legal Records and Related Services
* **CIRCA-KSS** European Centre for Communication and Information in the Field of Safety and Health at Work
* **CORS** Emergency Notification Centre of the Republic of Slovenia
* **SWC** Social Work Centre
* **ELA** European Labour Authority
* **EU** European Union
* **FURS** Financial Administration of the Republic of Slovenia
* **IJS** Public Sector Inspectorate
* **IRSD** Labour Inspectorate of the Republic of Slovenia
* **IRSI** Infrastructure Inspectorate of the Republic of Slovenia
* **IRSKGLR** [Inspectorate of the Republic of Slovenia for Agriculture, Forestry, Hunting and Fisheries](http://www.google.si/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwiQ5P3CgN_YAhWjCMAKHfI4AyoQFggmMAA&url=http%3A%2F%2Fwww.ikglr.gov.si%2F&usg=AOvVaw1VK_VaESD-XBm3sOB0YtTt)
* **IRSOP** Inspectorate of the Republic of Slovenia for the Environment and Spatial Planning
* **IRSŠŠ** Inspectorate of the Republic of Slovenia for Education and Sport
* **KIMDPŠ** [Clinical Institute of Occupational, Traffic and Sports Medicine](https://www.kclj.si/index.php?dir=/pacienti_in_obiskovalci/klinike_in_oddelki/klinicni_institut_za_medicino_dela_prometa_in_sporta)
* **KPK** Commission for the Prevention of Corruption
* **MDDSZ** Ministry of Labour, Family, Social Affairs and Equal Opportunities
* **MJU** Ministry of Public Administration
* **ILO** International Labour Organisation
* **MP** Ministry of Justice
* **MZ** Ministry of Health
* **NIJZ** National Institute of Public Health
* **OKC** Operation and Communication Centre – Police
* **RS RS** Court of Audit of the Republic of Slovenia
* **SLIC** Senior Labour Inspectors Committee of the European Commission
* **SURS** Statistical Office of the Republic of Slovenia
* **TIRS** Market Inspectorate of the Republic of Slovenia
* **IMAD** Institute of Macroeconomic Analysis and Development of the Republic of Slovenia
* **UNP** Budget Supervision Office
* **UVHVVR** [Administration of the Republic of Slovenia for Food Safety, Veterinary Sector and Plant Protection](http://www.google.si/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwjeir_UgN_YAhXpA8AKHT41AVEQFggmMAA&url=http%3A%2F%2Fwww.uvhvvr.gov.si%2Fo_uvhvvr%2F&usg=AOvVaw3aDYJxlQLo8NpOs3fgEYUu)
* **ZIRS** Health Inspectorate of the Republic of Slovenia
* **ZMDPŠ** Clinical Institute of Occupational, Traffic and Sports Medicine
* **ZPIZ** Pension and Disability Insurance Institute of Slovenia
* **ZRSZ** Employment Service of Slovenia
* **ZZZS** Health Insurance Institute of Slovenia

# SUMMARY

The IRSD performs inspections with regard to employment relationships, occupational safety and health and social assistance.

In 2020, our work was marked by an epidemic of coronavirus, both in terms of content and scope of work and in terms of changes in work organisation and method. In order to mitigate or remedy the consequences of the coronavirus disease, Slovenia adopted a number of intervention laws, which were largely related to the field of labour law. Moreover, numerous decrees of the Slovenian Government for the containment and control of this disease were adopted on the basis of the ZNB. The new regulation granted the IRSD a number of new competencies and, consequently, powers.

In 2020, there were 9,260 reports submitted to the IRSD, which is more than in 2019, when the IRSD received 7,215 reports. The IRSD received 2,043 reports in the field of safety and health at work, 6,867 in the field of employment, and the Social Inspectorate received 350 new reports.

In 2020, the IRSD conducted **nine targeted inspections and tighter year-round targeted inspections** to supervise the implementation of the legislation regulating employment relationships and occupational safety and health in industries in which certain violations are more frequently identified or considered to pose the greatest risk in terms of occurrence of violations and ensuring safety and health at work; it verifies the implementation of certain legal institutions.

In 2020, inspectors carried out **17,334 inspections**: 10,031 in employment relationships, 7,016 in occupational safety and health, and 287 in social affairs. Inspections are carried out by inspectors in the form of routine, targeted and follow-up inspections. With follow-up inspections, the IRSD supervises the implementation of the measures it imposed.

In 2020, the inspectors identified **19,028** different violations in the three work areas and, in line with that, issued **9,508 administrative and minor offence measures** and filed **29 advisories of suspicion of a criminal offence and criminal complaints. Fines** in the total amount of **EUR 4,011,975.86** were imposed. We also issued **505 work permits for children** and **21 consents regarding the elimination of special legal protection in accordance with Article 115 of the ZDR-1**, and **7 decisions on suspending the effect of termination of employment due to dismissal** pursuant to paragraph two of Article 215 of the ZDR-1.

**As at 31 December 2020**, there were **221,711 business entities** (according to the data of the AJPES), i.e. employers or entities subject to supervision, **registered in the Slovenian Business Register**. Since the start of 2008, the number of business entities has risen by almost 50,000. Even though additional staff has been employed in recent years, the number of employed inspectors has not followed these developments. In 2008, there were 87 inspectors employed at the IRSD, while there were **89 inspectors employed** in addition to the chief inspector **as at 31 December 2020**. As at the last day of 2020, the IRSD employed 118 public employees.

**In the field of safety and health at work, inspectors identified 10,189 violations.** The highest number of violations was identified in relation to assessing risks and the preparation of the safety statement and the risk assessment document (2,501 violations), followed by violations pertaining to the proper arrangement and safety of outdoor workplaces !1454), ensuring employees’ health at work (1,335 violations), employees’ training in safe working practices (919 violations) and the suitability and use of work equipment (837 violations).

Most of the measures were imposed on employers in the sectors of construction, at 25.7%, and manufacturing, at 14.6% and trade at 12.2%.

In 2020, the relevant inspectors **investigated 102 work accidents**, among them 8 fatal accidents, 78 serious accidents, 14 minor accidents and 2 collective accidents, and **2 dangerous occurrences**. The most common causes of reported fatal accidents – there were 17 such accidents in the previous year – were connected with falls from height (9 cases), tools and loads falling on workers (4 cases), and traffic accidents with vehicles and machinery at construction sites (3 cases). There was one case of death in a traffic accident.

For 2020, employers reported to IRSD 13,938 work-related accidents, including 5,503 COVID-19-related cases up until 18 February 2021.They also reported 43dangerous occurrences.

Employers are also required to report **occupational diseases** to the IRSD. In **2020**, we received **3 such reports.**

In 2020, inspectors identified 8,708 labour law violations concerning labour relations. Violations were most frequently found in relation to remuneration of work and other remuneration from the employment relationship (4,720). The second largest number of identified violations regarded employment in a broader sense (905), while irregularities related to records on labour and social security were the third most common (637). During the reporting period, we found 550 violations relating to working time and the provision of breaks and rest periods and 405 violations concerning termination of employment contracts. The total number of established violations of intervention legislation regulating employment relationships was 215.

The highest number of violations was found in construction (1,362), followed by hotels and restaurants (1,019), manufacturing (1,006) and trade (755).

In 2020, the Social Inspectorate dealt with **366 reports.**

Due to the variety and sensitivity of the inspectors’ tasks and due to their powers, the majority of **inspection cases, i.e. 62% of cases**, were connected to the operation of SWCs, as was expected. The above-mentioned cases primarily concerned the regulation of relationships between parents and children after the dissolution of the domestic community (40%), tasks related to the appointment of a guardian and the performance of guardianship tasks (9%), the protection of children at risk and foster care (16%), domestic violence (14%), the provision of social assistance services (8%) and tasks regarding the exercise of rights to public funds (11%).

**Approximately 16% of the concluded inspection cases** concerned the work of providers of institutional care for the elderly. The complaints were generally related to the calculation of nursing care prices, dissatisfaction with the quality of services and the exercise of rights of persons who, at a certain age and for a variety of reasons, have difficulty making their own decisions or whose expression of will is questionable (dementia, etc.). It is clear that some of the allegations were related to the adjustment of the work of contractors due to the epidemiological situation.

In 2020, the IRSD project unit launched the project **Stop Conflicts at Work – Raising Awareness of Mediation Options in Employee/Employer Conflicts and Counselling to Employers,** financed by the European Social Fund (ESF, 80%) and the Republic of Slovenia (20%). Despite the COVID-19 epidemic in 2020 we also implemented the project in 2020 with great success and achieved or slightly exceeded the indicators relating to the number of informed employers about the contents of the project, and in the second half of the year we also exceeded the objectives regarding the mediations carried out throughout the project.

In addition to conducting inspections and issuing decisions, the IRSD staff also carried out **other professional work** and **provided professional assistance to employees and employers.**

We also **cooperated with institutions from various areas of work**, as well as with other state authorities, various organisations, trade unions and professional associations of workers and employers. We devote great attention to cooperation in terms of information exchange and effective preventive and repressive action. We were also active internationally.

In accordance with Article 7 of the ZID-1, the IRSD also submitted **several proposals for amendments to legislation,** which were based on field findings.

# PROPOSALS FOR AMENDMENTS TO LEGISLATION

In accordance with Article 7 of the ZID-1, one of the mandatory components of the IRSD’s work report is the proposals aimed at providing constructive solutions to the issues referred to in paragraphs 5 and 6 of Article 7 of the ZID-1, which concern data on:

* reports received, violations identified, criminal complaints filed, measures imposed and the implementation of imposed measures by activity,
* fatal accidents, collective accidents, accidents at work that render the worker incapable of work for more than three working days and any established occupational disease by activity.

In order to address the issues referred to in points 5 and 6 of paragraph 1 of Article 7 of the ZID-1, the IRSD, in addition to conducting stricter inspections in the highlighted activities, makes proposals for amendments to legislation.

## PROPOSALS REGARDING EMPLOYMENT RELATIONSHIPS

During the reporting period, we highlighted several activities regarding employment relationships when proposing and commenting on amendments to the ZZSDT, ZČmIS and the amendments to the ZIUOOPE, which were then incorporated into the ZIUPDV in the form of a derogation from the ZIUOOPE.

We would hereby like to draw attention to some of the proposals for amending legislation which we perceive as the most important for our work, i.e. those we consider as most needed for the professional and successful conduct of inspections.

With regard to the **ZEPDSV**, which has been the subject of legislative amendments in the IRSD annual reports proposals for several years due to the need for more effective supervision of implementation of the regulatory framework concerning working time, breaks and rest periods, we have observed that the MDDSZ has pursued the initiative and has already started activities in this area.

We believe it is necessary to implement the provisions of the **ZPIZ-2** on occupational pension insurance, to lay down criteria for the fulfilment of the conditions referred to in paragraphs 1, 2 and 3 of Article 199 of the ZPIZ-2, which concern the groups of insured persons or jobs for which inclusion in occupational pension insurance is mandatory, and to set up a commission pursuant to Article 201a of the ZPIZ-2, which will determine the fulfilment of the conditions in accordance with the Act. This is an issue that has arisen in practice, as the IRSD has already received reports regarding occupational pension insurance, but the system under the ZPIZ-2 has not yet been established and, the ZPIZ-1 commission is no longer operational. In this area as well, the MDDSZ is already carrying out activities in the direction of fulfilling the provisions of the ZPIZ-2.

Furthermore, we see the necessity to update or redraft the ZStk, which repeatedly proves to be lacking modern solutions. It would therefore be necessary to update the terminology (the ZStk still speaks of bodies or organisations of socio-political communities), redefine the definition of a strike, take a clear position on lists of strikers (given that a number of issues in this regard have arisen in practice) and redetermine sanctions (which are still expressed in dinars). With regard to sanctions, we propose fixing a suitable amount for fines, i.e. a range of amounts, and giving the IRSD the power to impose fines within the set range.

As regards working from home, we believe that the ZDR-1 should be amended in order to find a permanent solution modelled on intervention legislation. Article 102 of the ZIUOPDVE (under the derogation from the ZDR-1) defines which data employers must provide to the IRSD before starting a remote working system. It is also provided that employers who are entered in the Slovenian Business Register must submit a notification electronically via the support to business users information system, which is managed by the ministry responsible for public administration. The aforementioned regulation is temporary, therefore we believe that the legal basis regarding the content of data that employers must report to the IRSD and the method of informing about work from home should be laid down by the ZDR-1.

Furthermore, we are putting forward some other proposals for amendments to legislation; specifically it is our opinion that:

* **the ZDR-1** should be amended so as to:
* define in Article 4 more specifically the elements of employment relationships, especially involving continuous work, as inspectors find it very difficult in practice to prove the existence of all elements that must be given cumulatively, separately for each employee;
* the minimum standards and the appropriate steps to protect workers from sexual and other harassment or from mobbing in the workplace that the employer should adopt in accordance with Article 47 of this Act – perhaps by adopting an implementing regulation as set out in Article 225 of this Act;
* supplement the reasons for the extraordinary termination of an employment contract by a worker (first indent of paragraph 1 of Article 111) by including the non-payment of compensation (e.g. the compensation for temporary incapacity for work) other than the compensation for absence from work due to reasons on the part of the employer;
* determine the minimum amount of additional payments under Article 128 (additional payments work in special working conditions) and the bonus under Article 129 (seniority bonus), as the ZDR-1 refers to branch collective agreements in this part, whereas some activities actually do not have branch collective agreements;
* set in Article 131 a deadline for the payment of a proportional part of the holiday pay in the event that the employee enters into employment after 1 July or when his or her employment is terminated during the year; the Act should also define the concept of insolvency that causes difficulties for inspectors in identifying such offences;
* define as an offence an act of violation of paragraph 1 of Article 135 also in the case of non-reimbursement of work-related expenses and other employee remuneration through a bank account;
* in paragraph 2 of Article 135 of ZDR-1, make the employer undertake to serve a written statement of salary and not only to issue it; in this regard it would be worth considering the reversed burden of proof;
* define as an offence an act of violation of Article 31 (minimum notice period), paragraph one of Article 43 (ensuring work), Article 129 (seniority bonus), and Article 130 (reimbursement of work-related expenses), as inspectors have a limited legal basis for action in the event of the above-mentioned violations, which leads to difficulties in practice;
* define as an offence an act of violation of Article 209 (employment contract for work abroad), as the powers of the inspector in such cases are limited and the employer can only order an amendment to the employment contracts abroad, for example by a provision on the amount of remuneration for work abroad, in accordance with the regulations of the country where the work is performed.
* **WITH REGARD TO THE ZZSDT:**
* establish the responsibility of the client to demand that the contractor, i.e. the service provider, submits notice of the commencement of the provision of services in advance; Article 36 of the ZZSDT obliges a foreign employer to register the commencement of the provision of services with the ZRSZ (prior to providing the services); however, conducting proceedings against foreign legal persons in the event of the waiver of this obligation (sanctioned in Article 58 of the ZZSDT) is very complicated. In inspections, it is difficult to cooperate with foreign employers who are not familiar with Slovenian legislation, services are often provided promptly and are completed before the conclusion or even start of the inspection, responsible persons of legal persons are usually not available (their personal data is almost impossible to obtain and it is also very difficult to acquire information on foreign legal persons). In order to further the effectiveness of the provision, we propose that this responsibility of the client be sanctioned. In the event of such a regulation, we anticipate that clients would have to deal with significantly fewer violations of the provisions of Article 36 of the ZZSDT;
* we suggest considering that the official information document should also be sent to the employer or that the employer should be required to submit it during an inspection, as a single residence permit does not show which type of work the foreigner can perform, whereby a problem arises if the foreigner is not present at the place of work or if, at the time, he does not have an official information document or his employment has already been terminated, and the like;
* include in paragraph 1 of Article 42 of the ZZSDT, which regulates the prohibition on the employment, self-employment and work of foreigners, enforceable fines for violations of Articles 177, 178 and 179 of the ZUTD, or at least fines for violations of the fourth indent of paragraph 1 of Article 178 and of Article 179 of the ZUTD, which concern the pursuit of activity without being entered in the register or records and the acceptance of workers by user undertakings in contravention of regulations; all in order to prevent abuses of the ZUTD provisions, as inspectors often find that employers supply labour (including foreign workers) under the cover of business cooperation contracts and that the actual relationships show all the elements of labour supply to other user undertakings.

The ZZSDT is in the process of being amended.

* **The ZUTD** should be amended so as to:
* properly regulate the competences in the provisions regarding inspection, in particular the competences of the implementers of measures under the ZUTD; the Act stipulates that the implementation of this Act should be supervised by the Employment Inspection Service within the IRSD, which, however, has never been established. It follows from the ZUTD that inspections are carried out by employment inspectors, who must have at least five years of work experience in employment and in exercising rights arising from unemployment insurance (Article 151). In this regard, it should be noted that the IRSD did not manage to recruit staff that met the requisite conditions when the ZUTD entered into force (thus the Employment Inspection Service was not established). As we still do not have enough qualified staff, we have difficulties in verifying the legality of operations, professionalism and the quality of the work of those implementing measures under this Act (Article 152). The supervision of those implementing measures under the ZUTD constitutes substantive control. In light of the experience required for employment inspectors, we believe that it would be more appropriate to introduce a form of internal control (internal audit) for the authorities carrying out inspection, as the inspectors must possess a thorough knowledge of the structure and content of the operations of the implementers of measures;
* supplement Article 164 of the ZUTD governing the conditions for carrying out the activity, specifically the first indent of paragraph one, which reads "during the last two years it has not incurred an enforceable fine for violating the regulations governing employment relationships, employment and work of foreigners, occupational safety and health, undeclared work and the labour market," by adding "or for violating the provisions governing the cooperation of the person liable in the inspection procedure";
* add the wording from the above proposal ("or for violating the provisions governing the cooperation of the person liable in the inspection procedure") at the end of paragraph 2 of Article 172 of the ZUTD, which governs the revocation of a licence and removal from the register or records; both aimed at preventing abuses of the ZUTD, since, as mentioned above, the issue concerns labour supply on the basis of business contracts in cases where the actual relationships show all the statutory elements of labour supply to other user undertakings, whereby employers often do not allow inspectors to carry out their inspection duties smoothly;
* the **ZČmIS** should be amended so as to impose more obligations and responsibilities for the client, by:
* inserting Article 15a (Obligations of the Client) as follows:

"(1) The Client shall be obliged to cooperate with the competent supervisory authorities and to allow them access to all available supporting documents necessary to establish compliance with the conditions for the transnational provision of services.

(2) The Client may not allow a foreign employer to provide their services transnationally if the conditions for the transnational provision of services are not fulfilled and, to this end, the Client must request an A1 certificate from the foreign employer and keep a copy thereof at the head office.";

* inserting Article 23a (Inspection procedure or Measures imposed by inspectors) as follows:

"(1) The supervisory authority shall, by way of a decision, prohibit a foreign employer from continuing to provide their services and shall inform the ZZZS thereof if it finds that the services are being provided despite failure to comply with the conditions laid down in paragraph 1 of Article 12 of the present Act or in contravention of the information contained in the A1 certificate.

(2) The supervisory authority shall, by way of a decision, prohibit the Client from conducting business with a foreign employer if it finds that the Client allows the foreign employer to provide services transnationally despite failure to comply with the conditions or does not keep the A1 certificate at their head office (paragraph 2 of Article 15a), and that the foreign employer is not cooperating in the inspection procedure, which makes it impossible to carry out the inspection and establish compliance with the conditions for the transnational provision of services."; paragraph 7 of Article 12 would be deleted;

* adding the wording "or makes an incomplete registration of the provision of services" before the parenthesis that reads "(paragraph 1 of Article 14)" at the end of the first indent of paragraph 2 of Article 25;
* systematically regulating that a foreign employer will not be able to perform the application for the provision of services until he has filled in all the mandatory information in the application;
* inserting Article 26a (Offences committed by the Client) as follows:

"(1) A fine of EUR 3,000 to EUR 30,000 shall be imposed on a Client that does not allow the supervisory authority to have access to all available supporting documents necessary to establish compliance with the conditions for the transnational provision of services (paragraph 1 of Article 15a).

(2) A fine of EUR 2,000 to EUR 20,000 shall be imposed on a Client that does not keep the documentation referred to in paragraph 2 of Article 15a at their head office or fails to submit it at the request of the supervisory authority."

With regard to the amendments to the ZČmIS, activities were already underway in the Inter-Ministerial Working Group for the implementation of the Transnational Provision of Services Act, which is set at the MoLFSAEO and of which an IRSD representative is also a member.

**Below are a few more proposals** relating to various regulations:

* determining the consequences in relation to enforceable fines imposed on liable persons who do not cooperate in an inspection procedure also in other regulations (as is the case for certain other offences under the provisions in the ZGD-1, the ZZSDT and ZJN-3);
* amending Article 2 of the ZminP by determining the mandatory components of the written salary statement and defining as an offence an act of violation of Article 2 of the said Act. In 2018, the Act amending the Minimum Wage Act (Official Gazette of the Republic of Slovenia [Uradni list RS], No. [83/18](http://www.uradni-list.si/1/objava.jsp?sop=2018-01-4067); ZminP-B) was adopted, stipulating that additional payments provided for by laws, regulations and collective agreements, the part of the salary for job performance and remuneration for business performance agreed as per a collective agreement or employment contract are to be excluded from the minimum wage. The aforementioned amendment entered into force on 1 January 2020, and the IRSD has no direct legal basis for action in the event of a violation of Article 2 of the said Act, as it is not defined as an offence. The IRSD also notes that a written salary statement, which would show data according to Article 2 of the ZminP, is not prescribed in detail, and a more detailed specification of its content would significantly facilitate inspections in this segment;
* limiting the number of subcontractors on construction sites, which would ensure a manageable number of workers on construction sites, or transfer more responsibilities to the main contractor;
* when selecting the main contractor for projects financed predominantly from public funds, laying down that the main contractor must ensure that at least 50 per cent of the works can be carried out by their own workers as a condition for the performance of the project – this would prevent situations where there is only one employee of the main contractor working on the site while all the others are subcontractors;
* establishing joint and several liability of the contractor and subcontractors for the payments of salaries and other remuneration from the employment relationship;
* with regard to the ZZdrS, defining the competences of the supervisory authorities in greater detail, in particular with regard to licences, as labour inspectors are not qualified to assess their suitability which, in practice, results in referring reports to other supervisory authorities;
* with regard to the ZUP, allowing service by public notification also in cases when there are no signs of business activity at the economic operator’s registered address (as regulated by Article 96a for natural persons), as we also often encounter difficulties when serving documents on legal persons;
* adding in paragraph three of Article 66 of the ZP-1 the possibility of appeal of the minor offence authority due to erroneous and incomplete determination of the facts. Pursuant to the aforementioned provision, the minor offence authority may appeal against the court's decision for reasons under items 1, 2 and 4 of Article 154 of the ZP-1; however, it cannot appeal due to the erroneous and incomplete finding of facts.

Given that the temporary and occasional work of secondary school and university students is regulated in several different regulations, it would be worth considering regulating this matter in a uniform manner, as well as setting a time limit for the performance of such work, as this would enable us to carry out such inspections more effectively.

## PROPOSALS REGARDING OCCUPATIONAL SAFETY AND HEALTH

For the past year, we prepared a priority plan in collaboration with the MDDSZ for the implementation of changes in the current legislation in the field of safety and health at work, whereby we wanted to improve the level of safety and health at work and enable more professional inspections. The drafting of amendments to the Decree on safety and health protection at work at temporary and mobile construction sites (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos [83/05](http://www.uradni-list.si/1/objava.jsp?sop=2005-01-3626) and [43/11](http://www.uradni-list.si/1/objava.jsp?sop=2011-01-2039) – ZVD-1) was completed in 2020 and these amendments are now in the process of being adopted. Proposals and draft regulations related to safe work with electricity and safe work in forestry were also submitted in 2020, and activities were started for amending the Rules on ensuring health and safety in manual handling of loads (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, Nos [73/05](http://www.uradni-list.si/1/objava.jsp?sop=2005-01-3259) and [43/11](http://www.uradni-list.si/1/objava.jsp?sop=2011-01-2039) – ZVZD-1).

Amendments to the legislation in the field of safety and health at work for 2021 were also agreed with the relevant line ministry, and it was necessary to take into account certain priorities, especially the MDDSZ in the framework of the Slovenian EU Presidency. The plan for 2021 thus called for the **adoption of a new Decree on safety and health protection at work at temporary and mobile construction sites** as well as for intensive preparation of regulations governing **training for occupational safety and health coordinators at temporary and mobile construction sites as well as for intensive electrical safety and occupational safety in forestry** and for **manual handling of loads.** With regard to the amendments to these regulations, we would particularly like to highlight the update of provisions and harmonisation with the profession regarding the protection of workers against electricity and safe work in forests and harmonisation with the new Decree on occupational safety and health on temporary and mobile construction sites. As regards the manual handling of loads, it will be necessary to re-examine the maximum weight of the heaviest loads that one worker is allowed to transfer within eight hours and to define the methods used to assess the risks associated with the manual handling of loads.

Moreover, considering the work already done in 2020 in the preparation of the **Rules on online reporting of accidents at work**, which will define the requirements in this regard, we expect that in 2021 the rules will be adopted and that electronic reporting of accidents will begin in practice.

In the past, we also pointed out the need to amend the **Rules on preventive medical examinations of workers** (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos [87/02](http://www.uradni-list.si/1/objava.jsp?sop=2002-01-4367), [29/03 – corr.](http://www.uradni-list.si/1/objava.jsp?sop=2003-21-0039), [124/06](http://www.uradni-list.si/1/objava.jsp?sop=2006-01-5319) and [43/11](http://www.uradni-list.si/1/objava.jsp?sop=2011-01-2039) – ZVZD-1), as we believe that the current content of the rules does not follow the changes that the ZVZD-1 introduced in this regard in December 2011. In addition, the ZVZD-1 requires the minister responsible for health to bring the content of the Rules into line with the legal provisions, which has not yet been performed.

The IRSD has also been drawing attention to the issue of reporting occupational diseases for many years, as in Slovenia we still do not have a suitable systemic solution for the identification, recognition and reporting of occupational diseases. As there are no **Rules on occupational diseases**, employers are, in our view, faced with a major obstacle, due to which they are unable to identify occupational diseases and do not report them.

## PROPOSALS REGARDING SOCIAL AFFAIRS

As regards social affairs, we are putting forward the same proposals for amending legislation as we did in our previous reports, since they have not yet been taken into account.

* **the ZSV:**
* With the entry into force of the Family Code, the SWCs were also assigned new tasks relating to decision-making in courts. As proponents of proceedings for court action in non-judicial proceedings, they are obliged to formulate a proposal containing a description of the relationship or the situation to be decided by the court, the facts relevant for the decision and the evidence supporting the arguments. In order to carry out these and some other tasks under the Family Code and other regulations in non-administrative matters (e.g. the preparation of reports and opinions for courts and the like), the SWCs must have a legal basis for obtaining reports, opinions or information from other bodies, organisations or persons. We believe that the general provisions on the obligation of cooperation between the SWCs and other organisations (Article 16 of the Family Code) are insufficient and we consider the reference to the subsidiary application of the ZUP to be unsuitable. In line with the regulation of the ZZZS and the ZPIZ, we therefore propose that the ZSV be supplemented with a provision that will oblige all bodies, organisations and persons to provide, upon the SWC’s request, those reports, opinions or information that are required for the SWC to carry out its tasks.
* We propose supervision be made an obligation of professional workers at SWCs. The current regime foresees supervision as mandatory only with regard to the provision of social assistance services; however, inspections show that psychological, emotional and relationship strains are much more common when performing most of the tasks that are assigned to the SWCs under the law (e.g. forming an opinion in divorce proceedings) or when exercising public authority (e.g. removal of a child).
* **the ZUPJS and the ZSVarPre:**
* In establishing eligibility to receive income support, it is also examined whether the applicant can ensure their maintenance with the help of those who are required to maintain them, such as their adult children. The applicable legislation does not lay down criteria on the reasonable or appropriate amount of maintenance that the person liable for maintenance is required to provide to the beneficiary. Therefore, it is sufficient that the beneficiary and the person liable for maintenance conclude a maintenance agreement in the form of a notarial deed, even if the maintenance amounts to only a few euros per month, and the SWC must consider such an agreement when deciding on the right to income support. In cases requiring a decision on income support, we propose that the SWCs be given the power to determine the appropriate amount of maintenance to be taken into account when assessing the amount of income support, and that the criteria for determining the appropriate amount of maintenance be laid down.
* **Exercise of the right to institutional care:**
* In recent years, considerable attention was drawn to institutional care providers’ shortage of space and staff. It is estimated that, without providing additional capacities, it will no longer be possible to guarantee the right to institutional care for various population groups (particularly those placed in secure wards based on court decisions) without violating the individual’s dignity. The overburdening of direct providers of social care and the overcrowding of accommodation facilities is no longer an occasional issue and has become a daily occurrence. We believe that the above constitutes one of the reasons why it is necessary to adopt an act that will regulate the diverse area of long-term care and that has already been discussed on several occasions.
* **Rules on the methodology for the formation of prices of social assistance services** (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos [87/06](http://www.uradni-list.si/1/objava.jsp?sop=2006-01-3814), [127/06](http://www.uradni-list.si/1/objava.jsp?sop=2006-01-5407), [8/07](http://www.uradni-list.si/1/objava.jsp?sop=2007-01-0339), [51/08](http://www.uradni-list.si/1/objava.jsp?sop=2008-01-2137), [5/09](http://www.uradni-list.si/1/objava.jsp?sop=2009-01-0170) in [6/12](http://www.uradni-list.si/1/objava.jsp?sop=2012-01-0243)):
* When calculating the cost of institutional care, we propose to make explicit the manner in which the prices for care in sheltered housing are determined and, at the same time, to harmonise the more detailed standards that concern the institutional care service provided in sheltered housing and the criteria for defining the level of complexity of care.
* When calculating the cost of institutional care, we propose to take into account the actual ability to use (and thus charge in the price) the balcony, bathroom and toilet facilities for those service users who benefit from care type IIIa (for service users with the most demanding age-related problems that require full and direct personal assistance) and IIIb (for service users with the most demanding problems that require full and direct personal assistance, constant monitoring and frequent use of technical and protective resources), and who, due to their health condition, are nursed and cared for in bed and thus do not use the toilet facilities, bathroom and balcony. Such service charge is provided for in Article 33 of the Rules on the methodology for the formation of prices of social assistance services. We propose that the statutory requirements for the provision of institutional care services for the elderly that concern living conditions and standards, as well as the related provisions on the charging of the service, be amended to take into account the actual ability of beneficiaries to use the balcony, bathroom and toilet facilities.
* [**Decree on the criteria for determining exemptions from the payment of social assistance services** (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos [110/04](http://www.uradni-list.si/1/objava.jsp?sop=2004-01-4596), [124/04](http://www.uradni-list.si/1/objava.jsp?sop=2004-01-5190), [114/06](http://www.uradni-list.si/1/objava.jsp?sop=2006-01-4833) – ZUTPG, [62/10](http://www.uradni-list.si/1/objava.jsp?sop=2010-01-3387) – ZUPJS, [99/13](http://www.uradni-list.si/1/objava.jsp?sop=2013-01-3548) – ZUPJS-C and[42/15](http://www.uradni-list.si/1/objava.jsp?sop=2015-01-1762)):](http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti__pdf/sociala/uredba2015-01-1762-2004-01-4596-npb5.pdf)
* We propose an unambiguous definition of who is the payer and what share they are required to pay for the cost of above-standard accommodation and additional home care services in cases where the service is paid by other persons liable.

# COMPETENCES, ORGANISATION AND ACTIVITY OF THE LABOUR INSPECTORATE

## COMPETENCE AND LEGISLATION

The IRSD is a body within the MoLFSAEO. The general principles of inspection, the organisation of inspection, the status, rights and duties of inspectors, inspectors’ powers, inspection procedures, inspection measures and other issues relating to inspection are regulated in the **ZID-1** and the **ZIN**.

In accordance with Article 2 of the ZID-1, the IRSD performs inspection duties relating to the implementation of acts, other regulations, collective agreements and general acts on occupational safety and health, employment, minimum wage, the labour market and employment, work and employment of foreigners, worker participation in management, and strikes, unless otherwise provided by the Act. The IRSD also performs inspection relating to the implementation of other acts and regulations where so provided. The list of regulations can be found at the end of the report.

Regarding social assistance, the IRSD performs inspection duties relating to the implementation of the ZSV and of regulations based thereon, as well as other regulations governing public authority or other tasks of social assistance service providers and the Social Affairs Inspection Service.

The IRSD also inspects the legality of the work of providers of examinations and verifications of national professional qualifications and the legality and professionalism of the commissions for the examination and verification of professional qualifications.

In accordance with the **ZP-1**, the IRSD is also a minor offence authority.

There are also a number of international legal sources determining the IRSD’s area of work, among which are:

* Convention No. 81 concerning Labour Inspection in Industry and Commerce;
* Convention No. 129 concerning Labour Inspection in Agriculture;
* Convention No. 155 concerning Occupational Safety and Health and the Working Environment;
* Convention No. 161 on Occupational Health Services;
* European Social Charter – Article 3; and
* Directive 89/391/EEC – [framework directive on health and safety at work](https://osha.europa.eu/sl/legislation/directives/the-osh-framework-directive/1).

In accordance with Article 4 ZID-1, the IRSD provides employers and workers with professional assistance concerning the implementation of acts and other regulations, collective agreements and legal acts within its competence.

The IRSD report is prepared based on Article 7 ZID-1. The IRSD will submit a report on its work for the previous calendar year to the line ministry, which will forward it for further consideration to the Government of the Republic of Slovenia, the National Assembly of the Republic of Slovenia and the Director General of the International Labour Office. The Government of the Republic of Slovenia also sends the report to the Economic and Social Council. In accordance with Article 6 of the ZID-1, a position on the annual work report of the IRSD is adopted by the Labour Inspection Council.

## STAFF AND ORGANISATION

Based on the areas of inspection, there are thee inspection services within the IRSD, namely:

1. the Safety and Health at Work Inspection Service;
2. the Employment Relationships Inspection Service; and
3. the Social Affairs Inspection Service.

The Act regulating the internal organisation and job classification within the IRSD defines the organisation and method of work at the headquarters of the authority, which has been based at Štukljeva cesta 44 in Ljubljana since 7 December 2018, in 7 regional units and 8 inspection offices.

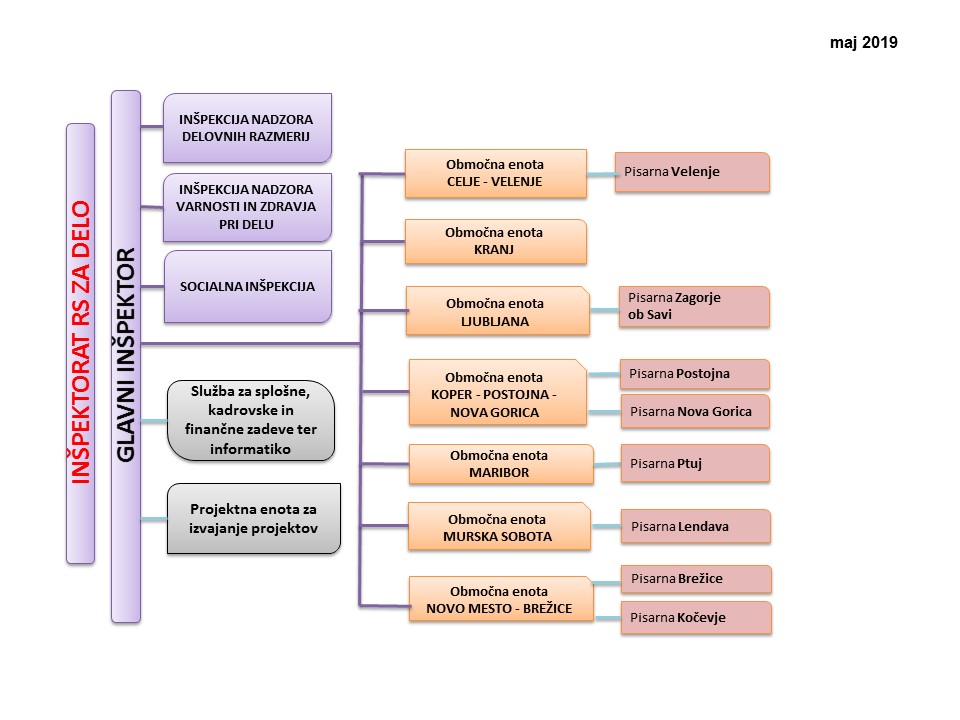


Figure 1: Organisational chart of the Labour Inspectorate of the Republic of Slovenia (as at 31 December 2020).

As at 31 December 2020, the IRSD had **118 employees.** Since 2017, we have also been implementing the Stop Conflicts in the Workplace project, which involves six other employees whose jobs are 80 percent co-financed by EU funds.

Out of all the staff members (118), excluding the Chief Inspector, there were **89 inspectors** employed at the IRSD on 31 December 2020.There were 52 inspectors working at the Employment Relationships Inspection Service, 31 inspectors were employed at the Safety and Health at Work Inspection Service, and six performed inspections as part of the Social Affairs Inspection Service. **The average age of employees was 48.02.**

### Staffing issues

The epidemic of COVID-19 in 2020 also affected the staffing area of the IRSD. After having planned our work for 2020 a little more positively following additional recruitment in 2018 and 2019, the plans were considerably changed by the epidemic. In performing on-site inspections in 2020, the high average age of inspectors was an even more important factor in 2020 than in previous years due to the epidemic.

In 2020, **work at the IRSD was performed from home to a much greater extent than** in previous years, thus contributing to curbing the spread of the coronavirus disease. In fact, almost every employee worked from home for at least a day, but otherwise we adjusted the organisation of work from home and work at the office to the Government’s measures and to the guidelines and regulations regarding inspections. In total, the IRSD staff worked **4,313 days** from their homes, which means that each employee worked from home for an average of **40 days.** This was a particular challenge for a body in which 75% of its staff are inspectors, especially given the additional powers assigned to us due to the coronavirus disease. We consider that we were successful in controlling the spread of the disease within the IRSD, as few of the staff contracted COVID-19, and, moreover, the disease practically did not spread within the IRSD.

Nevertheless, sick leave in 2020 had a significant impact on the work of the IRSD. An analysis of absences due to sickness for 2020 showed that 5.5% of calendar days were lost at the IRSD for this reason (4.2 in 2019). Employees who were on sick leave in 2020 were on average absent for 30 days. The rate of sick leave was significantly affected by a number of long-term absences, including long-term sick leave, and coronavirus of course did not contribute to the return of the staff on long-term sick leave to work in 2020.

Along with the peculiarities brought about by the novel coronavirus in 2020, there was a constant **increase in the number of employers,** all of whom are potentially subject to control by the IRSD, increasingly complex reporting and a growing number of administrative tasks. Therefore, **further building of the IRSD’s staff capacity** would be necessary, particularly because it takes several years to train a good inspector. Moreover, it is only in this way that we could plan inspection work that would involve not simply putting out fires, but also allow for better preventive action in employment relationships and more thorough inspections of the legality of employers’ operations.

The increase in the number of business entities (including in 2020 despite the COVID-19 epidemic) is shown in the table below. There were **221,711 business entities** in the Slovenian Business Register as at 31 December 2020, which means that their number has increased by more than 50,000 since the end of 2008 when the IRSD employed 87 inspectors. Inspectors (particularly in the areas of employment relationships and social affairs) are still not able to deal with all the **reports** received, which in recent years amount to **around 7,000 – there were as many as 9,260 reports in 2020** and their content is becoming increasingly more demanding.

Table 1: Number of economic operators in Slovenia and number of inspectors (as at 31 December).

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Year** | **Number of business entities** | **Total number of inspectors** | **Number of inspectors for employment relationships** | **Number of inspectors for occupational safety and health** | **Number of inspectors for social affairs** |
| **2008** | 171,126 | 87 | 43 | 41 | 3 |
| **2009** | 177,281 | 86 | 47 | 36 | 3 |
| **2010** | 180,501 | 84 | 40 | 40 | 4 |
| **2011** | 185,585 | 88 | 44 | 40 | 4 |
| **2012** | 187,426 | 81 | 44 | 33 | 4 |
| **2013** | 193,412 | 81 | 46 | 30 | 4 |
| **2014** | 198,521 | 81 | 45 | 32 | 4 |
| **2015** | 202,057 | 77 | 41 | 32 | 4 |
| **2016** | 206,101 | 78 | 42 | 31 | 5 |
| **2017** | 210,884 | 77 | 41 | 31 | 5 |
| **2018** | 215,354 | 81 | 48 | 28 | 5 |
| **2019** | 220,236 | 91 | 54 | 31 | 6 |
| **2020** | 221,711 | 89 | 52 | 31 | 6 |

The increase in the number of reports in 2020 was largely due to the epidemiological situation – both in terms of ensuring safety and health at work, which was an additional challenge for employers in the face of the novel coronavirus, and in terms of employment. In addition, the **IRSD was given additional responsibilities due to the epidemic**, specifically to exercise supervision under the ZNB and the decrees adopted by the Government in order to contain and control the coronavirus. Special anti-coronavirus legislation has also assigned an important part of control responsibilities to the inspectorate. With the number of inspectors unchanged and additional responsibilities, the IRSD had to make significant adjustments in 2020.

At the same time, the additional responsibilities also meant an additional scope of administrative tasks, as there is no decrease in the number of different authorities and institutions that expect reports regarding our work; on the contrary, more and more reporting is needed due to the Republic of Slovenia’s engagement with the EU and various international organisations. Data exchanges with different authorities also require more administrative work.

The IRSD has also recorded an increasing number of requests for access to public information, submitted notably by people who made a report, expecting to be more successful in resolving the problems pertaining to their workplace or report. On the other hand, we still have many examples of employers that obstruct the work of inspectors in various ways, for example by not allowing an inspector to conduct an inspection properly, by not providing the required documents or clarifications and by not complying with the inspector’s decision imposing measures.

In the past two years, the IRSD has boosted the number of inspectors, especially in the field of employment relationships, and in the future we will have to restore the number of inspectors monitoring compliance with occupational safety and healthcare regulations to the level of a few years ago. The COVID-19 epidemic in particular has clearly shown the importance of ensuring safety and health at work, and planning and the taking of appropriate measures in this area. Neglecting care for a safe and healthy working environment has long-term consequences, including for society as a whole (long-term sick leave, disability pensions, etc.), therefore supervision in this area is also extremely important. This year and in the next few years, the IRSD will have additional obligations as regards occupational safety and health due to involvement in the EU (the Presidency of the Council of the EU) and the SLIC (Senior Labour Inspectors Committee at the European Commission during the Slovenian Presidency of the Council of the EU).

The IRSD is still committed to increasing the number of professional assistants, which were introduced by the ZID-1 in 2014. Professional assistants could carry out individual procedural actions in the inspection procedure before issuing a decision, but only in line with the guidelines and under the supervision of the inspector conducting the procedure. We consider the recruitment of professional assistants to be important because they would help inspectors with several administrative tasks, which would undoubtedly help make inspectors more effective in conducting inspections. Once a professional assistant has five years of work experience, they can apply for the position of inspector, whereby they would already have experience in terms of the content supervised by the IRSD and the inspector’s area of work and competences, making them able to carry out their work independently from the start, which would be a great advantage for the IRSD.

In this respect we would also like to point out that the higher number of inspectors also implies the need for a higher number of support staff in the areas of documentary material management, IT, human resources, finance and the like.

### Psychosocial factors affecting staff’s work

IRSD employees still face **various forms of pressure.** Both inspectors and other employees are overburdened and are unable to promptly deal with all the cases assigned to them. Employees are also on the receiving end of insults and indecent behaviour from both people filing reports and employers; the increased aggressiveness of clients can also be noted in phone calls and e-mails – to this list we can add social networks (especially Facebook), through which the persons reporting are also trying to influence the work of inspectors and the IRSD.

In light of increasingly extensive and complex reports, inspectors find it ever more difficult to meet the reporting persons’ expectations, which in turn increases their intolerance and, often, aggressiveness. There are more and more cases of daily calls and letters from the same persons reporting, requesting clarifications and justifications and seeking to obtain a variety of information and documents on the basis of various legal institutions (by accessing files in accordance with the Public Information Access Act, Personal Data Protection Act, Attorneys Act and the like), which they failed to acquire from employers. They also try to make use of the media. We therefore receive questions from journalists and the reports practically at the same time, which raises expectations that each report will be dealt with immediately and as a priority, without taking into account other reports and the priority reasons provided by law.

**Reporting persons often expect inspectors to take action outside their competence** (e.g. recovering unpaid salaries or annual leave from employers, obtaining documents to be used in court proceedings against the employer and similar).

All of these things impose additional burdens and pressures on the already overburdened inspectors, whose main task, in accordance with the law, is to supervise the implementation of and compliance with the law and regulations.

**In 2020, the COVID-19 epidemic also affected the work of staff in terms of psychosocial risk factors** – due to ignorance of the virus or due to the uncertainty of the situation in which inspections and other tasks had to be carried out, especially since the information we received changed frequently because the virus has long been a big unknown. The IRSD immediately provided its employees with protective equipment (protective masks, disinfectants and gloves), but like others, it had a lot of problems with the provision of sufficient equipment in the initial months of the epidemic. However, it tried to enable employees who were at risk of infection with the novel coronavirus to organise their work as much as possible so as to avoid being exposed to possible infection.

### Professional and additional training of the staff of the Labour Inspectorate of the Republic of Slovenia

A systematic approach to professional and additional training has a significant impact on the transfer of existing and new knowledge and practical skills to all areas of the authority’s work, and contributes to the optimal achievement of common goals. Workshops and other professional training modules in specific areas of inspection, annual employee consultations and other forms of acquiring knowledge help to improve the quality and professionalism of the public employees’ work. This is particularly the case for inspectors who need to continuously receive training and update their knowledge in view of new legislative developments, but it is also important for them to exchange views and expert opinions that contribute to the uniform conducting of inspections.

The IRSD has been devoting special attention to this area. By publishing substantive reports or materials from individual intranet trainings, we enable the transfer of knowledge to employees who were unable to attend the training, and it also enables the renewal of acquired knowledge. The IRSD also publishes on the intranet annual reports on employee training, hours worked and costs.

Due to the COVID-19 epidemic, which rendered gatherings of large groups of people impossible, and partly due to additional IRSD powers in the field of control, the inspectorate's staff was unable to attend training in 2020 at the same level as in the previous years. The IRSD itself failed to organise professional workshops, usually intended for in-depth treatment of specific current topics in the field of supervision. Instead, due to particularly fast-changing regulations in 2020 (anti-corona packages, Government decrees adopted on the basis of the ZNB), which continuously resulted practically overnight in the need for inspections, numerous instructions and additional guidelines for the most efficient and coordinated work had to be prepared.

Unfortunately, due to the epidemic, **we also had to cancel the 18th annual IRSD** conference and the annual staff consultation in 2020.

Nevertheless, new employees took part in e-training in personal data protection and some public employees attended refresher seminars on the ZIN and the ZP-1 and on topical issues with regard to conducting inspections, organised by the Public Administration Academy.

Several public employees participated in the preparation course for the professional examination for inspectors, the preparation course for appointment to a title and the training for management in public administration and the conduct of annual interviews with co-workers.

Some IRSD staff members took part in trainings in various areas provided by external contractors (such as labour law and social security days, and offences days). Several inspectors for occupational safety and health participated in various consultations, conferences, seminars and workshops in the area of occupational safety and work (such as the consultation of the construction section and occupational safety and health coordinators).

The public employees at the IRSD also received training through less formal methods, such as systematic monitoring and counselling, consultations, mentoring, instructions, self-education through study literature and the use of various information databases and portals.

In 2020, all employees together received an average of 1.3 days of training.

The public employee with whom the IRSD concluded in 2017 a contract on education for the purpose of acquiring additional education in accordance with the employer’s interest and in line with the role of public employee, continued her education and successfully carried out her duties in 2020.

An effective training system is also of key importance in ensuring the principle of total quality with regard to the IRSD’s work, which is why we will continue to carefully analyse the training needs for our staff, making sure that our annual plan will take into account content that is most relevant for our work.

We also see an important contribution in the shifting of the inspectorate's orientations and expertise to the professional organisations of stakeholders in the field covered by the IRSD with its inspections. In 2020, we therefore actively cooperated with some other educational organisations, trade unions and professional associations of workers and employers, thus trying to acquaint them with the IRSD’s work and highlight individual professional issues in various specialised areas. In this way, we also contribute to the establishment of a comprehensive, rapid and complete system for identifying and responding to uncertainties or deviant conduct.

## CONDITIONS AND RESOURCES FOR THE WORK OF THE INSPECTORATE

### Budget

In 2020, the IRSD had at its disposal EUR 5,328,011 of aggregate and appropriated funds and the IRSD Project Unit had at its disposal EUR 53,696 of cohesion policy funds for the epidemic, pursuant to Article 71 of the ZIUZEOP. In 2019, the IRSD had at its disposal EUR 334,925 of cohesion policy funds, making EUR 5,716,632 in total. EUR 4,360,830 was spent on salaries, contributions and other personnel allowances, EUR 317,151 on material costs and EUR 109,287 on investments.

The costs of material included the payment of costs such as service and maintenance of work vehicles, fuel for work vehicles, office supplies, insurance and registration of work vehicles, maintenance of the IRSD information system, lawyers’ fees in minor offence proceedings and other running costs of the IRSD, which are strictly necessary for smooth functioning at all locations. The costs of medical examinations for employees and the purchase of mandatory protection equipment were also partly covered by material costs.

Funds for investments and funds earmarked for the purchase of personal protection equipment were used rationally and in line with the priority needs of the IRSD or its employees in the performance of their tasks. Due to the coronavirus epidemic, EUR 24,027 was spent on the purchase of protective equipment against the spread of the virus. Funds for investment were mostly used for the purchase of service vehicles, while a small part of the funds was invested in the purchase of essential office equipment, required due to the relocation of the IRSD headquarters and its Ljubljana regional unit. In accordance with the applicable legislation and the Safety Statement with a Risk Assessment, based on the adopted investment plan, part of the funds was spent on the purchase of lifting tables and ergonomic chairs – for ergonomic workstations, in order to manage risks in the office environment and prevent long-term consequences.

Due to the COVID-19 epidemic, we spent less money on training, further training and education of employees in 2020, as training at home and abroad was very difficult, and fewer trainings and advanced training events were organised.

The budget has thus been used **in accordance with the principle of economy and in accordance with the epidemiological situation in the country**.

The IRSD also pursues **an independent activity**, i.e. the performance of examinations of professional competence for occupational safety and health coordinators at temporary and mobile construction sites. In 2020 we had a surplus of receipts over expenditure totalling EUR 1,217. The IRSD has no direct influence on the achievement of the projected revenue from its own activity, as candidates apply on their own or their application is submitted by the providers of the first training session. The revenue from own activity was achieved according to the number of candidates who applied for the examination. The final balance of the general fund for own activity was EUR 8,165.

In 2020, the IRSD's **claims** from non-tax revenues (fines, court fees, costs of proceedings, administrative fees, etc.) **amounted to EUR 4,419,639.** On 31 December 2020, **EUR 2,185,607 EUR was paid to** IRSD's suspense accounts with regard to these claims, while claims in the amount of EUR 2,099,370 were transferred to the FURS, which is responsible for the recovery of claims. On 31 December 2020, the IRSD had EUR 4,921,939 in outstanding claims as a result of unfinished court or bankruptcy proceedings, pending proceedings, and proceedings not yet transferred to the FURS for recovery.

### Internal control

As a budget user, the IRSD maintains and develops a system of internal control of public finances in order to ensure the achievement of set goals, management of related risks, compliance with regulations, rationality, effectiveness, efficiency and economy of operations.

Within the system of control activities, i.e. internal controls and control procedures, we ensure the achieving of goals regarding the operation and compliance of the body's operations. Based on the components of internal control (1) control environment, (2) risk assessment, (3) control activities, (4) information and communication and (5) monitoring activities, the operation or level of development of which is checked annually and reported to UNP, we believe that the **principles of a comprehensive internal control framework are being implemented well.**

Given the above, in 2020 we continued to work in the field of **risk management**, in accordance with our **vision to be a professional, efficient and reputable body.** Based on the adopted Risk Management Strategy, we monitored the implementation of the measures adopted on the basis of the identified risks and difficulties we encountered in carrying out our tasks at all levels and in all organisational units. Moreover, we updated the risk register that consists of risk registers relating to the five areas of work (employment relationship inspections, occupational safety and health inspections, social affairs inspections, Project Unit and support activities). Furthermore, we monitored whether the adopted strategy corresponded to the IRSD’s mission and vision and whether it contributed to achieving our objectives.

We followed the objectives set out in the register of risks, i.e. objectives in the field of employment relations and occupational safety and health - performing inspections or ensuring their effective implementation, knowledge, understanding and (correct) application of regulations and providing professional assistance within deadlines that do not interfere with the rights of proposers – by adopting programme guidelines and carrying out activities in these areas. With the basic supervision guidelines and social work we also followed the goal we set in the field of social inspection, i.e. to achieve the legality of the tasks performed by social welfare providers. These objectives recorded in the risk register are followed by support function objectives, i.e. the development of employee competencies, economical and efficient operation of the body and the legal and timely management of information and records. As shown above in this chapter, in 2020 we also performed tasks aimed at achieving the set goals of support functions. More about the achieving of goals by the Project Unit for the implementation of projects, which are the promotion of creating an appropriate working environment for employees, the implementation of amicable dispute resolution procedures and appropriate administrative and financial support, can be found in the chapter entitled “Project Units”.

In parallel with the activities of the risk management system and in compliance with the principles of a comprehensive internal control framework, which also includes ethics, corruption and integrity, we monitored risk management within the **integrity plan,** which was regularly updated, and we monitored the commitment to and compliance with the adopted measures.

Particular attention was paid to the area of handling reports and protecting those making reports. In conducting the various procedures at the body, by means of compliance with the adopted measures, we reduced, among other things, the risks in the field of heeding conflicts of interest and exceeding powers or disrespect of duty by employees of the body.

In order to achieve the principles of internal control, the IRSD and the MDDSZ have also organised a **Joint Internal Audit Service**, which performs supervisory tasks on the basis of annual work plans. In addition, the work of the IRSD is overseen by other oversight bodies, such as the KPK, the RS RS and the IJS. **We follow all the recommendations of the supervisory authorities.**

### Premises

The IRSD uses offices at **15 locations across the country.** Some of these offices are owned by the Republic of Slovenia, whereas the others were made available to the IRSD on the basis of lease agreements, which means that in these cases the MJU also pays the rent, while the IRSD has only been using the premises since 2017.

In 2020, we moved our employees from Ferrarska ulica to a new location at Pristaniška ulica in Koper, which was formerly occupied by the FURS. The relocation was the result of the construction of a new administrative centre in Koper, which led the MJU to relocate several centralised bodies to new locations.

Together with other inspection bodies, in cooperation with the MPA, in 2020 we started solving the spatial problems of inspection bodies in Kranj. This will also be relevant in 2021, as several inspection bodies in Kranj need additional premises.

In addition, at certain locations, buildings or offices still require renovations or major maintenance work and, in some places, there is still difficult access for people with disabilities. Due to so many locations throughout Slovenia, the issue of spatial conditions is very important for the IRSD, and therefore we hope for the most successful cooperation with the MoPA, which is authorised for managing the immovable property of the state.

Despite the different expectations of the IRSD before 2017, when the IRSD was also involved in the project of centralising the management of immovable property of the state, the scope of tasks in this area has not been significantly reduced, since as users of immovable property, we must still ensure that services and everything else needed are adequately provided.

### Service vehicles

At the end of 2020, the IRSD had **48 service vehicles and 2 that belonged to the IRSD Project Unit.** Vehicles are the principal tool for carrying out inspections, which are the main activity of the IRSD, and regular modernisation of the vehicle fleets is therefore very important. At the same time, this represents a high cost for the IRSD and the update dynamics depend mainly on the funds provided. In 2020, 65% of the aggregated funds under the Small Investments budget heading were earmarked for the renewal of the fleet. We purchased six new vehicles, of which three vehicles were supplied in 2020 under a joint public procurement conducted by the MJU in 2019. In 2020, the MJU did not carry out a joint public procurement for the purchase of service vehicles, so we bought three new vehicles ourselves, as a sufficient number of cars had to be provided due to additional employment. Due to wear and tear and, consequently, high maintenance and servicing costs, we were unable to write off some vehicles in 2020 as we would otherwise not have a sufficient number of vehicles to carry out inspections and the budget did not allow for the purchase of additional new vehicles.

The IRSD also has **eight service bicycles,** as this enables inspectors to perform their duties more rationally, especially in larger cities.

### Information technology

In 2020, we continued to upgrade the INSPIS – IS IRSD information system. Among other things, the upgrade was necessary for connection with the SPOT portal, on which a new electronic application was added, specifically for **the submission of notice of work for the IRSD from home.** In this regard, cooperation with the MJU was **very successful and efficient** and we hope that we will be able to carry out another such successful project in the future.

Together with our line ministry, the MDDSZ, we have also started the procedure for the **renewal of the information system in the field of safety and health at work** (IS VZD), in which the IRSD keeps data from reports of accidents at work. Together with the MDDSZ, we also cooperated very intensively with the ZZZS, the MJU and the NIJZ on the project of **making electronic reports on accidents at work.** After several years of efforts, we have managed to reach new agreements and we hope that in 2022 we can expect the introduction of electronic procedures, which will save the work of one employee at the IRSD alone.

Unfortunately, our experience in the field of centralisation of IT is not very positive, as in 2020 we faced a situation where the MJU, which is in charge of IT centralisation, could not provide us with new computers for new employees, so we had to give them worn-out computers which we had previously replaced for other employees due to wear and tear. Moreover, as a centralised body we had no impact on the set of needs of the IRSD under the new public procurement for the purchase of computer equipment. The provision of technical conditions for work from home by the MJU (remote access to the state administration’s communication network), which was, as already mentioned, much more extensive in the first wave of the epidemic in 2020 than in previous years, was unfortunately not as effective as required from us as an inspection body in charge of supervising the intervention legislation. Cooperation with the MJU at this level improved significantly in the second half of the year.

## STATISTICAL REVIEW OF THE WORK OF THE INSPECTORATE



In 2020, inspectors carried out **17,334 inspections**: 10,031 on employment relationships, 7,016 on occupational safety and health, and they also investigated **102 accidents at work** and **1 dangerous occurrences,** and carried out **287** inspections in social affairs. Inspections are carried out by inspectors in the form of routine, targeted and follow-up inspections. With follow-up inspections, the IRSD supervises the implementation of the measures it imposed.

In 2020, the inspectors identified **19,028** different violations in the three work areas and, in line with that, issued **9,508 administrative and minor offence measures** and filed **29 announcements of suspicion of a criminal offence and criminal complaints. Fines** in a total amount of **EUR 4,011,975.86** were imposed. We also issued **505 work permits for children** and **21 consents regarding the elimination of special legal protection in accordance with Article 115 of the ZDR-1 and 7 decisions on suspending the effect of termination of employment due to dismissal** pursuant to paragraph two of Article 215 of the ZDR-1.

**In accordance with the ZP-1**, the inspectors imposed **6,394 measures** and one proposal to initiate offence proceedings to other authorities, and issued **3,120 administrative inspection measures**. **In accordance with the ZUP**, inspectors **handled 25,784 administrative cases** in 2020, of which 13,307 cases were resolved and 12,477 cases remain open.

**Other than in administrative proceedings**, we dealt **with 8,510 new cases**. These included professional assistance within the meaning of Article 4 of the ZID-1 and other common issues relating to the operation of the IRSD.

The IRSD also performed other tasks pertaining to general, staffing and financial matters, integrity, ensuring protection of personal data, public information, keeping of analytical and statistical records and a variety of processing of such records.

All statistical data included in this report was obtained from the IS IRSD information system for the period 1 January 2020 - 31 December 2020 on the cut-off date of 7 January 2021.

## COOPERATION OF THE IRSD AT NATIONAL LEVEL

In their work, the inspectors work together with other supervisory authorities, most often with the FURS, especially as regards employment and work of foreigners, in the supervision of construction sites and catering establishments, and in the identification of undeclared employment. The IRSD often also coordinates with the Police, especially regarding the employment and work of foreigners, in the supervision of construction sites and in the investigation of accidents at work. We find that inspections related to the detection of illegal work of foreign posted workers as well as illegal transfer of work to other users are more effective if they are carried out in cooperation with these bodies and the TIRS, with which we cooperated in other areas. In addition, we cooperated with the ZIRS, the IRSI (Road Transport Inspection Service), the IRSOP, the IRSKGLR (Forestry Inspection Service), the Administration of the UVHVVR and others. In our work, we intend to continue working together with other supervisory authorities in all those areas where we find the results of such cooperation to be encouraging.

Labour inspectors also took part in some joint inspections and campaigns that were organised for individual cases or within regional coordination groups.

We have been included in several **inter-ministerial working groups**, such as the inter-ministerial working group for combating trafficking in human beings, the inter-ministerial working group for monitoring the implementation of the Transnational Provision of Services Act and the inter-ministerial working group for coordinating supervisory tasks on road transport and for coordinating and planning supervisory tasks to regulate the working time and compulsory rest periods of mobile workers and recording equipment in road transport.

The IRSD is cooperating well with **the line ministry,** both in terms of providing feedback on inspection findings and proposals for changes in regulations arising from inspection findings, and will strive to maintain this relationship in the future. The IRSD is also cooperating with the Commission for the Prevention of Corruption, the Advocate for the Principle of Equality and **the Human Rights Ombudsman**, who in his annual report for 2019 highlighted communication with the IRSD as **an example of excellent cooperation.**

In accordance with the regulations and the agreements and protocols concluded on the basis thereof, we exchange data with the FURS, the ZRSZ, the ZZZS and the ZPIZ, with which we usually also cooperate well.

The Social Affairs Inspection Service also worked together with the Social Chamber, the Association of Social Work Centres, the Association of Social Institutions, the Faculty of Social Work, the working groups of various professions within social assistance and other institutions.

We will continue to work towards greater cooperation with **trade unions and professional associations of workers and employers**, **NGOs** and **other stakeholders** that we meet and associate with in our work, as such cooperation was found to be beneficial for all concerned.

In 2020, we again actively participated in proposing amendments to regulations. For more information, see the previous chapter.

## OPERATION OF THE IRSD AT INTERNATIONAL LEVEL

With regard to international activity, we note that the IRSD is part of the Senior Labour Inspectors Committee at the European Commission (**SLIC**), and occasionally cooperates with the ILO and other international institutions. The IRSD’s activities are also related to Slovenia’s obligations in connection with the enforcement of international obligations arising from ILO Convention No. 81 concerning Labour Inspection in Industry and Commerce, some other conventions, the European Social Charter and a series of directives on occupational safety and health and employment. These activities primarily concern data provision and reporting on the above-mentioned documents.

In 2020, an IRSD representative participated in an SLIC meeting in Germany via video conference, while a meeting in Croatia was cancelled. We also attended two meetings of the WG Machex and WG Enforcement working groups in Luxembourg.

Together with the FURS, the Police and the Slovenian Association of Free Trade Unions, the inspectors in the areas of employment relationships and occupational safety and health again participated in **the joint Europe-wide operation (Joint Action Days, JAD) aimed at preventing labour exploitation (trafficking in human beings).** Inspections were carried out on seasonal work in agriculture and on employers providing cleaning services at petrol stations. For more information, see the section on targeted inspections.

In 2020, we also cooperated with EU Member States through the **CIRCA-KSS**. During the period in question, 31 questions concerning the system for the exchange of information were published, one of which was prepared by the IRSD. We answered 14 questions.

The IRSD is also registered in the **IMI** system, which is an online platform that enables quick and easy cooperation between national, regional and local authorities in the European Union. On the basis of requests for information, the IRSD guarantees to the competent authorities of the other EU Member States that it will perform checks, inspections and investigations, which includes obtaining information from employers posting workers to other EU Member States that the competent authorities in the country of posting need for effective supervision. Administrative cooperation also encompasses the transmission and service of documents. The IMI system is also used for cooperating in the enforcement of sanctions: the IRSD, in addition to offering administrative cooperation, serves decisions that impose sanctions on employers in cases when the decision was issued by the competent authority of the country of posting but could not be served in accordance with that country’s regulations.

Figure 2: IMI – requests for information regarding posted workers

According to our data, we dealt with 587 new IMI requests in 2020, of which six requests for information were sent by the IRSD. In 581 cases, we were contacted by the authorities of EU Member States, asking for information in 56 cases and making 525 requests for the service of documents (212 for the service of decisions and 313 for the service of other documents). As already mentioned, handling IMI requests requires a substantial amount of work, mainly at the expense of the service of decisions and other documents (for comparison, in 2017, we received 215 requests for the service of documents prior to the application of the ZČmIS), causing also a significant increase in the cost of postal charges. It should be noted that such a volume of work imposes an additional burden for employees, both inspectors and administrative staff, as we have not received any additional staff members or financial resources for this purpose.

In 2019, the ELA was established by Regulation of the European Parliament and of the Council with a view to promoting coherence and coordination between Member States in the enforcement of EU legislation on worker mobility and social security coordination, and to ensure access to information regarding the transnational mobility of workers for individuals and employers. On this basis, a group of experts in the field of inspection was formed in 2020, in which our representative also participated, and whose main tasks were focused on developing tools and procedures for coordination and assistance to members to successfully perform coordinated and joint inspections (CJI), i.e. drafting a bilateral agreement among members on the implementation of the CJI, workflow guidelines as an instrument to encourage Member States to participate in the CJI, guidelines and a process for drawing up a joint report on the results of coordinated or joint monitoring, defining and harmonising performance indicators to report on ELA’s activities, to develop procedures that will allow the ELA to report to the Member States and the Commission on irregularities and anomalies in the field of free movement of labour, and guidelines for all stakeholders to be involved in CJI (inspections, social partners and others).

Each Member State also appointed a liaison officer for the first two-year period to coordinate activities between the ELA and the members. Slovenia selected an IRSD employee for this task. ELA inspections are expected to start as early as 2021, and the IRSD will be included in them, taking into account our responsibilities. To this end, the IRSD appointed two inspectors to attend the ELA trainings and will subsequently transfer knowledge and skills to the inspectors to be involved in the CJI.

It was at one of the aforementioned ELA trainings that the IMI system was presented to the inspectors and it was pointed out that Slovenia was by far **the most burdened EU Member State in terms of receiving IMI applications** regarding posted workers in the first three quarters of 2020.

International meetings and working meetings that the IRSD representatives attended in 2020:

* **study visit within the ERASMUS project,** aimed at development and networking in the field of care for victims of violence and prevention of violence against women (20 to 25 January 2020, Latian);
* **meeting of the SLIC WG Enforcement Working Group** to discuss the report of the SLIC meeting in Helsinki, the report of the Luxembourg Conference on Cytotoxic Medicines, the findings of the SLIC evaluation reports, the draft opinion on better and wider protection, compliance and enforcement, the presentation of Directive 2010/32 EU on the prevention from sharp injuries in the hospital and healthcare sector (19 February 2020, Luxembourg);
* **Seminar on Cooperation between competent Authorities to combat undeclared work in the EU – air transport sector,** with special emphasis on false self-employment, aimed at establishing cooperation between the social partners in tackling undeclared work or illegal work in air transport (19 February 2020, Brussels);
* **the meeting of the SLIC WG Machex** aimed at exchanging information and ideas on safety at work, in particular with regard to high-risk activities and hazardous equipment, outlining the amendments to the Machinery Safety Directive, in particular with regard to high-risk activities and dangerous equipment, sharing experiences in market surveillance and detection approaches, and other initiatives relating to the application of the directives in practice (5 March 2020, Luxembourg);
* seminar of the European Platform seminar via videoconference on **Addressing undeclared work and undeclared work in the economy and in relation to new forms of work** (5 October 2020, Brussels);
* a conference on **trafficking in human beings during COVID-19**, held on the World Day Against Trafficking in Persons; the focus was on the crisis caused by the coronavirus pandemic, which resulted in job insecurity in various activities, especially in agriculture and seasonal workers in tourism (14 October 2020, Austria);
* **the SLIC meeting,** held as a video conference due to the epidemic, which would otherwise have been hosted by Germany – in addition to regular topics, workshop participants discussed the work of the SLIC in the future (21-22 October 2020);
* **training organised by the European Agency for Safety and Health at Work**, aimed at focusing on the obligations of authorisation and interaction between REACH and OSH (scope of the REF-9 project), and the presentation of the Industrial Emissions Directive (25-26 November 2020, Helsinki);
* the training of labour inspectors under the ELA entitled **Tools and Processes for Joint and Coordinated Inspections** and **The Secure Exchange of Information**, aimed at involving the authorities of different Member States in the planning and implementation of coordinated cross-border and joint inspections, so that they would subsequently be harmonised, and joint inspections carried out according to the same standards so that inspectors will use the same procedures (audio-video conference, 26-27 November 2020).

# INSPECTIONS REGARDING OCCUPATIONAL SAFETY AND HEALTH

## GENERAL

In the area of safety and health at work, inspectors carried out in 2020 inspections in all activities at employers who employed a different number of workers, from small to large, including the self-employed. In this regard, it is necessary to point to the difficult situation due to the emergence of **SARS-CoV-2 and the outbreak of COVID-19**, which had a strong impact on the implementation of the work process of employers throughout the year. Moreover, **intervention legislation and other regulations** adopted for the containment and control of the COVID-19 epidemic affected, among other things, the supply and sale of goods and services directly to consumers in Slovenia. The adopted regulations also had an impact on the organisation of the IRSD’s work in the field of occupational safety and health, as well as on the priorities of work and the manner of conducting inspections.

As part of their work in 2020, the inspectors for occupational safety and health performed routine, targeted and follow-up inspections which for most of the year were designed to prevent the spread of the novel coronavirus. As in previous years, in 2020 **the highest number of inspections was carried out on construction sites due to the increased risks to the safety and health of workers,** followed by inspections in the manufacturing and trade and hospitality sectors.

The inspectors for occupational safety and health performed **7,016 inspections.** The majority of inspections were carried out as part of prepared and planned campaigns and targeted inspections and campaigns, followed by narrowly targeted inspections, follow-up inspections and extensive regular inspections.

In 2020, the inspectors for occupational safety and health found **10,189 violations**. The most frequent violations were related to risk assessment procedures, ensuring employees’ health at work, on the orderliness and safety of outdoor workplaces, especially on construction sites, and employees’ training in safe working practices. The above violations are followed by violations in connection with the suitability of the work equipment used by employees in the work process.

Nearly **25% of violations** observed in 2020 were related to **risk assessment**,most of them regarding the content, risk identification and revision of risk assessment documents. In their risk assessment documents, employers often did not consult employees about the suitability of the measures aimed at ensuring a healthy and safe working environment and, together with occupational medicine specialists, did not define specific health requirements.

In the past year, **the highest number of violations was found on construction sites**, where **more than 14%** of all violations were identified. In this respect, we would like to draw attention to the irregularities found with regard to work at heights, the use of PPE, and the conclusion of a written agreement.

The violations pertaining to **health at work** accounted for **more than 13%** of all violations identified during the period in question. The highest number of violations in this area was related to the provision of preventive medical examinations for employees; the employers did not schedule medical examinations within the required time limits or did not schedule them at all, as was the case in more than 69% of such violations. The inspectors found violations in relation to non-performance of tasks of occupational medicine providers in accordance with the provisions of the ZVZD-1, to providing first aid, promoting health, managing psychosocial risks, and smoking and drinking at work.

It is also important to call attention to violations relating to **employees’ training in safe working practices,** which constituted **9% of all violations identified in 2020.** Most irregularities were identified with regard to the failure to provide employee training at the time of recruitment, in the event of an assignment to another post and in the event of changes in the work process. We also call attention to violations related to the periodic verification of employees' qualifications and inadequate programmes under which they are trained. Furthermore, not enough attention is paid to the practical training of employees, particularly in cases where this is supposed to be done by external specialist services.

We would also like to point out the violations identified with regard to the provision and use of PPE and other personal work safety equipment. These violations accounted for more than 8% of all irregularities found. The employers often provide workers with protective equipment, but do not ensure its use. Last year, we identified 284 violations relating to the non-use and frequently inappropriate use of PPE by employees. Inspectors also established that employers often failed to provide adequate respiratory protection for employees, especially at the time of the first declared COVID-19 epidemic. Personal work safety equipment must comply with essential health and safety requirements.

With respect to the other violations found regarding occupational safety and health in 2020, we would like to highlight those relating to safe work equipment (8.1% of violations) when the work equipment was most frequently not inspected, workplace organisation and the suitability of the working environment (4.3%), documents concerning safe and healthy working practices (3.0%), the work of occupational safety professionals (1.7%), electric shock (1.5%), and the risks arising from the use of hazardous substances in the workplace or working environment (0.6%).

In 2020, the IRSD received **2,043 new reports** in terms of occupational safety and health, which is slightly more than in 2019 (995). All of the reports were either dealt with or, in a small number, referred to other competent authorities, as they did not fall within the competence of the IRSD. The vast majority of the reports concerned the formulation and implementation of measures to prevent the spread of the novel coronavirus in the employer's work environment and, in part, in the living environment, and the applicants also pointed to inadequate working conditions and violations of the provision of medical examinations and employee trainings in safe working practices.

Last year, inspectors for occupational safety and health issued **4,267 administrative and minor offence decisions** for the established violations. Among the most commonly issued decisions were administrative regulatory decisions ordering employers to correct identified irregularities, and administrative prohibition decisions. By means of **prohibition decisions**, the inspectors prohibited employers from operating or prohibited the use of work equipment due to unsuitable working environments, unsafe working practices or direct threats to workers’ lives **in 227 cases.** In minor offence proceedings, the inspectors imposed **864** sanctions by way of a **minor offence decision** and **562** sanctions by way of a **payment order**. In 2020, inspectors also issued **652 warning in accordance with the ZIN** and **524 warnings in accordance with the ZP-1**.

In addition, inspectors reported a crime in five cases.There were **505 decisions issued with regard to the work of children** under the age of 15. Most of them concerned the work of children in commercials, promotional videos and films.

In 2020, the relevant inspectors **investigated 102 work accidents**, among them 8 fatal accidents, 78 serious accidents, 14 minor accidents and 2 collective accidents, and **2 dangerous occurrences**. The most common causes of reported fatal accidents – there were 17 such accidents in the previous year – were connected with falls from height (9 cases), tools and loads falling on workers (4 cases), and traffic accidents with vehicles and machinery at construction sites (3 cases). There was one case of death in a traffic accident.

For 2020, employers reported to IRSD **13,938 work-related accidents** up until 18 February 2021. The reported accidents included **5,503 COVID-19-related illnesses** and **8,435 non-coronavirus-related occupational accidents.** The **IRSD** also received reports about 78 accidents that occurred on the way to and from work.

As in all previous years, the inspectors also focused on their preventive role, which is reflected mainly in the form of **professional assistance** that they most often provided to workers. Assistance was provided in the form of written agreements and oral counselling. In 2020, **543** written answers were given in the field of occupational safety and health, which is almost double the number compared to 2019, when there were **239** cases of such assistance.

The epidemiological situation in 2020 and the increased number of controls carried out to prevent the spread of coronavirus have prevented a more realistic assessment of the situation in the rest of the field of occupational safety and health, but we can still conclude that the situation did not significantly improve in the period under review, while in the building industry it even deteriorated. During the period under review, employers paid much more attention to the more or less successful introduction and implementation of measures to prevent the spread of the novel coronavirus, thus performing other tasks in this area more inconsistently. In the future, the IRSD will thus devote special attention to raising awareness and the professional competence of employers and employees' representatives, including professionals and organisations that offer professional assistance in this area to employers. In any case, one should not forget the proactive work of the IRSD in terms of preventing the spread of the novel coronavirus in 2021.

## INSPECTIONS

### Introduction

As part of their work in 2020, the inspectors for occupational safety and health performed routine, targeted and follow-up inspections within their competences, targeted inspections being among the most common in the past few years. These consisted only in supervising individual provisions of the legislation and stemmed from the previously adopted IRSD guidelines, received reports or identified current issues. The number of routine inspections in which the subject of supervision is the implementation of a large number of provisions of the applicable legislation and on which inspectors decide independently, has been decreasing every year, and it also decreased in 2020. The number of control inspections of the implementation of imposed measures, as well as inspections of compliance with applicable legislation, has remained at approximately the same level in recent years, including in 2020, although there is also a slight downward trend.

In 2020, most inspections of safety and health at work were carried out in the building industry, where the implementation of the work process involves a higher risk of work accidents and damage to the health of workers. Other inspections were carried out in areas of activity in which employers could carry out the work process in accordance with the decrees issued by the Government to curb the spread of the novel coronavirus.

Due to the powers subsequently conferred by the intervention legislation, occupational safety and health inspections were also carried out in public spaces of employers' working environments to check compliance with measures aimed at preventing the spread of SARS-CoV-2 by consumers and service users. These inspections have to some extent reduced the number of regular and, in particular, control inspections.

According to the data from the SURS, there were **888,918 persons employed** in Slovenia **at the** **end of 2020**. The largest number (22.8%) were employed in manufacturing (activity under section C of the Standard Classification of Activities); in addition, with the exception of construction (7.3% of persons employed) and trade (12% of persons employed), the highest number of inspections was carried out in manufacturing.

According to the AJPES, there were **221,711 business entities registered** in Slovenia **at the end of 2020**. As the IRSD employed 31 inspectors for health and safety at work at the end of 2020, a **single inspector** was to conduct **7,152 inspections of business entities** (7,104 in 2019 and 7,691 in 2018 and 6,803 in 2017) and, based on the data from the SURS regarding the number of persons employed, **28,675 inspections of workers** (29,088 in 2019, 31,712 in 2018 and 27,619 in 2017).

### Routine, targeted and follow-up inspections and imposed measures

In 2020, the inspectors for occupational safety and health carried out **7,016 inspections**, which is 19.1% more than in 2019.This increase relates in particular to the inspections carried out under the ZNB to prevent the spread of the novel coronavirus, mostly in open and closed public spaces in the work environment of employers.

Most common were **targeted inspections** that accounted for **87.1%** of all inspections (82.8% in 2019, 79.5% in 2018 and 79.9% in 2017). The majority of these comprised inspections carried out as part of planned and targeted campaigns, which constituted 88.3% of all targeted inspections. Other targeted inspections were mostly carried out based on received reports. **Routine and follow-up inspections** accounted for **0.9%** (2.7% in 2019) **and 11.9%** (14.5% in 2019), respectively.

Graph 1: Number of inspections relating to occupational safety and health in the period 2018–2020.

In 2020, the IRSD received **2,043 reports** (995 in 2019, 1,061 in 2018 and 931 in 2017) relating to occupational safety and health, mostly regarding failure to implement measures aimed at curbing the spread of the novel coronavirus. For the most part, the contents of the reports showed that workers in work environments, both in public and other employers' premises, did not use respiratory protection or use protection in an inappropriate way (wearing protective masks under the nose or under the chin), or did not observe sufficient social distancing (particularly when socialising during breaks), while not providing respiratory protection. During the first declared epidemic, we also identified cases of non-provision of disinfectants by employers or the inadequacy of available disinfectants. Reports often referred to the work process in fields of activities where this was not allowed by government decrees. In particular, this referred to the covert performance of catering activities, and to a lesser extent also to the provision of certain services (hairdressing, individual service and maintenance activities). Other reports in the field of occupational safety and health, which were typical of previous years, were submitted to a lesser extent in 2020 and related to the failure to provide health examinations of employees and their training for safe work, and to inadequate working conditions. We also received a large number of reports from citizens that mostly pointed out inadequate living conditions caused by harmful factors from employers’ locations related to employers’ work processes, in particular due to excessive noise and the negative impact of hazardous substances on the living environment. The reports that were found to be outside the IRSD’s competence were referred to other authorities, whereby their competence and powers were taken into account.

Figure 2: Number of reports relating to occupational safety and health in the period 2015–2020.

In 2020, **the largest number of inspections** were carried out at employers whose main registered activity was **construction** (activity under section F of the Standard Classification of Activities), which constituted **23.1%** of all employers (25.4% in 2019 and 22.9% in 2018). As regards inspections in this activity, most of them were conducted at employers engaged in special construction work (45.2% of inspections), followed by employers for the construction of buildings (43.9% of inspections) and employers carrying out civil engineering works (10.9% of inspections). Inspectors carry out the largest number of inspections in the construction sector, where risks to workers’ life and health are most common, and the frequent presence of inspectors on construction sites reduces the likelihood of occupational accidents.

In 2020, employers in the **trade sector** were also frequently subject to inspections; in fact, **18.2%** of all inspections were carried out in this sector (12.8% in 2019 and 14.6% in 2018) and so were in the **manufacturing sector** with 14.3% of all inspections (19.2% in 2019 and 19.0% in 2018). The sharp increase in controls in the trade sector is attributed to the inspections carried out to prevent the spread of the novel coronavirus, as most food stores remained open even during the epidemic. In the manufacturing sector, inspections were most frequently carried out with regard to the manufacture of fabricated metal products, with the exception of machinery and equipment, where 19.5% of inspections were conducted, and the furniture and wood industry, where 6.9% of inspections were performed. The numbers of conducted inspections by activity are shown in the graph below.

Figure 3: Activities in which the most inspections relating to occupational safety and health were carried out (in absolute terms), a comparison between 2018 and 2020.

Last year, inspectors for occupational safety and health issued **4,267 administrative and minor offence decisions** for the established violations. Among the most commonly issued decisions were **administrative regulatory decisions**, ordering employers to correct identified irregularities, and **administrative prohibition decisions**, together amounting to **1,665** decisions issued (39.0%). **By means of prohibition decisions,** inspectors prohibited employers from operating or prohibited the use of work equipment due to inadequate working environments, unsafe working practices or direct threats to workers’ lives in **227 cases** (279 cases in 2019 and 271 cases in 2018). **Among these, 57 decisions** (49 in 2019 and 120 in 2018) **concerned the prohibition of operation due to direct threats to workers’ lives.**

Figure 4: Number of measures imposed with regard to occupational safety and health in the period 2018-2020.

In minor offence proceedings, inspectors imposed a total of **2,602 measures** (2,352 in 2019 and 1,634 in 2018), of which **864 by issuing offence decisions**, i.e. 264 by issuing fine notices (281 in 2019 and 176 in 2018) and 600 by issuing a warning (567 in 2019 and 363 in 2018), and **562 penalty notices.** In 2020, inspectors also issued **652 warning in accordance with the ZIN** and **524 warnings in accordance with the ZP-1**.The number of measures imposed in minor offence proceedings increased by more than 10% compared to 2019 and by more than 59% compared to 2018.

In addition, inspectors reported a crime in five cases. **As regards labour of children under 15 years of age, inspectors issued 505 decisions** (649 in 2019 and 530 in 2018).

Figure 5: Percentages of measures imposed with regard to occupational safety and health in 2020.

The largest number of **measures** were imposed on employers in the sectors of **construction, at 25.7%** (24.4% in 2019 and 23.5% in 2018), **manufacturing**, **at 14.6%** (17.5% in 2019 and 14.5% in 2018) and **trade, at 12.2%** (10.1% in 2019 and 13.1% in 2018). With regard to the manufacturing sector, measures were most commonly issued to employers engaged in the manufacture of fabricated metal products with the exception of machinery and equipment, i.e. in 22.8% of cases, employers in the manufacture of food and drink products, i.e. in 19.0% of cases, and employers wood and furniture industry, i.e. in 11.0% of cases.

Figure 6: Activities in which the most measures relating to occupational safety and health were imposed (index = number of measures/100 inspections), a comparison of 2019 and 2020.

### Inspection findings and the most frequently identified violations

In 2020, inspectors for occupational safety and health found **10,189 violations**. The highest number of violations was identified in relation to assessing risks and the preparation of the safety statement and the risk assessment document (2,501 violations), followed by violations pertaining to the orderliness and safety of outdoor workplaces (1,454 violations), ensuring employees’ health at work (1,335 violations), employees’ training in safe working practices (919 violations) and the suitability and use of work equipment (837 violations). The percentages of the above-mentioned violations and other violations relating to occupational safety and health are shown in the graph below.

Graph 7: Percentages of the most frequently identified violations with regard to occupational safety and health in 2020.

The most **violations** were found in the **construction industry**, with **27.8% of irregularities** (23.2% in 2019 and 20.6% in 2018), followed by the **manufacturing sector** with **15.7% of irregularities** (21.7% in 2019 and 19.3% in 2018), the **trade sector** with **13.0%** (12.0% in 2019 and 17.7% in 2018) and the **hospitality sector** with **10.5%** (7.7% in 2019 and 9.0% in 2018). A comparison of the number of violations in individual activities in comparison with the previous two years is shown in the graph below.

Graph 8: Activities in which the most violations relating to occupational safety and health were identified (in absolute terms), a comparison for the period 2018-2020.

In analysing the number of violations per 100 conducted inspections, it can be concluded that in 2020, the highest number of violations in terms of occupational safety and health was identified in educational activities (activities under section P of the Standard Classification of Activities). The findings for other activities and comparisons with 2018 and 2019 are shown in the graph below.

Graph 9: Activities in which the most violations relating to occupational safety and health were identified (index = number of violations/100 inspections), a comparison for the period 2018-2020.

### Safety statement and risk assessment

Risk assessment in the work environment is a measure by which employers identify hazards and risks that arise in their work process. Self-employed persons have the same duty. The identification of risks and the appropriate evaluation of the identified risks by using appropriate methodologies are essential factors that influence and enable a professional assessment of the security situation at the location of an individual employer. Any change in the work process must be promptly identified and its impact on the safety and health of workers must be assessed in terms of performing regular and extraordinary audits of risk assessments. The employer, the employer’s occupational safety expert and occupational medicine specialist are in charge of the professional risk assessment. These experts and their representatives are also given an important role in such assessment by legislation. It is the workers who know in detail the work processes in which they are involved, and their experience and suggestions in this regard are invaluable to the employer.

In 2020, there were **2,501 violations** foundwith regard to safety statements and risk assessments (3,691 in 2019 and 3,086 in 2018). The highest number of violations, i.e. 1,457 (1,729 in 2019 and 1,224 in 2018), concerned the unsuitable content of the safety statement and the risk assessment document, specifically with regard to the identification of risks, risk assessment procedures and identification of the necessary measures. In 510 cases (849 in 2019 and 779 in 2018), inspectors found that the employers did not supplement or revise the safety statements and risk assessment documents in view of the changed working conditions. There were 44 violations with regard to designating responsible persons (78 in 2019 and 88 in 2018) and 200 violations concerning employee involvement in the risk assessment process (421 in 2019 and 384 in 2018). In 190 cases (353 in 2019 and 405 in 2018), employers did not define the specific health requirements that employees must meet when performing their work, while in 41 cases (84 in 2019 and 56 in 2018) the workers were not familiar with the content of the adopted safety statement and risk assessment document. The inspectors also identified 49 violations relating to the assessment of risks defined in other regulations concerning occupational safety and health, in particular in terms of PPE.

Violations were identified also in the case of self-employed persons. In 3 cases (10 in 2019 and 29 in 2018), self-employed persons did not perform a risk assessment and in 7 cases they did not prepare the safety statement and risk assessment document, even though risks of accidents, occupational diseases and work-related disorders existed in their work processes.

Graph 10: Percentages of the most frequently identified violations with regard to safety statements and risk assessment documents, a comparison between 2019 and 2020.

In 2020, the total number of violations identified in relation to the assessment of risks increased by nearly 32.2% compared to the previous year. It may be concluded that there was an increase in violations regarding the content of the risk assessment document compared to the previous year, while the numbers of the other violations identified in terms of risk assessment declined slightly. This conclusion does not mean a significant improvement in the level of safety and health at work, as we must point out that, due to the coronavirus epidemic last year, inspectors did not pay as much attention to risk assessment issues as in previous years and gave priority to monitoring the implementation of the recommendations and guidelines of the medical profession regarding the prevention and spread of SARS-CoV-2.

Many risk assessments still do not summarise the actual situation of employers, as they often do not assess significant risks such as work with hazardous substances, manual handling of loads, electricity and various radiations, or these risks are assessed inadequately and the related measures do not provide a sufficient level of safety and health for employees in relation to such risks. Inadequate risk identification is more common in smaller employers.

Frequently the risk assessment documents do not set out deadlines for periodic investigations of the harmfulness of the working environment. Personal protective equipment is defined too broadly and in such cases it is not clear from the document which specific personal protective equipment the workers are supposed to use.

Last year, only a few employers adapted the safety statement and the risk assessment to the new situation and supplemented the statement by assessing new risks and determining measures in relation to the new biological risk posed by SARS-CoV-2. For the most part, employers took action in the form of instructions summarising published recommendations from medical professionals. This was especially true during the first declared epidemic. It is precisely during this period that it can also be established that many employers did not receive adequate and sufficient assistance from professional occupational safety organisations as well as occupational medicine practitioners in preparing measures to prevent the spread of the novel coronavirus.

It should again be pointed out that employers were found not to duly consult workers in the course of the risk assessment process, even though there were fewer violations in this regard in 2020 than the previous year. The majority of employers believe that they have fulfilled the legal requirement for employee participation by only acquainting them with the already adopted content of the document and its internal publication.

One also cannot ignore the fact that it is not clear from employers’ risk assessment documents for certain jobs whether these jobs entail increased risks of accidents and occupational diseases. This is especially important because this represents a condition for the periodic training of employees for the safe performance of their work.

These findings indicate that a number of professionals carrying out professional tasks with regard to occupational safety and health, including risk assessment, do not have sufficient expertise to deal with the more complex areas of occupational safety and health. Risk assessments, which are prepared by employers' professionals, are more professional than a large number of those prepared for employers by external professional services.

We still miss the more active participation of occupational medicine practitioners in risk assessment procedures, especially with regard to visiting the workplace and advising employers on the ergonomic arrangement of workplaces in the production process. In any case, it is necessary to mention the efforts and the role of the KIMDPŠ, ZMDPŠ and individual occupational medicine providers who invest in improving the work of occupational medicine specialists in this field.

### Employees’ training in safe working practices

Employers must ensure that each worker receives adequate health and safety training upon recruitment, in the event of a transfer to another workplace, in the event of the introduction of any new technology or new means of work, and in the event of any modification of the work process which may alter the level of safety at work, under the adopted training programme. In periods not exceeding two years, the employer is also obliged to provide theoretical and practical examinations in safe working practices for employees occupying posts where, based on the risk assessment, there is a higher risk of accidents and occupational diseases, and for employees in posts where accidents at work and occupational diseases are more common. The employees’ training must be carried out during working time and must not impose financial obligations on employees.

In 2020, the inspectors found **919 violations** (1,383 in 2019 and 1,383 in 2018) concerning employees’ training. Most irregularities, i.e. 499 (648 in 2019 and 678 in 2018) were again identified with regard to the provision of employees’ training in safe working practices at the time of recruitment, upon assignment to another post and upon changes to the work process. There were also many violations concerning the employees’ periodic examinations in safe working practices: there were 145 such violations in 2020 (214 in 2019 and 231 in 2018). As regards the adequacy of employees’ training programmes in safe working practices, the inspectors found 157 violations (191 in 2019 and 251 in 2018). There were 75 employers who did not have adequate documents with regard to employee trainings (126 in 2018 and 117 in 2018). Employers did not examine competence in safe working practices with regard to certain posts, as provided for by legislation, in 40 cases (31 in 2019 and 68 in 2018). In two cases, employers failed to provide training for employees potentially exposed to asbestos dust or materials containing asbestos. One violation was related to failure to train employees for safe work.

Graph 11: Percentages of the most frequently identified violations with regard to employees’ training in safe working practices in 2020.

We have noted that the number of identified violations concerning employees’ training in safe working practices for 2020 was nearly the same as the year before, but much lower than in the previous year. The lower number of identified violations in this area is also attributed to the fact that inspectors monitored this obligation of the employer to a lesser extent than in previous years and paid more attention to the implementation of measures to prevent the spread of the novel coronavirus. Nevertheless, we believe that workers are still not properly trained to perform their work safely. We find that employers often do not train employees for the safe performance of work activities when establishing formal employment, but they do it with a delay when it is necessary to train a larger number of workers or when it is necessary to conduct a periodic skill test. It also happens that employers do not train employees for safe work activities, which we most often learn from the reports received from employees who are no longer employed by such employer when submitting the report.

Training programmes, particularly practical ones, are still too general and are not adapted to the specifics of the posts occupied by employees and not to the characteristics of the work processes of individual employers. With regard to practical training, we also found that it was carried out inadequately or not at all, and that workers quite frequently received practical training from their line managers, which is in conflict with the applicable legislation. In most cases, managers in work processes do not meet the requirements to independently carry out practical training of employees, but they can actively participate in such training together with a professional worker. Managers of a particular work process are very familiar with this process and the associated risks and problems, so that practical training of employees can be carried out in cooperation with a professional in a very professional way. This type of training is mostly organised only by larger employers.

In 2020, the number of e-trainings increased for the purpose of preventing the spread of the novel coronavirus and the consequent declaration of an epidemic and related measures, such as the prohibition of assembly.

In the past year, inspectors also considered some reported cases where employees reported that their theoretical training for safe work was not carried out in a professional manner, as the test of theoretical competence was carried out in such a way that they were familiar with the correct answers beforehand.

### Employees’ health at work

Ensuring health care of employees represents a key responsibility of employers in the field of occupational safety and health. Employers must entrust these responsibilities to an occupational medicine practitioner who is either a legal or natural entity authorised by the ministry responsible for health. Individual employers ask the IRSD questions about the possibilities of carrying out preventive medical examinations abroad, especially in the countries of the former Yugoslavia.

The tasks to which occupational medicine providers should pay special attention are set out in the ZVZD-1, but we find that, as in previous years, among all the tasks defined by this Act, occupational medicine practitioners continue to most often provide medical examinations of employees. The deadlines for carrying out medical examinations for similar types of risks vary considerably among different occupational medicine providers and depend also on the number of employees the individual occupational medicine practitioner must examine. We would like to see occupational medicine providers take a more active role, especially in drawing up background papers for risk assessments and related workplace inspections, and in preparing expert assessments determining specific health requirements. All too often, occupational medicine specialists receive from the employer an already prepared risk assessment for review and comments.

The scope of medical examinations carried out often does not coincide with the occupational safety and health risks in workplaces or working environments. Medical examinations in relation to specific health requirements are seldom carried out; one of the reasons for this is because they are very rarely defined in the safety statement and the risk assessment document. Employers also often do not provide preventive medical examinations for pupils and students, which is also the case in cases where they perform, albeit only occasionally, more dangerous work.

The competent inspectors found that employers do not respect the time limits laid down in internal acts with regard to providing periodic medical examinations and often miss the deadlines by months. In addition, preliminary medical examinations aimed at determining, in accordance with the health and safety regulations, employees’ health capacity for performing their work are not conducted in line with the applicable legislation and often only after the employees have taken up their posts. In 2020, such a conclusion is particularly striking, as a large number of occupational medicine practitioners have not performed these tasks due to the emergence of the novel coronavirus. This actually meant that employees’ health condition to perform their work had not been determined, even in cases of performing dangerous and harmful tasks. As a result, employers also had difficulty recruiting new workers, as they were unable to provide them with prior medical examinations. Both of these findings apply in particular to the first half of 2020.

Inspectors also point out that major employers are in constant contact with occupational medicine practitioners and implement their recommendations and measures to prevent the spread of the novel coronavirus. On the other hand, small employers rely directly on the NIJZ’s recommendations and include occupational medicine only after having been warned by inspectors. As observed by the inspectors, occupational medicine practitioners do not cooperate enough with employers or give employers too general recommendations regarding personal protective equipment and measures to prevent the spread of the novel coronavirus.

Employers are obliged to adopt measures to prevent, eliminate and manage cases of violence, mobbing, harassment and other forms of psychosocial risks at the workplace, which can pose a threat to employees’ health. There is still a lack of cooperation between employers and occupational medicine providers in this regard. This also applies to workplace health promotion. In 2020, there were 23 cases of employers (76 in 2019 and 123 in 2018) that did not adopt measures with regard to psychosocial risk factors in the workplace. During the period in question, the inspectors found that 35 employers (133 in 2019 and 137 in 2018) had not planned and carried out the promotion of health in the workplace, 90 employers (168 in 2019 and 172 in 2018) did not provide an occupational medicine provider for the implementation of measures relating to occupational safety and health, and 97 employers (158 in 2019 and 241 in 2018) did not take part in risk assessments.

In 2020, inspectors identified **1,335** **violations** (2,279 in 2019 and 2,726 in 2018). The highest percentage of infringements is connected to the failure to carry out medical examinations, both preliminary and periodic; such violations were found in 925 cases (1,128 in 2019 and 1,128 in 2018). In 2020, employers did not establish appropriate cooperation with occupational medicine providers and did not perform the tasks required under the provisions of the ZVZD-1 in 197 cases (357 in 2019 and 695 in 2018, respectively). Inadequate provision of first aid was also a frequently identified infringement in the past year, with 48 infringements identified (177 in 2019, 215 in 2018). Inspections found 56 violations with regard to the safekeeping of documents relating to workers’ medical examinations (142 in 2019 and 142 in 2018).

Employers are also required to report **occupational diseases** to the IRSD. In **2020**, we received **3 such reports** (1 in 2019, 0 in 2018, 0 in 2017, 0 in 2016 and 1 in 2015).

Alcohol consumption and smoking are risk factors that affect employees’ health and, particularly the former, also employees’ safety. Smoking at indoor workplaces is prohibited and the same applies to offering and drinking alcoholic beverages at the workplace; employees are also prohibited from working under the influence of alcohol. As regards the prohibition of work under the influence of alcohol, inspectors found 29 violations in 2020 (94 in 2019 and 125 in 2018), of which 26 concerned the adoption of an internal act, while in 2 cases it was found that workers were performing their work under the influence of alcohol. In relation to non-compliance with the smoking ban in indoor workplaces, inspectors found 17 violations (24 in 2019 and 40 in 2018).

### Representative sample

The inspection on the implementation of occupational safety and health regulations for employers selected based on a random number methodology is performed based on a representative sample of legal entities was carried out for the 17th consecutive year in 2020. The implementation of such inspections conducted in previous years established that the findings obtained regarding the randomly selected entities’ compliance with basic safety and health requirements quite realistically demonstrate the situation in Slovenia as regards occupational safety and health. One of the purposes of these inspections is to decrease the share of legal entities that have never been inspected by the IRSD for occupational safety and health.

The share of legal entities for which the inspection (in occupational safety and health) was carried out for the first time since the start of the legal entity’s operations decreased from 63% in 2019 to 57% in 2020. This is the second consecutive reduction of this share after 2018.

Graph 12: Previous inspections of entities, representative sample of the IRSD, 2020.

The following graph shows the trend in the number of legal entities that had not yet been subjected to an occupational safety and health inspection as part of the representative sample between 2014 and 2020.

Graph 13: Percentages of entities who have never been subjected to an occupational safety and health inspection, representative sample of the IRSD, 2014–2020.

Based on inspectors’ observations, **the overall average score in the field of occupational safety** increased slightly in 2020 compared to 2019, from 3.34 to **3.40.** The increase in the overall average score compared to 2019 was mainly due to the average scores related to the safe work practices training of employees, informing employees about the implementation of measures and informing the inspectorate about accidents at work. In 2020, compared to 2019, the average scores related to examinations of the working environment, inspections and tests of work equipment, and preventive medical examinations decreased.

More information on the representative sample campaign can be found in the chapter on targeted inspections carried out in 2020.

### Other significant violations

#### Provision and use of personal protective equipment

If despite safety measures the means of work and the working environment do not guarantee occupational safety and health, employers are obliged to ensure occupational safety and health also by providing workers with PPE and making sure they use it. When planning the use of PPE, account must be taken of the basic principles of occupational safety and health, whereby we must draw attention to prioritising collective protection measures over individual ones. Inspectors found that the provision of PPE is almost always an individual protection measure and is often also the only measure in place.

Most commonly, employers specify the PPE in the risk assessment document, but often do so insufficiently and too generally, which is likely to result in inadequate protection of the worker against the risks arising from the work process. The specification of PPE must include detailed descriptions, standards and specific definitions of levels of protection.

In 2020, inspectors identified **837 irregularities** (1,168 in 2019 and 957 in 2018) relating to the provision and use of suitable and dedicated PPE. Most of the irregularities (284; 308 in 2019 and 338 in 2018) related to the non-use of PPE by employees even though it was provided and made available to them by the employer. On construction sites, this was noted in 136 cases (160 in 2019 and 100 in 2018). In addition, employers did not provide PPE to their employees or ensure its use in 264 cases (255 in 2019 and 223 in 2018). As many as 81 irregularities (265 in 2019 and 251 in 2018) were found concerning general employer obligations in connection with the suitability of PPE provided to employees (intended use, compliance with regulations, informing employees and the like). Among these, the most frequent irregularities regarded the employer’s obligation to define the requirements for PPE based on the risk assessment and observance of the basic principles of occupational safety and health. There were 6 cases where PPE was not designed and manufactured in accordance with the regulations and 4 cases where it was not used for the intended purpose. In 72 cases, employers did not have the relevant documents on inspections and tests of PPE (163 in 2019 and 117 in 2018).

In 2020 again we established that employers were still insufficiently aware that it is not enough to provide PPE and that they were responsible for ensuring that employees actually used it. Most such violations were detected especially in the construction industry, where inconsistent use or non-use of personal protective equipment is often the cause of injuries. On many occasions inspectors observed that employers saved on the purchase of personal protective equipment, which is reflected in the poor quality and non-use thereof. Nevertheless, the number of infringements concerning the use of PPE by employees has been decreasing in recent years, including in 2020.

The emergence of the novel **coronavirus** in the past year had a significant impact on **the provision of respiratory protective equipment and its use.** In the first half of 2020, we found that employers quite often did not provide employees with adequate personal protective equipment and other means of respiratory protection. The legislation in the field of occupational safety and health determines that the employer may use only such means of work (including means and equipment for personal safety at work) for which the employer has obtained all the necessary documents, which show compliance with the essential health and safety requirements for work equipment. Employers provided their staff with equipment that complied with essential and safety requirements, as well as equipment that was non-compliant with such requirements. In addition, we found inappropriate use of provided personal respiratory protective equipment (worn under the nose or under the chin) or that it was not used in accordance with the recommendations of the NIJZ and manufacturers. **In the second half** and during the second declared epidemic, **the situation** regarding the provision and use of respiratory protective equipment **improved**. An increasing number of workers used properly labelled respiratory protection in their workplace, and the packaging of the protective equipment was also labelled properly. However, employers often did not have the right documents or did not check compliance of the purchased protective equipment with all requirements. In this regard, employers too often relied on assurances from suppliers about the suitability of the equipment supplied. The use of protective equipment that manufacturers would not be able to certify (such as washable face masks) decreased, especially in cases where the use of protective masks in accordance with the NIJZ’s instructions is recommended in the working environment. It should also be noted that the NIJZ indicated in its publications that **employers should consult occupational medicine specialists** regarding the use of protective masks in the working environment. Occupational medicine specialists were **never consulted on this issue in practice.** However, in cases where this did happen, occupational medicine specialists also allowed the use of not properly tested protective equipment (washable face masks) in the work process.

Figure 3: Non-use of personal protective equipment

Figure 4: Proper use of personal protective equipment

#### Use and suitability of work equipment

The legislation on occupational safety and health stipulates that the employer must provide workers with fully functional means of work, including work equipment used in work processes. The employer is obliged to ensure that work equipment is regularly maintained and checked and that it is safe to use, while the employee is obliged to use such work equipment correctly and in accordance with the employer's instructions. The employee must also immediately inform their employer of any deficiency, harmfulness or defect of work equipment that could endanger their occupational safety and health or those of other persons.



Figure 5: Inadequate extension cables

Figure 6: Inadequate and adequate hammer

In 2020, the inspectors identified **822 violations** regarding the suitability of work equipment at employers (2019: 1,262, 2018: 1,342). The most frequent violations were related to checks and tests of work equipment and were found in 293 cases (2019: 485, 2018: 640). Employers often did not provide workers with safe work equipment, which was established in 309 cases (2019: 317, 2018: 311). The inspectors found 103 irregularities (2019: 267, 2018: 422), which were related to fulfilment of the requirements of the Rules on health and safety requirements for the use of work equipment (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, Nos. [101/04](http://www.uradni-list.si/1/objava.jsp?sop=2004-01-4349)). Most often, these were related to missing warnings and instructions and to the protection of dangerous parts of the work equipment. In addition, inspectors found 21 cases where the employers’ documents regarding the checks and tests of work equipment were not in order (2019: 63, 2018: 44) and 112 cases where workers used the work equipment incorrectly. The IRSD would also like to draw attention to the violations that the inspectors identified with regard to explosion protection in the employer's working environment. Last year, 10 such violations were found, which were related to the drafting of the explosion protection document and the corresponding risk assessment, inspection and testing of installed equipment, training and proficiency checks for work in a workplace with a potentially explosive atmosphere.

During inspections, the inspectors most often found that employers do not check work equipment within the time limits and in the manner provided for in the applicable legislation, especially in the case of periodic checks and tests or if the equipment was moved to another place. Inspectors have also found that, after the equipment has been inspected by an external authorised institution, employers often fail to maintain the equipment until the next inspection and remedy only the faults that cause equipment failure. There are also cases of employers deliberately removing safety devices and safeguards in order to increase the capacity of work equipment or reduce the time needed to eliminate unexpected delays in the operation of work equipment. Inspections of older work equipment are often performed carelessly, inconsistently and deficiently. Frequently, the keys and control switches on the machines are damaged, the safety switches removed or bypassed, and the power cables damaged. Unsuitable machinery is a common cause of accidents at work, as established by inspectors when investigating such accidents. Poor maintenance of power tools combined with their incorrect use also leads to accidents and workers' injuries. Also, reports on checks and tests of work equipment are often very general and make it difficult to discern the content and relevance of the performed check. Employers frequently use work equipment for which they have not obtained the necessary documents from the manufacturer or supplier, such as the declaration of conformity, the manufacturer’s instructions and the technical dossier. This especially applies to old work equipment.

#### Workplaces and the suitability of the working environment

In accordance with the regulations on occupational safety and health, ensuring a safe and healthy working environment for workers is one of the employer’s obligations. To this end, the employer is obliged to respect the provisions of the regulations governing this area and to verify the adequacy of working conditions through investigations of harmful factors whenever it is evident from the risk assessment that the working environment prevents safe work and poses a threat to workers' health. In this regard, it is necessary to check all harmful factors arising from the work process at the employer’s premises. Checks of the working conditions still most often entail measurements of air temperature and lighting levels. In particular with regard to periodic air temperature checks, inspectors found that such checks are often unnecessary as, when adequate working conditions are provided, air temperature conditions do not pose significant risks to the safety and health of workers and do not change over the period considered. The IRSD would again like to point out the inspectors’ findings that employers often measure air temperature in such times of the year (spring, autumn), when the outdoor conditions are not particularly unfavourable and are completely different from those in the winter and summer months, when workers in workplaces are exposed to heat and cold, with regard to which the IRSD receives a lot of reports. To a certain extent, employers also measure noise levels.Investigations into harmful factors related to other physical agents posing risk factors, such as electromagnetic and optical radiation, vibrations and the like, are often not conducted by employers at all. These hazards are also often inadequately defined in the risk assessment documents. Inspectors note that employers should pay more attention to regular ventilation due to the new coronavirus. Workers frequently complain about draughts they are exposed to at the workplace, which, according to inspectors, is mainly the result of inadequate installation and location of ventilation units (usually installed directly above workers' workstations).

Inspectors observed that investigations of harmful factors in the working environment are often not carried out within the time limits set by employers in their internal acts. Employers also generally do not have measures in place for cases when the air temperature in the working environment exceeds 28 degrees Celsius. This was not frequently monitored last year, because extremely high temperatures were rarely recorded. Even with regard to outdoor work, employers usually do not prescribe and implement measures to protect workers from harmful radiation (sunlight).

In 2020, the inspectors identified **439 irregularities** in terms of the suitability of workplaces, the organisation of workplaces and the suitability of the working environment (2019: 795, 2018: 909). Most irregularities (219) were identified in relation to the obligation of the employer to assess working conditions with periodic investigations of harmful risk factors. Furthermore, in 30 cases employers did not have the relevant documents related to the investigations performed. A high number of irregularities was also found with regard to keeping transport routes and passageways in order (43 violations), unsuitable locker rooms and sanitary facilities (28 violations), inadequately kept workplaces (28 violations), inadequate lighting conditions (7 violations), inadequate air temperatures in workplaces (2 violations) and inadequate ventilation (12 violations). Inspectors found 1 irregularity in relation to the organisation of computer workstations, 6 irregularities concerning the safety and warning signs at workplaces and 3 irregularities related to the manual handling of loads.

There were 3 cases of unsuitable electrical installations, and an additional violation due to the non-performance of measurements needs to be added to this number. Irregularities were found also with regard to other risk factors that affect a healthy working environment. The inspectors identified 7 violations concerning harmful noise in the working environment in total. In 5 cases, employers did not assess the noise exposure of workers or substantiate the assessment and, where necessary, provide a measurement of the noise level. In one case, they did not provide an assessment of the effects of disturbing noise on workers’ health or adopt measures to reduce the effects of noise on workers. Inspectors identified 2 violations related to the assessment of risks due to the exposure of workers to biological agents.

With the spread of the new coronavirus and the implementation of measures for the reorganisation of the working process, the IRSD recorded an enormous increase in notices of the intended organisation of **working from home** in 2020. According to the ZDR-1, working from home is defined as work carried out by the worker in his or her home or at other premises of his or her own choosing other than the employer’s premises. Remote work performed by a worker by means of information technology is also deemed to be working from home. In general, the employer must inform the IRSD of the intended organisation of working from home prior to its commencement by the worker. When the employer organises work from home due to exceptional circumstances, the IRSD should be notified as soon as the situation permits, which may happen after the introduction of such work. With the sixth anti-corona package, the ZIUOPDVE, electronic notification of the IRSD via the SPOT portal was established in 2020. This measure was introduced to simplify the IRSD notification procedure for employers. The information that has been and will be obtained in the coming period based on the newly established system will be crucially important for the statistical processing of data, active monitoring of working from home and thereby for the drafing of a suitable legislation basis for notification as part of the general labour legislation.

The employer is obliged to provide safe working conditions, which also applies to working from home or at another location. The labour inspector will prohibit the organisation or performance of work from home if it is harmful and/or if the danger exists for it to become harmful to the workers working at home. The prohibition also applies to work which under the ZDR-1 may not be carried out in the form of working from home. Inspectors have established that workers mostly perform the same work at home as they would in the office, i.e. office work, which normally includes a company computer and other office equipment. When performing such work, significant risks include workplace ergonomics, and factors of the working environment such as electromagnetic radiation, optical radiation, noise, inadequate air temperature (heat, cold, draught) and inadequate lighting conditions. Inspectors point out the problem of inspecting the conditions of working from home, because they are not allowed to enter the workers' home without their consent, which causes problems for prohibiting working from home as stipulated by the ZDR-1. Inspectors may also prohibit the organisation of working from home based on a notice received and its content.

It is expected that many workers will continue to work from home even after the coronavirus period has ended. The IRSD received many questions regarding working from home and IRSD notification, especially at the end of 2020 as electronic notification was set up. However, active collaboration with the MJU should be noted, which has helped establish electronic notification of working from home via the SPOT portal in a very short time.

#### Hazardous chemical substances in workplaces

More or less harmful hazardous substances are used every day in nearly all work processes across almost all sectors. The presence of such substances poses a certain level of risk to the health of workers. Employers are obliged to assess the effects of hazardous substances on workers’ health, identify the risks thereof and take appropriate measures.

With regard to the suitability of the working environment in workplaces where chemical substances are present, the IRSD often found that the risk assessments performed by employers or professionals are too general and lack the identification of substances present in the workplace and the introduction of the necessary measures in accordance with the Rules on the protection of workers from risks related to exposure to chemical agents at work (Official Gazette of the Republic of Slovenia *[Uradni list RS],* Nos. 100/01, 39/05, 53/07, 102/10, 38/15, 78/18 and 78/19). A possible explanation for this may lie in the basic professional background of health and safety professionals, who are mostly experts in mechanical and electrical engineering, which is why they have insufficient knowledge of chemistry and only a few of them deepen their knowledge on this subject. In 2020, the IRSD still found employers that have not identified chemical substances present in the workplace and have thus failed to assess their effects on workers' health and introduce the necessary measures.

The IRSD also notes that, mostly, employers only provide for a single measurement of a chemical substance in the working environment and fail to consider the warning from the report issued by the measurement provider that the measurement should be repeated within 3–6 months in order to determine the appropriate intervals between measurements as laid down in the SIST EN 689 standard. This European standard specifies a strategy to perform representative measurements of exposure by inhalation to chemical agents in order to demonstrate compliance with occupational exposure limit values and sets out in detail the sampling time and the intervals of measurements. The SIST EN 689 standard also specifies that a plan of measurements should be designed and that 3–6 measurements should be performed to demonstrate compliance with the limit values for occupational exposure to chemical agents. Only after compliance has been verified are the intervals between measurements of hazardous chemical substances in workplaces determined.

In their workplace, workers are often exposed to chemical substances only for a short time, while in the remaining working time they perform other work in the workplace without being exposed to chemical substances. Insufficient or no attention is devoted to this fact when assessing the risks. The employer should asses the risk of short-term exposure and should specify in the risk assessment the number of times a worker is subject to short-term exposure to tolerated concentration values, how high these concentrations are, exposure time and the length of the periods between exposures. All these details are of utmost importance in determining whether a worker is excessively exposed to chemical substances at work.

Figure 7: Manufacturing automation reduces the risk of exposure to dangerous substances

Employers fail to determine the acceptable risks in relation to exposure to chemical substances at work by taking into account the concentration, mode of work and the effect of chemical substances on workers' health through biological monitoring. Whenever a risk of damage to health exists, the employer is obliged to design a plan of measurements in way that includes measurement time and location, the results should be handled systematically, time exposure of a worker should be recorded and the biological monitoring of exposed workers should be performed.

The content of measurement reports is usually inappropriate and does not contain all data necessary to perform an analysis. If reports indicate only values and do not include data on sampling and analysis methods, apparatus and agents used, errors and the like, the values cannot be compared and used in analysing the findings of medical surveillance. However, the IRSD notes that some reports were drawn up expertly.

Employers did not systematically manage the presence of chemical substances in 2020, because they failed to assess the risks of a chemical substance and did not draft any documents for obtaining approval prior to its purchase to check whether new, different or possibly more stringent measures should be introduced to protect the health of the worker using this substance.

Due to the amendments to the Rules on the protection of workers from risks related to exposure to carcinogenic and mutagenic substances (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, Nos.[101/05](http://www.uradni-list.si/1/objava.jsp?sop=2005-01-4409), [43/11](http://www.uradni-list.si/1/objava.jsp?sop=2011-01-2039) – ZVZD-1, [38/15](http://www.uradni-list.si/1/objava.jsp?sop=2015-01-1603) and [79/19](http://www.uradni-list.si/1/objava.jsp?sop=2019-01-3542)) adopted in 2019, the Rules now include far fewer hazardous substances (before 158, now 54). **When assessing risks and notifying the competent authority, however, it is necessary to take into account not only these substances, but also the substances that are classified as carcinogenic or mutagenic in the regulation governing the classification, labelling and packaging of dangerous chemicals.** The IRSD found that the employers do not pay sufficient attention to these Rules, because they fail to comply with their requirements specifying that, inter alia, the employer should notify the competent authority, i.e. the IRSD, within 15 days prior to using a substance that is classified as carcinogenic or mutagenic in the regulation governing the classification, labelling and packaging of dangerous chemicals.

The inspections in 2020 revealed that **safety data sheets are frequently still not translated into Slovenian** and **lack information** regarding biological monitoring in section 8.1 and regarding personal protective equipment with characteristics to effectively protect the worker against injuries and occupational diseases in section 8.2.1.

In 2020, inspectors found **59 violations** concerning hazardous chemical substances in workplaces, which is slightly less than in the preceding year (2019: 201, 2018: 148), which is also due to the fact that fewer inspections were conducted compared to 2019. Most irregularities were related to inadequate documents on hazardous substances, which accounted for 27 violations (2019: 60, 2018: 37). These are followed by 12 violations relating to the provision of relevant safety data sheets (2019: 66, 2018: 38) and violations of the Rules on the protection of workers from the risks related to exposure to chemical substances at work, which were mostly related to non-compliance with the SIST EN 689 standard. The inspectors also found some violations of the provisions of the Rules on the protection of workers from the risks related to exposure to asbestos at work (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, Nos. [93/05](http://www.uradni-list.si/1/objava.jsp?sop=2005-01-4036) and [43/11](http://www.uradni-list.si/1/objava.jsp?sop=2011-01-2039) – ZVZD-1).

Figure 8: Consistent implementation of safety measures

Given the increase in identified occupational diseases related to hazardous chemical agents in the workplace in the EU, greater attention should also be focused on chemical substances in Slovenia.

#### Construction industry and work at heights

According to data obtained from the UMAR, in 2020 the construction activity in terms of non-residential buildings was significantly smaller compared to 2018 and 2019, while the activity was slightly higher in terms of civil engineering works and substantially higher in terms of the construction of residential buildings. Short-term forecasts for the construction of civil engineering structures and residential buildings remain favourable.

In accordance with the requirements of the Decree on safety and health protection at work at temporary and mobile construction sites (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, Nos. [83/05](http://www.uradni-list.si/1/objava.jsp?sop=2005-01-3626) and [43/11](http://www.uradni-list.si/1/objava.jsp?sop=2011-01-2039) – ZVZD-1; Decree), clients notified the IRSD of the commencement of works on 2069 construction sites in 2020 (2019: 2262). In 2020, the registered construction sites were active on average 6 months, which also applied for 2019.

In the crisis years, the market of economic operators and workers in the construction industry changed completely. Since the dissolution of large-scale construction companies, work on construction sites has been carried out by small and medium-sized companies, which mostly appoint one worker to oversee compliance with the provisions of occupational safety and health. At the same time, this worker is charged with other duties, which means that such worker is less often present on the construction site. Most work on construction sites is performed by unskilled workers with no work experience and construction expertise, mainly from the countries of former Yugoslavia.





Figure 9: Unsuitable workplace – construction site improvisation

Figure 10: Unsuitable workplace – construction site improvisation

In the construction sector, inspectors conducted regular supervision of construction sites throughout 2020, thus **inspecting 414 construction sites** (2019: 302, 2018: 314) and **60 worksites** where short-term works at heights were carried out (2019: 44, 2018: 51), imposed 1,079 measures (2019: 1,065, 2018: 1,047) and identified **2,282 violations** (2019: 2,320, 2018: 2,204).

In 2020, inspectors conducted more inspections on construction sites than in the previous years. Unfortunately, they have found that health and safety conditions continue to deteriorate. The inspectors draw special attention to the findings from inspections at construction sites where short-term works at heights were carried out, because workers working at heights generally fail to comply with the provisions of health and safety at work.

In 2020, **5 workers died** on Slovenian construction sites (2019: 1). The first worker died due to falling from a height after a part of a bridge collapsed; the second was run over by a heavy goods vehicle; the third died due to falling from a height after the collapse of a tower crane; the fourth fell from 18 metres up, while the fifth died after falling from scaffolding. One fatal accident was recorded by a Slovenian employer in the UK when a steel construction fell on a worker. Up to 2020, Slovenia’s construction sites have seen a decrease in the number of fatal accidents involving a fall from height, with 62.5% of such accidents in 2007, 50% in 2008, 36.4% in 2009, and only 5 fatalities between 2010 and 2019. The number of fatal accidents involving a **fall from height** was 80% in 2020, because four out of five killed at a construction site died because of falling from height.

On worksites that are subject to the above Decree and do not have to be notified to the IRSD, the fall of workers from height has been the main cause of fatal accidents at work since 2010. In 2020, two fatal accidents occurred at such worksites (2019: 1): one worker fell from mobile scaffolding, while the other one fell from height during maintenance work on a silo.

A total of 47 serious accidents occurred at construction sites, which is slightly less than the year before (2019: 51, 2018: 54). It should be noted that the employers frequently report the gravity of the accident according to their own assessment, which is often incorrect.

Graph 14: Number of fatal accidents per registered construction site, 2020

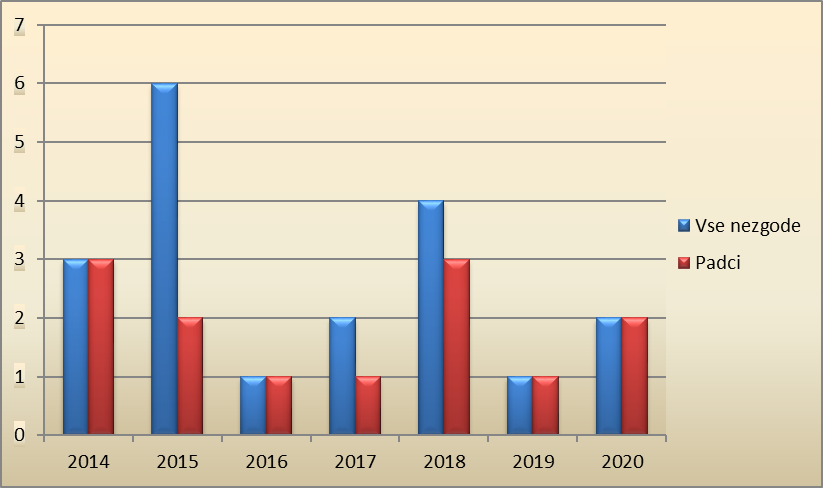
Graf prikazuje gibanje števila smrtnih nezgod na slovenskih gradbiščih, kar ponazarja količnik »št. smrtnih nezgod na prijavljeno gradbišče – 1/2«. Po približno petih letih še nekako dobrih razmer s področja varnosti in zdravja pri delu na slovenskih gradbiščih, je prišlo v letu 2018 do preobrata in poslabšanja razmer, kar se je odražalo tudi v občutnem povečanju števila težjih nezgod na gradbiščih. Tudi v letu 2020 se je ta slab trend nadaljeval. 


The above graph shows the trend in the number of fatal accidents at construction sites in Slovenia, illustrated by the ratio of fatal accidents per registered construction site.

After about five years of relatively good occupational safety and health conditions at Slovenian construction sites, 2018 marked a turning point at which the situation worsened, resulting in a significant increase of serious accidents at construction sites. This negative trend continued in 2020.

There was also no change in occupational safety and health conditions at small worksites, where the works are carried out by small employers, i.e. tradespeople who mostly perform short-term works, and inspectors assess the conditions as poor.

Graph 15: Number of all fatal accidents and the percentage of fatal accidents involving a fall from height at worksites where short-term works were carried out, 2014–2020.



The above graph shows the trend of fatal accidents with mostly smaller employers (tradespeople) and a high percentage of fatal accidents due to a fall from height while performing short-term works at height.

The Decree sets out very concrete situations as to when and in which cases measures must be taken to protect workers from falls from height, and also specifies how to provide such protection. Works at height cannot be avoided in practice and, to this end, the employer must determine and implement relevant safety measures. The failure to implement these measures is reflected above all in the number of work accidents reported to the IRSD by employers. The most common causes of falls from height still include the underestimation of hazards, inadequate training in safe working practices, inadequate medical examinations for work at heights, the non-provision of instructions for safe work and the non-use of PPE (safety harness).



Figure 11: Dangerous performance of work at heights

Figure 12: Dangerous performance of work at heights

In 2020, 2.2% of all the accidents the IRSD received reports on were caused by falls from various heights (2019: 3.4%, 2018: 3.5%) and they occurred at construction sites and other worksites where short-term works were carried out as well as in other workplaces. In these falls, 84% of workers suffered minor injuries (2019: 86%, 2018: 90%), 12.5% sustained serious injuries (2019: 12.5%, 2018: 9%), while 9 workers lost their lives due to a fall from height. The number of fatal accidents caused by a fall from height accounted for 53% of all the fatal accidents reported in the previous year.

## ACCIDENTS AT WORK

### Introduction

The number of accidents that occur in the employer's working environment provides important information on the overall state of occupational health and safety at the given employer and on the national level. Every unforeseen event that occurs at the workplace or in the working environment of the employer where work is being performed or is work-related and results in an injury to a worker constitutes an accident at work. In accordance with the ZVZD-1, employers are obliged to immediately report to the IRSD any fatal accident at work or any accident at work rendering a worker incapable of work for more than three working days, or any collective accident, as well as any collective accident in which several workers were injured at the same time. In 2020, the competent inspectors **investigated 102 accidents at work**, among them 8 fatal accidents, 78 serious accidents, 14 minor accidents and 2 collective accidents. They also investigated **1 dangerous occurrence**.

In addition to accidents at work, the IRSD also records and monitors reported dangerous occurrences at workplaces that result in significant material damage or present a direct threat to the lives and health of workers at work. In 2020, employers reported 42 dangerous occurrences (2019: 47, 2018: 20 and 2017: 42).

In addition to reports made by employers, the IRSD also receives reports on accidents from the OKC – Police and the CORS. In 2019, they informed the IRSD of 348 accidents at work (2019: 372, 2018: 344 and 2017: 371) in which workers suffered fatal, serious or minor injuries. Certain reports also concerned injuries at work sustained by citizens.

### Fatal accidents at work

In 2020, employers notified the IRSD of **17 accidents at work which resulted in a worker’s death** and occurred during regular work at the workplace or in the working environment or during a business trip. Of these, 16 occurred at locations in Slovenia and 1 took place abroad at a UK construction site when a steel construction fell on a worker.

The IRSD was also informed of 3 deaths which were not included in the statistics on fatal accidents, as in one case the worker’s death was due to their health, in another case injuries were suffered by a member of the public, while the third case involved a suicide committed in the workplace. As mentioned above, one of the accidents reported to the IRSD occurred abroad when a steel construction fell on a worker. The trend in the number of reported fatal accidents at work between 2000 and 2020 is shown in the following graph.

Graph 16: The number of fatal accidents at work, 2000–2020.



Figure 13: Scene of a fatal accident – fall from a crane

Figure 14: Scene of a fatal accident – fall from height

In 2020, the most common cause of fatal accidents was a fall from height, which occurred in 9 cases: Workers were fatally injured due to falling from scaffolding (2), a concrete pillar at the edge of a reinforced concrete foundation, a lift cabin, an industrial silo, tank truck, bridges (2) and a crane. In 4 cases, the cause of the fatal accident was a fallen object, means of work or a load. In 2 cases, a branch or, specifically, top of a dead tree fell on a worker; one worker was hit by a fallen structure, while the other one was hit by a fallen scaffolding board being moved by other workers. Three fatal accidents involved moving machinery and vehicles at construction sites: one worker was run over by a heavy goods vehicle while reversing, another one was run over by an orchard machinery and another one was hit by train on an industrial track. One fatal accident was caused by a heavy goods vehicle. The causes of fatal accidents in the period 2018–2020 are shown in the following graph.

Graph 17: Causes of fatal accidents at work, 2018–2020.

Most fatal accidents occurred in manufacturing (activity under section C of the Standard Classification of Activities), in which 7 workers were fatally injured. In this activity, the manufacture of wood and of products of wood (activity under section C/16 of the Standard Classification of Activities) stands out with 3 fatal accidents. In construction (activity under section F1, F2 and F3 of the Standard Classification of Activities), 5 workers were fatally injured. The distribution of fatal accidents by activity is shown in the following graph.

Graph 18: Fatal accidents at work by activity, 2020.

In 2020, the highest number of fatally injured workers were between 50 and 59 years old. There were 5 fatal accidents recorded in this age group. There were 4 fatal accidents recorded in the age groups of 20–29 years and 60 years and over. Two fatal accidents were also recorded in the age groups of 30–39 years and 40–49 years. The youngest worker who lost their lives in 2020 was 25 years old and the oldest was 71 years old.

There were 4 fatal accidents recorded at the address of the employer’s registered office and 13 fatal accidents that were recorded off the employer’s premises.

Graph 19: Fatal accidents at work by age, 2020.

Self-employed individuals accounted for the highest number (4) of fatal accidents in 2020. Employers who have between 200 and 249 workers reported 3 fatal accidents. The number of fatal accidents per size of employers based on the number of employees is shown in the graph below.

Graph 20: Fatal accidents at work by size of employer, 2020.

In 2020, 2 female workers were fatally injured, which is uncommon. The last fatal injury of a female worker was recorded in 2017. The graph below shows the share of fatally injured workers in the past five years.

Graph 21: Fatal accidents at work by gender, 2016–2020.

In addition to workers of Slovenian nationality, work in Slovenia is often carried out by foreigners from EU and non-EU countries, especially from the countries of former Yugoslavia. In 2020, there were 15 Slovenian citizens, 1 citizen of Bosnia and Herzegovina and 1 Kosovo citizen that suffered fatal injuries in Slovenia. No EU worker fatality was recorded. Such fatality was last recorded in 2019.

Based on the employment status of the fatally injured workers, it was noted that 12 of these workers were permanent employees, one had a fixed-term employment contract, 3 performed occasional work as retired persons, while one person was working illegally.

Graph 22: Fatal accidents at work by nationality and form of employment, 2020.

### Serious and minor accidents at work

In 2020, the IRSD received reports of **13,938 accidents** at work, excluding reported accidents that occurred on the way to and from work. Compared to 2019, the number of accidents reported increased by over 30%. Among all reported accidents, **5,503** were related to **COVID-19**, of which 4,515 were reported as minor, 196 major and 792 as collective accidents.

Excluding the SARS-CoV-2-related accidents, **8,435 accidents** at work were entered in the IRSD information system as of 18 February 2021, without taking into account the reported accidents that occurred on the way to and from work.Of these, 17 were fatal accidents, **7,971** were **minor, 442** were **serious and 5** were **collective accidents.** There were 78 accidents that occurred on the way to and from work, which employers are not obliged to report.

If the new coronavirus is excluded as a cause of accidents at work, 2020 saw a decline in the number of remaining types of accidents at work. The cause of this decline in comparison to previous years lies, above all, in the temporary closure of some economic activities to prevent the spread of the new coronavirus and in the significant increase in working from home. The following graph shows the number of minor and serious accidents reported to the IRSD in the period 2016–2020.

Graph 23: Reported minor and serious accidents at work, 2016–2020

The IRSD found that the most frequent causes of accidents at work repeat every year. If SARS-CoV-2 is excluded, the main cause of accidents resulting in serious or minor injuries of workers in 2020 was again loss of control of work equipment (machines, hand tools, means of transport, etc.), accounting for 30.9% of all accidents. Inspectors also found that employees still underestimate the dangers posed by work equipment, remove safeguards, reach into danger zones of work equipment, etc. Slips, trips and falls (to a lower level, on the same level and undefined falls) were recorded as the next most frequent cause of accidents at work, at 19.7% of cases. In 14.4% of accidents at work, the cause lies in the fall of a load on the worker, while body movement under or with physical stress caused 13.3% of all reported accidents. The causes of accidents in the period 2018–2020 are further illustrated in the following graph.

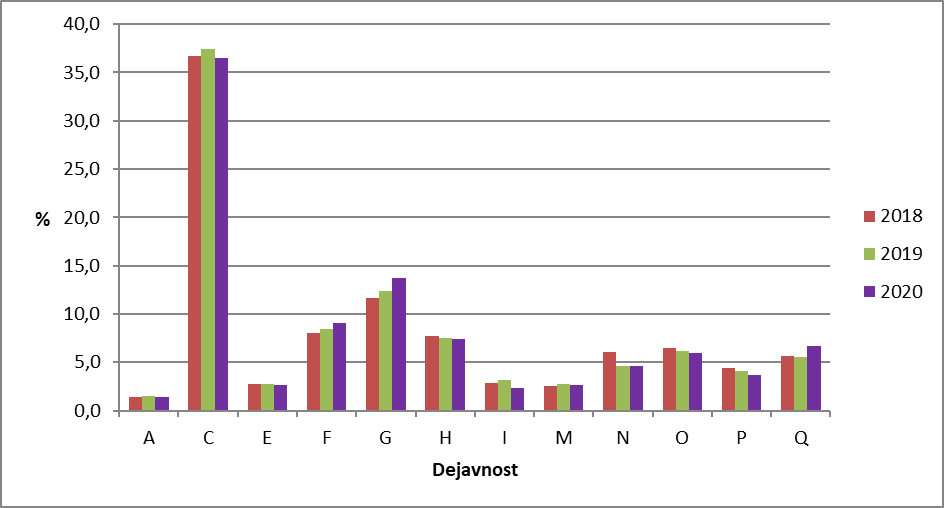
Graph 24: Accidents at work by cause, 2018–2020

With regard to the analysis of accidents in individual economic activities and without considering SARS-CoV-2-related accidents, the IRSD first highlights manufacturing (activity under section C of the Standard Classification of Activities), as the statistical data show that this is the activity where the greatest number of accidents at work occurred in 2020, i.e. 36.4% of all reported accidents (2019: 37.4%, 2018: 36.7%).

In terms of the number of reported accidents within the manufacturing sector, the activities that stand out are the manufacture of fabricated metal products with the exception of machinery and equipment (activity under section C25 of the Standard Classification of Activities), with 18.9% of reported accidents at work. In this sector, the IRSD also draws attention to 11.5% of accidents recorded in the manufacture of other machinery and equipment (activity under section C28 of the Standard Classification of Activities), 9.5% in the manufacture of basic metals, 8.6% in the production of food and drink (activity under section C10 of the Standard Classification of Activities) and to 8.1% of accidents recorded in the manufacture of rubber and plastic products (activity under section C22 of the Standard Classification of Activities).

The second-highest number of accidents at work was reported in the activity of sale, maintenance and repair of motor vehicles (activity under section G of the Standard Classification of Activities), where 13.7% of all reported accidents were recorded. By number of accidents, the above activities are followed by the activities of construction (activity under section F of the Standard Classification of Activities) with 9.1% of accidents, transport and storage (activity under section H of the Standard Classification of Activities) with 7.4% of accidents and healthcare and social assistance (activity under section Q of the Standard Classification of Activities) with 6.7% of all reported accidents. Detailed data is shown in the following graph.

Graph 25: Accidents at work by employer’s main activity, 2018–2020

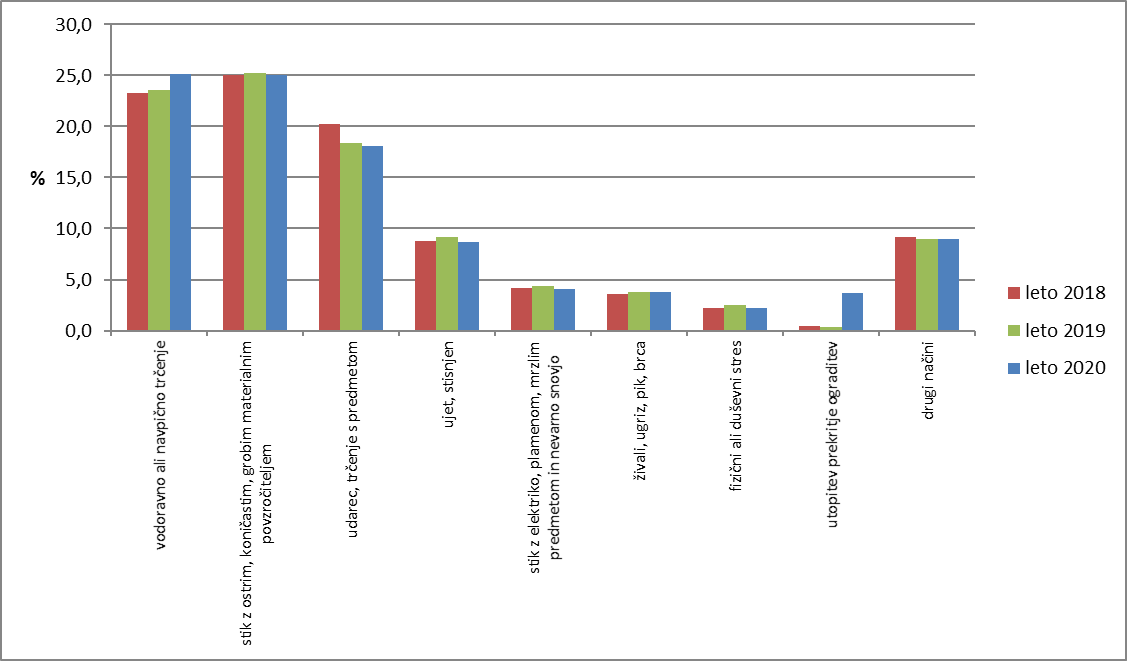


The analysis of SARS-CoV-2 or COVID-19-related accidents shows that most accidents were reported in healthcare and social assistance (activity under section Q of the Standard Classification of Activities), where 71.4% of all reported COVID-19-related accidents were recorded. Within the sector, 81% of accidents were reported exclusively within healthcare (activity under section Q86 of the Standard Classification of Activities). This is followed by public administration and defence (activity under section O of the Standard Classification of Activities) with 15.1% and education with 6.5% of COVID-19-related accidents. In manufacturing (activity under section C of the Standard Classification of Activities) and in transport and storage (activity under section H of the Standard Classification of Activities), 1.9% and 1.4% of COVID-19-related accidents were recorded, respectively. In the remaining economic activities, the percentage of reported COVID-19-related accidents was less than 1%. The share of accidents by individual economic activities is illustrated in the graph below.

Graph 26: Accidents at work caused by COVID-19, by employer’s main activity, 2020.

As with the causes of accidents at work (excluding SARS-CoV-2-related accidents at work), the IRSD found that modes of injury have also been repeating in recent years. Considering 2019 and 2018, an increase in injuries due to collision of a worker with means of work (25.1%) was established in 2020, which makes it the most frequent mode of injury. In 2020, the most common accidents at work involved contact with sharp, pointed and coarse material (25.0%) and a worker being hit by means of work (18.1%). More information on how the injury was sustained is shown in the graph below.

Graph 27: Accidents at work by mode of injury, 2018–2020



Excluding SARS-CoV-2-related accidents at work, the most common injuries sustained by workers in 2020 were injuries to the fingers, accounting for 27.6% of all injuries, injuries to the ankle joint, foot and toes, which constituted 15.1% of injuries, injuries to the legs, knees and hips, which comprised 12.1% of injuries, and injuries to the neck, head and face, which were reported in 10.5% of cases. The rest of the injuries involved other or multiple body parts.

Graph 28: Accidents at work by part of body injured, 2018–2020

With regard to accident sites, the majority of accidents, i.e. 87.8%, occurred at usual workstations. A total of 5.6% workers suffered injuries during a business trip or in the workplace at another unit and 3.1% in a temporary workplace. Almost the same percentages were recorded in 2019 and 2018.

In analysing the data in terms of the age of injured workers (SARS-CoV-2-related accidents excluded), the IRSD found that the majority of workers that suffered injuries in 2020 were between the ages of 35 and 44 (27.3% of all accidents were recorded in this age group). A total of 24.8% of all reported accidents were recorded in the 45–54 age group and 23.5% of accidents in the 25–34 age group.

The youngest injured worker whose accident was reported to the IRSD was 15 years old and was an apprentice (trainee). The worker cut himself with a knife while packaging a household appliance. The oldest injured worker was aged 71 and was fatally injured as he fell from a lift cabin roof while servicing a lift in an apartment building.

Graph 29: Accidents at work by age of injured workers, 2018–2020

Of all the reported accidents at work in 2020, a total of 26.7% of accidents involved women, while in 73.3% of cases injuries were sustained by men. Almost the same percentages of accidents at work by gender were also recorded in 2019 and 2018.

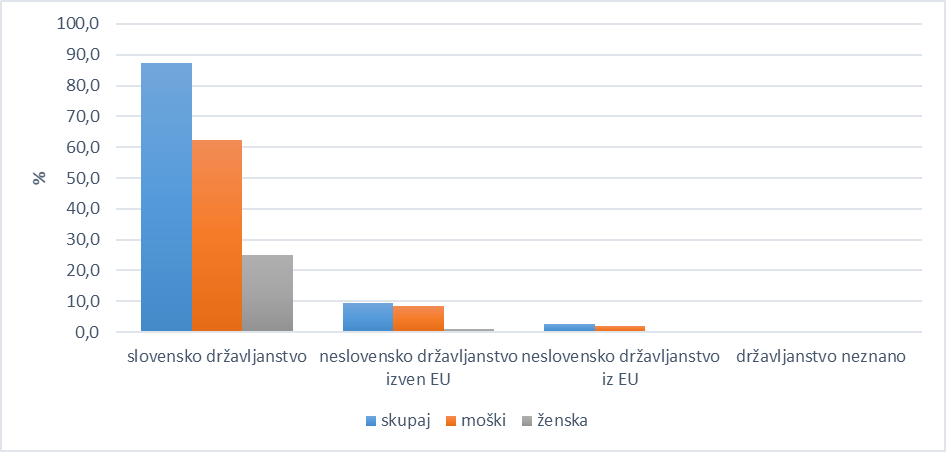
If only data of reported COVID-19-related accidents are analysed by gender, the results show that most accidents (70.9%) were suffered by female workers. Most such accidents (28%) were reported in the 45–54 age group, of which 20.8% involved female workers. The percentage of injured male workers was the highest in the 35–44 age group, i.e. 8.6%. More information is shown in the following graph.

Graph 30: Percentages of reported accidents due to COVID-19 by gender and age, 2020

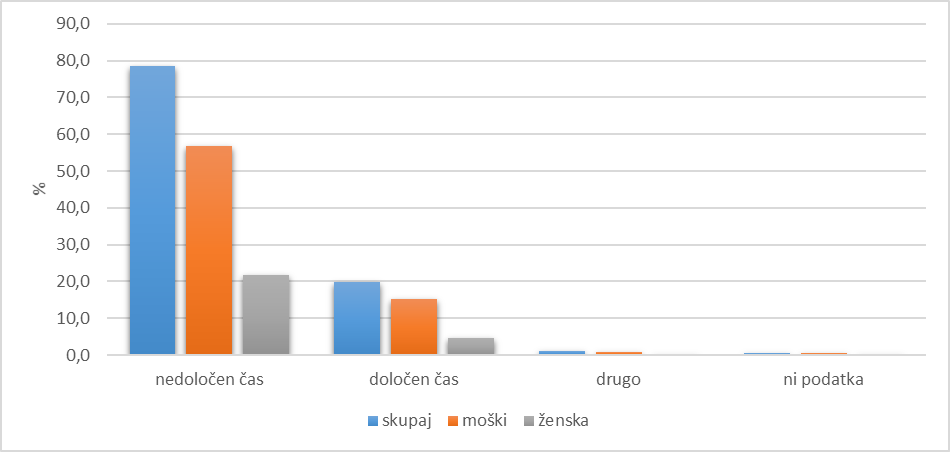
V letu 2020 je bilo izmed vseh prijavljenih nezgod pri delu 26,7 % takšnih, v katerih so bile poškodovane ženske, v 73,3 % prijavljenih nezgod pri delu pa so bili poškodovani moški. Skoraj enak delež po spolu ugotavljamo tudi v letih 2019 in 2018. Če analiziramo samo podatke prijavljenih nezgod zaradi COVID-19 glede na spol delavca, ugotovimo, da največ nezgod, in sicer kar 70,9 % odpade na predstavnice ženskega spola. Največ takšnih nezgod je bilo prijavljenih v starostni skupini od 45 let do 54 let, in sicer 28,0 %, v kateri je delež žensk predstavljal 20,8 %. Delež obolelih moških je bil največji v starostni skupini od 35 let do 44 let, in sicer 8,6 %. 


In analysing the data from the point of view of the nationality of injured workers, the IRSD found that 87.4% of workers who were injured were Slovenian citizens (2019: 85.5%, 2018: 89.3%), 9.5% (2019: 12.2%, 2018: 8%) of injured workers were foreigners who were not citizens of an EU Member State, but come from the countries of former Yugoslavia, and 2.6% of workers were foreigners from Member States of the EU. A total of 0.5% of accident reports did not show the nationality of injured workers. Injuries were most frequently sustained by permanent employees. More detailed data are shown in the following two graphs.

Graph 31: Accidents at work by nationality of injured workers, 2020



Graph 32: Accidents at work by type of employment of injured workers, 2020



### Accidents at work in mining

Mine inspectors have the same powers as labour inspectors, as provided for in Article 72 of the ZVZD-1 and Article 125 of the ZRud-1. On the basis of the ZVZD-1, inspections are carried out with regard to mining operations and underground construction works using mining operation methods.

In 2020, mining activity and mining operations in Slovenia encompassed lignite mining in the Velenje coal mine, the extraction, to a limited extent, of hydrocarbons from the oil fields in Lendava, and underground mining of natural stone blocks in Sežana and Hotavlje. At the Piran salt pans, the mineral resource of sea salt is produced. The most mined mineral resource is technical stone used in construction.

The number of accidents at work in 2020 constitutes about 18% of all accidents compared to 1995, which is an 82% decrease in the number of accidents in this period. In 2020, the number of accidents decreased by 17% (32 accidents less) compared to 2018 and by 5% compared to 2019.

In 2020, no fatal accidents occurred in mining. However, 70 cases were recorded in which workers very likely got infected with the SARS-CoV-2 virus in the workplace while performing tasks related to the exploitation of mineral resources.

Table 2: Number of mining accidents by severity and number of employees in the period 2010–2020.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Year** | **Number of**  **accidents** | **Minor accidents** | **Serious accidents** | **Fatal accidents** | **Number of employees** |
| **2010** | 165 | 158 | 7 | 0 | 2,943 |
| **2011** | 134 | 122 | 12 | 0 | 2,956 |
| **2012** | 129 | 122 | 7 | 0 | 2,492 |
| **2013** | 123 | 117 | 6 | 0 | 2,832 |
| **2014** | 138 | 134 | 3 | 1 | 3,537 |
| **2015** | 151 | 143 | 8 | 0 | 3,349 |
| **2016** | 145 | 142 | 3 | 0 | 3,045 |
| **2017** | 142 | 134 | 8 | 0 | 3,244 |
| **2018** | 162 | 149 | 13 | 0 | 3,174 |
| **2019** | 191 | 183 | 6 | 2 | 3,270 |
| **2020** | 159 | 153 | 6 | 0 | 3,099 |

# INSPECTIONS REGARDING EMPLOYMENT RELATIONSHIPS

## GENERAL

As usual, the IRSD has entered 2020 with the objective of implementing the adopted Programme Orientations, specifically by conducting intensified inspections regarding remuneration for work, including the supervision of compliance with the provisions on annual leave allowance and the ZMinP amendments, which entered into force as of 1 January 2020, which means that employers were first bound to meet these obligations upon making the statement of remuneration paid for January 2020. Both at the beginning of the year and later, the IRSD devoted considerable attention to the minimum wage, because the trade unions have pointed out some abuses of this institution. The IRSD has just launched an inspection campaign on the implementation of labour legislation in the education sector, which was prematurely suspended due to the declaration of the epidemic. The consequences of the spread of coronavirus had a profound impact on the lives of individuals and the IRSD work, because the spread was declared as an epidemic twice. The existing situation led to different content and scope of work at the IRSD in employment relationships, and also to a modified organisation and mode of work. IRSD priorities have changed significantly, because the IRSD needed to adapt to the new circumstances on the fly, which has affected the implementation of programme orientations. These could not be implemented in the kind of form, scope and content as previously planned.

Just as the epidemic affected the work of the IRSD, it also affected the work of other employers. At the outbreak of the epidemic, many employers shut down their businesses and temporarily halted their operations. Some (mainly large employers) did so on the basis of an ordinance adopted by the Slovenian government and ordered collective leave, while some dismissed their workers. During the first wave of the epidemic, the IRSD was overwhelmed with questions and offered professional assistance in many cases. This was followed by a period of reports being filed (mainly in May and June), mostly due to non-payment of the crisis bonus, while other reports concerned the termination of employment contracts, the ordering of annual leave and temporary lay-offs. Then came the summer hiatus due to annual leave. Most reports were filed in the hospitality and trade sectors and concerned the non-wearing of masks, the use of disinfectants and the failure to keep sufficient distance.

In the second wave of the epidemic, the above pattern was repeated, with no activity at the first stage, followed by numerous questions and, later on, filing of reports. Unlike in the first wave, large employers that were not subject to restrictions continued their operations.

To mitigate and eliminate the consequences of the coronavirus, several **intervention acts** were adopted, which mainly addressed labour legislation. Thereby, the existing legislation was amended and some exemptions from the existing regulations and many temporary measures were introduced. Some institutions were amended, while others were introduced for the first time (e.g. crisis bonus). In addition to the intervention legislation, many **ordinances were adopted by the Slovenian government to contain and control the coronavirus**. The new regulatory provisions granted the IRSD a number of new competencies and, consequently, powers. As already mentioned, various temporary measures were adopted as part of intervention legislation to preserve jobs, including partial reimbursement of salary compensation for workers who have been temporarily laid off, reimbursement of salary compensation due to imposed quarantine or the inability to carry out work for reasons of force majeure (due to the obligation to take care of a child, a standstill of public transport or a border closure) and partial subsidisation of shorter full-time work. All of them are subject to inspections conducted by the IRSD. The implementation of these institutions will be strictly supervised until the measures cease to apply and after cessation as well, because the IRSD can also identify violations retroactively. In addition, the IRSD was temporarily granted the competence to supervise the implementation of paragraph one of Article 39 of the ZNB, which remained in force until 31 December 2021 with the possibility of extension (for six months). This provision applies to the temporary measures that may be adopted by the Slovenian government when the measures stipulated by the ZNB cannot prevent the importation and spread of a communicable disease in Slovenia. The adopted temporary measures concern the determination of conditions for travel to a country where there is the possibility of infection with a dangerous or communicable disease, a ban on or restriction of freedom of movement in infected areas or areas under direct threat, a ban on public assembly in schools, cinemas, public premises and other public places until the danger of the spread of communicable disease no longer exists, and the restricting or banning of the circulation of certain types of goods and products. The IRSD devoted special attention to supervising the implementation of the ZNB provisions, especially at the end of the reporting period, placing a special focus on the compliance of measures related to mask wearing and keeping sufficient physical distance, the ban on gatherings, the use of suitable disinfectants and so forth. The IRSD participated in coordinated inspections with other supervisory authorities at border checkpoints. The main objective of inspections on compliance with the provisions of the ZNB was to caution violators. As of 31 December 2020, the IRSD was conferred a new competence to supervise the implementation of temporary measures related to infrastructure.

Between 29 March 2020 and 31 May 2020, only essential tasks under the ZZUSUDJZ were undertaken in relation to employment relationships in administrative matters, which also applies to violations. In terms of inspection, employment relationships include supervision of the implementation of intervention legislation and the supervision of violations of some other workers' rights (termination of employment contract, use of annual leave, remuneration for work, including annual leave allowance and other rights). These are priority areas of inspection even without intervention legislation.

In light of the above, the findings of the IRSD for 2020 are not entirely comparable with the findings of previous years.

In cases of personal contact with clients or citizens, the inspectors were forced to adapt the mode of conducting inspections related to employment relationships so as to comply with the recommendations of the NIJZ and restriction measures while performing on-site and other types of inspections. They also worked from home. Many inspections were also carried out based on the documentation received, because some employers could not be reached due to the spread of the coronavirus. The inspectors still face situations where private sector employers does not have their own business premises at the registered address. According to the inspectors, it is not infrequent that a registered business address matches an address of residence, an address of an accounting company or an address where over 150 business entities are registered, although only a few of these actually do business at these premises (e.g. ten of them). In terms of conducting an inspection in practice, this means that these employers must be called to a meeting at the IRSD premises or they are requested to submit documentation, which undoubtedly results in the longer duration of proceedings.

When supervising the implementation of intervention legislation, the IRSD exchanged data with the ZRSZ. Most violations in this context were recorded in relation to the payment of crisis bonus.

The largest share of all irregularities identified in employment relationships still concerns **remuneration for work**, as this area was strictly supervised in cooperation with the FURS throughout the reporting period. Violations relating to remuneration for work also include the non-payment of salaries, delayed payments of salaries and additional payments, violations pertaining to minimum wage, non-payment or late payment of the full or partial amount of annual leave allowance and the like. Regarding violations related to the payment of annual leave allowance, employers increasingly pointed out their illiquidity. As far as remuneration for work is concerned, the inspectors draw attention to the fact that, in some cases, employers reimburse workers for business trip expenses, although the inspectors established that these workers had never attended such trips. This means that the employers list a part of the salary under other items on the payslip.

The IRSD is still encountering **precarious forms of work**. Although inspections in this area could only be carried out to a limited extent, the number of violations identified is comparable with the findings from 2019 (see section 4.8.2). Such forms of work also emerge in the context of online platforms, which are increasingly becoming a widespread form of service provision or potential performance of work. The IRSD assumes that the use of services offered online by platform owners is becoming increasingly frequent due to the existing epidemiological situation. The full competence of the IRSD in this area is based on paragraph two of Article 13 of the ZDR-1, which stipulates that work may not be performed on the basis of civil law contracts, except in cases provided by an Act (e.g. temporary and casual work of retired persons), if elements of an employment relationship exist pursuant to Article 4 and in connection with Articles 22 or 54 of this Act. The inspectors believe that the number of violations identified by the IRSD does not reflect the actual extent of these forms of work in practice. It should be taken into account that the identification of such violations is a rather laborious and complex procedure, because the violation found often concerns a large number of workers, where the existence of elements of an employment relationship needs to be established and proven for each worker. The inspectors must also pay attention to whether the position of employment is subject to job classification or whether reasons exist to conclude a fixed-term employment contract.

Due to epidemiological reasons, the inspections regarding **the provision of the work of workers to user undertakings** could only be carried out to a limited extent in 2020; however, somewhat more violations were found compared to 2019. Field findings indicate that the provision of labour is becoming increasingly common and on an increasing scale. In accordance with the relevant act, providing the labour of workers to user undertakings means any provision of a worker’s labour by a legal or natural person with whom the worker has concluded an employment contract to a user undertaking where the worker works under the supervision and in accordance with the instructions of the user undertaking, or predominantly uses means for carrying out work that are part of the user undertaking's work process. Inspectors' experience shows that, in some larger construction projects or construction sites, it is difficult for a worker to perform field work which does not include elements of labour supply to another user undertaking. In such cases, the main contractors are aware of this and implement formal measures to cover these elements. Nevertheless, the inspectors base their findings on actual and not on formal relationships. It must be stressed that the treatment of such cases is very challenging and complex, and often involves cross-border elements. Dealing with these cases requires many procedural actions, which need to be carried out at different locations, and numerous enquiries. For such inspections, it is necessary to be well prepared and to obtain as much information as possible in advance, as addressing these cases is only effective if the inspectors begin the inspection at the location where the workers perform their work. This is the only way to obtain and secure as much evidence as necessary for successfully continuing the procedure.

In 2020, the IRSD conducted inspections concerning **occupational pension insurance**, in which concrete issues arose when determining whether a job position is subject to occupational retirement provision, because there is no systemic regulation or implementation of the ZPIZ-2 in practice. The ZPIZ-2, which entered into force on 1 January 2013, provided for the set-up of a special 7-member commission that would deal with establishing the occupational pension insurance obligation, while the amending ZPIZ-2B act (Official Gazette of the Republic of Slovenia *[Uradni list RS]*, No. 102/15) provided for the set-up of an additional 5-member commission that would be responsible for identifying job posts at each person liable (employer) for which inclusion in occupational pension insurance is mandatory. The two commissions under Articles 201 and 201a of the ZPIZ-2 have not yet been established, nor has the Slovenian Government yet laid down the criteria referred to in paragraph four of Article 199 of the ZPIZ-2 or issued a decree establishing the criteria for designating the jobs referred to in paragraph one of Article 199 thereof. As the establishment of these commissions would significantly contribute to a more effective supervision of the implementation of occupational pension insurance obligations, the IRSD repeatedly pointed out this issue in 2020, in particular with regard to the IRSD’s competence, the process of supervision itself and the issue of decisions concerning the admission of workers to occupational pension insurance. The MDDSZ has already carried out activities in this regard.

To a limited extent, the IRSD also carried out inspections relating to the **transnational provision of services** in accordance with the ZČmIS last year. In comparison with other areas of inspection in the field of employment relationships, the number of violations does not stand out; however, the workload of the Inspectorate regarding administrative cooperation as stipulated by the above-mentioned act is still huge. In the last calendar year, the IRSD received many requests for the service of documents or decisions from foreign supervisory authorities. The IRSD would like to point out that it is still facing issues in relation to the service of documents to legal persons that do not actually operate from their registered offices and do not have letter boxes in place. There were still cases where the responsible persons of legal persons are Slovenian citizens who do not have a registered permanent or temporary residence in the central population register. In many cases, however, the responsible persons of legal persons are replaced by third-country nationals who get appointed as legal representatives, which makes it difficult to conduct inspections and prevents the imposition of measures for identified violations and the recovery of fines.

During the reporting period, the IRSD recorded numerous violations of the **ZEPDSV**, which are still more common than violations regarding working time and the provision of breaks, but this does not reflect the actual situation in terms of compliance with the provisions in these areas. Although the ZEPDSV has not been amended yet, the MDDSZ has intensified its efforts in this regard. The IRSD is certain that the actual number of overwork cases is higher than the number of such cases identified by the IRSD. Due to the discontinuation of record-keeping, unsuitable record-keeping (also altered records), and especially due to the somewhat deficient regulatory framework, the irregularities regarding working hours and the provision of breaks are difficult to detect. This also impeded the determination of violations or abuses of some institutions subject to the intervention legislation, such as the partial subsidisation of shorter full-time work and the partial reimbursement of salary compensations for workers who have been temporarily laid off. The above-mentioned Act does not stipulate that working time records must also include the time of arrival at and departure from work, but refers only to the number of hours (hours worked, hours not worked, hours worked as overtime and the like). As a result, inspectors are unable to determine when those hours were completed and whether rest periods were provided to workers. It is also not clear from the working time records whether the worker performed their work in evenly or unevenly distributed periods of working time and whether they were granted breaks. Likewise, no sanctions are foreseen for responsible persons and the sanctions foreseen for legal persons are minimal, therefore having no deterrent effect. Employers therefore prefer not to keep records or not to keep them in accordance with the law over being fined for a violation regarding working time and compulsory rest periods.

The coronavirus epidemic has also led to **terminations of** many **employment contracts**. In this respect, the IRSD has encountered cases when an employer deregisters a worker from the compulsory social insurance scheme without giving them notice of termination of the employment contract in writing or when the employer deregisters a worker on the day of contract termination or when no termination procedure is carried out, the worker does not receive a written charge and is withheld the right to defend themselves. Employers even use pre-signed (bianco) forms for termination of contract. Inspectors also reported cases when an employer does not inform the worker of their rights arising from insurance against unemployment. The IRSD also detected an increase in the number of violations regarding the termination of employment contract of a foreigner, especially those from Bosnia and Herzegovina and Serbia who are in the process of renewing their residence permit. The employers tend to terminate their employment contract as soon as their residence permit expires, although their employment contract is still in force.

As in previous years, there are still several differences with regard to compliance with the individual institutions of labour legislation in the private and public sectors, as they differ in terms of the type of violations identified. Reports made by individuals employed in the public sector often contain their personal information. In addition to other indications, reports frequently include mobbing allegations. With regard to these reports, the IRSD inspects the implementation of legal provisions on protecting the dignity of the worker at work.

### Statistical review

During the reporting period, the IRSD carried out a total of **10,031 inspections** on employment relationships, which is significantly more compared to the previous year (8,013). The rise in the number of inspections can undoubtedly be attributed to the inspections conducted under the ZNB, which were also performed by the inspectors responsible for employment relationships. Such inspections were generally completed within a shorter time frame compared to the time frame required to effectively perform most inspections in other categories of employment relationships. During an inspection performed on the basis of a report or as part of a targeted inspection campaign, specific requirements related to employment relationships are supervised and, in addition to in-depth knowledge, inspectors require concrete experience in a particular area in order to conduct such inspections.

Given the number of inspectors responsible for employment relationships, the long periods of time needed to conduct inspections, modified priorities of the IRSD in the reporting period and the epidemiological situation affecting the IRSD's work in 2020 led to open cases not being dealt with in a reasonable period.

In 2020, the IRSD received **6,867 new reports with regard to employment relationships**, which is a considerable increase in comparison to the previous calendar year (5,958). As a result, the largest share of inspections is still made up of targeted inspections, where, as a general rule, the inspectors look into allegations made in the report. Mediators often include the FURS, the Police, the CPC, the IRSŠŠ, the KPK, the IRSŠŠ, the TIRS, the ZIRS, the ZRSZ, the Human Rights Ombudsman, the MDDSZ, trade unions and so on. Most of the reports are still made by workers, mainly by e-mail. Inspectors continue to point out the problem of anonymous reports that are incomprehensible or incomplete and therefore cannot be addressed. To a certain extent, i.e. within its capacities, the IRSD also conducted inspections as part of targeted campaigns or intensified inspections, in which certain target areas were inspected, and coordinated some actions that the IRSD carries out together with other supervisory authorities.

On the basis of the inspections carried out in 2020, the IRSD found **8,708 violations** of labour legislation, which is significantly less than in 2019, when 10,889 irregularities were recorded. The table below provides data on the number of inspections conducted in relation to the number of violations identified during the 2012–2020 period.

Table3:Number of identified violations and number of inspections conducted in the period 2012–2020.

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Year** | **2012** | **2013** | **2014** | **2015** | **2016** | **2017** | **2018** | **2019** | **2020** |
| Number of violations | 8,323 | 9,762 | 10,802 | 10,358 | 11,788 | 11,363 | 10,103 | 10,889 | 8,708 |
| Number of control procedures | 9,027 | 10,958 | 9,759 | 8,539 | 7,754 | 7,649 | 6,879 | 8,013 | 10,031 |

The above table shows that the number of inspections related to employment relationships is higher than the number of identified violations for the first time since 2013. This can undoubtedly be attributed to the inspections conducted under the ZNB, because most locations inspected were found to be compliant and no irregularities were detected. In the remaining inspections related to employment relationships, irregularities have been frequently identified, which is why the IRSD cannot be satisfied with the state of compliance with labour legislation.

The highest number of violations was found in **construction (1,362)**, followed by the **hospitality sector (1,019), manufacturing (1,006)** and **trade (755)**. The high number of identified violations shows that the IRSD is more active in these sectors.

As mentioned above, violations were most frequently found in relation to **remuneration for work and other remuneration from employment (4,720 violations)**. The second largest number of identified violations regarded **employment in a broader sense (905)**, while irregularities related to **records on labour and social security** were the third most common (637). During the reporting period, the IRSD found **550 violations** relating to working time and the provision of breaks and rest periods, and **405 violations** concerning termination of employment contracts. The total number of established violations of intervention legislation regulating employment relationships was **215**.

In their work, inspectors are often faced with high expectations of reporting persons with regard to resolving the problems caused by employers’ conduct. Due to social distress and worker dissatisfaction, an ever greater intolerance in communication was observed in 2020. Occasionally, the IRSD was also subject to employers’ dissatisfaction, which is sometimes manifested at the beginning of the procedure, but more frequently on the imposition of measures.

The IRSD has been pointing out for years that the competences of supervisory authorities are not clearly defined. The IRSD's area of work is often interlinked with the areas of work of other authorities, especially those in the public sector (the IJS, the ZIRS and others), which due to certain unclear delimitations of the areas of work, results in partial supervision and partial referral of cases to other authorities, and ultimately in the back-and-forth referral of cases and authorities claiming that matters lie outside their competences. In order to address issues in practice, the competences of supervisory authorities should therefore be defined more clearly.

During the reporting period, considerable attention was devoted to prevention. Several publications concerning current issues were made available on the IRSD website. In this regard, the IRSD provided professional assistance to workers, noting that more and more employers are turning to the IRSD with requests for professional assistance. The IRSD received a total of **2,725 written requests for professional assistance**, which is significantly more than in 2019 (1,456). The IRSD offers professional assistance both in writing and by telephone during office hours, depending on the mode of contact used by the requesting person. Due to the epidemiological situation, most requests in 2020 were received in writing and by telephone, because the IRSD set up a hotline operating from 09:00 to 15:30.

Substantial attention was also given to the harmonisation of inspectors' work both in terms of providing training, reviewing their cases and pointing out irregularities as well as in terms of drafting various instructions, notices (with a special focus on adopted legislation laws) and other work instruments, and finally in terms of drafting uniform minutes forms and some administrative acts.

During the reporting period, the IRSD highlighted several activities regarding employment relationships when proposing and commenting on amendments to the ZZSDT, ZČmIS and the amendments to the ZIUOOPE, which were then incorporated into the ZIUPDV in the form of a derogation from the ZIUOOPE.

To boost the efficiency of identifying and preventing violations as well as actions, the IRSD has constructively collaborated with the MDDSZ, the ZRSZ and social partners, both trade unions and employers, and with some supervisory institutions in Slovenia. The IRSD participated in various interministerial working groups and has collaborated with various international authorities and organisations, Slovenian state authorities and non-governmental organisations.

## MEASURES

As a result of irregularities related to employment relationships found in 2020, **regulatory decisions** were issued in **574 cases**,requiring employers to eliminate the irregularities. In the reporting period, action was taken in **47 cases** by issuing **decisions prohibiting the operation or the use of means of work pending the removal of irregularities**. In minor offence proceedings, inspectors acted by imposing **610 sanctions by way of a payment order**, **3,024 sanctions by way of a minor offence decision and 806 warnings regarding the minutes.** In addition, in order to prevent the spread of the new coronavirus, **citizens were reminded to comply with the ZNB** by ensuring the presence of inspectors in the field. The IRSD also reported **24** cases of **criminal offences**.**In 107 cases, warnings under the ZIN** were issued in accordance with the principle of proportionality. During the same reporting period, the IRSD **examined** **21 cases regarding cancellation of the employment contract for workers** protected during pregnancy and parenthood. The IRSD also issued **7** **decisions on suspending the effect of termination of employment due to dismissal** pursuant to paragraph two of Article 215 of the ZDR-1.

## SPECIAL FEATURES OF EMPLOYMENT RELATIONSHIP INSPECTIONS IN THE PUBLIC SECTOR

In conducting inspections in the public sector, certain features were found that are not typical of the private sector. In general, the number of reports tends to be smaller and their nature is different from reports made in the private sector, because this working environment is well-regulated and preventive measures are in place in accordance with Article 47 of the ZDR-1 or the Decree on measures to protect the dignity of employees of state administration, which public employees are generally familiar with. It should be explained that, in addition to the reports received by public employees, the violations of rights in the public sector are also dealt with on the initiative of other bodies, such as the Ombudsman, the Inspectorate of the Republic of Slovenia for Education and Sport (IRSŠŠ), the Public Sector Inspectorate (IJS) and the Commission for the Prevention of Corruption (CPC).

This year, the majority of reports related to alleged mobbing in the workplace, the selection of candidates for vacancies, the use of successive fixed-term employment contracts and the failure to fulfil job requirements, suggesting employment discrimination.

In accordance with the IRSD Programme Orientations, a targeted inspection campaign on the implementation of labour legislation in the education sector was conducted to establish compliance with the labour legislation in sectors in which most violations are identified. Most violations were found in relation to the obligation of issuing a public notice of vacancy, the fulfilment of job requirements (especially in relation to not passing the teaching certification examination) and to the existence of reasons for concluding a fixed-term employment contract. Given the above, the IRSD points out that the campaign was conducted at the time of the outbreak of SARS-CoV-2, which is why its duration was shortened. However, it may still be concluded that the nature of violations identified was comparable to those typical of the public sector and for which most reports are filed.

The outbreak of SARS-CoV-2 severely affected the operations of the public sector. Violations regarding working time, rest periods and breaks were identified, especially in the police and healthcare sectors, which highlights a systemic issue that was even more pronounced during the epidemic. Violations were also found in terms of taking annual leave in this period. In addition to examining reports, the IRSD functioned preventively by providing advisory services (daily hotline, counselling during business hours and providing professional assistance) regarding all current issues related to working from home and questions pertaining to intervention legislation.

## SPECIAL FEATURES OF EMPLOYMENT INSPECTIONS IN THE PRIVATE SECTOR

As regards reports or reported violations of labour legislation, the number of reports that the IRSD receives and deals with in the private sector is higher than that in the public sector. In the past, the IRSD has pointed out that applications are increasingly more comprehensive and concern several violations of the labour legislation, thus requiring an inspector to spend more time in examining it and making a substantive assessment. In 2020, a significantly larger number of reports was received. In addition to the introduction of intervention legislation, this reporting period was marked by a large number of ordinances adopted by the Slovenian Government to contain and control the coronavirus disease, while the IRSD was granted new competencies under the new regulations. All of this was reflected in the number and content of reports received and in the IRSD's operations. With the exemption of urgent matters, the performance of inspections was halted in the spring months due to the outbreak of the coronavirus epidemic. In light of the substantial increase of professional assistance provided, both workers and employers were asked to show tolerance and find as many mutual solutions as possible. The fear of potential COVID-19 infection was also reflected in the manner of communication, as the IRSD detected more cases of intolerance, and faced pressures in the form of threats that reports would be submitted to other authorities, the media, the Ombudsman and the like. The reporting period was also marked by an increase in working from home, which gave rise to many questions related to the protection of rights and obligations of both parties in the employment relationship.

Irregularities were most often reported by workers, either by submitting a report in writing at the headquarters of the regional units of the IRSD offices or by electronic means, often also anonymously. Irregularities were also reported by trade unions, other organisations concerned with the protection of workers’ rights, associations, other state authorities, lawyers and so forth. During the reporting period, more reports were filed by citizens, bystanders, neighbours and other people who, for fear of infection, reported works or activities being performed in contravention of many ordinances. The IRSD continues to receive reports from workers whose employment terminated and who are interested in recovering their monetary claims; such reports often involve an individual dispute. Notably, workers often did not seek the rectification of their employer’s violations, as provided in Article 200 ZDR-1.

The findings presented in this report refer to the inspections conducted, and the violations found do not reflect the entire situation of employment relationships and, of course, cannot be comprehensively generalised.

As already pointed out in the introduction, violations in connection with the institution of remuneration for work in 2020 are still the most frequently found employment violations committed by employers in the private sector. It should be stressed that intervention legislation does not interfere with the substance of remuneration for work as an institution. Inspectors found irregularities both during inspections that were based on the reports received as well as during intensified or targeted inspections and campaigns. Due to the epidemiological situation, several inspections were performed on the basis of documentation received. Both in 2019 and in this reporting period, the most frequently found violations were related to the failure to provide annual leave allowance. The number of reports increase significantly after 1 November, which was the extended deadline for the payment of annual leave allowance in the case of employer's illiquidity if permitted by the collective agreement for an individual sector. In this reporting period, data on employers that did not submit an iREK form for the payment of annual leave allowance for individual workers were again successfully exchanged with the FURS. The violations found regarding the payment of salaries were related to late payment rather than to non-payment of salaries. In addition, the IRSD received several reports regarding the payment of allowances and reimbursement of work-related expenses. Several activities of the IRSD were also focused on the amendments to the ZminP, which entered into force on 1 January 2020. The amendments are without prejudice to the provisions for the lowest basic salary under collective agreements or the regulation of basic salaries under employment contracts, nor does it interfere with the regulation of the amount of additional payments; supervision over the implementation of the aforementioned law was conducted as part of intensified inspections. It is certainly necessary to reiterate that a worker may enforce monetary claims arising from employment directly before the competent labour court.

Following the adoption of intervention laws, the subject of inspection often included the institution of temporary lay-off, the payment of crisis bonus, the invocation of the force majeure clause, quarantine, the partial subsidisation of shorter full-time work and government ordinances concerning compliance with the measures to reduce the risk of infection and spread of SARS-CoV-2, the temporary restriction of movement of people, the prohibition of gathering of people and the prohibition of offering and selling goods and services to consumers. Due to the 2020 epidemic, the operation of many business sectors was limited, while some sectors even temporarily ceased or adapted operations. The presence of workers at the employer's premises was significantly reduced and the extent of working from home increased substantially. The result of employers being focused on the measures concerning the coronavirus epidemic and their survival on the market was also reflected in the content of reported violations and requests for professional assistance. Several reports and requests for professional assistance related to the unilateral imposition of annual leave, the non-payment of crisis bonus and to abuses of the temporary lay-off institution and the unlawful termination of an employment contract for business reasons. The preventive role of the IRSD proved to be of utmost importance in the reporting period.

The IRSD considers that violations of working time are also problematic because they are difficult to prove. Employers often do not keep records or do not keep records in accordance with the provisions of the ZEPDSV. Records are often concealed, duplicated or do not reflect the actual situation, which is even more difficult to prove. In this context, inspections are also made more difficult due to the deficiency of the ZEPDSV provisions. There are also problems with the availability of records of the use of working time as they are often not available where the work is actually performed. It can be estimated on the basis of the experience of inspectors that the number of violations in practice is higher than the statistical data reveal. Unfortunately, the ZEPDSV has not been amended during the reporting period.

Work is very often carried out based on business cooperation contracts concluded with contractors, especially in the sectors that depend on external factors. The establishment of violations of the ZUTD provisions governing the activity of providing the labour of workers to user undertakings is complex; the main contractors are indeed aware of this and try to hide the signs of illegal labour supply through formal legal grounds. It was even more difficult to prove irregularities among individual employers who employed foreign workers and then posted them to work in other European countries. Inspections were also conducted on the transnational provision of services by foreign employers that temporarily provide services in Slovenia. In this segment, the IRSD estimates that communication between the competent authorities and their responsiveness are of particular importance.

In 2020, the IRSD can also report good cooperation and exchange of data and findings with the ZRSZ, especially with regard to intervention measures.

In the past, the IRSD had already drawn attention to the issue of 'non-cooperation' of many employers in inspection procedures, who make it difficult or impossible to initiate inspections and also to continue inspection or minor offence proceedings. Conducting inspection procedures becomes more difficult when the inspector is unable to obtain documents from a legal person due to the unresponsiveness of persons liable and is unable to carry out the inspection. As stated in the introduction, the prolonged duration of procedures is often the result of difficulties with the service of official documents (no business premises, only mailboxes, non-response, non-acceptance of postal items, avoidance of service), especially abroad (appointment of legal representatives from third countries, different national arrangements for the service of documents).

In 2020, the IRSD can report cases of abuse related to the conclusion of civil-law contracts contrary to the ZDR-1. With small employers, compliance with labour legislation often depends on the competence or the quality of services provided to the employer by the accounting company. The inspectors also point out the absence of collective agreements for certain activities and estimate that a framework or general collective agreement for the private sector would be very welcome.

As in previous reporting periods, inspectors established that the highest number of violations were committed by employers whose main activity was construction, hospitality, manufacturing and trade, in which inspections are also most often conducted.

The findings are reported in more detail by individual labour institutions.

## INTERVENTION LEGISLATION

As already mentioned several times above, the IRSD's operations in 2020 were affected by the coronavirus epidemic. Radical changes were caused by the adoption of new intervention laws, which have, inter alia, strongly affected labour legislation.

To aid the retention of employment and the economic position of employers, the Slovenian government adopted seven intervention acts in 2020. The first intervention act was the ZIUPPP, which was adopted on 20 March 2020 and entered into force on 29 March 2020. This was soon followed by the introduction of what were called the anti-corona packages (ZIUZEOP, ZIUOOPE, ZIUPDV, ZZUOOP, ZIUOPDVE and ZIUPOPDVE) at different times and with various validity periods, which have regulated institutions that predominantly supported job retention. The following intervention measures were adopted: crisis bonus, force majeure, quarantine, partial subsidisation of shorter full-time work and partial subsidisation of temporary lay-off. The epidemic situation has required rapid amendments and adaptations to intervention acts, which have not sanctioned the failure of employers to fulfil certain obligations, which, in turn, may result in a smaller number of violations of intervention legislation identified by the IRSD.

It is crucially important to clarify that, in the context of intervention legislation, the IRSD inspectors have always acted with the objective of general prevention. Throughout the epidemic, they have provided assistance in person, via telephone and in writing to both workers and employers within business hours. In 2020, professional assistance regarding labour legislation was provided in over 150% of cases compared to 2019. In addition, as many as 717 professional assistance requests out of 2,725 in total were related to the new coronavirus.

The following is a short presentation of the content of the institutions introduced under intervention legislation, supplemented by the IRSD findings for individual areas.

### Reimbursement of salary compensation due to imposed quarantine

Quarantine is the measure that is most closely linked to the epidemic. Home quarantine is a temporary measure by which a healthy person, after a high-risk contact with a person who has tested positive for SARS-CoV-2 or after arrival from abroad, limits their contacts with other people. The purpose of home quarantine is to prevent the spread of infection with SARS-CoV-2. Quarantined workers for whom the employer was unable to organise work from home and who did not travel to a red list country (0% of compensation), were eligible for salary compensation during the imposed quarantine to an amount that depended on the reason for quarantine. The range of the compensation was from 50 to 100% of the basic salary. The employer was obliged to pay the worker appropriate salary compensation for the duration of the quarantine and could then exercise the right to reimbursement of the paid compensation by filing an application with the ZRSZ.

Inspectors reported questions and dilemmas faced by employers and workers regarding this institution and the determination of the compensation amount for the duration of the quarantine. The IRSD provided them with professional assistance and has identified no violations in this regard.

### Crisis bonus

Crisis bonus was a temporary measure meant as an aid to private sector employees working during the emergency situation. The ZIUZEOP provided the legal basis for the payment of crisis bonus, under which employers were obliged to pay to every employee who actually worked and whose last monthly salary was less than three times the minimum wage a monthly crisis bonus in the amount of EUR 200. The obligation of remuneration under the ZIUZEOP applied to the period from 13 March 2020 to 31 May 2020. With the ZIUPOPDVE as the last intervention act to be published in 2020, a crisis bonus in the amount of EUR 200 was reintroduced. This time, an amendment was included (in contrast to the ZIUZEOP, under which employers were exempt from paying pension and disability insurance contributions for workers who worked in the given period), under which employers could request reimbursement of the paid crisis bonus. In spite of the substantive provision imposing the obligation of crisis bonus payment, no penal provisions or fines for violations were laid down in the ZIUPOPDVE.

The IRSD received several reports of violations concerning non-payment, late or insufficient payment of crisis bonus under the ZIUZEOP. In general, the inspectors noted that workers were well-informed about their right to crisis bonus and that employers were also well-informed of their obligation of payment. In relation to the crisis bonus, **122** violations were found, of which **41** concerned the payment of a proportionate part of the crisis bonus (i.e. if the worker did not work for the entire month or if there was a holiday or other work-free day or in the case of shorter full-time work).

### Reimbursement of salary compensation for workers who are unable to work due to force majeure

During the epidemic, certain categories of workers were rendered unable to work for various reasons. The reasons included the closure of kindergartens, schools and other social care institutions, the standstill of public transport and the closure of borders, which all led to workers being absent from work due to force majeure. In exceptional circumstances, a worker's absence from work may be justified on the grounds of force majeure.

The ZIUZEOP was the first intervention act to introduce the reimbursement of salary compensation for workers who are unable to work due to force majeure. This measure was in force during the first wave of the epidemic. The compensation for a worker who was unable to work due to force majeure was equal to the compensation amount for the case of temporary inability to provide work for business reasons (80% of the basic salary). With the adoption of the ZZUOOP, the right to reimbursement of salary compensation for workers who are unable to work due to force majeure due to the obligation to provide care was restored. This measure was in force from 1 September 2020 to 31 December 2020 and was extended by means of a decision until 31 March 2021. The amount of compensation was determined in the same manner as stipulated by the ZIUZEOP, however, it was not limited by the minimum wage. The measure was amended through the ZIUOPDVE, under which force majeure clauses including the standstill of public transport and the closure of borders were added.

With regard to the force majeure institution, inspectors reported workers' questions related to cases where the employers did not recognise force majeure and demanded that workers perform work or started to order workers to work in the afternoon or on Sundays. In such cases, the inspectors advised the workers and employers by providing them relevant information as to when and in what manner the law defines force majeure and what action to take in such case. No violations directly linked to force majeure were detected in 2020, because intervention legislation lays down no penalty provisions, except for the obligation of the payment of compensation and the obligation to inform the ZRSZ of the cessation of force majeure circumstances under the ZIUZEOP.

### Partial reimbursement of salary compensation for workers who have been temporarily laid off

An essential responsibility of an employer stemming from the employment relationship is to provide workers with work agreed upon in the employment contract. Nevertheless, the ZDR-1 provides that, in the event that an employer temporarily cannot provide work for a worker, with the aim of preserving jobs, the employer may temporarily lay the worker off by written notice for a period which may not exceed six months in one calendar year. In such case, the worker is entitled to salary compensation in the amount of 80% of the salary basis referred to in the seventh paragraph of Article 137 of the ZDR-1 and is obliged to respond to the employer’s invitation in a manner and under the conditions laid down in the lay-off letter. The partial reimbursement of salary compensation for workers who have been temporarily laid off was introduced as a temporary intervention measure to support employers and the retention of employment. It was introduced through the ZIUZEOP and was later extended through the ZIUOOPE, ZIUPDV, ZZUOOP and ZIUOPDVE until 31 January 2021.

The application of temporary lay-off was subject to many obligations for the employer: from informing of the ZRSZ before the worker returned to work to complying with the prohibition of ordering overtime work, including the prohibition of dismissal. The employer committed a minor offence if they dismissed a worker for business reasons while receiving salary compensation, which was only laid down in the ZIUPDV and the ZIUOPDVE (the ZZUOOP). Under specific circumstances, the dismissal of a large number of workers was also prohibited. Later, two provisions were added stipulating that the employer cannot claim the reimbursement of salary compensation for a temporarily laid-off worker during the period of notice and that they must submit a statement that their liabilities were settled.

Because the measure of reimbursement of salary compensation for workers who have been temporarily laid off is regulated by six acts, inspectors reported that inspections carried out under such legislation are time-consuming and that employers often found the legislation unclear. The inspectors point out that complications arose due to the early informing of the ZRSZ on the return of workers to work ahead of schedule, because the ZRSZ was issuing decisions on entitlement to the reimbursement with a significant delay, while the obligation to provide information on the call-up of the worker back to work in accordance with the ZRSZ's instructions started to apply only after the decision on the entitlement had been served. Most violations were recorded in relation to providing information to the ZRSZ. While the ZIUZEOP was in force, **60 violations** were found. The number of violations later declined, with **4 violations** per period being established in the periods of validity of the ZIUOOPE and ZIUPDV. While the ZIUZEOP, ZIUOOPE and ZIUPDV were in force, most violations (in addition to inappropriate providing of information to the ZRSZ) were found in relation to the payment of compensation. Regarding the institution in question, the inspectors pointed out the problems related to working time records. Reports mainly concerned the fact that, while workers were officially temporarily laid off, they were still forced to work, which was difficult to prove in practice, because the records submitted by the employers did not support the workers' claims.

### Partial subsidisation of shorter full-time work

When the employer was unable to provide work for workers under the terms laid down in the employment contract due to the epidemic, a temporary measure of partial subsidisation of shorter full-time work was introduced through the ZIUOOPE to support job retention. The employer was able to temporarily order shorter full-time work and, at the same time, temporarily lay-off a worker in a manner that enabled the employer to provide the worker with at least part-time work. This measure under the ZIUOOPE was in force until 31 December 2020 and was extended through the ZIUPOPDVE until 30 June 2021. Employers were entitled to a subsidy for the duration of shorter full-time work.

Employers had to comply with many obligations to exercise rights under this institution, including the prohibition of the termination of an individual (or large number of) worker's employment contract for business reasons while receiving salary compensation and in the next month after the last compensation was received, the prohibition of ordering overtime work or temporary redistribution of working time if the work could be performed by the workers working shorter full-time, the keeping of working time records and providing information to the ZRSZ on ordering shorter full-time work and providing at least part-time work. Before the decision on ordering shorter full-time work was adopted, the employer had to discuss the details with the trade union or works council or had to inform the workers before its adoption if no trade union or works council existed in the employer's company.

When this institution was introduced, the inspectors detected ambiguities regarding the distribution of working time when ordering shorter full-time work and pointed out the problem of working time records. They received several reports claiming that while shorter full-time work was officially ordered by the employer to receive state subsidies, the workers actually worked full time. The employers kept their records manually, which is why the actual time of arrival and departure of a worker to and from work could not be determined. The inspectors point out that it is difficult to perform such inspections, as these require careful examination of working time records and the establishment of other circumstances that could challenge the credibility of records in the case of alleged violations. During the inspections, it was found that, in practice, this institution was not used as often as temporary lay-off, which is also reflected in the small number of **violations** identified (only **5**), although this measure is subject to penal provisions, which stipulate a fine for failing to meet any obligations the employer should comply with under the relevant act.

## REMUNERATION FOR WORK

In 2020, violations regarding remuneration for work were the most common violations of employment relationships. The inspectors found **4,720 violations** regarding the institution of remuneration for work, which is less than in 2019, when 5,980 violations were identified. These violations accounted for **54% of all violations** in terms of inspections of employment relationships, which is comparable to the previous year.

Irregularities related to the payment of salary were established both in inspections based on received reports and in targeted inspection campaigns concerning payments of annual leave allowance (Article 131 of the ZDR-1), the day of payment (Article 134 of the ZDR-1), the statement of remuneration paid and the place and manner of payment of salaries (Article 135 of the ZDR-1), and compliance with the ZminP provisions, focusing on both large and small employers. With regard to the number of violations identified, the IRSD estimates that most violations were detected in this area of labour legislation due to several factors: the workers tend to turn to the IRSD first in the case of a non-payment of salary, the IRSD places special emphasis on identifying such violations and it cooperates with the FURS, especially when it comes to violations regarding the payment of annual leave allowance. The highest number of violations found in matters of remuneration for work also results from the increased activity of the IRSD in this area, however, this does not mean that this area is considered the most problematic.

Table 4: Number of violations of remuneration for work compared to all violations found during inspections of employment relationships, 2012-2020.

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Year** | **2012** | **2013** | **2014** | **2015** | **2016** | **2017** | **2018** | **2019** | **2020** |
| **Number of violations found regarding employment relationships** | 8,323 | 9,762 | 10,802 | 10,358 | 11,788 | 11,363 | 10,103 | 10,889 | 8,708 |
| **Number of violations regarding the institution of remuneration for work** | 3,488 | 3,601 | 3,542 | 3,776 | 5,013 | 6,064 | 5,538 | 5,980 | 4,720 |

In 2020, the most common violations of remuneration for work were those concerning annual leave allowance. Inspectors found **2,603** such violations. Regarding payment day, **1,025 violations** were found not only in connection with non-payment but also involving delayed payment of salaries.

There were also **533** violations of the provisions relating to the place and manner of payment of salaries, of which as many as **344 violations** concerned the statement of remuneration paid, which the employer is obliged to issue to the worker by the end of the payment day. The inspectors found **198 violations** regardingadditional payments under special working conditions, **41 violations** concerning seniority bonus and **45 violations** concerning reimbursement of work-related expenses.The inspectors found **110 violations** concerning withholding and offset of salary payment and **64 violations** concerning salary compensation.

Graph 33: Number of violations of remuneration for work compared to all violations found in employment relationships, 2010–2020

Inspectors also found a smaller number of other violations of the ZDR-1 concerning remuneration for work. It should be added that they recorded **8 violations** relating to temporary inability to provide work for business reasons, **3 violations** relating to severance pay on retirement and **13 violations** relating to the type of remuneration.

Graph 34: Percentages of violations regarding the institution of remuneration for work in 2020.

In 2020, inspectors found **77 violations** of the ZMinP regarding remuneration for work. In 2020, the gross minimum wage totalled EUR 940.58. The last amendment to the ZminP stipulates that as of 1 January 2020 all additional payments provided for by laws and regulations and collective agreements, the part of the salary for job performance and remuneration for business performance agreed as per collective agreement or employment contract are to be excluded from the definition of the minimum wage. The amendment also introduced changes in the calculation of the minimum wage by applying the formula for calculating the minimum wage as of 1 January 2021, whereby the minimum wage for full-time employment is to exceed the calculated minimum cost of living by 20%; the amended law also sets the upper limit of the minimum wage, which should not exceed the minimum living cost by more than 140%. The method for determining starting and basic salaries and the basis for determining the amount of individual allowances remain unchanged. Together with the line ministry, the IRSD publicly highlighted the amendments and held an open house day featuring the topic of the minimum wage at the beginning of February. Both workers and employers received considerable professional assistance in this area. No major irregularities were identified with regard to the payment of less than the minimum wage. Some irregularities in the incorrect calculation of the difference to the minimum wage were found and, in this respect, in the inclusion of allowances in the minimum wage due to the worker for regular work. In addition, there were some successful cases of cooperation with trade union representatives.

The inspectors still note that some employers pay salaries after the statutory date. The violations found in relation to the failure to pay salaries on time in 2020 suggest that this was also due to the circumstances in which the employers found themselves. Delays were mostly recorded with small employers, for example, in the hospitality sector and in activities whose income depends on other activities. In general, this mostly included business entities struggling with liquidity, which was mainly due to a decline in orders due to the closure of an economic activity following the declaration of the coronavirus epidemic. Sometimes, these entities were dependent on payments for services rendered to clients who were late in meeting their liabilities. Only a few cases of reports filed by workers who did not receive their salaries for a longer period were recorded.

Some administrative units draw the inspectors' attention to cases concerning the payment of salary and expenses for work of a foreign worker who would file an application for the renewal of a residence permit with the given administrative unit. Due to the exercise of rights to family reunification and family integrity, the worker's salary was unreasonably high for a certain period, although the worker only received a minimum wage, which means that the salary actually paid into the worker's bank account differed from the salary listed on the payslip and so forth.

Inspectors also identified violations related to the issuing of statements of remuneration paid. Employers often do not provide workers with the statements of remuneration paid and make payments in cash, with no payslips. The inspectors draw attention to the problem of proving the employer's issuance of the statement for remuneration paid, since the provision in paragraph two of Article 135 of the ZDR does not explicitly specify in what manner the employer should provide workers with a statement of remuneration paid by the end of the payment day.

Employers also resort to unjustified withholding and offset of salary payment (including annual leave allowance). Special attention should be drawn to violations regarding the payment of the last salary to a worker after the termination of their employment contract. The inspections show that employers do not provide workers with their salary in the right amount and point out damage caused by the worker, who usually does not recognise such claims. In this manner, the employer illegally offsets the claims without obtaining a signed statement from the worker.

Inspectors report that most violations were related to the non-payment or late payment of annual leave allowance, with the majority of reports being dealt with as part of the year-round campaign of targeted inspections. Cooperation with the FURS, based on information exchanged on employers who did not submit the iREK form for the payment of annual leave allowance for individual workers, is considered to be an example of good and effective cooperation between two supervisory bodies. The inspectors note that some employers make payments for annual leave allowance in several intervals, blaming liquidity problems. The ZDR-1 does not specifically define illiquidity, which causes practical problems. Inspectors detected cases where employers paid workers different amounts of annual leave allowance. It should be stressed that in such cases, the employers generally disburse the annual leave allowance within the statutory deadline to all workers at least in the amount of the minimum wage, as stipulated by Article 131 of the ZDR-1 or in the amount laid down in the binding collective agreement. The anomalies in equal treatment in the case of the payment of annual leave generally arise in the range between the minimum and the maximum amount of untaxed annual leave allowance. The employers mostly do not have any general act or formal criteria against which different amounts of annual leave allowance are disbursed to workers. For example, a lower proportionate part of the annual leave allowance is generally received by workers whose employment ceased in the given calendar year or who took parental leave. It is usually difficult to define legally sustainable arguments proving such elements of discrimination. Employers probably exploit the untaxed room for manoeuvre between the minimum and the maximum annual leave allowance as a favourable tax alternative to reward certain workers. The IRSD also dealt with cases where employers paid workers their annual leave allowance, however, they failed to make such payments to those workers whose employment terminated during the course of the year. Some of the irregularities found were related to the time limit set for the payment of the proportionate part of the annual leave allowance. It should be noted that the ZDR-1 does not specify the deadline for the payment of annual leave allowance to a worker who entered into an employment contract after 1 July of the given calendar year or whose employment contract terminated before 1 July, which poses a problem in determining when the minor offence was committed. Some cases of rights abuse were very difficult to prove, because the employer paid the workers their salary or the annual leave allowance, but the employer later requested the workers to withdraw the money from their account and return it to the employer in cash.

The inspectors also identified irregularities in the statement of remuneration paid, mainly due to the incorrect base for salary compensation. It should be stressed that, in such cases and in other cases of incorrect statement of remuneration paid, great responsibility lies with the accounting companies. Positive experience from intensified inspections related to the amendments of the ZMinP shows that when accounting companies are subject to such inspections, the situation improves for a large number of employers and not only for the particular employer subject to the inspection visit.

The temporary inability to provide work for business reasons is regulated in Article 138 of the ZDR-1, which specifies that in the event that an employer temporarily cannot provide work for a worker, for a period which may not exceed six months in one calendar year, with the aim of preserving jobs, the employer may temporarily lay the worker off by written notice. In such case, the ZDR-1 also lays down salary compensation for the worker. In 2020, the reimbursement of salary compensation to support job retention for employers who are temporarily unable to provide work due to the declaration of the coronavirus epidemic, the terms, eligibility, amount of compensation and the method of exercising the right to it as well as the institution of shorter full-time work accompanied by temporary lay-off were all governed by intervention legislation. Further details are available in a special subsection.

Inspectors also report on employers’ failures to provide workers with the additional payment for work under special working conditions, seniority bonuses and the reimbursement of work-related expenses. The current legislation only provides for the right to these additional payments and the reimbursement of work-related expenses, while as regards determining their amount, it refers to branch collective agreements. The difficulty arises in determining the amount of these additional payments and the reimbursement of expenses, especially in cases where the employer is bound by several collective agreements or is not bound by any collective agreement, and where the individual collective agreement does not contain provisions on the amount of additional payments and reimbursement of expenses. The possibility for inspectors to take action on failure to pay the seniority bonus is limited, as the ZDR-1 does not provide for minor offence sanctions in respect of such violations.

Furthermore, inspectors draw attention to irregularities regarding payments made to workers posted abroad. They also found that some employers fail to provide remuneration for work in accordance with the legislation of the country to which workers are posted, although it would be more favourable to the posted worker; instead, they pay such workers a minimum wage in accordance with Slovenian national regulations, while part of the payment is made in the form of other benefits.

Considering the above, the IRSD submitted several proposals for amendments to legislation governing the institution of remuneration for work.

## WORKING TIME, BREAKS AND REST PERIODS, AND RECORDS OF EMPLOYMENT

In 2020, inspectors found **550 violations** relating to working time, breaks and rest periods, which is significantly less than in 2019, when **734 violations** were found. There were **301 cases of violations** only relating to working time.

As in the preceding year, the most numerous violations were related to the distribution of working time, which were identified in **173 cases**. As regards the distribution of working time, the most frequently identified violations were violations of the provisions of paragraph six of Article 148 of the ZDR-1 (in **89 cases**), which stipulates that in cases of irregular distribution and temporary redistribution of full working time, the working time may not exceed 56 hours a week, which is an absolute limit on weekly working time for a worker. Frequent violations in relation to the distribution of working time include the employer omitting the obligation to provide the yearly distribution of working time and notify its workers and trade unions thereof in a manner customary to the employer before the beginning of a calendar or business year (**37 violations**).

Violations of the provisions regulating overtime work and the prohibition of work exceeding full working time were found in a total of **119 cases**, of which the most frequent were violations of paragraph two of Article 144 of the ZDR-1, which obliges the employer to order the worker to work overtime in writing. A total of **84** such **violations** was found.

Employers continue to commit violations relating to working time either intentionally or out of negligence or lack of knowledge. Employers in the first category typically alter working time records (double records), while employers in the second category usually try to implement the flexible distribution of working time, but lack the necessary knowledge or suitable records for this purpose. These generally use employment contracts with only a few provisions on working time and do not have a proper yearly distribution of working time.

Inspectors found that when workers are assigned to work, the question of salary compensation on holidays arises. This happens when, according to the distribution of working time, a worker is not assigned to work and would also be free from work even if there was no holiday (which means that the worker does not have any working obligation on the holiday). In such case, the worker is not entitled to salary compensation, which is why some employers intentionally assign workers to work on a holiday to avoid paying the compensation. The above anomaly was eliminated in health and social care by an amendment of the collective agreement (Article 32b of the Collective Agreement for the Health care and Social Protection Sector), however, a similar problem arises in other sectors, for example in the hospitality sector, which is why a systemic solution for all employers should be introduced. Otherwise, workers may incur financial damage or may be subject to discrimination.



In relation to violations of the distribution of working time, ordering overtime work and providing required breaks and rest periods, the inspectors note the problem of responsibility for an offence committed, mainly with large employers (for example, retail stores, where a store manager is responsible for the operations, organisation and recording of working time). In such case, the employer as a legal person may exculpate themselves and evade the responsibility for a minor offence by proving that the employer delegated the responsibility to organise working time of an individual business unit to the worker, in this case the store manager, and provided them with suitable instructions to perform this obligation. In accordance with the case law (judgement of the Supreme Court of the Republic of Slovenia IV Ips 9/2015), the legal person is not held liable for the minor offence if the responsible person violated the obligations arising from the employment contract and if the legal person provided them with the instructions on handling such matters in due time, and if the legal person is not subject to specific and concrete measures for due supervision.

As regards breaks and rest periods, **249 violations** were recorded, which is less than in 2019 (325). The highest number of violations, **138**, were identified with regard to the provision of the rest period between two successive working days, while the number of violations relating to a weekly rest period stood at **97**. As in previous years, the fewest violations (14) in 2020 were found in relation to ensuring an adequate break for workers during working time.

The violations regarding breaks and rest periods are still difficult to establish with some employers, because their working time records are not properly kept, or have been altered or concealed. There are still cases when a worker is on a break or their break is recorded while actually performing work at this time, that is in the period which is entered in the records as the worker's break time.

The violations relating to working time and the provision of breaks and rest periods are linked to violations of the ZEPDSV, which inter alia stipulates the keeping of working time records. In 2020, inspectors found a total of **637 violations** of the ZEPDSV, which shows a decline in comparison with the previous year (824 violations). Most of the identified violations concerned the records of the use of working time (Article 18) and the keeping of these records (Article 19), which amounted to a total of **322 violations;** there were **210 violations** ofthe general obligation to keep the records under Article 12 of the ZEPDSV.

Inspectors report that many employers keep such records that are completely appropriate and comply with the law, although it is generally known that, in some sectors, the workers work more than 8 hours a day, even without having a daily or weekly break. This especially applies to construction sites, where working time records rarely show the actual number of hours worked.

The introduction of fiscal tax registers and good collaboration in terms of data exchange with the FURS represent positive developments regarding inspections related to working time records.

## EMPLOYMENT IN THE BROAD SENSE

### Employment contract

This subsection also presents the findings of inspectors in relation to general provisions of the ZDR-1 or employment in a broader sense. Violations regarding termination of employment contracts are reported separately in terms of statistics and content. Compared to the previous year, the IRSD found that the number of violations regarding employment in the broadest sense in 2020 is smaller than in 2019, which reflects the situation regarding the employment of workers connected with the coronavirus epidemic. In 2020, the number of **violations** stood at **905**, while 1,280 violations were identified in 2019.Compared to all violations related to employment relationships found in 2020, this share of violations accounts for about 10%.

As regards the **conclusion of fixed-term employment contracts,** the inspectors found **226 violations** in 2020.A total of **146 violations** were found in connection with the reasons for concluding fixed-term employment contracts – which were not set out in the employment contract or did not correspond to the actual reason for defining fixed-term work. Often the reason for concluding a fixed-term employment contract is to test the worker, which means that the employers use the institution of fixed-term employment instead of the institution of a probation period. As regards the time limit on the conclusion of fixed-term employment contracts provided for in Article 55 of the ZDR-1, **56 violations** were identified. It was observed that employers tended not to extend fixed-term employment contracts due to adverse economic conditions. In **24 cases**, inspectors found that employers did not take into account the consequences of illegally concluded fixed-term employment contracts.

The IRSD noted that employment contracts often lacked individual mandatory components (e.g. the reason for fixed-term employment, the length of the period of notice, etc.) and did not necessarily reflect what was agreed between the worker and the employer. In connection with the **mandatory elements of employment contracts**, inspectors found **137 violations,** which is less than in 2019, when 223 violations were recorded. Of these, **53 violations** concerned the reference to collective agreements which are binding on the employer, and/or the employer’s general acts laying down the worker’s conditions of work. In **30 violations**, shortcomings were identified in connection with the daily or weekly working time provision and the distribution of working time. In **39 violations** identified, the employment contract did not include the term for which it was concluded, the reason for the conclusion of a fixed-term employment contract and a provision on the manner of taking annual leave. It was also found that employers failed to specify all provisions under Article 209 of the ZDR-1 when a worker is posted abroad.

Compared to 2019, the labour inspectors found fewer violations of Article 47 of the ZDR-1 committed within the institution of the employment contract and concerning **measures to protect the dignity of a worker at work** in 2020. There were **119 violations** identified, of which **72** concerned the adoption of measures to protect dignity and the other **47** wererelated to informing workers of the measures taken. Inspectors detected **12 violations** of the **prohibition of discrimination**, where more violations were related to workers in an employment relationship than to job candidates. More details are provided below.

In the reporting period, the inspectors found **95 violations of the prohibition of work under civil-law contracts while elements of an employment relationship existed.** This area could only be supervised to a limited extent, although the number of violations identified are comparable to the preceding year when 98 violations were found.Addressing these issues remains one of the major challenges facing the employment inspectors.

Inspectors found **79 violations** concerning the **registration of workers for social insurance schemes** at the time of conclusion of the employment contract and the **delivery of a photocopy of the insurance registration**, which is the employer’s obligation under paragraph two of Article 11 of the ZDR-1, in contrast to 2019, when 107 such violations were identified.

As regards the employer’s obligation to provide the worker with **a written** **employment contract and a draft of this contract three days prior to the signing of the contract,** the inspectors found **61 violations** in 2020, which is slightly less than in the preceding year, when 74 violations of paragraph two of Article 17 of the ZDR-1 were found.

Among those identified are violations concerning the **fulfilment of the conditions for concluding an employment contract**, which constitute a violation of Article 22 of the ZDR-1 – in 2020, **42 of such violations** were identified, which is significantly less compared to 87 violations recorded in 2019. Every year inspectors find a few cases where employers conclude a fixed-term employment contract with a candidate who does not yet fulfil the conditions for employment (which is otherwise possible on the basis of paragraph three of Article 22 of the ZDR-1 if none of the registered candidates fulfils the job requirements) and subsequently employ them for indefinite duration.

As regards respect for **the rights and obligations of an employer prior to concluding an employment contract** with a candidate, the inspectors found fewer violations of Article 28 of the ZDR-1 in 2020, specifically **16** (compared to 25 violations found in 2019). All violations identified were related the referral of the candidate for a preliminary medical examination in order to establish the candidate’s health capacity for carrying out work.

The comparison of the violations concerning **the announcement of job openings or types of work** shows that the inspectors found **23 violations** of Article 25 of the ZDR-1 in the reporting year (compared to 39 violations recorded in 2019). Several reports of such violations are received from the public sector, specifically the education sector.

As regards the **procedure for the adoption of the employer's general act** laid down in Article 10 of the ZDR-1, **12 violations** were found (compared to 29 violations identified in 2019). There is also a large number of small employers who are not obliged to adopt a general act – a job classification act – and thus have not specified requirements for a specific job; in accordance with paragraph two of Article 22 of the ZDR-1, the employers are not obliged to lay down the job requirements of an individual position or for the type of work. In such cases, inspectors verify whether jobs are classified in safety statements and risk assessments, which are then compared to the actual assignment of a worker or work duties performed by the worker.

In 2020, the inspectors recorded **14 violations** of the institution of part-time employment contracts related to the violation of paragraph six of Article 65 of Article ZDR-1, which prohibits the imposition of work exceeding the agreed working time on part-time workers unless otherwise agreed in the employment contract. Such violations are extremely difficult to identify without reports being filed, especially if the employer’s working time records are modified or not kept by the employer in a manner that would enable the identification of a violation. If a worker works more than is specified in a part-time employment contract, such a violation constitutes an offence only if this possibility of longer work is not provided for in the employment contract. It should be noted that it will be easier to identify such violations if the shortcomings of the ZEPDSV are rectified, as the IRSD has already pointed out.

We found a total of **10 violations** of Article 76 of the ZDR-1, which specifies that, in the case of a change of employer, the transferor employer and the transferee employer must inform the trade unions of the transfer at least 30 days prior to the transfer and, with the intention of achieving an agreement, the transferor employer and the transferee employer must consult regarding the legal, economic and social implications of the transfer and regarding the envisaged measures for workers.

In this section, attention should also be drawn to **working from home** in this reporting period.This form of flexible employment constitutes an important institution for dealing with modern challenges that both workers and employers face on a daily basis. Provided that the rights and obligations of the worker are respected and met, this institution simplifies the harmonisation of business and private life for the worker, while providing the employer with greater flexibility and easier organisation of work in emergency situations. This reporting period has seen a significant increase in working from home. The ZDR-1 lays down four obligations directly linked to working from home: the conclusion of an employment contract, which includes the provision or agreement that the worker will perform work at home which falls within the scope of activities of the employer or is required for the performance of the employer’s activities for the entire duration or part of the worker’s working time; the obligation to notify the IRSD of the intended organisation of working from home prior to the commencement of such work; the obligation that rights, obligations and conditions which depend on the nature of working from home are regulated by the employment contract concluded between the employer and the worker and the obligation that the right to compensation for the use of their own resources when working at home is regulated by the employment contract.

Given the contractual nature of the employment relationship, working from home requires the relevant consent of the employer and the worker, which is manifested in the conclusion of an employment contract for working from home, regardless of whether the employment contract will be concluded with a future or existing employee. A worker who performs work in his own home or at other premises of his own choosing in agreement with the employer has the same rights as a worker who works at the premises of the employer, including the right to participate in management and in union organising.

In addition to the key elements pertaining to working from home that should be specified in the employment contract, the IRSD points out that the employer needs to pay attention to the suitability of the workplace, working time, protection of business secrets and other sensitive data, obligation to ensure safe and healthy working conditions, means of work and material provided by the employer, the manner of day-to-day agreements on working from home if its duration is not specifically defined in the employment contract, the worker's reporting on the records pertaining to the use of working time, the definition of work which falls within the scope of activities of the employer or is required for the performance of the employer’s activities (may be laid down in the job classification act), the method of monitoring the work duties assigned to the worker and its results and the worker's reporting thereof, the availability of the worker at home (when, at what times and in what manner must the worker be available to the employer and vice versa), enabling the worker to establish a safe connection with the employer's network, the method of communication of data that are important for the implementation of the employment contract (for example, sick leave) and other aspects.

The simplification of the procedure to notify the IRSD of the intended organisation of working from home was adopted with the measures of the sixth anti-corona package (ZIUOPDVE), which also specified what information should be communicated to the IRSD by the employer. The information received via the SPOT system will provide more accurate statistics on working from home in Slovenia.

The system of regulating employment relationships also simplifies the ordering of working from home or the performance of work at another workplace due to exceptional circumstances. Article 169 of the ZDR-1, which governs changes of work due to natural or other disasters, stipulates that, in cases of natural or other disasters, when such are expected, or in other exceptional circumstances when human life and health or the employer’s assets are at risk, the type of or place of carrying out the work defined in the employment contract may temporarily be changed even without the worker’s consent, though only while such circumstances pertain. This mainly applied in the first stage of the declared epidemic.

The labour inspectors identified **3 violations of the prohibition of undeclared employment**.In accordance with Article 19 of the ZPDZC-1, labour inspectors may, when there are grounds to suspect undeclared employment, issue a decision prohibiting the work of the individual in undeclared employment, and they must immediately inform the competent authority thereof. The IRSD continues to receive an extremely large number of reports of alleged violations of this kind, especially via the eUprava portal, which it refers to the FURS as the competent authority.

Graph 35: Percentages of violations concerning employment in the broad sense, 2020.

### Performing work on legal bases other than employment contract – civil law contracts

As often stressed by the IRSD, when establishing the existence of an employment relationship, the actual circumstances that indicate the manner in which the contractual relationship is implemented in practice are of essential importance, rather than **the name given to the relationship by the contracting parties or the status of the contracting parties**.According to Article 13 of the ZDR-1, work may not be performed on the basis of a civil-law contract if the elements of an employment relationship exist, with the exception of cases provided by law. The specifics of particular activities defined in special legislation must be taken into account. The labour inspectors only supervise the conclusion of works contracts if it is a matter of determining the existence of elements of an employment relationship and the work may not be performed based on a civil-law contract. The resolution of such cases is ambiguous, with the inspectors proving the existence of elements of an employment relationship for each worker individually.

The procedure of searching for and comprehensively assessing evidence of the existence of elements of employment relationships can be complex and long-lasting. Labour inspectors examine, for example, what kind of contract a worker has concluded with the client, whether the worker has the status of a natural person, sole trader, self-employed person or student, whether the employer has a classified post for the tasks performed under the civil-law contract concluded with the worker, whether the work vacancy was advertised, whether the work the worker performs under a civil-law contract is performed in the same way as the work performed by the workers employed by the employer, where the work is performed, at whose premises the work is performed, who is the owner of the means of work, whether the worker is free to choose the method of work or has to follow the instructions of the client or employer, how absences are dealt with, how many hours the worker must work compared to other workers, how the records of hours worked are kept, how the payment for work performed is calculated, when it is paid, whether the payment is the worker's only or main income, whether the worker receives a commuting allowance and reimbursement for meals during work, whether the worker performs the work in person and without interruption or whether there is a certain continuity, whether the worker receives expert instruction concerning the content and performance of work, whether the employer monitors the worker's work, to whom the worker turns to for advice or instructions in the event of difficulties, and similar issues.

The inspectors reported the conclusion of contracts on business cooperation with subcontractors or the conclusion of civil law contracts with sole traders, especially in the construction and metal industries. In general, a large number of civil law contracts has also been identified in the hospitality sector, which was among the worst affected sectors in 2020 due to restrictions on business activities. In 2020, inspectors found **95 violations** of Article 13 of the ZDR-1, which does not reflect the actual prevalence of civil-law contracts in contravention of the regulations. The inspectors often have difficulties in identifying the elements of an employment relationship and finding evidence of their existence; in practice, the existence of individual elements of an employment relationship is often interpreted far too loosely and in terms of the absence of an individual element, especially the element of uninterrupted work. Only a few reports were received in this area. Due to the coronavirus epidemic, several employers limited or adapted their business operations, which is why civil law contracts were either terminated or not concluded. Many employers laid off high school and university students who performed work on the basis of student work service referral. As mentioned above, the IRSD did note various forms of work via different web platforms, which are becoming increasingly prevalent in Slovenia. This different mode of performing work seems to suggest the uselessness of the classical institutions of labour legislation when, in fact, the already familiar problems were given a new appearance.

When the elements of an employment relationship exist and a violation related to conclusion of a civil law contract is identified, inspectors conduct an administrative and offence procedure. It should also be noted that inspectors also reported several cases where the person found to be working under a civil law contract in contravention of Article 13 of the ZDR-1 shows no interest in regular employment. The IRSD also dealt with cases where employers carried out their activities in such a way that they did not employ any workers, but carried out their activities exclusively on the basis civil-law contracts.

The inspectors wish for this legislative area to be amended or regulated with detailed provisions. To achieve this, social partnership and social dialogue are of utmost importance.

When performing inspections, the IRSD will continue to pay special attention to various forms of work that are contrary to regulations, usually outside the framework of employment relationships and not based on a voluntary decision of workers. This will also be done through carrying out targeted campaigns and intensified inspections. In addition, the IRSD will devote its attention to this topic at its annual conference when the situation pertaining to the SARS-CoV-2 outbreak permits.

### Prohibition of discrimination, sexual and other harassment and mobbing in the workplace

The COVID-19 epidemic in 2020 also gave rise to different dynamics in relation to the prohibition of discrimination, sexual and other harassment and mobbing in the workplace. In these areas, significantly fewer violations were identified than in previous years, because the focus of inspections shifted to epidemic-related areas.

Similarly to the previous year, it can be established that employers continue to deem their obligation under paragraph one of Article 47 of the ZDR-1 concerning the implementation of suitable measures to provide a working environment such that no worker is subjected to sexual or other harassment or mobbing on the part of the employer, a superior or co-workers as fulfilled by adopting a general act listing possible measures. Notwithstanding this interpretation, inspectors found **72 cases** in which this obligation was not met in 2020 (compared to 145 violations in 2019). If such measures are adopted, the employers generally inform the workers thereof, because in 2020 inspectors found that employers failed to do so in only **47 cases** (compared to 105 cases in 2019). Unfortunately, inspectors report that the provisions of these acts are neither used for prevention in practice nor when staff members suspect that workers are being bullied or harassed in the workplace. In 2020, most violations of Article 47 of the ZDR-1 were recorded in the hospitality sector.

As in previous years, in 2020 inspectors estimated that the IRSD received somewhat more reports of alleged mobbing in the workplace or related requests for professional assistance from the public sector compared to the private sector, where such reports are less common. Due to the epidemic and the temporary closure of some sectors (education, sports, libraries and similar activities) and the resulting decrease in new or additional jobs in these sectors, there were fewer possibilities for such violations to arise.

However, the inspectors did report the increased dissatisfaction of public employees in this reporting year, specifically in primary schools, kindergartens, elderly homes and, generally speaking, in those public subsectors where the workload increased or changed during the epidemic. Due to staff shortage in the healthcare and social protection sector, which was under even greater pressure during the epidemic due to the increasing number of patients and reorganisation of work on the one hand, and due to the absence of staff for health reasons or prevention on the other, public employees complained about burning out and being under such pressure, which, in their opinion, could constitute workplace mobbing.

Similarly to previous years, it can be noted for 2020 that, in spite of the adopted general acts, when a suspicion of harassment or mobbing is raised within a team, the workers do not conduct procedures in accordance with these acts (they are afraid of retaliatory measures by the employer or work colleagues). Sometimes these procedures are not even conducted by the employers themselves when they receive a report of alleged workplace mobbing, although the employers themselves adopted the acts. The IRSD also established that, in general, workers only send questions as to the protection of worker’s dignity and the possibilities for taking action while they are in an employment relationship. The reports are often filed only after their employment ceases and when the worker has outstanding claims against or is in conflict with the employer. Workers rarely decide to file a lawsuit with the competent labour court, but rather invoke extraordinary termination under Article 111 of the ZDR-1 to escape the working environment, which they deem detrimental to their health due to alleged harassment or mobbing.

In individual cases of alleged workplace mobbing, the workers or employer may consult the IRSD Project Unit, which can help by conducting mediation. Mediation can be a very effective means to resolve a conflict which has not been going on for too long, does not concern a large number of people and is mainly caused by a lack of communication or poor communication. Due to such communication, the involved parties analyse in their own way certain events that occurred in the workplace and that evoke strong feelings in them. Instead of discussing the events and their feelings, they isolate themselves from others, aggravate the conflict and draw other colleagues into it. This happens on both or all sides. Practically every mediation case is rooted in inappropriate communication between the involved parties, which can be non-existent, inadequate, unprofessional or not adapted to the recipient. It is interesting that when a conflict is caused by alleged workplace mobbing, it is generally the employer or their legal representative that requests the mediation to be initiated. In their request, they usually explain that they do not how to approach the worker, because the latter considers every step taken by the employer as evidence of mobbing.

Occasionally, the IRSD is consulted by the victims of workplace mobbing (or mere inappropriate communication), who illustrate the events at the workplace and ask for advice on how to act in such cases. These persons are then informed of what does and what does not constitute mobbing, how they can act and what possibilities they have to protect their health and dignity. The victims are often very grateful to be able to discuss their workplace issues without judgement and with a large amount of understanding.

As pointed out several times in previous reports, inspectors encounter serious obstacles when examining facts related to alleged violations of the protection of a worker's dignity. No evidence (documents, witnesses) to support the existence of disputed actions is available or there are only statements of the involved parties, which are generally contradictory. In addition, the workers perceive these violations very subjectively. Out of fear of retaliatory measures, witnesses mostly do not wish to give a statement in the inspection procedure. Moreover, the inspectors are obliged to protect the secrecy of the sources of a report and must not reveal it while conducting the procedure. Therefore, violations of mobbing or harassment in the workplace are very rarely evident or proven. The source of the report is also informed of the possibility of exercising their rights before a competent labour court under Article 200 of the ZDR-1.

In spite of the epidemic, the IRSD mainly has a preventive role in protection against harassment and mobbing in the workplace, which means that it informs both the employers and workers of the consequences of prohibited actions and provides them with practical solutions to improve the atmosphere within a team. These mainly include open and honest communication (with an emphasis on adequate and prompt feedback), fair and legitimate fulfilment of rights and obligations arising from the employment relationship and adequate ad-hoc action when violations of work obligations are detected. A commendation given to an employee for work performed proved invaluable and, according to many studies, such commendations are chronically lacking in Slovenian working environments.

Nevertheless, it is good to hear that several employers in Slovenia are actively implementing prevention activities to improve the atmosphere among their staff members and prevent or nip the psychosocial risk factors in the workplace in the bud. It is praiseworthy that certain employers started to hire qualified Chief Happiness Officers (mainly large employers) who take care of the wellbeing of staff members. Such employers recorded significantly higher productivity and profit, fewer workplace conflicts and thus less expenses and time allocated for conflict solving, greater creativity and worker turnover lower than the average. Because they are considered good employers, they have no difficulties in finding new, highly motivated, qualified and loyal employees.

In 2020, a total of **12 violations** of the prohibition of discrimination were recorded by the IRSD, which is less than in previous years when this number was around 20. Due to the 2020 epidemic, the operation of many business sectors was limited, while some sectors even temporarily ceased or adapted operations. The presence of workers at the employer's premises was significantly reduced and the extent of working from home increased substantially. The result of employers and workers being focused on measures concerning the COVID-19 epidemic and their survival on the market was also reflected in the content of reported violations and requests for professional assistance. Due to their nature, violations of the prohibition of discrimination are practically impossible to establish if they are not reported, which is also reflected in the small number of such violations identified by the IRSD in 2020. The small number of violations of the prohibition of discrimination found can undoubtedly be attributed to an increased workload of inspectors in epidemic-related areas.

In this reporting period, the inspectors identified a total of **12 violations** concerning the prohibition of discrimination, of which **five** were related to job candidates and **seven** to workers in an employment relationship. All the violations were established with employers from the private sector, mostly limited liability companies (d.o.o.), while two violations pertained to an individual sole trader. Interestingly, the two violations found with the sole traders were related to job candidates, specifically to the controversial conditions for the performance of work published in a public notice of a job vacancy. These implied that, in their job notice, the employer gave preference to a specific gender ("waitress", "carpenter") or age group: 19 to 35.

In **five** cases of identified discrimination against job candidates, the employer sought workers with the following personal circumstances:

* in two cases, females were sought to assist in serving drinks to guests (job position: waitress);
* in one case, the notice of job vacancy included the condition that this job position was only available to males between 19 and 35 (carpentry);
* in another case, the employer published the following notice: "Since we know that women are able to handle multiple tasks simultaneously, we need you!"; however, they did not list what this position involved, apart from specifying that the work would be performed for one moth in the Dolenjska region;
* in the last case (which also drew public attention), the employer published a notice of job vacancy for "female dentist's assistant", specifying that it is desirable that the candidate's children are aged three or above and that the candidate does not plan to take maternity leave in the next two thirds of the year", thereby managing to list several personal circumstances as grounds for discrimination (gender, pregnancy, motherhood, parenthood, family status).

In the above cases, the violations of the prohibition of discrimination against job candidates were recorded either as violations of Article 6 or Article 27 of the ZDR-1. The latter prescribes equal treatment with respect to gender in a vacancy notice: employers may not publicly advertise job vacancies only for men or only for women, unless the employment of a member of one sex represents a significant and decisive condition for work and such a requirement is proportionate to and justified by a legitimate objective. A notice for a job vacancy may also not indicate that in the process of recruiting, the employer may give priority to one gender.

Each time a violation of the prohibition of discrimination against job candidates was identified, the employers had already removed the disputed job advertisement either when the inspector informed them of the violation or, in one case, even before that (due to public pressure).

In the remaining **seven cases**, the employers treated the workers unequally during their term of employment. For example, the employers:

* paid salaries to different employees on different days;
* violated the prohibition of discrimination against employees by choosing different days for the payment of annual leave allowance;
* paid different amounts of annual leave allowance to their workers, regardless of the workers' term of employment with the given employer.

In an above case, male workers in a better paid position at the manufacturing site (mechanic) received their salaries a few days earlier than the rest of the manufacturing site female workers (seamstresses), while the employer submitted iREK forms exclusively for them a few days earlier compared to the submission of forms for other workers, and also presented them with their payslips earlier. The important factor in this specific example is that the workers were males, while the seamstresses were females in lower positions paid later.

According to the inspectors' findings, the anomalies in equal treatment in the case of the payment of annual leave generally arise in the range between the legally specified minimum and the maximum amount of untaxed annual leave allowance. Employers mostly do not have any general act or formal criteria under which different amounts of annual leave allowance are disbursed to the workers. Occasionally, the elements of discrimination against certain groups of workers are identified. For example, a lower proportionate part of the annual leave allowance is generally received by workers whose employment ceased in the given calendar year or who took parental leave. Often, not all elements of discrimination can be unambiguously defined, which implies that the employers probably exploit the untaxed room for manoeuvre between the minimum and the maximum annual leave allowance only as a favourable tax alternative to reward certain workers.

In an interesting case of a violation regarding the prohibition of discrimination, the employer struck a deal with the trade union, under which workers who were absent from work for health reasons or took parental leave in 2019, were paid a lower amount of the remuneration for business performance in 2020 than workers who were absent from work for reasons other than the above listed. In this case, indirect discrimination of employees based on the following personal circumstances was identified: parenthood, pregnancy, health status, disability, motherhood and gender.

## TERMINATION OF EMPLOYMENT CONTRACT

In 2020, inspectors found **405** violations concerning the termination of employment contract, which is 23 more than in the previous year.

The highest number of violations, **114,** concerned the termination of a fixed-term employment contract, with a large share of violations found in the payment of severance pay. Thus, in 2020, **113 violations** of severance payment were found in connection with the termination of fixed-term employment contracts.

As regards the termination of employment contracts by agreement, **30 violations** were found, of which **29** were related to the failure to notify workers in writing of their rights arising from insurance against unemployment.

Even in the event of ordinary or extraordinary notice of the cancellation of employment contract, **52 cases** were found where the employers failed to notify the workers of the legal protection and rights arising from insurance against unemployment and of the obligation to register in the job seeker register. In **50 cases** it was found that prior to ordinary cancellation for reasons of incompetence or misconduct and prior to extraordinary cancellation of the employment contract, the employers failed to acquaint the workers in writing with the alleged violations or alleged incompetence and give them the opportunity to defend themselves within a reasonable period, which may not be shorter than three working days. There were also **18 violations** found in connection with the prescribed written form of termination of the employment contract. Furthermore, inspectors found **88 cases** where in cases of ordinary or extraordinary notice of cancellation the employer failed to comply with the provision of Article 108 of the ZDR-1 concerning the payment of severance pay; **22 violations** were also found in connection with the service of notice of termination of the employment contract in accordance with Article 88 of the ZDR-1. In **17** cases, inspectors found violations concerning special protection against dismissal.

As regards the termination of employment contracts, in 2020 inspectors found **67 violations** of the provision of paragraph three of Article 30 of the ZMEPIZ-1, which stipulates that after deregistering a worker from compulsory insurance, the employer is obliged to hand over a copy of the certificate of such deregistration to the worker within 15 days of termination of the employment relationship.

The IRSD notes that the statutory procedures for the cancellation of employment contracts still pose significant difficulties for employers, which is why some of them seek the assistance of lawyers, various human resources engineers and also accounting services, while workers often turn to the IRSD for professional assistance prior to giving their notice of extraordinary termination of the employment contract.

Employers frequently deregister workers from social insurance schemes without first legally cancelling the employment contract. In addition to the oral notice of termination of employment contracts, labour inspectors also faced cases where workers were not served with the written notice of the employment termination or were not given the opportunity to defend themselves before the termination of their employment contract. The IRSD notes that these cases are more common among third-country workers, who inter alia stop coming to work due to mutual misunderstandings between them and their employer, while the employer subsequently fails to carry out the legal procedure for terminating the employment contract and only deregisters the worker from the compulsory social insurance scheme. There are still cases where at the time of employment or during the period of employment a worker signs in advance a prepared notice of termination of the employment contract (blank document), to which the employer subsequently adds the date of dismissal, even retroactively and often without the worker’s knowledge. Workers often only decide to report such cases when they are advised to by other authorities for the purpose of exercising their rights to compensation and assistance.

The action of labour inspectors in minor offence proceedings is limited, particularly in cases where the exact date of termination of employment is indicated in the notice of ordinary termination of the employment contract, because if the employer fails to comply with the notice period, such violation under the ZDR-1 does not constitute an offence.

Temporary lay-off and part-time work were the measures applied to support the retention of employment under intervention legislation. In the course of adoption of new intervention laws, the limitations on dismissal of employees for which the employer received compensation or subsidy or on dismissal of a large number of employees for business reasons have become more stringent.

## LABOUR MARKET REGULATION ACT

In 2020, labour inspectors noted an increase in violations of the ZUTD provisions; they found **121 violations** of this regulation, which is more than in the previous year (105). By far the highest number of violations, i.e. **106 violations**, were related to providing the labour of workers to user undertakings, which is regulated in Chapter XI of the ZUTD, Articles 163 to 174a.

As regards violations of providing the labour of workers to other user undertakings, the highest number of violations in the reporting year, specifically a total of **98 violations,** accounted for those of the provisions of Articles 166 and 168. Most violations (**59**) were identified in relation to the violation of the provisions of paragraph two of Article 168, when employers provide the labour of workers to user undertakings even if they fail to fulfil the basic conditions for the pursuit of this activity (not entered in the register). In many cases (**39**) inspectors again established that user undertakings fail to comply with the provisions of paragraph two of Article 166 of the ZUTD, which stipulates the obligations of the user undertakings and prohibits them from accepting assigned workers from an employer who does not have the licence referred to in Article 167 of the ZUTD and is not entered in the register or records.

The rights of workers employed by an employer engaged in providing the labour of workers to other user undertakings are also specifically governed by the provisions of Articles 59 to 63 of the ZDR-1. In 2020, inspectors found only **5 violations** of these provisions. In comparison to previous years, labour inspectors observed an increasing trend of ZUTD violations concerning the provision of the labour of workers to user undertakings, while the number of ZDR-1 violations related to this activity is declining.

As regards temporary or casual work of retired persons, which is regulated by the ZUTD in Articles 27a to 27g and falls within the supervisory competence of the IRSD, **11 violations** were found. The number of violations halved compared to 22 violations found in the previous year. As many as **10 violations** were recorded by inspectors in connection with the provisions of Articles 27c and 27č of the ZUTD, which regulate the restrictions on temporary and occasional work and the keeping of records of the number of hours of such work actually performed. The inspectors note that even for work by retired persons, employers do not comply with the rules relating to the recording of working time, to which they are specifically bound by the provision of Article 27č.

In 2020, inspectors found **4 violations** of paragraph three of Article 7 of the ZUTD, which provides that public sector employers and majority state-owned companies must publicly notify the Employment Service of any vacancy or type of work, except in cases of exemptions provided by the ZDR-1.

In the inspections conducted in relation to violation of the provisions of the ZUTD, the highest number of violations was found concerning the illegal provision of the labour of workers and illegal acceptance of workers in all activities, which makes it obvious that there is a shortage of workers for simple work and work in adverse conditions. Nevertheless, such violations are most common in construction, where job brokerage is frequently performed on the basis of so-called business cooperation contracts, which makes it even more difficult to prove such violations. One of the forms of violations related to illegal labour supply involves a "workforce supplier", which is not entered in the register for providing the labour of workers to another employer, supplying the workforce of another employer. Sometimes the "supplier" concludes business contracts with these workers as sole traders.

The inspectors note that there is an increasing number of workers (especially) from third countries who often perform heavy labour in construction or metal industry abroad and whose rights are violated. They perform work either as agency workers provided to foreign employers by temporary work agencies or as workers provided to foreign employers under the guise of cross-border provision of services. For the work performed by workers posted abroad, the employers registered in Slovenia receive regular high payments by foreign user undertakings (foreign business partners), while workers most often only receive a minimum wage, although they work overtime (which is difficult to prove) or a part of salary is paid to them in cash or in the form of commuting costs. The payment is still far from the (verbally) promised and prescribed hourly rates for working abroad.

In relation to the inspections at employers performing employment brokerage, the IRSD found that an increasing number of employers are entered in the register for providing the labour of workers to another employer only to meet legal requirements. Such employers that are entered in the register as temporary work agencies, actually do business with their clients under usual subcontracts, which enables them to avoid the provisions of the ZDR-1 and ZUTD. This issue is closely related to the employment of foreigners from third countries, for which such employers obtain an employment permit, however, they are not allowed to supply these workers to user undertakings. According to the IRSD, the problem lies in the fact that, in addition to their basic activity, agencies may also perform other activities.

## FOREIGNERS AND POSTED WORKERS

Compared to 2019, the number of violations of the provisions governing the conditions of employment, self-employment and work of foreigners in Slovenia decreased in 2020. It should also be taken into account that the IRSD statistically monitors violations by types, which is why the violations related to foreigners are also recorded by other institutions of labour legislation.

In 2020, inspectors found **40 violations** of the ZZSDT**,** compared to49 violations found in 2019. Most violations, i.e. **30**, were found for non-compliance with paragraph four of Article 7 of the ZZSDT, when employers allowed foreigners to do work other than work for which consent had been granted in the procedure for issuing or extending a single permit or an EU Blue Card, or a written authorisation, or for which a seasonal work permit had been issued. In **2 cases**, however, violation of paragraph five of Article 7 of the ZZSDT was found, according to which employers involved in the activity of providing workers to another user, within the scope of this activity, may enter into employment contracts only with foreigners residing in Slovenia on the basis of an EU Blue Card, with foreigners for whom consent for employment, self-employment or work was granted in a procedure for issuing or extending a single permit or a written authorisation, or with foreigners who enjoy free access to the labour market in accordance with this Act. Violations of the provisions of Article 36 which define the provision of short-term services by third-country providers were found in **5 cases**.

Figure 15: Construction is an industry in which many foreigners work.

It was found that employers, mainly in construction, transport, hospitality, tourism and metalworking, face a labour shortage in the labour market. In this context, they are forced to employ foreigners, which is often linked to the illegal provision of workers to the user undertaking. Employers appear on the market to recruit workers abroad – in third countries – obtain work permits for them and enter into employment contracts with them, and then illegally provide "services" to employers who have difficulties in recruiting workers. In this way, the provision of workers is carried out in violation of the ZUDT.

Some inspectors report that they receive referrals from the Employment Service of Slovenia to identify violations of Article 7 of the ZZSDT. A problem in proving violations is that in relation to employers who illegally provide workers to user undertakings it is difficult to establish where the workers actually work. It was even more difficult to prove irregularities among individual employers who employed foreign workers and then posted them to work in other EU Member States. Some of these employers are registered with the MDDSZ in the register for pursuing the activity of providing the labour of workers to user undertakings. However, as they are not allowed to provide third-country workers with employment permits to user undertakings, these workers seemingly provide "service activities" at user undertakings, which they have registered in addition to their main activity (job brokerage). The problem is therefore that, as already mentioned, agencies are carrying out activities other than their main activity – job brokerage.

Inspectors also carry out inspections to identify violations concerning the recruitment of third-country nationals to relevant jobs. Employers indicate that foreign workers will work in one of the deficit jobs for which the Employment Service of Slovenia issues them with a single residence and work permit and an information document, but then they work in other jobs or are even illegally sent by employers to work for other user undertaking employers. It is difficult to obtain the information document during supervision of the work of these foreigners in the field, as the workers are usually not aware that they need it. All the procedures relating to their employment are carried out by the employers, who conclude the employment contract with them in Slovenian, a language which foreigners from third countries do not usually understand. The law also provides for the imposition of a fine on a foreign worker if they fail to submit an information document or are carrying out work for which consent was not granted in the procedure for issuing or extending a single permit or an EU Blue Card or a written authorisation or for which no seasonal worker permit was issued (paragraph four of Article 7).

The inspectors also point out that foreign economic operators carrying out work in Slovenia often do not have labour law documentation at the place of work and that this documentation is usually not translated into Slovenian, while it is difficult to obtain it afterwards.

Inspectors report that in 2020 they observed an increase in cases of “raising” the workers' income due to family reunification in certain areas of the country. This is because employers increase workers' salaries or pay mileage and other allowances before they apply for family reunification in order to show higher income over a certain period of time to prove the level of income needed to qualify for family reunification. After the period of time when the worker acquired these rights, the employer reduces the income back to the usual level.

A significant number of employers, especially in the construction sector, still use the practice of terminating workers' contracts at the end of the construction season and rehiring them at the start of the new season. As a result, these workers, who are mainly engaged in simple construction work, spend the period from November to March registered with the Employment Service of Slovenia, depending on weather conditions and the market situation. During the off-season, workers in the construction sector receive unemployment benefits from the Employment Service of Slovenia, even though they are not actually unemployed, because in these cases this is mainly an abuse of irregular distribution of working time. Construction work is weather-dependent.

As regards the transnational provision of services and the posting of workers, the IRSD also oversees compliance with the conditions of the ZČmIS. In supervising the implementation of the ZČmIS in 2020, inspectors found **13 violations**, which is fewer than in the previous reporting year (20).

Inspectors found **9 violations** of Article 12 of the ZČmIS, which lays down the conditions for the transnational provision of services by foreign employers in Slovenia; the remaining violations (4) were due to failure to comply with the provision of Article 14 of the ZČmIS, because a foreign employer failed to register with the Employment Service of Slovenia prior to commencement of the transnational provision of the service, or failed to ensure that during the provision of such services in Slovenia the documentation specified in the ZČmIS is kept and made available at the request of the supervisory authority.

There are many employers registered in the EU who provide services mainly in western EU Member States, which have higher standards than Slovenia and consequently higher salaries. The posted workers mainly carry out assembly, electrical and construction work.

The number of posted workers from Eastern European countries, whose salaries are lower than the Slovenian minimum wage, started to increase. In this context, foreign workers are also being posted to Slovenia for a long period of time, actually working only in Slovenia, while the foreign employer or economic operator is merely a "mailbox" for that operator in the country of establishment.

Inspectors who also requested legal assistance from foreign inspection authorities in the context of the ZČmIS supervision report positive experiences of cooperation via the IMI system with some foreign supervisory authorities.

With regard to the exercise of the rights of workers temporarily posted to Slovenia under an employment contract governed by foreign law, inspectors found in 2020 **two violations** of Article 210 of the ZDR-1, which specifically regulates the status of posted foreign workers. In 2020, inspectors also identified violations of the rights of workers (both Slovenian and foreign citizens) posted to work abroad or to EU Member States by employers registered in the Republic of Slovenia. The provision of Article 209 of the ZDR-1 provides the mandatory components of employment contracts of workers who are posted abroad by employers to perform work; in addition, the contract must also contain provisions on the duration of work abroad, holidays and work-free days, minimum annual leave, the amount of salary and the currency in which it is to be paid, additional insurance for health services abroad, other income in cash or in kind to which the worker is entitled during his work abroad, the manner of ensuring and exercising rights related to payment for work and other benefits which are provided in a different manner under the regulations of the state in which the work is performed (but this must be within the scope provided in this Act or more favourable to the worker), and the conditions of return to Slovenia. In 2020, inspectors identified **73 violations** of Article 209 of the ZDR-1.

As regards the legality of posted workers' work in the supervision of employers registered in Slovenia who provide services in other EU Member States, it should be taken into consideration, in the case of cross-border services, that primary jurisdiction lies with the supervisory authorities in the country where the services are provided. This approach is also based on EU rules, as effective supervision is possible primarily at the place of work. The IMI system is also set up as a system to assist the supervisory authorities in the country where the service is provided. However, effective supervision of cross-border provision of services can only be established through direct cooperation between the supervisory authorities of the country where the services are provided and the country where the employer posting the workers is registered.

## COMPULSORY INCLUSION OF WORKERS IN OCCUPATIONAL PENSION INSURANCE

With respect to compulsory inclusion of workers in occupational pension insurance by employers under the ZPIZ-2, the IRSD is responsible for supervising the implementation of paragraph two of Article 200 of the ZPIZ-2 in accordance with Article 350a of the ZPIZ-2. Due to reports of violations related to the inclusion of both lorry drivers and chimney sweeps in compulsory occupational pension insurance, the IRSD started, in addition to the supervision of bus drivers in interurban, urban and suburban transport (from 2019), to conduct supervision in these two areas.

The IRSD is the supervisory authority for inclusion in occupational pension insurance, but it has not been given the power to determine which are the jobs for which inclusion in occupational pension insurance should be compulsory. The ZPIZ-2 provided for the set-up of a special seven-member commission that would deal with establishing the occupational pension insurance obligation, while the amending Act provided for the set-up of an additional five-member commission that would be responsible for identifying positions at each entity liable (employer) for which inclusion in occupational pension insurance is mandatory. The two commissions have not yet been established, nor have the criteria been specified (or a regulation issued) to establish the criteria for the identification of the jobs referred to in paragraph one of Article 199 of the Act, which has made it difficult to conduct supervision in practice.

As the system by which an employer could verify whether or not they are required to include their employee in occupational pension insurance was still not in place in 2020 in the manner provided for by the law, the IRSD repeatedly drew attention to this issue.

In 2019, the IRSD commenced inspections of employers registered for urban and suburban land passenger transport (code 49.310) and interurban and other road passenger transport (code 49.391) and will continue in 2020. A total of 23 persons liable were subject to inspection. Inspectors focused primarily on the persons liable which, according to the additional information obtained, were carrying out transport in accordance with the registered timetable, the price list and the general terms and conditions of carriage, as well as the concession contract. In this context, inspectors generally verified how many workers are employed as bus drivers, whether the bus drivers provide regular services according to fixed timetables determined in advance and for how long they are employed, and whether, according to the job description, their work consists only of driving the bus and related tasks or whether they also carry out other work unrelated to the actual work of the bus driver. To date, one inspection procedure (for one of the major persons liable) is pending and no measures have been taken yet. The inspectors' findings show that **no irregularities were found** in relation to the obligation to include workers in occupational pension insurance, which is mainly attributable to the absence of the two previously mentioned commissions and, consequently, to the absence of criteria that would have been the basis for determining the obligation to include workers in occupational pension insurance.

Despite the emergency situation caused by the epidemic, the IRSD launched inspections with regard to the inclusion of truck drivers in occupational pension insurance in seven procedures and chimney sweeps in eighteen procedures. **Two violations** were identified in respect of failure to include workers working as chimney sweeps in occupational pension insurance, while the remaining procedures are pending.

Inspectors note that the inspections are complex and time-consuming and that the procedures themselves have shown that the IRSD was not able to effectively identify the jobs for which inclusion in occupational pension insurance should be compulsory, and that it was necessary to set up the system as soon as possible as set out by law.

## OTHER VIOLATIONS FOUND IN EMPLOYMENT RELATIONSHIPS

### Annual leave

In 2020, inspectors found **203 violations** concerning the calculation of annual leave entitlement and use of annual leave (237 violations in 2019), of which **89 violations** were related tothe employer’s obligation to notify workers in writing of the calculation of annual leave entitlement for the current calendar year by 31 March. In this reporting period too, violations concerning the use of annual leave (**79**) occurred.

During office hours, there were increasingly more questions about setting annual leave, which is allegedly arbitrarily determined and ordered by employers without the workers' agreement, which workers call "enforced leave".

In the context of professional assistance, there were frequent requests for interpretation of the prohibition of unilateral imposition of annual leave or of the right to justified absence from work on grounds of force majeure under emergency legislation, which allows a parent to be absent from work in the event of failure to provide institutional childcare. Similarly, there were frequent requests for interpretation of emergency legislation regarding the carry-over of the 2019 annual leave entitlement after 30 June 2020 for certain public employees.

### Protection of certain categories of workers

As regards certain categories of workers, labour inspectors found a total of **6 violations**, of which **2** violationsconcerned the protection of older workers, namely the restriction of overtime and night work, or the written consent of older workers to work overtime or at night, **3** violations concerned the protection of workers under the age of 18, and **1** violation concerned the protection of workers during pregnancy and parenthood with regard to night work and overtime work.

# SUPERVISION OF THE IMPLEMENTATION OF GOVERNMENT MEASURES, THE ZNB AND THE ZVZD-1 RELATED TO PREVENTING THE SPREAD OF SARS-CoV-2

As mentioned above, in 2020 the scope of the IRSD's powers was expanded based on the emergency legislation. Among others, the ZZUOOP, in the context of derogating from certain provisions of laws, regulated the derogation from the provisions of the ZNB. According to the ZZUOOP, notwithstanding Article 46a of the ZNB, inspection of implementation of the measures referred to in paragraph one of Article 39 of the ZNB is carried out, in addition to the ZIRS, by other exhaustively listed inspectorates and authorities, including the IRSD, the latter in the employer's working environment.



In inspecting compliance with paragraph one of Article 39 of the ZNB, inspectors – in a number of inspections – intensified the supervision of the use of respiratory protective equipment when moving and staying in enclosed and open public places and other premises in the employer's working environment, both on the part of workers and other persons present. The same applies to ensuring sufficient distance between persons, disinfecting hands with an appropriate disinfectant and limiting the gathering of persons. Inspectors also checked whether the persons present in the employer's working environment were informed of the implementation of measures and the prohibition of offering and selling goods and services to consumers.

Since the entry into force of the ZZUOOP (24 October 2020), inspectors responsible for employment relationships found **67 violations of the ZNB** in the framework of the ZZUOOP and ZNB inspection campaign, 49 of which were violations of the prohibition or restriction on the movement of people in areas at risk. Other violations included the prohibition of gatherings of people and the restriction or prohibition of the circulation of certain types of goods and products. Inspectors responsible for **occupational safety and health** found **21 violations of the ZNB**, 17 of which related to the prohibition or restriction of movement in areas at risk and 4 to the restriction or prohibition of the circulation of certain types of goods and products. Most violations were found in trade, other service activities, manufacturing and at construction sites. In addition, in order to prevent the spread of the new coronavirus, **citizens were reminded to comply with the ZNB** by the presence of inspectors in the field.

Inspectors in the field found that the supervised entities and citizens largely complied with the above-mentioned measures to contain the spread of the new coronavirus. However, in cases where irregularities were found, the warnings issued were generally complied with during the inspection period. This was reported to the ZIRS on a weekly basis.

In addition to the above, inspectors responsible for occupational safety and health also checked the implementation of measures to prevent the spread of the new coronavirus in accordance with the provisions and definitions in the **ZVZD-1 and the recommendations of the NIJZ for employers** in the framework of the ZZUOOP and ZNB inspection campaign and the coronavirus inspection campaign – use of protective masks. Those inspections prioritised whether employers had adopted and implemented measures also in the working environments other than public spaces at their location. They also checked whether workers were adequately informed of such measures, whether employers provided respiratory protective equipment for their workers and whether that equipment was adequate, whether workers were able to practice hand hygiene, whether employers provided workers with hand sanitisers in certain situations, and whether employers disinfected and ventilated the workplace. During those inspections, inspectors also checked that a sufficient distance was maintained between employees, that workers were using respiratory protective equipment correctly and that occupational safety professionals and occupational medicine specialists were working with employers to develop measures to prevent the spread of the new coronavirus.

Irregularities in risk assessment and the determination of measures were found in **407 cases**, the employer failed to cooperate with a professional in **36 cases** and with an occupational medicine specialist in **38 cases**, failed to inform workers adequately in **146 cases** and failed to provide personal protective equipment in **48 cases**. Personal protective equipment provided was inadequate in **38 cases**. Workers used respiratory protection incorrectly at **137** supervised **employers**.

Inspectors found that most employers enabled the workers to practice hand hygiene and additional hand disinfection with an appropriate disinfectant. However, maintaining an adequate distance between workers was not always consistently complied with, particularly for pathways where workers moved during work and, in some cases, not even in workplaces with multiple workstations where several workers were working at the same time. It should also be noted that, while employers were putting in place measures to prevent the spread of the new coronavirus, there was often no internal supervision of whether the measures taken were being properly and consistently implemented by the workers.

# TARGETED INSPECTIONS BY THE LABOUR INSPECTORATE OF THE REPUBLIC OF SLOVENIA IN 2020

In 2020, the IRSD carried out **9 targeted inspection campaigns or tighter year-round targeted inspections:** 3 on employment relationships, 3 on occupational safety and health and 3 in both areas of inspection.

Table 5: Targeted IRSD inspections in 2020.

|  |  |  |
| --- | --- | --- |
| **Title of targeted inspection** | **Employment relationships** | **Occupational safety and health** |
| Inspection campaign on the implementation of labour legislation and safety and health at work regulations at temporary and mobile construction sites | x | x |
| Inspection campaign on the implementation of the Transnational Provision of Services Act | x | x |
| The ZZUOOP and ZNB inspection campaign | x | x |
| Coronavirus inspection campaign – use of protective masks |  | x |
| Inspection campaign on the implementation of the safety and health at work regulations for employers selected on the basis of a random number methodology (representative sample) |  | x |
| Tighter inspection of the implementation of occupational safety and health regulations (year-round) at temporary and mobile construction sites |  | x |
| Inspection campaign on the implementation of labour legislation in the education sector | x |  |
| Tighter inspection of the implementation of Articles 131, 134 and 135 of the Employment Relationship Act and the Minimum Wage Act (year-round) | x |  |
| Inspection campaign on compliance with Article 131 of the Employment Relationship Act | x |  |

The IRSD conducts targeted inspections to supervise the implementation of the legislation regulating employment relationships and occupational safety and health in industries in which certain violations are more frequently identified or considered to pose a high risk in terms of occurrence of violations and ensuring occupational safety and health; it verifies the implementation of certain legal institutions. Some campaigns are not planned as part of the IRSD Programme Orientations for a given year, but reflect the IRSD’s response to current issues that arise throughout the reporting period.

In the past year, the IRSD faced particular challenges, both in terms of the method and organisation of its work and in terms of implementing and achieving the set guidelines and objectives. In addition, its scope was expanded to include the inspection of implemention of the provisions of the emergency legislation and the ZNB, which was conducted as a priority, increasing the scope of the IRSD's work in all areas, both in terms of technical support and inspections.

For example, the inspection campaign on the implementation of labour legislation in the education sector was not conducted in the full planned timeframe because it was suspended due to the declared epidemic. The inspection campaign on the implementation of labour legislation by employers in the hospitality sector was not carried out as planned due to other priorities, but attention was paid to the implementation of labour legislation in this sector when performing other inspection tasks. However, the inspection campaign on the implementation of the Labour and Social Security Registers Act was not carried out because no amendments to the Act were adopted.

With regard to occupational safety and health, the inspection campaign in forestry and the targeted campaign on construction sites in the framework of the EU campaign on the benefits of declared work, which was to run throughout the EU from 6 to 22 March 2020, were not implemented due to the above-mentioned situation and the declared COVID-19 epidemic. For the same reasons, the "Representative sample" campaign took place in a limited scale.

However, due to the current interest in the issue, it was decided to carry out the ZZUOOP and ZNB inspection campaign and the inspection campaign on compliance with Article 131 of the Employment Relationship Act, following the adoption of the IRSD programme guidelines for 2020.

Furthermore, the inspectors for employment relationships and safety and health at work, together with the FURS, the Police and the Slovenian Association of Free Trade Unions, participated in the **Europe-wide Joint Action Days (JADs)** from 14 to 20 September 2020 **– with a view to preventing the exploitation of workers (trafficking in human beings).** Inspections were carried out **on compliance with labour legislation and occupational safety and health legislation** in seasonal work in agriculture and at employers providing cleaning services at petrol stations. Since 2016, the IRSD has been participating in joint EU campaigns against trafficking in human beings. During the campaign, **inspectors** conducted inspections at 10 entities carrying out seasonal work in agriculture and 9 entities providing cleaning services at petrol stations. As part of the aforementioned campaign, **inspectors responsible for employment relationships** carried out 50 inspections and found 16 violations. The inspectors issued minor offence decisions giving 6 warnings and 8 administrative decisions. A total of 4 violations of the ZDR-1 were found relating to non-payments or late payment of the annual leave payment for 2020 and distribution of working time. A total of 7 violations of the ZEPDSV were found, which most often included employers who failed to keep working time records in accordance with the applicable law. Furthermore, 3 violations of the ZUTD were found relating to the user's obligations and to authorisations to pursue the activity. In addition, 2 violations of the ZKme-1 were found relating to the keeping of records of workers performing occasional and temporary work in agriculture. **Inspectors for occupational safety and health** conducted 12 inspections. This resulted in 54 violations found in relation to the ZVZD-1. Most violations, 38, were found in relation to employers' obligations concerning risk assessment, the safety statement and ensuring safe working conditions. In addition, inspectors found 4 violations concerning the use of hazardous substances, 2 violations concerning the occupational medicine provider, 6 violations concerning the provision of medical examinations, 2 violations concerning the training of workers and 2 violations concerning the storing of occupational safety and health documentation. Furthermore, 2 violations of the Rules on preventive medical examinations of workers (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos. [87/02](http://www.uradni-list.si/1/objava.jsp?sop=2002-01-4367), [29/03 – corrigendum](http://www.uradni-list.si/1/objava.jsp?sop=2003-21-0039), [124/06](http://www.uradni-list.si/1/objava.jsp?sop=2006-01-5319) and [43/11](http://www.uradni-list.si/1/objava.jsp?sop=2011-01-2039) – ZVZD-1) were found. These findings resulted in the inspectors issuing 5 administrative decisions and 1 penalty notice. Furthermore, 2 warnings were issued under the ZP-1.

The inspections conducted as part of targeted inspection campaigns or tighter year-round targeted inspections account for 65.6% of all inspections carried out and therefore represent an important aspect of the IRSD's operation (of a total 17,047 inspections carried out as part of the targeted inspections, 11,182 inspections were focused on occupational safety and health and employment relationships in 2020).

More information on the purpose, implementation and findings of individual targeted inspections is available in the dedicated reports, which are published below. **Please note that some of the procedures initiated within the framework of targeted inspections are still ongoing, so the statistics presented below may change.** The statistics on individual targeted inspections are also included in the statistics on individual areas and institutions of supervision, which are presented in the previous two chapters of the report – employment relationship inspections and occupational safety and health inspections.

## TIGHTER INSPECTION OF THE IMPLEMENTATION OF OCCUPATIONAL SAFETY AND HEALTH REGULATIONS (YEAR-ROUND) AND INSPECTION CAMPAIGN ON THE IMPLEMENTATION OF LABOUR LEGISLATION AND OCCUPATIONAL SAFETY AND HEALTH REGULATIONS AT TEMPORARY AND MOBILE CONSTRUCTION SITES

With regard to **occupational safety and health**, for the 12th consecutive year, an inspection campaign at temporary and mobile construction sites was carried out in spring and autumn 2020, in addition to carrying out year-round tighter inspection at construction sites. Since 2015, the number of construction sites inspected had been decreasing (2015: 582, 2016: 451, 2017: 373, 2018: 314, 2019: 302), but in 2020, occupational safety and health inspectors again inspected more construction sites, i.e. 414. Since 2018, the conditions at construction sites have deteriorated significantly. Occupational safety and health coordinators who are present on construction sites at least once a week and occupational safety and health professionals play an important role in ensuring that construction sites comply with occupational safety and health regulations. In 2020, inspection of worksites of contractors such as roofers, carpenters, joiners, facade installers and window fitters was stepped up, as most of the work there is short-term. At these worksites, it was checked whether measures were being taken to comply with the minimum requirements set out in Annex IV of the Decree and whether personal protective equipment was used. In addition, the performance of obligations of the contracting authorities or project supervisors, the occupational safety and health coordinators and the (main) contractors was checked.

Occupational safety and health inspectors carried out 1,983 inspections of 1,176 legal entities in their supervision of 414 construction sites and 60 work sites where short-term work, mainly at height, was carried out. This resulted in 2,282 violations found and 1,079 measures imposed. Most irregularities were found in connection with work at heights (safety fences, scaffolding, openings in the floor), the use of personal protective equipment, the written agreement under Article 39 of the ZVZD-1, construction sites and failure to comply with the instructions provided by occupational safety and health coordinators at construction sites.

Of the 414 construction sites inspected, 17% of them employed between 1 and 5 workers, 51% between 6 and 20 workers, 21% between 21 and 50 workers, and 11% of the construction sites employed more than 50 workers. Of the 60 inspected worksites where short-term works were carried out, 47% of them employed between 1 and 3 workers, 42% between 4 and 6 workers, 8% between 7 and 10 workers, and 3% employed more than 10 workers. The most frequently inspected were worksites where roofing work (36%) and façade work (30%) were performed.

Within the framework of targeted inspection, inspectors found that 6% of inspected construction contracting authorities failed to register construction sites with the labour inspectorate 15 days prior to the commencement of works, despite the fulfilment of the conditions for registration under the Decree. A total of 93% were construction sites at which works were carried out by two or more contractors, and 4% were construction sites at which clients failed to appoint occupational safety and health coordinators in accordance with the Decree. In 74% of cases, the inspectors managed to make contact with coordinators on construction sites during the implementation phase and found that 4% of coordinators were not appointed in accordance with the Decree or the client transferred this obligation to the contractors. A total of 5% of the contracting authorities failed to ensure the drawing up of the protection plan, as provided for in the Decree.

As part of targeted inspection, the work of the coordinators was inspected, both in the preparation phase and during the implementation phase of the project. It was found that 2% of the protection plans failed to comply with Annex V of the Decree. On average, coordinators visited the construction sites every 8.4 days, which, in the opinion of the IRSD, is not as frequently as necessary with regard to the facts established. At 3% of construction sites, coordinators did not have the Construction Safety Log Book of measures to ensure safety at work in line with the Regulation, 3% of coordinators improperly recorded measures related to identified irregularities in the log book and 4% of coordinators did not record them at all.

In 228 cases, irregularities were found in connection with scaffolding and in 33 cases access to workplaces at height was found to be inadequate. Inspectors found that in 281 cases the contractors failed to install safety fences around workplaces with a risk of falling from height or the safety fences were unsuitable or defective. At 66 construction sites the employers failed to conclude a written agreement on the common measures to ensure occupational safety and health under Article 39 of the ZVZD-1; at 76 construction sites the employers failed to designate a worker who was to safeguard the safety of their workers; at 43 construction sites the employers failed to designate a worker who was to ensure coordinated implementation of measures defined in the written agreement. The inspectors found that in 78 cases the contractors failed to follow the instructions entered in the Construction Safety Log Book by coordinators. Irregularities in connection with working floors were found in 40 cases, in connection with the protection of openings in the ground in 57 cases, and in connection with work on roofs in 24 cases.

In 32 cases, irregularities were found in relation to fall protection at workplaces with wall openings over 2 m high and parapet heights below 85 cm. In 337 cases, irregularities were found with regard to the provision and use of personal protective equipment and the failure of individual workers to use it. In relation to the protection of construction pits and excavations, 46 violations were found. Electrical installations at construction sites were disorderly and inadequate in 55 cases, and 77 violations were found in relation to the adequacy of construction machinery and work equipment at construction sites. In 19 cases, violations were found in relation to the recording of the coordinator's actions in the work safety measures log book.

As regards short-term work at heights at various worksites, it was established that a written agreement on common measures to ensure occupational safety and health under Article 39 of the ZVZD-1 was mandatory at 29% of the inspected worksites, however, the contractors failed to produce such agreement at 10% of worksites.

Based on the findings, the occupational safety and health inspectors issued 272 regulatory decisions to eliminate irregularities, of which 150 measures were imposed orally on the grounds of urgency. In 80 cases, the inspectors prohibited the continuation of individual works until the irregularities were corrected, and in 58 cases the work was prohibited on the grounds of imminent danger to workers’ lives. Inspectors issued minor offence decisions giving 55 warnings and imposing 40 fines and penalty notices imposing 192 fines. In addition, 197 warnings under the ZIN and 185 warnings under the ZD-1 were issued.

In both the spring and autumn inspection campaigns at temporary and mobile construction sites, inspectors responsible for occupational safety and health were joined by inspectors responsible for **employment relationships** based on the IRSD programme guidelines for 2020, given the fact that construction is the activity in which the highest number of violations is found in the field of employment relationships.

As the campaign was carried out during the COVID-19 epidemic, in addition to selected labour law issues, inspections included compliance with the provisions of the emergency legislation, which falls under the competence of the IRSD. The focus was on the following: work under civil law contracts in the presence of elements of an employment relationship, partial reimbursement of salary compensation, payment of salary compensation in accordance with the ZIUZEOP, ordering overtime work while receiving partial reimbursement of salary compensation, informing the ZRSZ in the event that a worker is called back to work or reactivating a worker who was absent due to force majeure, payment of a crisis bonus, payment of salaries and other remuneration in accordance with the ZDR-1, minimum wage, conclusion of fixed-term employment contracts, rest, compliance with working time provisions, keeping records of the use of working time, recruitment and employment of foreigners, and provision of labour of workers to another user undertaking.

During the targeted campaign, 539 inspections were carried out. Based on the violations found, 121 measures were imposed, of which most were warnings – 22 under the ZIN and 39 under the ZP-1 – and 27 administrative decisions were issued. In addition, inspectors issued minor offence decisions giving 17 warnings and imposing 9 fines, and penalty notices imposing 7 fines.

The inspections found 182 violations of regulations, most of which (105) were violations of the ZDR-1. Most violations were related to the provisions on remuneration: reimbursement of work-related expenses (3), allowances (10), annual leave allowance (29) and payment of salaries (26). Violations relating to working time were found in 14 cases, with the highest number of violations concerning the distribution of working time. In 9 cases, violations were found in connection with the compulsory components of employment contracts. Violations relating to record-keeping under the ZEPDSV were found in 42 cases and related to the keeping of working time records. Violations of the ZMinP were found in 4 cases. Violations of the IUZEOP were found in 8 cases, 4 of which related to the payment of the crisis bonus and 4 related to the employer's obligation to inform the ZRSZ of an employee's return to work.

Inspectors report that working time records still show that many employers have workers working exactly 8 hours each day. On the other hand, it is well known that the working process in the construction industry is highly dependent on the weather conditions, which means that workers work longer hours in good weather and less or no hours when the weather is bad. There are still small employers who do not keep records of working time. Inspectors also note that employment contracts often state that the reason for entering into a fixed-term contract is increased workload.

Some inspectors note that there were fewer construction sites in 2020 than otherwise, citing COVID-19 or the pandemic as the reason. On the other hand, they also note that employers in this sector had not often resorted to posting workers on standby.

## INSPECTION CAMPAIGN ON IMPLEMENTATION OF THE TRANSNATIONAL PROVISION OF SERVICES ACT

The IRSD also carried out limited supervision of the ZČmIS in the past year. Within the campaign, 17 inspections in the field of **employment relationships** and 11 in the field of **occupational safety and health** were carried out.

In comparison with other areas of inspection in this field, the number of violations does not stand out; however, the workload of the IRSD regarding administrative cooperation as stipulated by the above-mentioned act is huge. In the last calendar year, we therefore received many requests for the service of documents or decisions from foreign supervisory authorities.

Statistics show that inspectors found 13 violations of the ZČmIS related to cross-border provision of services. A total of 9 violations related to Article 12 of the ZČmIS, of which 6 cases of violations were recorded where the foreign employer did not have a valid A1 certificate for the posted worker. We found another 4 violations of Article 14 of the Act, which lays down the obligations of the foreign employer. With regard to the exercise of the rights of workers temporarily posted to Slovenia under an employment contract governed by foreign law, inspectors found in 2020 two violations of Article 210 of the ZDR-1, which specifically regulates the status of posted foreign workers.

In addition, other violations were found, mainly in the field of occupational safety and health, which in 10 cases concerned the employer's obligations to ensure occupational safety and health.

Inspectors reported that they encounter contractors from other countries on construction sites, who sometimes fail to register the start of works in accordance with the ZČmIS. They also pointed out that during inspections at the work site or at the place of service provision, there is often a lack of appropriate documentation as provided for in paragraph three of Article 14 of the ZČmIS, and A1 certificates, which employers provide upon the inspector's request.

In our view, effective supervision of transnational provision of services can only be established through cooperation between the supervisory authorities of the country where the services are provided and the country where the employer posting the workers is registered. In the context of supervising implementation of the ZČmIS, a positive experience was the cooperation with the Austrian supervisory authority through the IMI system, which has been set up as a system to assist supervisory authorities with respect to posted workers.

The ELA is also expected to play an important role in this segment, as its mission is to promote coherence and coordination between Member States in the enforcement of EU legislation on worker mobility and social security coordination and to ensure access to information regarding the transnational mobility of workers for individuals and employers.

## THE ZZUOOP AND ZNB INSPECTION CAMPAIGN

From the end of October 2020 to December 2020, inspectors **responsible for employment relationships** and **occupational safety and health** carried out a total of 4,552 inspections of facilities and sites under the ZZUOOP and ZNB inspection campaign. These inspections will continue in 2021.

More information on this campaign was provided in the previous section specifically dedicated to the implementation of measures to prevent the spread of the new coronavirus.

As already mentioned, in addition to supervising compliance with the Slovenian Government's ordinances and the ZNB, inspectors also checked the implementation of measures to prevent the spread of the new coronavirus in some supervised entities in accordance with the provisions and definitions of the ZVZD-1 and the recommendations of the National Institute of Public Health for employers.

In the ZZUOOP and ZNB inspection campaign, irregularities in risk assessment and the determination of measures were found in 109 cases, the employer failed to cooperate with a professional in 11 cases and with an occupational medicine specialist in 6 cases, failed to inform workers adequately in 37 cases and failed to provide personal protective equipment in 20 cases. Personal protective equipment provided was inadequate in 13 cases. Workers used respiratory protection incorrectly at 56 supervised employers.

## THE CORONAVIRUS INSPECTION CAMPAIGN – USE OF PROTECTIVE MASKS

The respiratory protection and protective mask use inspection campaign, which started in August 2020, was mainly carried out in the hospitality and trade sectors. In the first weeks, inspections were carried out of those employers who had been notified by the ZIRS of their failure to take measures to prevent the spread of the new coronavirus, and in the following weeks, inspectors responsible for occupational safety and health carried out inspections of other entities as well.

In 2020, SARS-CoV-2 had a major impact on both the general situation in Slovenia and the work processes of employers in all economic activities. The spread of the new coronavirus and the emergence of COVID-19 required the introduction and implementation of certain measures, which employers were also obliged to take in order to ensure the occupational safety and health of workers.The measures were mainly to be adopted and implemented by employers through the revision of risk assessment, in accordance with indent one of paragraph two of Article 17 of the ZVZD-1, and (in particular) written instructions were to be issued in accordance with paragraphs one and five of Article 37 of the ZVZD-1, informing workers about the safe and healthy performance of their work.

In July 2020, the Ordinance on temporary measures to reduce the risk of infection and spread of the SARS-CoV-2 infection was published in the Official Gazette of the Republic of Slovenia, which with the aim of preventing the spread of the new coronavirus determined that, in order to reduce the risk of infection and spread of coronavirus infection, the use of a protective mask or other form of protection for the mouth and nasal area (scarf, headscarf or similar form of protection covering the nose and mouth) and the disinfection of the hands are compulsory when moving around and staying in enclosed public spaces, taking into account all the NIJZ instructions and hygiene recommendations published on the NIJZ website. The NIJZ published several hygiene recommendations on preventing the spread of the new coronavirus for specific economic activities and specific work processes, including hospitality. For the hospitality industry, it was specified that hospitality workers who come into contact with guests should wear a protective mask, both indoors and outdoors, which complies with the opinion and definition of a certified occupational health specialist. The NIJZ recommendations should be taken into account in employers' measures.

Inspections established whether employers had implemented measures relating to respiratory protection, whether the measures specified respiratory protective equipment, whether workers were using respiratory protective equipment or whether the use of respiratory protective equipment was appropriate, whether the occupational safety officer and the occupational health specialist were involved in the adoption of the measures to protect workers' respiratory system, which respiratory protective equipment the employer provided to workers and whether the employer had documentation for that protective equipment showing compliance with key health and safety requirements.

Inspectors carried out 1,172 inspections on the use of respiratory protection. They issued 437 measures based on the inspections carried out, with administrative decisions predominating in 194 cases. Inspectors issued minor offence decisions giving 53 warnings and imposing 7 fines, and issued penalty notices imposing 8 fines. They also issued 113 warnings under the ZIN and 62 warnings under the ZP-1.

The inspections found 901 violations. Most violations, 788, were related to the implementation of the ZVZD-1, while the rest related to the implementation of other individual regulations in occupational safety and health. In 298 cases, employers most frequently failed to assess and define measures to prevent the spread of the new coronavirus in a risk assessment or to update the risk assessment accordingly. Employers did not cooperate with a professional in 25 cases and with an occupational health specialist in 32 cases. Employers also failed to adequately inform workers about the implementation of the measures in 109 cases and failed to provide personal protective equipment in 28 cases. Personal protective equipment provided was inadequate in 25 cases. Workers used respiratory protection incorrectly at 81 supervised employers. In 24 cases, employers did not have documentation showing that the protective equipment complied with key health and safety requirements.

## INSPECTION CAMPAIGN ON THE IMPLEMENTATION OF OCCUPATIONAL SAFETY AND HEALTH REGULATIONS FOR EMPLOYERS SELECTED BASED ON A RANDOM NUMBER METHODOLOGY (REPRESENTATIVE SAMPLE)

The inspection campaign on the implementation of occupational safety and health regulations for employers selected based on a random number methodology is performed based on a representative sample of legal entities. The IRSD carried out the 2020 campaign for the 17th consecutive year, as the implementation of this campaign in previous years showed that the findings obtained regarding the randomly selected entities’ compliance with basic safety and health requirements present the situation in Slovenia quite realistically as regards occupational safety and health. One of the purposes of this campaign is to decrease the share of legal entities that had never been inspected by the IRSD for occupational safety and health.

The main tool for obtaining data on the assessment of the situation is a questionnaire in which an individual inspector, based on the findings of inspections carried out, assesses the situation in ten typical areas of occupational safety and health, with values ranging from 1 to 4. In 2020, similarly to previous years, a representative sample of 2160 entities was selected at random from the business register kept by the AJPES. The sample is representative in terms of the number of employees and activity. A random selection was made among the entities active in Slovenia which, according to the register data, employed two or more workers.

Inspectors completed 273 questionnaires in 2020. The total number of questionnaires completed in 2020 was significantly lower than in 2019, when 741 questionnaires were completed, and in 2018 when 670 questionnaires were completed. The main reason for this decrease in the number of questionnaires completed or the number of inspections carried out in the context of the campaign is that in 2020 the IRSD focused most of its occupational safety and health inspections on the implementation of measures to prevent the spread of SARS-CoV-2. Most inspections in the context of the campaign were carried out before the first declaration of the coronavirus epidemic in Slovenia.

The proportion of legal entities in relation to the previously carried out inspections is described in more detail in section 3.2.7 of this report. The graph below shows the development of the average of inspectors' assessments by individual parameters controlled in 2016–2020.

Graph 36: Average score of individual parameters, 2016–2020.

In 2020, the parameter of personal protective equipment (PPE) was again given the highest average score (3.85) of all assessed parameters (for the third consecutive year) – this is also one of the parameters where the average score fluctuated the least in all seventeen years of the campaign, always ranging between 3.55 and 3.85. In the same year, the second highest average score (3.82) of all the assessed parameters was again given to the parameter of notification of inspection. This parameter also received a very high average score in recent years, as it always ranked among the three highest rated parameters.

In 2019, the lowest average score (2.86) of all the assessed parameters was again given to the parameter "inspections of the working environment". This parameter had always received the lowest average score of all parameters assessed in the past five years. The reasons for poorer assessments in inspections on harmful working environment factors (thermal conditions, illumination, noise, vibration, radiation, etc.) should probably be sought in the provisions of the ZVZD-1, which since the last amendment in 2012 no longer define the frequency of such inspections as every three years, but only contain a general requirement that the said inspections be carried out within the time limits set by the employers themselves.

The implementation of measures with regard to occupational safety and health was also found to be significantly affected by whether a particular employer was previously subject to an occupational safety and health inspection. This was established again in 2020, when the average score across all the assessment parameters for entities that had previously at least once been subjected to an occupational safety and health inspection was 7% higher than for entities that had never been subjected to such an inspection.

The following tables and graphs show the average scores of inspectors in relation to the number of workers, in terms of the inspections previously carried out and in terms of the activities in which the inspections were carried out.

Table 6: Average scores by controlled parameters in relation to the number of employees, 2020.

|  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Number of workers** | **Safety statement** | **Training of workers** | **Inspections of the working environment** | **Inspections and test of work equipment** | **Preventive medical examinations** | **Personal protective equipment (PPE)** | **Documentation** | **Information to workers** | **Participation of workers** | **Notification of the inspection authority** | **Average value** |
| **0–1 employees** | 3.25 | 3.50 | 3.00 | 4.00 | 3.00 | 4.00 | 3.53 | 3.54 | 3.00 | 3.75 | **3.46** |
| **2–9 employees** | 3.27 | 3.44 | 2.68 | 3.07 | 2.89 | 3.85 | 3.48 | 3.71 | 3.26 | 3.87 | **3.35** |
| **10–49 employees** | 3.40 | 3.49 | 3.18 | 3.71 | 3.26 | 3.76 | 3.56 | 3.75 | 3.00 | 3.75 | **3.49** |
| **50–249 employees** | 3.89 | 4.00 | 3.56 | 3.88 | 3.33 | 4.00 | 3.56 | 3.67 | 2.67 | 3.60 | **3.61** |
| **250 or more employees** | 3.67 | 4.00 | 4.00 | 4.00 | 4.00 | 4.00 | 3.00 | 2.67 | 2.00 | 4.00 | **3.53** |

Graph 37: Total average score of all the controlled parameters in correlation with the number of employees, 2016–2020.

\* No entity employed 250 or more workers among the entities inspected in 2017 and 2019.

Graph 38: Total average score based on whether an entity has previously been subject to inspection for occupational safety and health, 2016–2020.

Graph 39: Total average score based on when the subject was last inspected for occupational safety and health (including the trend line), 2020.

Table 7: Total average scores for the activities in which at least 10 inspections were carried out (ranked from the highest to lowest score), 2020.

|  |  |  |
| --- | --- | --- |
| **Activity code**  **(SKD section)** | **Name of activity (SKD section)** | **Average score** |
| 85 | Education | **3.67** |
| 49 | Land transport and transport via pipelines | **3.65** |
| 43 | Specialised construction activities | **3.60** |
| 47 | Retail trade, except of motor vehicles and motorcycles | **3.43** |
| 25 | Manufacture of fabricated metal products, except machinery and equipment | **3.41** |
| 45 | Sale and repair of motor vehicles | **3.41** |
| 56 | Food and beverage service activities | **3.39** |
| 46 | Wholesale trade, except of motor vehicles and motorcycles | **3.35** |
| 71 | Architectural and engineering activities; technical testing and analysis | **3.33** |
| 41 | Construction of buildings | **3.26** |
| 69 | Legal and accounting activities | **2.96** |

During the campaign, inspectors carried out 498 inspections and imposed 382 measures. Employers were issued with regulatory decisions in 235 cases; 13 warnings were issued under the ZIN and 76 under the ZP-1, and 49 measures were imposed by a minor offence decision, of which most were warnings (47).

In total, the inspectors found 1,448 violations. The highest number of violations (i.e. 1,230) were found concerning implementation of the provisions of the ZVZD-1. Of these violations, the most prevailing were those relating to risk assessment (411 violations), the training of workers in safe working practices (177 violations), the provision of medical examinations for workers (185 violations), the safekeeping of documents relating to occupational safety and health (61 violations), the execution of tasks of occupational medicine provider (60 violations) and the employer's other main occupational safety and health obligations (165 violations).

We also draw attention to violations in connection with the provision of first aid in the workplace, which were found by inspectors in 28 cases. A total of 17 violations found in connection with the provision of adequate PPE. The employers under inspection failed to provide examinations and measurements of low-voltage electrical installations and lightning rods in 26 cases. There were 13 cases of violations relating to work equipment and its use. A total of 94 violations were found during inspections of employers in the construction sector.

## INSPECTION CAMPAIGN ON THE IMPLEMENTATION OF LABOUR LEGISLATION IN THE EDUCATION SECTOR

In March 2020, the inspection campaign on the implementation of labour legislation for employers in the education sector was carried out, but was terminated early due to the declaration of the pandemic. The purpose of the campaign in this sector or in all types of schools was to identify compliance with labour legislation in the segments which, based on the content of the reports received and the findings of inspections, pose the greatest risk. In the framework of the campaign, inspectors checked the provisions of the ZDR-1 regulating the prohibition of discrimination and employment in general, with a particular focus on fixed-term employment. The implementation of the ZOFVI on the recruitment of professionals was also subject to checks.

During the campaign, 24 inspections were carried out. Based on the violations found, 13 measures were imposed, and inspectors issued minor offence decisions giving 10 warnings and imposing 2 fines and 1 warning under the ZP-1.

The inspections found 17 violations of regulations, most of which were violations of paragraph one of Article 22 of the ZDR-1 (6 violations), which sets out that a worker who concludes an employment contract must meet the prescribed requirements for the performance of work. Two violations were found in relation to the publication of a job vacancy (violations of paragraph one of Article 25 of the ZDR-1). In addition, 3 violations of Article 54 of the ZDR-1 were found, which provides for exceptions to the conditions under which fixed-term employment contracts may be concluded. Furthermore, 4 violations were found of the provisions relating to the obligation to publish a job vacancy, as required by paragraph three of Article 7 of the ZUTD. There were similar violations of Article 108 of the ZOFVI, which sets out that job vacancies for education and other staff at a public kindergarten or school are to be published based on the staffing structure. Violations of this provision were found in two cases.

In the light of violations found, it was concluded that, as in the past, the education sector continues to be characterised by violations of regulations on recruitment, specifically the recruitment of candidates who do not meet the required conditions, the publication of job vacancies, and recruitment based on fixed-term contracts when the conditions for concluding such contracts are not met. In the education sector, however, the issue of recruitment based on fixed-term contracts (usually for a period of one school year) and the consequent violations of the law concerning the conclusion of such contracts has persisted for a number of years.

## TIGHTER INSPECTION OF THE IMPLEMENTATION OF ARTICLES 131, 134 AND 135 OF THE EMPLOYMENT RELATIONSHIP ACT AND THE MINIMUM WAGE ACT (YEAR-ROUND)

Given that remuneration for work is assessed as posing a risk of violations of the rights of a large number of workers, the IRSD carried out tighter inspection of this area throughout 2020. The targeted inspection was performed in an extended extent, where inspectors responsible for employment relationships carried out tighter inspection of the implementation of Articles 131, 134, 135 of the ZDR-1 and the ZMinP, and in a narrow scope, where only the implementation of Article 131 of the ZDR-1 was checked, which is reported on separately. The focus was on both large and small employers. In the first part of the year, in addition to verifying the allegations provided in the reports received, we used the information received from the FURS concerning employers who failed to submit the iREK form for the payment of annual leave for 2019. Greater attention was also paid to compliance with the ZMinP. Due to the epidemic, a portion of inspections were carried out with requests for the delivery of labour law documentation.

In the context of targeted inspection alone, inspectors responsible for employment relationships performed a total of 1,726 inspections and found 1,081 violations in 2020. With regard to remuneration for work, inspectors found 728 violations, of which 417 related to the payment of annual leave. A further breakdown of violations reveals 17 violations of paragraph one of Article 131 of the ZDR-1, 273 violations of paragraph two of Article 131 of the ZDR-1 and 42 violations of paragraph three of Article 131 of the ZDR-1. Furthermore, there were 80 violations of paragraph four of Article 131 of the ZDR-1 and 5 violations of paragraph five of Article 131 of the ZDR-1. In connection with the day of payment, 133 violations were recorded; there were also 92 violations of Article 135 of the ZDR-1 found and 11 cases of unjustified withholding and offset of salary payment. In carrying out inspections, inspectors identified employers who failed to pay bonuses for work in special working conditions resulting from the distribution of working time (47), who failed to pay the seniority bonus (16 violations) or reimburse work-related expenses (9), or these were paid to workers in a significantly smaller amount than they would actually be entitled to. In addition, some violations related to salary compensation.

In addition to the violations related to the day of payment for work remuneration, the inspectors also found violations in connection with the payment of breaks and rest periods (9), working time (28), annual leave (9), collective agreements (19) and other violations. A total of 864 of violations of the ZDR-1 and 73 violations of the ZEPDSV were found. Furthermore, 30 violations were recorded in connection with the obligations of the person liable in the inspection procedure and the unimpeded performance of inspection duties. Violations of the ZMinP were found in 36 cases. Furthermore, 53 violations of emergency legislation were found, of which 6 related to the ZIUOOPE, 6 to the ZIUPDV and 41 to the ZIUZEOP.

Based on the violations found, inspectors imposed 643 different measures during the targeted inspection. Inspectors issued minor offence decisions giving 229 warnings and imposing 96 fines and penalty notices imposing 37 fines. A total of 150 warnings were issued under the ZP-1. As regards administrative measures, 114 regulatory decisions and 16 warnings under the ZIN were issued.

Most violations found in 2020 concerned the payment of annual leave by the statutory deadline. The violations found in relation to the failure to pay salaries on time suggest that this was also due to the circumstances in which employers found themselves as a result of the closure of economic activities in connection with the declared epidemic. In the reporting period, inspectors draw attention to the problem of proving the employer's issuance of the statement for remuneration paid. No major irregularities were identified with regard to the payment of less than the minimum wage. Irregularities in the incorrect calculation of the difference to the minimum wage were checked and, in this respect, in the inclusion of allowances in the minimum wage due to the worker for regular work. As already pointed out, there were some successful cases of cooperation with trade union representatives.

All forms of violations reported in the context of remuneration for work were also checked as part of the above-mentioned targeted inspection, and are therefore not described again. However, it should be reiterated that the high number of violations found in relation to remuneration for work also reflects the increased activity of the IRSD in this field. In the context of proposals for amendments to legislation under Article 7 of the ZID-1, a number of proposals relating to remuneration for work were made. Ongoing inspection in this field will continue in the future.

## INSPECTION CAMPAIGN ON THE IMPLEMENTATION OF ARTICLE 131 OF THE EMPLOYMENT RELATIONSHIP ACT

Given the extent of past violations in relation to the payment of annual leave in the reporting period of November and December, the data obtained from the FURS on employers who did not submit the iREK form for the payment of annual leave for 2020 for individual employees were checked separately in the context of the inspection campaign on the implementation of Article 131 of the ZDR-1. The reports received by the IRSD in targeted inspections on the payment of annual leave were also included. During the declared coronavirus epidemic, inspections were carried out to a greater extent through requests for the delivery of documentation.

In the context of this inspection, inspectors responsible for employment relationships performed a total of 598 inspections and found 161 violations. A total of 150 measures were imposed for the irregularities identified, almost all of them being a minor offence. Inspectors issued minor offence decisions, giving 50 warnings and penalty notices imposing 29 fines. In addition, 61 warnings were issued under the ZP-1, of which 10 measures were regulatory decisions. Not all proceedings were concluded by the end of the calendar year, therefore the statistics may still be subject to change.

Inspectors found 109 violations of Article 131 of the ZDR-1 in the context of tighter inspection. A total of 71 violations related to paragraph two of Article 131, which stipulates that the pay for annual leave must be paid out to workers by 1 July of the current calendar year at the latest. In addition, 22 violations related to paragraph three of Article 131, which provides that, in the event of the employer's illiquidity, the branch collective agreement may lay down a later date for making the payment for annual leave, but not later than 1 November of the current calendar year. Inspectors also found 10 violations concerning the proportionality of part of annual leave. A further 34 violations of paragraph two of Article 135 of the ZDR-1 were found relating to the statement of remuneration paid and a number of other violations relating to employment relationships.

The findings regarding the implementation of Article 131 of the ZDR-1 are identical to those mentioned in the framework of tighter year-round inspection throughout the year. In the context of the proposals for amendment to legislation, the IRSD made some proposals to amend the ZDR-1 with regard to annual leave.

Cooperation with the FURS based on information exchanged on employers who did not submit the iREK form for the payment of annual leave for individual workers is considered to be an example of good and effective cooperation between two supervisory bodies. Emergency legislation did not interfere with the payment of annual leave and inspectors adhered to the principle of proportionality. Furthermore, when inspection procedures were launched, the persons liable often actually made the payment for annual leave. By exercising constant supervision, we convey the message to both employers and workers that workers have the inalienable right to be paid annual leave pay, a right that is also important in terms of restoring workers’ psychophysical capacity. The inspections will continue in 2021.

# INSPECTIONS IN THE AREA OF SOCIAL ASSISTANCE

## GENERAL

The Social Affairs Inspection Service is tasked with the supervision of the implementation of the Social Assistance Act (hereafter: **ZSV)** and the regulations issued on the basis thereof by public social protection institutions, concessionaires and legal and natural persons that provide services and are entered in the register of private individuals and legal persons referred to in Article 67 of this Act (hereinafter: providers of social assistance activities), supervision of the implementation of other acts or the regulations issued pursuant thereto which define public authority or other tasks of individual providers of social assistance activities, and supervision of the performance of tasks imposed on municipalities by this Act.

The Social Affairs Inspection Service also supervises the implementation of the aforementioned Act and the regulations issued on the basis thereof by natural and legal persons who are suspected of performing social assistance activities without being registered in the register of private individuals and legal persons referred to in Article 67 of this Act.

Inspections are carried out by social inspectors as public employees with special powers and responsibilities. For the purpose of conducting inspections in the area of social assistance, the provisions of the Act governing inspection and the Act governing labour inspection apply, unless particular issues are otherwise regulated by the ZSV.

## STATISTICS

In 2020, the Social Affairs Inspection Service employed 6 inspectors, one of whom also performs the duties of the director. In view of its small size, any absence of an inspector (due to illness or tasks other than inspections, such as organisational tasks, participation in professional working bodies, etc.) constitutes a significant disruption to its operation or has an impact on the scope of direct inspections conducted. Three inspectors are over 55 years old.

### Inspections

In 2020, the Social Affairs Inspection Service **received 350 reports for inspection** (88 or 34% more than in 2019) and **concluded 366 inspection cases** (87 or 31% more than in 2019), of which 287 extraordinary inspections were carried out (73 or 34% more than in 2019).

In addition to the inspections carried out, **professional assistance** was provided in **56 cases**.

It is estimated that the higher number of reports was a result of the epidemiological situation because of which social assistance providers had to adapt their activities, which had an expected impact on users – in addition to their own uncertainty and unpredictability of what was happening, they were confronted with uncertainties regarding the functioning of the institutions to which they turned for help or to exercise their rights (this includes institutions outside the social assistance system, but which are inextricably linked to social assistance, for example, the judiciary, the education system, healthcare system, law enforcement authorities, etc.).

The increase in the number of reports handled and inspections carried out is largely due to the increase in the number of inspectors, with 1 more inspector employed in 2020 than in the preceding year, representing a 20% increase in the number of inspectors in such a small team.

Due to the variety and sensitivity of the inspectors’ tasks and due to their powers, the majority of inspection cases, i.e. 62% of cases, were connected to the operation of SWCs, as was expected. The above-mentioned cases primarily concerned the regulation of relationships between parents and children after the dissolution of the domestic community (40%), tasks related to the appointment of a guardian and the performance of guardianship tasks (9%), the protection of children at risk and foster care (16%), domestic violence (14%), the provision of social assistance services (8%) and tasks regarding the exercise of rights to public funds (11%).

For 2020, the Social Affairs Inspection Service planned to carry out inspections of the **correct application of the Family Code and the ZNP** in at least 8 different SWCs or 22 SWC units; inspections were in fact carried out at 16 SWCs and 39 SWC units.

Furthermore, inspections of **domestic violence** were planned to be conducted in at least 6 different SWCs and 18 SWC units, but in fact **1** SWCs and **19** units were subject to inspection.

Approximately 16% of the concluded inspection cases concerned the work of **providers of institutional care services for the elderly**. The complaints were generally related to the calculation of nursing care prices, dissatisfaction with the quality of services and the exercise of rights of persons who, at a certain age and for a variety of reasons, have difficulty making their own decisions or whose expression of will is questionable (dementia and similar). It is clear that some of the allegations were related to the adjustment of the work of contractors due to the epidemiological situation. The most controversial aspect for reporting persons was the restriction of personal contact between users and their relatives. Most complaints from the reports were still in connection with the allegedly controversial conduct of providers who are not supervised by the Social Affairs Inspection Service (e.g. nursing care as part of institutional care). Despite the dissatisfaction expressed in individual reports about the adaptation of the providers' work to the epidemiological situation, the total number of reports against the work of providers of institutional care services for the elderly did not increase significantly (4 more reports than in the preceding year).

Inspections were carried out at **17** different providers of **institutional care services for over 65s**. Although inspections at 18 different providers were planned, the epidemiological situation, which has already been mentioned several times, meant that it was necessary to adjust the number of inspections carried out, which was reflected in the number of inspections carried out at providers of institutional care services for the elderly, but made it possible to carry out considerably more inspections on the performance of municipalities' tasks in organising and providing social care. Instead of the planned 20, inspections were carried out in **61** municipalities.

### Number of orders and measures imposed

As regards the concluded cases, **72 administrative and minor offence measures** were issued to providers, including **68** orders and **measures** to eliminate the irregularities found. In minor offence cases, **4 sanctions** were imposed **by issuing minor offence decisions** imposing a fine in three cases and issuing a warning in one case.

## SUBSTANTIVE FINDINGS OF THE SOCIAL AFFAIRS INSPECTION SERVICE

The following provides the key substantive findings of the Social Affairs Inspection Service in concluded inspection cases by individual groups of providers of social assistance activities.

### Social work centres (SWCs)

The SWCs provide social assistance services, exercise assigned public powers and perform other tasks based on the provisions of 55 different laws and more than 50 rules governing in detail individual provisions of laws.

While the irregularities and shortcomings identified are expected to recur from year to year, the risk of incorrect or unprofessional conduct increased in 2020, a year significantly affected by the epidemiological situation with respect to the implementation of social assistance activities, partly due to the restrictions on direct contact with users and the related search for new ways of communication and cooperation between professional staff and users.

Particularly during the first wave of the epidemic, there was a significant increase in the pressure for assistance on SWCs and, subsequently, on the Social Affairs Inspection Service. The service providers – SWCs in cases of user distress related to child-parent contact, as well as providers of institutional care services for the elderly who, in cooperation with the medical profession, sought ways to contain the spread of the new coronavirus as much as possible, thereby limiting direct contact between users and their relatives – had to adapt all their activities to the epidemiological situation. A number of provisions of social assistance regulations could not be implemented because of this situation, and many reporting persons were unwilling or unable to understand this because of their personal distress.

This situation made it all the more apparent that regulations should provide for mandatory **supervision** of all professional workers. Supervision is prescribed as mandatory only with regard to the provision of social assistance services, but not when it comes to the exercise of public powers or performance of tasks under the law, which tend to put more emotional burden on professional workers. Although more supervision would be needed to tackle the new challenges in the epidemiological situation, there was less supervision due to organisational issues.

With regard to the treatment of children at risk, the Social Affairs Inspection Service did not identify any major shortcomings in social assistance providers. Indirectly, however, the Social Affairs Inspection Service found that, following the entry into force of the Family Code in 2019, the case law of courts relating to the interpretation of applicable provisions of the Family Code had not yet been adequately unified, which often leads to difficulties for SWCs involved in non-contentious proceedings in court in formulating proposals, opinions and reports.

Most of the reports related to the work of the SWCs that were received by the Social Affairs Inspection Service concerned the implementation of tasks relating to the re-establishment of child-parent relationships after the dissolution of the domestic community, the treatment of domestic violence, the treatment of children at risk, the regulation of guardianship and the exercise of rights to public funds.

Despite the fact that a large number of reports made to the SWCs accuse professional workers of being excessively and unjustifiably (pro)active – especially in performing tasks related to the likely endangerment of children – some reports claim that professionals are passive or they evade their work by explaining that they are not competent for a particular task. There are still allegations made by reporting persons that SWCs do not help them, do not have an open ear for their clients' concerns and/or do not provide any professional assistance (for example, do not provide them with accommodation in a women's shelter or a safe house); in most cases, the inspections conducted do not confirm any of these allegations. However, there are increasing expectations of reporting persons that the SWC should provide assistance to them, regardless of whether this falls within the scope of the SWC's tasks or whether it is actually competent for a particular form of assistance. The SWCs are also expected to carry out the work of law enforcement authorities in cases of suspicion of criminal offenses, to adjudicate instead of courts in family disputes, or not to comply with the prescribed criteria when deciding on rights to public funds.

A large majority of reporting persons stated that prior to filing a report with the Social Affairs Inspection Servicethey had turned to the responsible person of the SWC and requested either the replacement of a caseworker or the transfer of local jurisdiction to another SWC or SWC unit. Although they claim in their reports that the responsible persons do not consider these requests for replacement of a particular caseworker or that they fail to take any action, the Social Affairs Inspection Service notes that the SWC directors correctly consider such requests in accordance with the provisions of the ZUP and the ZSV, and that they have an established procedure in place for dealing with complaints about the work of a caseworker and requests for their replacement or exclusion. The first proposal for the replacement of a caseworker is usually granted in terms of ethical and professional principles of work in the area of social assistance despite the fact that there are no elements for exclusion provided for under the ZUP, but when the reporting person is not satisfied with the next or subsequent caseworker, the reluctance to replace them is reasonable.

#### Assistance in the regulation of relationships between parents and children after dissolution of the family community

In providing assistance to parents in reaching an agreement on custody of joint children and their maintenance, contacts with both parents and other persons important to the child, and on the exercise of parental care in matters which have a significant impact on the child’s development, the SWCs have often faced allegations of bias or discriminatory treatment. Except in individual cases, these allegations proved to be unfounded, as the SWCs enable all parties involved to participate in the process of finding common solutions acceptable to all parties involved; however, in the event of failure to find amicable solutions, they have to produce their own assessment or opinion on the parties involved, which provides the basis for regulating relations in court proceedings. Notwithstanding the fact that the SWCs do not decide on contentious issues but rather encourage parents to find acceptable solutions, many reporting persons believe that they need to prove their right to the SWCs and not to the court. However, an assessment or opinion of a SWC that is not in accordance with their beliefs or expectations is unreasonably considered biased or discriminatory.

If parents who do not live together are unable to reach an agreement on the issues of parental care for various reasons, the disputed issue is decided by the court, which obtains the opinion of the SWC before deciding on the child's best interest. Unfortunately, the SWC cannot form an opinion on what regime of parent-child relationships would be in the best interests of the child in cases where the parents are unable to reach an agreement on the contentious issues (even the court cannot decide in a dispute to the satisfaction of both parents). If a SWC or a particular caseworker gives in to the "request" of the parents to "decide" on the dispute, then the attempt to communicate can be transformed into a process of proving one's right, and the search for acceptable solutions into a "competition" between the parents. The result of this kind of indulgence in the demands of parents gives rise to a perception of bias, and above all, it is mostly impossible to continue looking for the best possible outcome for the child.

The Social Affairs Inspection Service finds that the SWCs in most cases form their opinion on the basis of professional cooperation with the parents and child, while a special professional challenge is to protect the child's best interests in cases where the child expresses his or her opinion and does not want the parents to know about it. Taking into account the child's opinion (which is not and should not be the only element in forming the SWC's opinion) without exposing the child in conflicts between parents is one of the most complex professional challenges in working with children.



However, in inspection cases in which deficiencies or irregularities were identified in the area in question, it was established that some "opinions" of the SWCs forwarded to the court could still not be considered expert opinions, as they mainly contained summaries of statements of those involved, indications that an agreement between the parties was not possible and proposals to appoint an expert. The SWC, as an expert body responsible for formulating an opinion on the basis of which the court would be able to make decisions more easily, should always produce a substantive, professionally reasoned and concrete opinion on the basis of established facts and by taking into account professional concepts. Even in cases where it would suggest the involvement of an expert, it should provide a reason for making such a proposal and indicate which facts could not be adequately explained with its expertise, or which facts are so contradictory that they require additional in-depth research by an expert.

In 2020, a particular challenge in the work of SWCs was to provide assistance in the issue of contact between a child and the parent with whom they do not live. Particularly during the spring wave of the epidemic, virtually no one – not the courts, the SWCs, and especially not the parents – was equipped with credible information on the new coronavirus, which led to different interpretations of its threat and of the measures to be taken to prevent the spread of the disease. Many parents took advantage of this situation to (arbitrarily) restrict their child's contact with the parent with whom they did not live. In individual cases where parents resorted to the courts to resolve this issue, it was found that SWCs formed their opinion in court proceedings only based on their prior knowledge of the family, and not by taking into account the "new reality". Irrespective of previous experience, the "here and now" situation must be taken into account in any new dispute and, even in specific situations, must always be examined in accordance with the principles of designing an original working project of assistance.

In one of the cases under discussion, which also received considerable media coverage, the SWC was accused of inadequate cooperation in the enforcement of a court decision on child custody. It was found that the SWC had participated in judicial enforcement proceedings in accordance with the ZIZ, specifically Articles 238č and 238e and the court's decision authorising enforcement.

#### Measures undertaken by SWCs for the protection of children

In addition to carrying out inspection of the procedures of emergency removal of a child and further procedures for the protection of the child's best interests, in 2020 the Social Affairs Inspection Service devoted a lot of time to providing professional assistance in that area. Our assessment is that despite several initial irregularities found, no unlawful conduct was found in 2020 also due to the provision of this kind of professional assistance.

#### Dealing with domestic violence

The Social Affairs Inspection Service receives reports from both victims of violence as well as persons alleged to have committed domestic violence. As a rule, the SWCs respond quickly and professionally to information about domestic violence. The allegations that their action in concrete cases was not adequate are often found to be unjustified. The SWCs usually offer various forms of assistance and cooperation to both perpetrators and victims, but too often those involved in violence reject them. There are several reasons for this: the reporting persons often mention that, unlike the NGOs, the SWCs do not provide unconditional support for their vision of the solution.

Cooperation with those involved in domestic violence is extremely difficult because of its multifaceted nature. The SWCs offer and perform various services and tasks related to families experiencing domestic violence. In addition to directly dealing with domestic violence, the SWC often cooperates with the family in the exercise of rights to public funds, and offers counselling forms of assistance to the individual and family. Furthermore, in cases of violence where a child is in danger, the SWC must take measures to protect the child in accordance with its powers. This multifaceted approach to dealing with the family that is focused on changing the behaviours and attitudes of all family members thus presents a particular professional challenge, because direct protection of the victim may suggest a very "activist" and advocacy approach, while finding different forms of living together requires the active participation of all involved.

However, in providing assistance in communication on issues relating to relationships with joint children, in conducting pre-divorce counselling interviews, and also in matters of exercising rights to public funds, it still happens very often that professional workers do not consider violence, which is not (yet) qualified as a criminal offence (preferably by way of a final ruling), to be an important and specific element in establishing a working relationship and in planning and carrying out a concrete assistance project.

The irregularities identified in dealing with domestic violence are most frequently related to the fact that the assessment of danger is not reasoned and it is not possible to determine on the basis of which criteria it has been established or defined (high, medium, low).

When dealing with adult victims of violence, it happens that the SWC assesses who is right and what has actually happened between the victim and the perpetrator. In particular when dealing with domestic violence, finding and maintaining the interposition of a professional worker is of crucial importance. Neutral ("objective") treatment of violence is neither possible nor permitted as it concerns individuals in a relationship who have significantly different levels of power (physical, economic, status, relational, etc.), nor does unreflective activist "advocacy" lead to the final implementation of the objectives of handling the situation, i.e. finding a way to continue working together to solve common problems (of course, in full compliance with the requirement to desist from violence).

Furthermore, despite the inspectors' warnings, professional workers still submit reports and opinions to the courts that have made such requests without any explicit legal basis. The ZPND stipulates that a person who has been assessed as being in danger and for whom an assessment of danger – a document intended solely for the purpose of obtaining legal assistance – has been made by the SWC is eligible for free legal assistance. Danger assessment is an instrument that is drawn up for and with adults based on their claims, experiences and views of the situation and their entire treatment at various institutions. The ZPND does not specify what the danger assessment must contain, how it is drawn up and what is to be taken into consideration when it is produced. The court has the right to access all the SWC's documents from which it can get acquainted with all legally relevant facts. Familiarisation only with the danger assessment document could even hinder the establishment of all the facts in court proceedings, because the danger assessment is usually made only on the basis of statements of the alleged victim of violence and, in particular in decision-making procedures on parental care issues, it may mislead the court into accepting the danger assessment as established facts relating to alleged domestic violence.

The SWC's tasks for the prevention of domestic violence do not include a "research role", the conduct of proceedings under the ZUP or decision-making. The danger assessment for the victim is drawn up on the basis of the professional guidelines published in the Bulletin Kaljenje, December 2010, Volume V, No. 10. These guidelines explicitly emphasise the autonomy of adult victims of violence and their experience of violence; however, in the process of primary protection of (alleged) victims the SWC does not establish facts – this is what law enforcement authorities and courts subsequently can or should do. At this stage, the professional work of the SWC focuses on the protection of the victim rather than on the investigation procedure and the establishing of a factual situation. The danger assessment for an adult victim of violence is not a summary of actual and verified events with concrete evidence and facts, but rather the victim's subjective perception of the reality, their feeling of endangerment, and violent behaviours. The SWC must ensure the safety of the victim and not the taking of evidence – that is in the domain of other authorities that carry out their tasks in accordance with their respective competences and powers.

The danger assessment and the assistance plan for the victim also contain an enormous amount of personal data which the SWC must protect in its proceedings; however, when these data are communicated to other institutions, in particular to courts, access to these documents is also gained by the persons suspected of having committed domestic violence, who do not otherwise have access to such documents or data from these documents.

In individual cases, the expected problem arises because professional workers choose a "side" or party that they will believe and act as its "defenders" in view of the fact that the testimony of victims of violence is accompanied by a strong emotional charge (fear, hopelessness, sadness, etc.).

Often, the plans for assisting the victim fail to specify all the future actions planned by the SWC (e.g. checking on the child at a particular time and determining whether sufficient care is taken of the child, whether the child is still exposed to violence and whether certain protective measures may need to be taken). All actions in the implementation of tasks to prevent domestic violence for adult victims must be carried out in cooperation with the victim and with the victim's consent, which is basically a different professional and substantive approach of work than that used for children who are victims of domestic violence.

#### Guardianship

Reports often raise allegations about the eligibility of a guardian or about direct performance of guardianship duties, as there are repeated disagreements between the guardian and the SWC on the one hand, and persons closely related to the ward, on the other hand, whether the guardian and the SWC must take care of the specific interests and rights of the ward or the future expected interests of those who are closely related to the ward.

Objections against the work of a guardian are resolved by the competent social work centre or the line ministry; in conducting inspections of guardianship providers, the Social Affairs Inspection Service drew similar conclusions to previous years.

In cases where the guardian manages the ward's property and income, additional care and attention are required to prevent damage to the ward's property. An inventory of property must be created in each case where the guardian manages the ward’s property and their income, even if, for example, a special-case guardian is appointed only for the payment of an individual bill.

The SWC and the guardian must consistently comply with Article 247 of the Family Code and consult the ward before any guardianship act. This is particularly relevant in cases where a guardian represents the ward in proceedings before the court on behalf and for the account of the ward. The SWC should specifically bring this provision to the attention of the guardian and should ensure the guardian's proper conduct.

#### Foster care

The SWCs provide services and other appropriate assistance to children, their families and foster families, both before and after imposing a foster care measure that is usually taken in agreement with parents, with the aim of making the measure as stress-free as possible for children.

The work of SWCs in foster care is mostly well organised, with all foster care activities and procedures focused on the best interests of the child. The quality work of some SWCs in foster care is also based on exemplary good work in pairs, team work and group work, and on supervisory methods of work, including work with foster parents and children in foster care.

In individual cases, however, we note that the SWCs allow foster parents to take on an "advocacy" position for the child and are no longer willing or able to follow the SWC's instructions and, in particular, the individual project team's arrangements to establish contacts between the child and the parents, and after the termination of the foster care measure.

#### Exercise of rights to public funds

Persons claiming the exercise of rights to public funds generally expect the Social Affairs Inspection Service**, instead of a second instance body, to assess the merits of a complaint against a specific administrative act by which the SWC has decided on the right. The Social Affairs Inspection Service does not have such powers.** Based on the reports received, we find that the majority of reporting persons are not sufficiently acquainted with the procedure, conditions, criteria and obligations regarding the right granted.

In 2020, there was a slight increase in the number of reports of people alleged to have been wrongly granted rights to public funds. In all cases supervised, this proved not to be the case. In some cases, it even turned out that the reported individual had not received assistance from public funds at all.

The shortcomings identified in the exercise of rights to public funds very often involve the provision of information that is not comprehensive, as well as the provision of incomprehensible, albeit correct information to the client. The impact of the epidemiological situation is also visible in this area. With the constant revision of the measures taken to deal with the consequences of the epidemic, individuals often no longer knew what rights they do or do not have, and the possibility of consulting with SWC staff unfortunately decreased due to various circumstances connected to the adaptation of work to the epidemiological situation.

Decisions on extraordinary cash social assistance are still too often made on the basis of vague and changing criteria and do not provide any specific explanation.

### Activities of care homes and other providers of institutional care services for the elderly, home assistance in the form of social care and social services

During inspections of the provision of institutional care services for the elderly, which were conducted on the basis of 30 received reports, the Social Affairs Inspection Service only found **4 cases** with shortcomings and irregularities in the provision of such services. Based on this information, our assessment is that the services are provided in a high-quality and lawful manner.

As the providers of institutional care, home assistance in the form of social care and social services had to adapt their work in 2020, as did the IRSD have to adapt inspections at these providers to the epidemiological situation. During the period of declared epidemic, inspection in-person and at the premises was not possible or would have posed a disproportionately high risk to users belonging to the most vulnerable groups of the population – the elderly, the disabled and the chronically ill.

At the outbreak of the epidemic, institutional care providers, in line with the Government's guidelines, focused largely on organising their work to effectively contain the spread of the virus.

All the measures taken to contain the epidemic directly interfered with the applicable standards of institutional care services, and the IRSD was therefore not in a position to impose measures to ensure compliance with them.

In 2020, the complaints received included allegations of institutional care for the elderly not being provided in accordance with the regulations on the procedures for exercising the right to institutional care and the regulations on charging for services, and allegations of incompliance with the service standard, as well as complaints about the measures taken to contain the epidemic and about the conduct of providers, in particular healthcare workers and volunteers who were neither experienced nor qualified to provide nursing and social care.

The allegations made in the inspection applications received regarding the provision of institutional care for the elderly contained similar allegations – users being confined to rooms (especially where rooms do not have a balcony and there is more than one resident in the room), users being constantly moved between rooms and floors of the care home, no personal contact with relatives, only the most basic social care being provided at a lower frequency than required, social exclusion from care home life and from the care home environment through bans, change of diet to light food and small meals on the grounds that users do not move around and do not need a more nutritious diet, inferior cleaning of rooms in favour of cleaning and disinfecting corridors, shared toilets and other common areas, forbidden socialising among healthy users within the care home, etc. Both users and their relatives experienced this situation as a serious mess, unfair punishment or violence due to isolation that lasted for a year or several months.

### Activities of special social care institutions

In 2020, there were continued difficulties in providing this service in the form of permanent full-day residential care in secure wards. Courts ordered the placement of persons in the secure wards of special social care institutions, notwithstanding the fact that providers reported to the courts that they do not have any spare capacity. As a result of the courts' insistence on such placement of persons, the providers were forced to lower the standard of living for users and increase the scope of service using the same number of staff in violation of regulations on the standard of living and staffing for all users of service in these secure wards. In parallel, the courts often issued decisions to place persons in the secure wards of these providers who, given their state of health and psychosocial needs, require more complex professional treatment than that prescribed for this service (more staff needed, different qualifications for treating such users); the courts were regularly informed by the providers of the situation, but their explanations were not taken into account. The complexity of the users, the inadequate staffing of secure wards and the overcrowding of wards mean that this service is no longer fit for purpose and is even endangering the users.

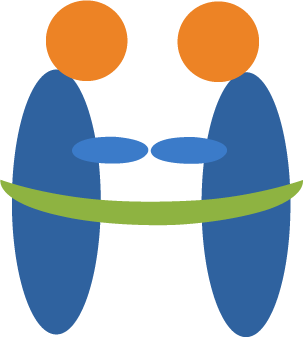
The IRSD was regularly informed by the providers of each new such placement, but the IRSD was unable to impose measures to ensure the legality of the providers' actions, which are in direct contradiction of the courts' decision to place users in secure wards.

### Activities of occupational activity centres and training centres

Reports that are filed for inspection of the work of occupational activity centres are related to staff, organisation of work, food, living conditions and treatment of wards. Some reports reveal dissatisfaction with working conditions in terms of employment under special working conditions (for example, a low hourly rate for work performed).

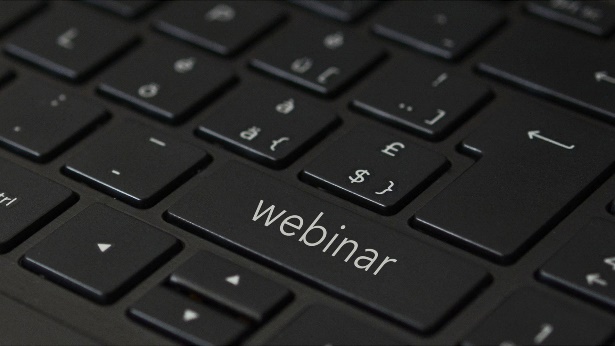
Inspections found that service providers comply with the applicable regulations but the actual reason for beneficiaries' dissatisfaction was related to the area of work that is not legally regulated and individual providers carry out with the help of volunteers.

# IRSD PROJECT UNIT

In 2020, the IRSD project unit launched the project **Stop Conflicts at Work – Raising Awareness of Mediation Options in Employee/Employer Conflicts and Counselling for Employers,** financed by the European Social Fund (ESF, 80%) and the Republic of Slovenia (20%). Despite the COVID-19 epidemic, the project was implemented in 2020 with great success and achieved or slightly exceeded the indicators relating to the number of informed employers about the contents of the project; in the second half of the year the objectives regarding mediations carried out throughout the project were exceeded. The project set a target of 100 mediations, with **124 mediations** between workers and employers carried out by the end of 2020 being recorded. Of these, more than 75% were successfully or amicably resolved. This far exceeds the targets set for all six years of the project, although there are still less than two years before the project ends (end of November 2022).

The year 2020 was marked by the new coronavirus pandemic and measures to prevent the spread of the virus, which prevented the project unit from carrying out some of its planned activities and events. Due to the measures banning large gatherings in public places, some activities took place online by giving lectures in the form of webinars and participation in online consultations. These webinars covered various aspects of occupational health and regulations on working from home. The 2020 targets were well exceeded in terms of the number of participants at lectures, who were trained labour market players. The project also presented its contributions at consultations, conferences and expert meetings.

In 2020, a total of **1,147 employers** (the annual target for this indicator: **1,080 employers**) and **1,368** participants (some employers were represented by participants in large numbers) were informed about the importance of providing decent work (in particular a safe and healthy working environment). In 2020, a total of **335 employers** (the annual target for this indicator is **300 employers**) and **420** participants were informed about the importance of peaceful resolution of workplace conflicts and mediation options in a conflict through lectures and expert meetings. As far as possible, given the measures taken to contain the COVID-19 epidemic, the lectures were delivered in person, and in the second half of the year mainly as webinars.



In 2020 in Slovenia, a total of **22 workshops** (with 18 cancelled) were held on the importance of decent work with a focus on occupational safety and health in 13 major towns or municipalities with small surrounding municipalities; in addition, the project unit held **6** webinars and actively contributed to **5** consultations. The project unit promoted peaceful settlement of disputes with practical experience in the project at **9 workshops** of the project unit across Slovenia, and also gave lectures on the subject at **5** events (consultations, conferences, meetings, etc.) of other organisers, such as the Association of Secondary School Principals, the Public Administration Academy and the Labour Law Clinic of the Faculty of Law.

Judging by the feedback from participants at events in which the project unit participated or organised, its business partners, and those who sought its expertise, the project unit continued its work on the sub-activity of raising employers' awareness of decent work with a focus on occupational safety and health in 2020 with more than excellent results. **The average score of lectures** delivered was 4.3 of 5, according to anonymous surveys after the lectures. Users of the project unit's services generally welcome and praise the project and its work, as they learn how to understand and implement the legislation correctly, including guidance on how to communicate with specialists (occupational safety and health professionals and occupational medicine providers) and inspectors.

In recent years, there has been a mind-shift in communication with the participants, with more and more employers and decision-makers understanding and realising the importance of providing a safe, healthy and worker-friendly workplace. They are aware of the benefits and positive impacts this brings and are therefore more engaged and actively involved in the processes themselves. There are fewer and fewer persons involved in regulating the field of occupational safety and health only formally. The project unit's lectures are attended by an increasing number of occupational safety and health professionals, both those working for the employer and those who offer their services on the market (even though attendance does not earn them any credit).

Lectures that are primarily based on many years of experience and knowledge of the situation in occupational safety and health have raised employers’ levels of understanding and awareness about the importance of this area, both in terms of workers’ occupational safety and health and of a more worker-friendly environment, as well as in terms of reducing workplace conflicts, which all together leads to the increased fitness and well-being of the entire population. Employers learn about the advantages and benefits of regulated, safe and healthy working conditions, and of non-conflict relationships, all resulting in lower absenteeism levels, better working climate and, consequently, greater efficiency and productivity of workers.

In 2020, the project unit continued its activities regarding the handbook for preparation for the occupational safety and health certification exam, which must be created during the project in accordance with the adopted project objectives, thereby gathering all the necessary material.

In both sub-activities of the project, project unit members also provided a lot of **professional assistance** in the area of the IRSD's powers in written form (**173 cases**), and even more orally, some of them in person during IRSD office hours and outside them, by phone or in person during or after workshops and at conferences and expert meetings of employers' associations, workers' associations and of other players or organisations in the labour market. Throughout the year, the project unit was available to provide answers by telephone (on the project's published telephone numbers), by email at: [projekt.irsd@gov.si](mailto:projekt.irsd@gov.si) and by calling the IRSD's general telephone number during office hours, to any interested person or employer who wished to consult with us on ways to resolve workplace conflicts, on labour law issues and on occupational safety and health obligations. From March to May 2020, project unit members participated in the national call centre for information on the new coronavirus, where they helped medical students to inform people about measures to combat the spread of the disease, in terms of rights and obligations under labour law and occupational safety and health regulations. In June 2020, the President of the Republic of Slovenia, Borut Pahor, presented the call centre with the Apple of Inspiration award, and a project unit member was invited to the event as a token of gratitude for the project unit's participation in these activities.

With regard to peaceful settlement of disputes, despite the epidemic, the project unit managed to meet and exceed its targets for the entire six-year duration of the project. Nevertheless, negative impacts of the coronavirus epidemic on the conduct of mediations by the project unit were reported. In fact, due to the measures taken to contain the spread of the epidemic and the limitations on gatherings and meeting clients in person, mediations could not be conducted at in-person meetings from mid-March onwards until the epidemic officially ended at the end of May 2020. Instead, disputes were mediated by telephone and communication also took place electronically. Unfortunately, a number of mediations in which applications were made in the first three months of 2020 had to be postponed until after the end of the epidemic, which often resulted in the case not being resolved amicably, or circumstances could have changed during the first wave of the epidemic in such a way that it was no longer practical or necessary to conduct the mediation (for example, the termination of employment contracts of parties to the mediation procedure). We are particularly disappointed to see the trend of a rapid increase in mediation applications in the first two months of 2020, as the promotion of amicable dispute resolution by the project unit among the professional community and the general public in recent years helped people to recognise mediation as one of the friendliest and quickest ways to resolve workplace disputes. The epidemic had the effect that the project unit was approached by fewer applicants and, as a result, fewer disputes were successfully resolved than would otherwise have been the case. Nevertheless, a record number of **mediation applications** was recorded in 2020, i.e. **77**.

In all cases, the applications received for mediation were not carried out because consent for mediation was not given by both parties. However, in individual cases, after a preliminary meeting had been held with one or both parties, the applicant or the employer (or both parties mutually) concluded that they would like to settle the dispute in a different way or not to resolve it at all. In cases where mediation was conducted, a conversation with the mediator often helped the applicant to find out what they would like to do about the conflict in the workplace (and how to take action).

As in the previous reporting period, the upward trend of cases being resolved based on a telephone call from a mediator continued, where such a call was sufficient to facilitate agreement between the worker and the employer to resolve the conflict. These cases usually concerned monetary claims arising from the previous employment relationship (e.g. payment of subsistence allowances, reimbursement of other work-related expenses, inadequate offsetting of salary, a proportionate share of annual leave allowance, financial compensation for unused annual leave at the end of the employment contract and so on), but in some cases the employer and the employee were in conflict over other employment law provisions.

The above 77 applications for mediation in disputes involved:

* the conditions for mediation being met and mediation actually taking place in 50 cases (in the remaining cases, the other party did not consent (most often the employer, but sometimes also the employee), or the conflict was resolved by other means, or the initiator of the procedure changed their mind and no longer wanted the mediation of the project unit). Of these 50 cases, the following should be highlighted:
  + 39 cases where an agreement was reached or the dispute between the worker and the employer was effectively resolved over the phone through a mediator (usually the conflict was resolved quickly over the phone in cases where the employer owed money to the worker);
  + in three cases, although the mediation was successful, the case was not resolved or the conflict was not finally resolved, even though specific issues could have been successfully resolved;
  + in two cases, the other party withdrew consent during the mediation procedure, in one case by the mediator;
  + five mediations were still ongoing at the end of 2020, and some cases from 2019 were still being resolved in 2020.

In the remaining cases, the results were as follows:

* in 17 cases, the other party did not give consent to mediation (mostly the employer, but in some cases also the workers) – there were slightly more cases than in previous years, which may be attributed to the coronavirus epidemic;
* in three cases, the applicants withdrew their mediation application before it could take place (in most cases because the mediation could not be carried out quickly enough due to measures taken to contain the spread of SARS-CoV-2[[1]](#footnote-1));
* in three cases, the case was resolved without mediation because the conflicting parties had reached a court settlement or there had been a change of responsible persons at the employer;
* in four cases, the parties themselves resolved the conflict outside mediation after the mediator called them and presented an initiative for mediation in the dispute or the nature of the conflict.

In 2020, the two employees working on this sub-activity also received additional training, including the acquisition of the Happiness at Work Manager international certificate (including an exam). Based on the knowledge so acquired, the project unit will be able to be an even more useful source of prevention against negative phenomena in working environments (psychosocial risks) and will be in a better position to help employers (and interested employees) to find solutions to bring more of an uplifting good climate and a cooperative spirit into the working environment in a professional and creative way.

In 2021, the project unit will continue to perform tasks in both sub-activities, as outlined in the project programme, specifically through lectures, workshops, seminars, conferences, presentations, information days, mediation in disputes and by providing professional assistance, as far as possible in person. The goal is to find new ways to reach even more decision-makers in companies, since the project team's workshops are still attended by mainly middle management staff in companies, i.e. representatives of human resource departments and persons responsible for occupational safety and health. The aim is to reach even more decision-makers in companies and thus further improve the results of the project team's work.

# LIST OF REGULATIONS GOVERNING THE WORK OF THE IRSD

**1. LIST OF REGULATIONS WITHIN IRSD JURISDICTION**

* ILO Labour Inspection Convention, 1947 (No. 81)
* ILO Labour Inspection (Agriculture) Convention, 1969 (No. 129)
* ILO Convention concerning Occupational Safety and Health and the Working Environment 1981 (No. 155)
* ILO Occupational Health Services Convention, 1985 (No. 161)
* Regulation (EU) 2019/1149 of the European Parliament and of the Council of 20 June 2019 establishing a European Labour Authority, amending Regulations (EC) No. 883/2004, (EU) No. 492/2011, and (EU) 2016/589 and repealing Decision (EU) 2016/344 (Text with relevance for the EEA and for Switzerland)
* Labour Inspection Act
* Inspection Act
* General Administrative Procedure Act
* Minor Offences Act
* Rules on the costs of minor offence proceedings
* Rules on the form and contents of registers and auxiliary books kept by minor offence authorities
* Rules on records of minor offence authorities, the record of final minor offence judgments and decisions, the joint record of penalty points for driving offences and on joint IT infrastructure
* Court Fees Act
* Administrative Fees Act
* State Administration Act
* Decree on bodies within ministries
* Rules of Procedure of the Inspection Council
* Rules on service ID cards for inspectors
* Rules on the professional examination for inspectors
* Decree on administrative operations
* Public Information Access Act
* Personal Data Protection Act
* Act on Provisional Measures for Judicial, Administrative and Other Public Matters to Cope with the Spread of the Infectious Disease SARS-CoV-2 (COVID-19) (ZZUSUDJZ)
* Decision on the finding of termination of temporary measures in relation with judicial, administrative and other public matters to cope with the spread of COVID-19 infectious disease (SARS-CoV-2 virus)
* Ordinance on temporary measures to reduce the risk of infection and prevent the spread of COVID-19 infectious disease in administrative matters

**Other legal sources are indicated by the following areas of work.**

**2. LIST OF REGULATIONS GOVERNING THE DUTIES OF THE IRSD WHICH ARE SUBJECT TO INSPECTIONS IN THE FIELD OF EMPLOYMENT RELATIONSHIPS (EMPLOYMENT RELATIONSHIPS INSPECTION SERVICE)**

**International Labour Organization (ILO) Conventions:**

* Unemployment Convention, 1919 (No. 2)
* Weekly Rest (Industry) Convention, 1921 (No. 14)
* Convention concerning Equality of Treatment for National and Foreign Workers as regards Workmen's Compensation for Accidents, 1925 (No. 19)
* Convention concerning Sickness Insurance for Workers in Industry and Commerce and Domestic Servants, 1927 (No. 24)
* Convention concerning Sickness Insurance for Agricultural Workers, 1927 o. 25)
* Forced Labour Convention, 1930 (No. 29)
* Convention concerning the Establishment of an International Scheme for the Maintenance of Rights under Invalidity, Old-Age and Widows' and Orphans' Insurance, 1935 (No. 48)
* Convention for the Partial Revision of the Conventions Adopted by the General Conference of the International Labour Organisation at Its First Twenty-eight Sessions, 1946 (No. 80)
* Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
* Convention concerning the Organisation of the Employment Service, 1948 (No. 88)
* Night Work of Young Persons (Industry) Convention (Revised), 1948 (No. 90)
* Paid Vacations (Seafarers) Convention (Revised), 1949 (No. 91)
* Protection of Wages Convention, 1949 (No. 95)
* Migration for Employment Convention (Revised), 1949 (No. 97)
* Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
* Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value, 1951 (No. 100)
* Social Security (Minimum Standards) Convention, 1952 (No. 102)
* Abolition of Forced Labour Convention, 1957 (No. 105)
* Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106)
* Seafarers' Identity Documents Convention, 1958 (No. 108)
* Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
* Fishermen's Articles of Agreement Convention, 1959 (No. 114)
* Convention concerning the Partial Revision of the Conventions Adopted by the General Conference of the International Labour Organisation at its First Thirty-two Sessions, 1961 (No. 116)
* Employment Injury Benefits Convention, 1964 (No. 121)
* Employment Policy Convention, 1964 (No. 122)
* Convention concerning Minimum Wage Fixing, with Special Reference to Developing Countries, 1970 (No. 131)
* Holidays with Pay Convention (Revised), 1970 (No. 132)
* Convention concerning Protection and Facilities to be Afforded to Workers' Representatives in the Undertaking, 1971 (No. 135)
* Convention concerning Minimum Age for Admission to Employment, 1973 (No. 138)
* Paid Educational Leave Convention, 1974 (No. 140)
* Convention concerning Vocational Guidance and Vocational Training in the Development of Human Resources, 1975 (No. 142)
* Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers, 1975 (No. 143)
* Convention concerning Tripartite Consultations to Promote the Implementation of International Labour Standards, 1976 (No. 144)
* Convention concerning Employment and Conditions of Work and Life of Nursing Personnel, 1977 (No. 149)
* Convention concerning Protection of the Right to Organise and Procedures for Determining Conditions of Employment in the Public Service, 1978 (No. 151)
* Convention concerning the Promotion of Collective Bargaining, 1981 (No. 154)
* Convention concerning Equal Opportunities and Equal Treatment for Men and Women Workers: (Workers with Family Responsibilities), 1981 (No. 156)
* Convention concerning Termination of Employment at the Initiative of the Employer, 1983 (No. 158)
* Convention concerning Vocational Rehabilitation and Employment (Disabled Persons), 1983 (No. 159)
* Night Work Convention, 1990 (No. 171)
* Protection of Workers' Claims (Employer's Insolvency) Convention, 1992 (No. 173)
* Part-Time Work Convention, 1994 (No. 175)
* Seafarers' Hours of Work and the Manning of Ships Convention, 1996 (No. 180)
* Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (No. 182)
* Convention concerning the revision of the Maternity Protection Convention (Revised), 1952 (No. 183)
* Maritime Labour Convention, 2006, (No. 186)

**EU and Council of Europe legal resources:**

* European Social Charter (Revised), 1996
* European Code of Social Security, 1964
* European Convention on Mutual Assistance in Criminal Matters, 1959, and Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters, 1978
* Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, established by the Council in accordance with Article 34 of the Treaty on European Union, 2000
* Regulation (EC) No. 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems
* Regulation (EC) No. 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No. 883/2004 on the coordination of social security systems
* Regulation (EU) No. 1231/2010 of the European Parliament and of the Council of 24 November 2010 extending Regulation (EC) No. 883/2004 and Regulation (EC) No. 987/2009 to nationals of third countries who are not already covered by these Regulations solely on the ground of their nationality
* Regulation (EU) No. 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC ('the IMI Regulation')
* Regulation (EEC) No. 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community
* Council Regulation (EC) No. 1223/98 of 4 June 1998 amending Regulation (EEC) No. 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community and Regulation (EEC) No. 574/72 laying down the procedure for implementing Regulation (EEC) No. 1408/71
* Council Regulation (EC) No. 1606/98 of 29 June 1998 amending Regulation (EEC) No. 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community and Regulation (EEC) No. 574/2 laying down the procedure for implementing Regulation (EEC) No. 1408/71 with a view to extending them to cover special schemes for civil servants

The IRSD also performs its tasks or indirectly oversees the implementation of a number of directives in the area of employment relationships, the objectives of which are covered by the Republic of Slovenia in the relevant sectoral regulations.

**International agreements**

* Act Ratifying the Agreement between the Government of the Republic of Slovenia and the Council of Ministers of Bosnia and Herzegovina on the Employment of Citizens of Bosnia and Herzegovina in the Republic of Slovenia and the Protocol on the Implementation of the Agreement between the Government of the Republic of Slovenia and the Council of Ministers of Bosnia and Herzegovina on the Employment of Citizens of Bosnia and Herzegovina in the Republic of Slovenia (BBHZD)
* Act Ratifying the Agreement between the Government of the Republic of Slovenia and the Government of the Republic of Serbia on the Employment of Citizens of the Republic of Serbia in the Republic of Slovenia and the Protocol on the Implementation of the Agreement between the Government of the Republic of Slovenia and the Government of the Republic of Serbia on the Employment of Citizens of the Republic of Serbia in the Republic of Slovenia (BRSZD)

**Acts:**

* Employment Relationship Act
* Act Determining the Intervention Measures on Salaries and Contributions (ZIUPPP)
* Act Determining the Intervention Measures to Contain the COVID-19 Epidemic and Mitigate its Consequences for Citizens and the Economy (ZIUZEOP)
* Act Determining the Intervention Measures to Mitigate And Remedy the Consequences of the COVID-19 Epidemic (ZIUOOPE)
* Act on the Intervention Measures to Prepare for the Second Wave of COVID-19 (ZIUPDV)
* Decision on the extension of the measure of partial reimbursement of salary compensation to temporarily laid-off workers
* Act Determining Temporary Measures to Mitigate and Remedy the Consequences of COVID-19 (ZZUOOP)
* Act Determining Intervention Measures to Assist in Mitigating the Consequences of the Second Wave of the COVID-19 Epidemic (ZIUOPDVE)
* [Decision on the extension of the measure of partial subsidising of reduced full-time work](https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/2020-01-3337/sklep-o-podaljsanju-ukrepa-delnega-subvencioniranja-skrajsanja-polnega-delovnega-casa)
* Decision amending the Decision extending the validity of certain measures contained in the Act Determining the Temporary Measures to Mitigate and Remedy the Consequences of the COVID-19 Epidemic and the Act Determining the Intervention Measures to Mitigate the Consequences of the Second Wave of the COVID-19 Epidemic
* Act Determining Intervention Measures to Assist in Mitigating the Consequences of the Second Wave of COVID-19 (ZIUPOPDVE)
* Communicable Diseases Act
* Transnational Provision of Services Act
* Employment and Work of Aliens Act
* Employment, Self-Employment and Work of Foreigners Act
* Act Concerning the Enforcement of the Transitional Period for the Employment and Work of Citizens of the Republic of Croatia in the Republic of Slovenia Following the Accession of the Republic of Croatia to the European Union
* Act Ratifying the Agreement between the Government of the Republic of Slovenia and the Council of Ministers of Bosnia and Herzegovina on the Employment of Citizens of Bosnia and Herzegovina in the Republic of Slovenia and the Protocol on the Implementation of the Agreement between the Government of the Republic of Slovenia and the Council of Ministers of Bosnia and Herzegovina on the Employment of Citizens of Bosnia and Herzegovina in the Republic of Slovenia
* Prevention of Undeclared Work and Employment Act
* Minimum Wage Act
* Labour and Social Security Registers Act
* Strike Act
* Collective Agreements Act
* Worker Participation in Management Act
* European Works Councils Act
* Workers Participation in Management of the European Public Limited-Liability Company Act
* Workers Participation in Management of the European Cooperative Society Act
* Labour Market Regulation Act
* Employment and Insurance Against Unemployment Act (ceased to be in force on 27 October 2010 – with the adoption of the ZUTD, application until 1 January 2011, the provisions of Articles 5, 6, 6a, 6b, 6c, 6č, 6d, 6e, 7 and 8 of Chapter II "Employment Brokerage and Work Brokerage" of the Employment and Insurance against Unemployment Act continue to apply to the brokerage of temporary and casual work of secondary school students and higher education students until the date of application of an Act governing the brokerage of temporary and casual work of secondary school students and higher education students)
* Pension and Disability Insurance Act
* Act Governing the Register of Insured Persons and Beneficiaries of Rights Provided under Pension and Disability Insurance
* Parental Protection and Family Benefits Act
* National Professional Qualifications Act
* Organisation and Financing of Education Act
* Vocational and Technical Education Act
* Health Care and Health Insurance Act
* Medical Services Act
* Health Services Act
* Vocational Rehabilitation and Employment of Persons with Disabilities Act
* Public Use of the Slovene Language Act
* Protection Against Discrimination Act
* Equal Opportunities for Women And Men Act
* Agriculture Act
* Exercising of the Public Interest in Culture Act
* Act Regulating the Working Time and Compulsory Rest Periods of Mobile Workers, and Recording Equipment in Road Transport
* Act Regulating Relations between the Republic of Slovenia and Slovenians Abroad
* Partially Subsidising Full-Time Work Act
* Act Fixing the Reimbursement Amounts for Work Related Expenses and Certain Other Receipts
* State Employees Act
* Act Regulating Salaries of Employees in Public Educational Institutions
* Volunteering Act
* Social Entrepreneurship Act
* Maritime Code
* Civil Servants Act
* Fiscal Balance Act
* Enforcement of Criminal Sanctions Act
* Contentious Civil Procedure Act
* Companies Act
* Criminal Code
* Criminal Procedure Act

**Implementing regulations**

* Ordinance on the temporary partial restriction of movement of people and on the prohibition of gathering of people to prevent the spread of COVID-19
* Ordinance on the temporary partial restriction of movement of people and on the restriction or prohibition of gathering of people to prevent the spread of COVID-19
* Ordinance on temporary measures to reduce the risk of infection and spread of the SARS-CoV-2 infection
* Ordinance on temporary suspension of the sale of goods and services to consumers in the Republic of Slovenia
* Ordinance on temporary suspension of cultural and cinematographic services to end-users in the Republic of Slovenia
* Ordinance on temporary restrictions on sports activity
* Ordinance temporarily prohibiting gatherings of people in educational institutions and universities and independent higher education institutions
* Ordinance on restrictions and manner of conducting public passenger transport in the territory of the Republic of Slovenia
* Ordinance on the temporary prohibition, restrictions and manner of conducting public passenger transport on the territory of the Republic of Slovenia
* Decree on the temporary transfer of public employees due to urgent work needs
* Decree establishing the employment quota for persons with disabilities
* Decree on granting regional aid and on methods for the implementation of regional employment initiatives and employment and investment tax relief
* Decree on supervising the implementation of regulations related to working time and compulsory rest periods of mobile workers, and on recording equipment (tachographs)
* Decree on reimbursement of expenses for business trips abroad
* Decree on prizes and awards for volunteering
* Decree determining social entrepreneurship activities
* Decree on measures to protect the dignity of employees of the state administration authorities
* Rules on criteria and procedure for determining the subsidy amount for the salaries of persons with disabilities
* Rules on criteria and procedure to acquire the status of disabled person and the right to vocational rehabilitation and to assess employment opportunities of disabled persons and on activities of rehabilitation commissions
* Rules concerning working methods of the Commission determining grounds for termination of employment contract
* Rules on issuing work permits for children under 15 years of age
* Rules on protection of health at work of pregnant workers and workers who have recently given birth and are breastfeeding
* Rules on the protection of the health of children, adolescents and young persons at work
* Rules on conditions for performing the activities of employment agencies (ceased to be in force, with the exception of the provisions that refer to the brokerage of temporary and casual work of secondary school students and higher education students, which apply until the date of application of the Act governing the brokerage of temporary and casual work of secondary school students and higher education students)
* Rules on the method and procedure for the validation of national professional qualifications
* Rules on the composition of the commissions for the assessment and verification of national professional qualifications and on the method and procedure for granting and withdrawing a licence
* [Rules on the permanent professional training of the members of commission for the verification and certification of national vocational qualifications](http://www.uradni-list.si/1/content?id=102477)
* Rules on the adoption of catalogues of standards of professional skills for national professional qualifications
* Rules on the national vocational qualification’s official document
* Rules on keeping a register of national vocational qualifications assessment and validation providers
* Rules on the standard classification of occupations
* Rules on the registration in and deregistration from records, the employment plan, rights and obligations in seeking employment and overseeing persons registered in the records
* Rules on the registration and publication of a vacancy or of a type of work, employment mediation process and the content and methods of reporting data to the Employment Service of Slovenia
* Rules on the methods of reporting information on job vacancies or types of work to the Employment Service of Slovenia, on public notices and on employment brokerage
* Rules on the implementation of active employment policy measures
* Rules on pursuing the activity of providing the work of workers to user undertakings
* Rules on waivers and partial debt relief, deferrals of payment and instalment payments as regards the financing of labour market actions and implementing authorities
* Rules on worker's inclusion in labour market measures during the period of notice
* Instruction for the calculation and payment of taxes on temporary or casual work
* Rules on processing and submission of data relating to employment and work of foreigners in the Republic of Slovenia
* Rules on personal supplementary work
* Rules on processing and submission of data relating to employment and work of foreigners in the Republic of Slovenia
* Rules laying down minimum standards for accommodation of aliens employed or working in the Republic of Slovenia
* Order determining the occupations in which the employment of aliens is not tied to the labour market
* Order on the limitation of certain rights of healthcare and allied professionals
* Order repealing the Order on the limitation of certain rights of healthcare and allied professionals
* Recommendations of the NIJZ for SARS-CoV-2 infection prevention
* Hygiene recommendations of the ministry responsible for health

**Collective agreements:[[2]](#footnote-2)**

* Collective Agreement for Slovenia's Trade Sector
* Collective Agreement for Slovenia's Agriculture and Food Processing
* Collective Agreement on the Wage Adjustment Method, Reimbursement of Work-related Expenses and Holiday Bonus
* Collective Agreement for the Construction Industry
* Collective Agreement for Public Utility Services
* Collective Agreement for Slovenia's Hospitality and Tourism Industries
* Collective Agreement for Slovenia's Metal Products and Foundry Industry
* Collective Agreement for the Paper and Paper-Converting Industry
* Collective Agreement for the Graphic Design Sector
* Collective Agreement for Slovenia's Electrical Industry
* Collective Agreement for the Newspaper, Publishing and Bookselling Sector
* Collective agreement for the Slovenian Metal Sector
* Collective Agreement for Slovenia's Insurance Sector
* Collective Agreement for Road Management Activities
* Collective Agreement for Slovenia's Extraction and Processing of Non-Metallic Minerals Industry
* Collective Agreement for the Textile, Clothing and Leather industry in Slovenia
* Collective Agreement for the Wood Industry
* Collective Agreement for Road Passenger Transport in Slovenia
* Collective Agreement for Slovenia's Health Care and Social Protection Sector
* Collective Agreement for Non-Commercial Activities in the Republic of Slovenia
* Collective Agreement on the Establishment of the Civil Servants Pension Scheme
* Collective Agreement for Air Traffic Control and Management
* Collective Agreement for Persons Employed in Health Care
* Collective Agreement for the Railway Transport Sector
* Collective Agreement for Slovenia's Coal Mining Industry
* Collective Agreement for Slovenia's Electricity Industry
* Collective Agreement for Slovenia's Forestry Sector
* Collective Agreement for Public Sector
* Collective Agreement For Common Methodology for Classifying Benchmark Posts and Titles into Salary Grades
* Collective Agreement for the State Administration, Judicial Authority Administrations and Local Self-Governing Administrations – Tariff Schedule
* Collective Agreement for the Education Sector in the Republic of Slovenia
* Collective Agreement for Doctors and Dentists in the Republic of Slovenia
* Collective Agreement for the Cultural Sector in the Republic of Slovenia
* Collective Agreement for Research Activities
* Collective Agreement for Compulsory Social Security services – Tariff Schedule
* Collective Agreement for the Professional Fire-Fighting Sector – Tariff Schedule
* Collective Agreement for the Environment and Spatial Planning Sector – Tariff Schedule
* Collective Agreement for the Agricultural Activity – Tariff Schedule
* Collective Agreement for the Forestry Sector – Tariff Schedule
* Collective Agreement for Craft and Small Businesses
* Collective Agreement for Postal and Courier Services
* Collective Agreement for the Slovenian Banking Sector
* Collective Agreement for the Workers and Companies of the Small-Business Sector
* Collective Agreement for Police Officers
* Collective Agreement for Real-Estate Business
* Collective Agreement for Professional Journalists
* Collective Agreement for the Private Security Sector
* Collective Agreement for Service Activities Incidental to Land Transportation
* Collective Agreement on extraordinary adjustment of salaries/wages for 2007 and on the salary/wage adjustment method, reimbursement of work-related expenses and other personal income for 2008 and 2009
* Agreement on the provision of daily and weekly rest breaks

**Employers' general acts**

**3. LIST OF REGULATIONS GOVERNING THE DUTIES OF THE IRSD WHICH ARE SUBJECT TO INSPECTIONS IN THE FIELD OF OCCUPATIONAL SAFETY AND HEALTH (OCCUPATIONAL SAFETY AND HEALTH INSPECTION SERVICE)**

**International Labour Organization (ILO) Conventions:**

* White Lead (Painting) Convention, 1921 (No. 13)
* Convention concerning the Protection against Accidents of Workers Employed in Loading or Unloading Ships, 1932 (No. 32)
* Convention for the Partial Revision of the Conventions Adopted by the General Conference of the International Labour Organisation at Its First Twenty-eight Sessions, 1946 (No. 80)
* Medical Examination (Fishermen) Convention, 1959 (No. 113)
* Convention concerning the Partial Revision of the Conventions Adopted by the General Conference of the International Labour Organisation at its First Thirty-two Sessions, 1961 (No. 116)
* Accommodation of Crews (Fishermen) Convention, 1966 (No. 126)
* Guarding of Machinery Convention, 1963 (No. 119)
* Convention concerning Protection against Hazards of Poisoning Arising from Benzene, 1971 (No. 136)
* Convention concerning Prevention and Control of Occupational Hazards caused by Carcinogenic Substances and Agents, 1974 (No. 139)
* Convention concerning the Protection of Workers against Occupational Hazards in the Working Environment Due to Air Pollution, Noise and Vibration, 1981 (No. 148)
* Convention concerning Safety in the Use of Asbestos, 1986 (No. 162)
* Night Work Convention, 1990 (No. 171)
* Prevention of Major Industrial Accidents Convention, 1993 (No. 174)
* Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)
* Protocol of 2002 to the Occupational Safety and Health Convention, 1981 (No. 155)

**EU and Council of Europe legal resources:**

* European Social Charter (Revised), 1996
* Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, established by the Council in accordance with Article 34 of the Treaty on European Union, 2000

The IRSD also performs its tasks or indirectly oversees the implementation of a number of directives on occupational safety and health, the objectives of which are covered by the Republic of Slovenia in the relevant sectoral regulations. The following guidelines are also applied:

* Guidelines for the implementation of Directives concerning the use of work equipment
* Guidelines for the prevention and reduction of risks associated with asbestos-related work
* Guide to the implementation of Directives based on the New Approach and the Global Approach
* Guidelines for the implementation of the Directive on safety and health on temporary and mobile construction sites

**EU Strategic Framework on Occupational safety and health**

* EU Strategic Framework on Occupational safety and health 2014–2020
* Report on effective labour inspections as a strategy for improving working conditions in Europe (2013/2112 (INI)) A7-0458/2013

**Acts:**

* Health and Safety at Work Act
* Act Determining Temporary Measures to Mitigate and Remedy the Consequences of COVID-19 (ZZUOOP)
* Act Determining Intervention Measures to Assist in Mitigating the Consequences of the Second Wave of the COVID-19 Epidemic (ZIUOPDVE)
* Decision amending the Decision extending the validity of certain measures contained in the Act Determining the Temporary Measures to Mitigate and Remedy the Consequences of the COVID-19 Epidemic and the Act Determining the Intervention Measures to Mitigate the Consequences of the Second Wave of the COVID-19 Epidemic
* Act Determining Intervention Measures to Assist in Mitigating the Consequences of the Second Wave of COVID-19 (ZIUPOPDVE)
* Communicable Diseases Act
* Employment and Work of Aliens Act
* Employment, Self-employment and Work of Foreigners Act
* Prevention of Undeclared Work and Employment Act
* Public Use of the Slovene Language Act
* Restriction on the Use of Tobacco and Related Products Act
* Restrictions on the Use of Alcohol Act
* Explosive Substances and Pyrotechnic Products Act
* General Safety of Products Act
* Act Regulating the Technical Requirements for Products and the Conformity Assessment
* The Protection against Drowning Act
* The Transnational Provision Of Services Act
* Worker Participation in Management Act
* National Professional Qualifications Act
* Companies Act
* Criminal Code
* Criminal Procedure Act
* Resolution on the National Programme of Health and Safety at Work 2018–2027

**Implementing regulations**

* Ordinance on the temporary partial restriction of movement of people and on the prohibition of gathering of people to prevent the spread of COVID-19
* Ordinance on the temporary partial restriction of movement of people and on the restriction or prohibition of gathering of people to prevent the spread of COVID-19
* Ordinance on temporary measures to reduce the risk of infection and spread of the SARS-CoV-2 infection
* Ordinance on temporary suspension of the sale of goods and services to consumers in the Republic of Slovenia
* Ordinance on temporary suspension of cultural and cinematographic services to end-users in the Republic of Slovenia
* Ordinance on temporary restrictions on sports activity
* Ordinance temporarily prohibiting gatherings of people in educational institutions and universities and independent higher education institutions
* Ordinance on restrictions and manner of conducting public passenger transport in the territory of the Republic of Slovenia
* Ordinance on the temporary prohibition, restrictions and manner of conducting public passenger transport on the territory of the Republic of Slovenia
* Ordinance on temporary measures in health care to contain and control the COVID-19 epidemic
* Ordinance repealing the Ordinance on temporary measures in health care to contain and control the COVID-19 epidemic
* Decree on safety and health protection at work at temporary and mobile construction sites
* Decree on the conditions for the disposal of materials containing asbestos in the demolition, reconstruction or maintenance of buildings and in the maintenance and decommissioning of plants
* Decree on the protection of workers from risks related to exposure to artificial optical radiation
* Decree on the protection of workers from risks related to exposure to electromagnetic radiation
* [Decree on special requirements for premises containing explosives or pyrotechnic products](http://zakonodaja.gov.si/rpsi/r08/predpis_URED4888.html)
* [Decree on measures concerning the destruction of explosives or pyrotechnic products](http://zakonodaja.gov.si/rpsi/r09/predpis_URED4889.html)
* Decree on the implementation of the Regulation (EU) on personal protective equipment
* Rules laying down minimum standards for accommodation of aliens employed or working in the Republic of Slovenia
* Rules on the requirements for ensuring the health and safety of workers at workplaces
* Rules on health and safety requirements for the use of work equipment
* Rules on the personal protective equipment used by workers at work
* Rules ensuring health and safety in manual handling of loads
* Rules on safety and health requirements for work with display screen equipment
* Rules on safety signs at work
* Rules on the protection of workers from risks related to exposure to vibration at work
* Rules on the protection of workers from the risks related to exposure to noise at work
* Rules on explosion protection
* Rules on protection of health at work of pregnant workers and workers who have recently given birth and are breastfeeding
* Rules on the protection of the health of children, adolescents and young persons at work
* Rules on issuing work permits for children under 15 years of age
* Rules on the protection of workers from risks related to exposure to carcinogenic and mutagenic substances
* Rules on the protection of workers from risks related to exposure to chemical agents at work
* Rules on the protection of workers from risks related to exposure to biological agents at work
* Rules on the protection of workers from the risks related to exposure to asbestos at work
* Practical guidelines for the work with hazardous chemical agents
* Practical guidelines on risk assessment for work with hazardous chemical agents
* [Practical guidelines for health surveillance and biological monitoring of lead](http://zakonodaja.gov.si/rpsi/r08/predpis_DRUG3428.html)
* [Practical measurement method guidelines for the determination of hazardous chemical substances in the air at the work place.](http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti__pdf/word/prakticne_smernice_merilne_metode_jun11.doc)
* Rules on machinery safety
* Rules on the safety of lifts
* Rules on making available on the market electrical equipment designed for use within certain voltage limits
* Rules on electromagnetic compatibility
* Rules on preventive medical examinations of workers
* Rules on the list of occupational diseases
* Instructions for carrying out preventive medical examinations
* Rules on the organisation, materials and first-aid kit at the workplace
* Rules on authorisations for carrying out professional tasks in the field of safety at work
* Rules on the permanent professional training in health and safety at work
* Rules on the criteria to be met by occupational safety professionals
* Rules on programme and method of training for safety and health at work co-ordinators at temporary and mobile construction sites
* Rules on taking the certification examination in the field of safety and health at work
* Rules on electrical safety in the workplace.
* Rules on requirements for low voltage electrical installations of buildings
* Rules on lightning protection system of buildings
* Rules on the professional training and examination required for energy installation managers
* Rules on reports in the field of health and safety at work
* Rules on pressure equipment
* Rules on simple pressure vessels
* Rules on the examination and testing of pressure vessels
* Rules on protection in loading and unloading of motor vehicles
* Rules on safety and health requirements for work on board fishing vessels
* Rules on minimum requirements for medical care of crew on board ship
* Rules on safety at work in the forest industry
* [Rules on the requirements to be met by smoking rooms](http://zakonodaja.gov.si/rpsi/r06/predpis_PRAV8516.html)
* Rules on the minimum standards and norms of funerary services
* Rules on protection in loading and unloading of motor vehicles
* Rules on general measures and norms for safety at work with elevators
* [Practical guidelines for the protection of workers from noise in the music and entertainment sectors](http://www.uradni-list.si/1/content?id=82782)
* Technical guideline TSG-N-002:2009: Low-voltage electrical installations
* Technical guideline TSG-N-003:2009: Lightning protection system
* Order on temporary measures relating to the organisation of healthcare services to contain the COVID-19 communicable disease
* Recommendations of the NIJZ for SARS-CoV-2 infection prevention
* Hygiene recommendations of the ministry responsible for health

**4. LIST OF REGULATIONS GOVERNING THE WORK OF THE SOCIAL AFFAIRS INSPECTION SERVICE**

**International conventions:**

* Convention for the Protection of Human Rights and Fundamental Freedoms, 1994
* European Convention on the Exercise of Children's Rights, 1989
* Convention on the Recovery Abroad of Maintenance, 1992
* Convention on Protection of Children and Co-operation in respect of Intercountry Adoption, 1999
* Convention on the Rights of the Child, 1992
* Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention on the Rights of Persons with Disabilities, 2008
* Convention on preventing and combating violence against women and domestic violence, 2015
* Convention on the Civil Aspects of International Child Abduction, 1993

**EU and Council of Europe legal resources**

* Regulation (EC) No. 883/2004 on the coordination of social security systems
* Regulation (EC) No. 987/2009 laying down the procedure for implementing Regulation (EC) No 883/2004
* Regulation (EEC) No. 1408/71 on the application of social security schemes to employed persons and their families moving within the Community
* Regulation (EEC) No. 574/72 laying down the procedure for implementing Regulation (EEC) No. 1408/71
* Council Regulation (EC) No. 859/2003 extending the provisions of Regulation (EEC) No. 1408/71 and Regulation (EEC) No. 574/72 to nationals of third countries who are not already covered by those provisions solely on the ground of their nationality

**International agreements**

* Act Ratifying the Agreement between the Government of the Republic of Slovenia and the Government of the Republic of Macedonia on Interstate Adoptions

**Acts**

* Social Assistance Act
* Act Determining Temporary Measures to Mitigate and Remedy the Consequences of COVID-19 (ZZUOOP)
* Act Determining Intervention Measures to Assist in Mitigating the Consequences of the Second Wave of the COVID-19 Epidemic (ZIUOPDVE)
* Act Determining Intervention Measures to Assist in Mitigating the Consequences of the Second Wave of COVID-19 (ZIUPOPDVE)
* Communicable Diseases Act
* Parental Protection and Family Benefits Act
* Exercise of Rights from Public Funds Act
* Social Assistance Payments Act
* Scholarship Act
* Adjustments of Transfers to Individuals and Households in the Republic of Slovenia Act
* Mental Health Act
* Family Code
* Domestic Violence Prevention Act
* Provision of Foster Care Act
* Social Inclusion of Persons with Disabilities Act
* Personal Assistance Act
* Placement of Children with Special Needs Act
* Non-Contentious Civil Procedure Act
* Contentious Civil Procedure Act
* Criminal Code
* Criminal Procedure Act
* Enforcement of Criminal Sanctions Act
* Enforcement and Security Act
* Housing Act
* Inheritance Act
* Citizenship of the Republic of Slovenia Act
* Residence Registration Act
* Aliens Act
* International Protection Act
* Basic Adoption Act (applicable to adoptions concluded under current regulations)
* Register of Deaths, Births and Marriages Act
* Health Care and Health Insurance Act
* Patient Rights Act
* Kindergartens Act
* Personal Name Act
* Police Tasks and Powers Act
* State Border Control Act
* Denationalisation Act
* Labour Market Regulation Act
* Obligations Code
* Temporary Protection of Displaced Persons Act
* Act Regulating the Use of Slovene Sign Language
* Legal Aid Act
* Private International Law and Procedure Act
* Basic School Act
* Energy Act
* Human Rights Ombudsman Act
* Probation Act

**Implementing regulations**

* Ordinance on the temporary partial restriction of movement of people and on the prohibition of gathering of people to prevent the spread of COVID-19
* Ordinance on the temporary partial restriction of movement of people and on the restriction or prohibition of gathering of people to prevent the spread of COVID-19
* Ordinance on temporary measures to reduce the risk of infection and spread of the SARS-CoV-2 infection
* Ordinance on temporary suspension of the sale of goods and services to consumers in the Republic of Slovenia
* Ordinance on temporary suspension of cultural and cinematographic services to end-users in the Republic of Slovenia
* Ordinance on temporary restrictions on sports activity
* Ordinance temporarily prohibiting gatherings of people in educational institutions and universities and independent higher education institutions
* Ordinance on restrictions and manner of conducting public passenger transport in the territory of the Republic of Slovenia
* Ordinance on the temporary prohibition, restrictions and manner of conducting public passenger transport on the territory of the Republic of Slovenia
* Decree on the criteria for determining exemptions from the payment of social assistance services
* Rules on the standards and norms for social assistance services
* Rules on procedures for exercising the right to institutional care
* Rules on the methodology for the formation of prices of social assistance services
* Rules on conditions and procedure for exercising the right to choose a home care assistant
* Rules on concessions in the field of social assistance
* Rules on providing social services on the basis of a work permit and entry in the register
* Rules on settlement of objections to social assistance services provided by private undertakings
* Rules on the programming, monitoring and carrying out of professional work supervision in the field of social assistance
* Rules on minimum technical requirements for social assistance services providers
* Rules governing the planning and organisation of continuous vocational education and training
* Rules determining types and levels of education and training programmes for professional assistant staff engaged in social assistance
* Rules on methods and conditions of access to the central database of rights to public funds
* Rules on the method for determining the property and its value when allocating public funds, and on the reasons for the reduction of social assistance cash
* Rules on the method of determining incomes to establish eligibility for rights to public funds
* Rules on the detailed specification of data relating to taxable income not exempt from personal income tax
* Rules determining the prices of subsidised transport
* Rules on the manner and content of community treatment and the contents, conditions and manner of sitting the examination for the community treatment coordinator
* Rules on staff, technical and premises requirements for institutional care providers and Social Work Centres providing mental health services, and on the verification procedure thereof
* Rules on prior counselling
* Rules on the mediation under the Family Code
* Rules on the inventory and assessment of the property of persons in custody and on the drawing-up and content of custody reports
* Rules on the organisation and work of multidisciplinary teams and regional services and on the activities of social work centres in dealing with domestic violence
* Rules on procedures for dealing with domestic violence in the implementation of health activities
* Rules on cooperation between the police and other authorities and organisations in the detection and prevention of domestic violence
* Rules on the treatment of domestic violence for educational institutions
* Rules on procedures for exercising rights to family benefits
* Rules on procedures for exercising rights arising from parental protection insurance
* Rules on criteria for exercising rights for children in need of special care
* Rules on the conditions and procedures for providing foster care
* Rules on criminal records
* Rules on mediation in criminal matters
* Rules on the implementation of prison sentences
* Rules on the enforcement of educational measures
* Rules on the performance of work to the general benefit
* Instructions for reporting juvenile runaways or their reluctance to comply with educational measure
* Rules on the implementation of educational measure of committing a juvenile to a juvenile correction facility
* Rules on the rental of non-profit apartments
* Decree on the methodology for determining rents for non-profit housing and on the criteria and procedure for the implementation of subsidised rents
* Rules on the procedure for aliens who wish to apply for international protection in the Republic of Slovenia and on the procedure for accepting applications for international protection
* Decree on the implementation of the statutory representation of unaccompanied minors and the method of ensuring adequate accommodation, care and treatment of unaccompanied minors outside the Asylum Centre or a branch thereof
* Rules on restraining orders
* Rules on police powers
* Rules on subsidised student accommodation
* Rules on issuing work permits for children under 15 years of age
* Rules on the card and voucher for exercising the right to a Slovenian sign language interpreter
* Rules on probation duties
* Recommendations of the NIJZ for SARS-CoV-2 infection prevention
* Hygiene recommendations of the ministry responsible for health

1. These examples show how important the correlation is between the speed of conflict resolution and the willingness to participate in mediation. [↑](#footnote-ref-1)
2. An individual employment contract may refer to a collective agreement that has ceased to be in force. Such reference is valid, which means that a collective agreement that is no longer in force may also be subject to inspection. [↑](#footnote-ref-2)