



REPUBLIC OF SLOVENIA
MINISTRY OF LABOUR, FAMILY,
SOCIAL AFFAIRS AND EQUAL OPPORTUNITIES
LABOUR INSPECTORATE OF THE REPUBLIC OF SLOVENIA



THE 2021 WORK REPORT OF THE LABOUR INSPECTORATE OF THE REPUBLIC OF

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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 Work Report of the IRSD referred to 2020 as the 'Corona Year'. Despite wishes to the contrary and the efforts of the medical profession, the novel coronavirus epidemic (COVID-19) continued into 2021. In consequence, the IRSD Report could not avoid mentioning the ubiquitous epidemic.

The data covered in the report, in particular the achievements, was the result of work of all employees of the Inspectorate, for which I give them my sincere thanks. I must point out that the employees continued to pursue the vision, strategy and objective of the Inspectorate when implementing controls in the past year.

The pre-defined priority orientations of controls set by the 2021 programme policies were changed due to the epidemic, as priority had to be given to the controls aimed at ensuring the safe work of employees despite the presence of the coronavirus, while ensuring, at the same time, as much as possible the normal operation of the economy, legal distribution of state aid to businesses and employees, and employers' compliance with regulations.

The year 2021 was again marked by a large number of reports of violations to the Labour Inspectorate. The reports largely reflected 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 COVID-19 epidemic, specifically to exercise supervision under the Communicable Diseases Act (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 2021.

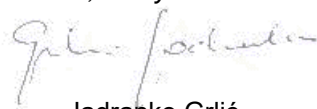
As in 2020, last year we also recorded an increased interest of employers in work done from home, which was a result of the epidemiological situation in the country and the recommendations of the medical profession to alleviate the situation. This is also confirmed by statistics: in 2021, the IRSD received reports on work from home for 217,428 employees. However, work from home was not performed only by the staff of obliged entities subject to our control: it was recorded to a much greater extent than in previous years in the IRSD itself as part of the contribution to curbing the spread of 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 showed practically no spread within the IRSD.

We believe that the shifting of the Inspectorate's orientations and expertise to the professional organisations in the field covered by the IRSD's controls significantly contributed to the professional and legal conduct of business operations. In 2021, therefore, as much as we could given the many tasks and restrictions, we actively cooperated with specific educational organisations, trade unions and professional associations of workers and employers, thereby trying to acquaint them with the IRSD's work and highlight individual professional issues in various specialised areas.

In the hope that we have at least contained, if not completely overcome, the epidemic, we expect that the work at the Inspectorate this year will be carried out in accordance with the IRSD's adopted plans and powers.

Our desire is for the Inspectorate to be able to steer its way towards achieving its set goal. We wish to carry out effective inspections and act preventively with a view to ensuring orderliness in all areas that fall within the IRSD's responsibility, while also ensuring the satisfaction of users, employees and the wider social community.

If you don't know how to adjust the rudder, every wind is the wrong wind.
(Seneca)



Jadranko Grlić

Chief Inspector

LIST OF ACRONYMS AND THEIR MEANINGS

LEGISLATION

- **DZ** The Family Code (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 15/17, 21/18 – ZNOrg, 22/19, 67/19 – ZMatR-C and 200/20 – ZOOMTVI)
- **GZ-1 The Building Act** (Official Gazette of the Republic of Slovenia, No. 199/21)
- **ZČmIS** The Transnational Provision of Services Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 10/17 and 119/21)
- **ZDCOPMD** The 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 – official consolidated version, 62/16 – corrigendum and 92/20 – ZPrCP-E)
- **ZDR-1** The Employment Relationship Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 21/13, 78/13 – corr., 47/15 – ZZSDT, 33/16 – PZ-F, 52/16, 15/17 – Constitutional Court decision, 22/19 – ZPosS, 81/19, 203/20 – ZIUPOPVE, 119/21 – ZČmIS-A and 202/21 – Constitutional Court decision)
- **ZDUOP** The Additional Measures to Mitigate the Consequences of COVID-19 Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos. 15/21, 112/21 – ZNUPZ in 206/21 – ZDUPŠOP)
- **ZDUŠOP** The Additional Measures to Prevent the Spread of, Mitigate, Control, Ensure Recovery and Remedy the Consequences of COVID-19 Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 206/21)
- **ZEPDSV** The Labour and Social Security Registers Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 40/06)
- **ZID-1** The Labour Inspection Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 19/14 and 55/17)
- **ZIN** The Inspection Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 43/07 – official consolidated version and 40/14)
- **ZIUOOPE** The 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, 152/20 – ZZUOOP, 175/20 – ZIUOPDVE, 203/20 – ZIUPOPVE, 15/21 – ZDUOP, 112/21 – ZIUPGT and 206/21 – ZDUPŠOP)
- **ZIUOOPE** The 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, 203/20 – ZIUPOPVE, 15/21 – ZDUOP, 51/21 – ZZVZZ-O, 57/21 – Constitutional Court decision and 112/21 – ZIUPGT)
- **ZIUPGT** The Act Determining the Intervention Measures to Assist the Economy and Tourism Sector in Mitigating the Consequences of the COVID-19 Epidemic (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 112/21)
- **ZIUPOPVE** The 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, 15/21 – ZDUOP, 82/21 – ZNB-C, 112/21 – ZNUPZ and 206/21 – ZDUPŠOP)
- **ZIUZEOP** The 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, 61/20, 152/20 – ZZUOOP, 175/20 – ZIUOPDVE, 15/21 – ZDUOP in 206/21 – ZDUPŠOP)
- **ZJRS** The Public Use of the Slovene Language Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos. 86/2004 and 8/10)
- **ZMEPIZ-1** The 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 and 97/14)
- **ZminP** The Minimum Wage Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos. 13/10, 92/15 and 83/18)
- **ZNUPZ** The Healthcare Emergency Measures Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos. 112/21, 189/21 and 206/21 – ZDUPŠOP)

- **ZNB** The Communicable Diseases Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos. 33/06 – official consolidated version, 49/20 – ZIUZEOP, 142/20, 175/20 – ZIUOPDVE, 15/21 – ZDUOP, 82/21 in 178/21 – Constitutional Court decision)
- **ZNPK** The National Professional Qualifications Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos. 1/07 – official consolidated version and 85/09)
- **ZP-1** The Minor Offences Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos. 29/11 – official consolidated version, 21/13, 111/13, 74/14 – Constitutional Court decision, 92/14 – Constitutional Court decision, 32/16, 15/17 – Constitutional Court decision, 73/19 – Constitutional Court decision, 175/20 – ZIUOPDVE and 5/21 – Constitutional Court decision)
- **ZPDZC-1** The Prevention of Undeclared Work and Employment Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos. 32/14, 47/15 – ZZSDT and 43/19)
- **ZPIZ-1** The Pension and Disability Insurance Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos. 109/06 – official consolidated version, 114/06 – ZUTPG, 10/08 – ZVarDod, 98/09 – ZIUZGK, 38/10 – ZUKN, 61/10 – ZSVarPre, 79/10 – ZPKDPIZ, 94/10 – ZIU, 94/11 – Constitutional Court decision, 105/11 – Constitutional Court decision, 110/11 – ZDIU12, 40/12 – ZUJF, 96/12 – ZPIZ-2 and 9/17 – Constitutional Court decision)
- **ZPIZ-2** The Pension and Disability Insurance Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos. 96/12, 39/13, 99/13 – ZSVarPre-C, 101/13 – ZIPRS1415, 44/14 – ORZPIZ206, 85/14 – ZUJF-B, 95/14 – ZUJF-C, 90/15 – ZIUPTD, 102/15, 23/17, 40/17, 65/17, 28/19, 75/19, 139/20, 189/20 – ZFRO, 51/21, 121/21, 162/21 and 196/21 - ZDOsk)
- **ZPND** The Domestic Violence Prevention Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos. 16/08, 68/16, 54/17 – ZSV-H and 196/21 – ZDOsk)
- **ZRud-1** The Mining Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos. 14/14 – official consolidated version and 61/17 – GZ)
- **ZSV** The Social Assistance Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos. 23/07 – corrigendum, 41/07 – corrigendum, 61/10 – ZSVarPre, 62/10 – ZUPJS, 57/12, 39/16, 52/16 – ZPPreb-1, 15/17 – DZ, 29/17, 54/17, 21/18 – ZNOrg, 31/18 – ZOA-A, 28/19, 189/20 – ZFRO and 196/21 – ZDOsk)
- **ZUP** The General Administrative Procedure Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos. 24/06 – official consolidated version, 105/06 – ZUS-1, 126/07, 65/08, 8/10, 82/13, 175/20 – ZIUOPDVE and 3/2022 - Zdeb)
- **ZUTD** The Labour Market Regulation Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos. 80/10, 40/12 – ZUJF, 21/13, 63/13, 100/13, 32/14 – ZPDZC-1, 47/15 – ZZSDT, 55/17, 75/19, 11/20 – Constitutional Court decision, 189/20 and 172/21 - ZODPol-G)
- **ZVZD-1** The Health and Safety at Work Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 43/11)
- **ZZSDT** The Employment, Self-Employment and Work of Foreigners Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos. 91/21 – official consolidated version)
- **ZZUOOP** The 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 and 175/20 - ZIUOPDVE), 82/21 – ZNB-C, 112/21 – ZNUPZ, 167/21 – Constitutional Court decision and 206/21 – ZDUPŠOP)

ACRONYMS OF AUTHORITIES AND OTHER ACRONYMS

- **AJPES** Agency of the Republic of Slovenia for Public Legal Records and Related Services
- **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
- **IMI** Internal Market Information System
- **IRSD** Labour Inspectorate of the Republic of Slovenia
- **IRSO** – Defence Inspectorate
- **IRSOP** Inspectorate of the Republic of Slovenia for the Environment and Spatial Planning
- **IRSŠŠ** Inspectorate of the Republic of Slovenia for Education and Sport
- **IRSVNDN** Inspectorate of the Republic of Slovenia for Protection Against Natural and Other Disasters
- **KIMDPŠ** Clinical Institute of Occupational, Traffic and Sports Medicine
- **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
- **MZ** Ministry of Health
- **NIJZ** National Institute of Public Health
- **OKC** Operation and Communication Centre
- **RS** Republic of Slovenia
- **RS RS** Court of Audit of the Republic of Slovenia
- **SLIC** Senior Labour Inspectors Committee of the European Commission
- **CIRCA-KSS** European Centre for Communication and Information in the Field of Safety and Health at Work (EU Labour Inspection Network & Exchange System)
- **SPOT Slovenian business point**
- **SURS** Statistical Office of the Republic of Slovenia
- **ŠOS** Slovenian Student Organisation;
- **TIRS** Market Inspectorate of the Republic of Slovenia
- **UNP** Budget Supervision Office of the Republic of Slovenia
- **URSK** Chemicals Office of the Republic of Slovenia
- **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 concerning employment, occupational safety and health and social protection.

As in the previous year, 2021 was marked by the coronavirus disease, which had a significant impact on our work. In addition to our existing powers, including the 2020 emergency legislation, we were given some additional powers set out in the ZDUOP, the ZNUPZ and the ZIUPGT. Inspectors thus exercised the powers granted to them, whereby a considerable amount of work related to the control of the emergency legislation and the ZNB, in conjunction with the Government decrees in this area.

The IRSD received **6,797 reports**, 1,677 of them relating to work safety and health, 4,914 relating to employment, while the Social Affairs Inspection Service received 206 new reports.

During the reporting year, the IRSD conducted seven **targeted inspections and tighter year-round targeted inspections** to supervise implementation of the legislation regulating employment relationships and occupational safety and health by employers and 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 also checked the implementation of certain legal institutions.

In 2021, inspectors carried out **38,624 inspections**: 23,639 in the area of employment, 14,549 in the area of occupational safety and health, and 436 in the area of social affairs. Inspections are carried out in the form of routine, targeted and follow-up inspections. The IRSD performs follow-up inspections to check the implementation of the measures it has imposed.

In 2021, the inspectors identified **18,343 different violations** in the three work areas and, in line with that, issued **9,736 administrative and minor offence measures** and filed **36 notifications of suspected criminal offences and criminal complaints**. The **finances** imposed totalled **EUR 3,546,856.72**. The IRSD also issued **755 work permits for children** and **25 consents regarding the elimination of special legal protection in accordance with Article 115 of the ZDR-1, and 3 decisions 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 2021, there were **228,795 business entities** (according to AJPES data), i.e. employers or entities subject to supervision, **registered in the Slovenian Business Register**. As the number of business entities increases every year, inspectors are unable to cope adequately with this increase despite personnel reinforcements in recent years. As at the last day of 2021, the IRSD had 121 public employees, including one chief inspector and **92 inspectors**.

In the field of safety and health at work, inspectors identified 8,384 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 (2,702 violations), followed by violations pertaining to the orderliness and safety of outdoor workplaces (1,332 violations), ensuring employees' health at work (1,007 violations), suitability of work equipment (638 violations), provision of personal protective equipment (594 violations) and employees' training in safe working practices (559 violations).

The most violations were found in the construction industry, with 27.3% of irregularities, followed by the manufacturing sector with 18.5% of irregularities, the trade sector with 14.2%, professional, scientific and technical activities with 7% and the hospitality sector with 4.8%.

In 2021, the relevant inspectors **investigated 83 work accidents**, among them 7 fatal accidents, 63 serious accidents, 11 minor accidents and 2 collective accidents. The causes of reported fatal accidents – there were 15 such accidents in the previous year – were connected with falls from height (4 cases), moving work equipment (4 cases), traffic accidents (4 cases), explosion or fire (2 cases), workers getting buried under earth (2 cases), traffic accidents (2 cases) and drowning (1 case).

For 2021, employers **reported 11,158 work-related accidents**. The reported accidents included 1,944 COVID-19-related illnesses and 9,214 non-coronavirus-related occupational accidents. The IRSD also received reports about 74 accidents that occurred on the way to and from work. Employers reported **43 dangerous occurrences**.

Employers are also required to report **occupational diseases** to the IRSD. In 2021, we received no such report.

In 2021, inspectors identified **9,886 labour law violations** concerning labour relations. Violations were most frequently found in relation to remuneration of work and other remuneration related to employment (6,012). The second largest number of identified violations regarded employment in a broader sense (711), while irregularities related to records on labour and social security were the third most common (632). During the reporting period, the IRSD found 337 violations relating to working time and the provision of breaks and rest periods, and 350 violations concerning termination of employment contracts. The total number of established violations of emergency legislation regulating employment relationships was 258. In addition to the above, we found violations of the Communicable Diseases Act.

The highest number of violations was found in construction (1,638), followed by manufacturing (1,235) and hospitality (868).

In 2021 the Social Affairs Inspection Service dealt with **271 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 breakup of the family (34%), tasks related to social security issues (18%), the protection of children at risk and foster care (17%), domestic violence (15%), the provision of social assistance services (14%) and tasks relating to the appointment of a guardian and the performance of guardianship duties (9%).

Approximately 20% 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 and similar). There were still complaints about the work of contractors due to the epidemiological situation.

In the reporting year, the IRSD project unit carried out 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 SARS-CoV-2 epidemic, the IRSD again implemented the project very successfully this year, as it reached or exceeded the indicators relating to the number of employers informed about the contents of the project, while exceeding the indicators regarding the implementation of mediations in previous years.

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.

1. 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 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.

1.1. PROPOSALS REGARDING EMPLOYMENT RELATIONSHIPS

During the reporting period, we highlighted several activities regarding employment relationships when proposing and commenting on amendments to legislation which concerned the ZEPDSV, ZČmIS, GZ-1 and the Reporting Persons Protection Act. We also participated in drafting the proposal for the position of the Government of the Republic of Slovenia on the proposal for a Salary Transparency Directive.

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 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 continued to carry out activities in this area, which also involved the participation of the IRSD, in 2021.

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. The issue of the system under the ZPIZ-2, which has not yet been established, remains open 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. The IRSD was involved in many activities related to the aforementioned topic.

As regards **working from home**, we believe that the ZDR-1 should be amended in order to find a permanent solution modelled on emergency legislation. Article 102 of the ZIUOPDVE (under the derogation from the ZDR-1) defined which data employers had to 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 arrangement was re-established by the ZDUPŠOP, however only on a provisional basis, as it will be in force only until 31 December 2022. We therefore believe that the legal basis regarding the content of data that employers are required to 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;

- 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. 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 for 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 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 in 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 deliver 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 in 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 through a provision on the amount of remuneration for work abroad, in accordance with the regulations of the country where the work is performed.
- the **ZČmIS** should be amended so as to impose more obligations and responsibilities on 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 ZZSZ 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."

In relation to amendments to the ZČmIS, the MDDSZ accelerated in 2021 its activities that also involved the participation of the IRSD.

- The **ZminP** should be amended by determining in Article 2 the mandatory components of the written salary statement and defining as an offence an act in 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; 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 area.

1.2. PROPOSALS REGARDING OCCUPATIONAL SAFETY AND HEALTH

For 2021, 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.

Great attention was devoted to the preparation of amendments to the **Decree on the Implementation of Health and Safety Requirements at Temporary and Mobile Construction Sites** (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos. 83/05 and 43/11 - ZVZD-1). We can say that the content of the regulation has already been adequately prepared and that we expect its implementation shortly in 2022. Since coordinators and their expertise play an important role in ensuring safety on construction sites, the IRSD prepared at the end of 2021 a draft of new **Rules on the programme and method of training for safety and health at work co-ordinators at temporary and mobile construction sites**, which has already been presented to the MDDSZ. We expect that these Rules will also be enacted at the shortest possible notice in 2022.

The new draft **Rules on electrical safety in the workplace** were drawn up in 2021 and have already been presented to the MDDSZ. In 2022, the formulation of the final content and coordination with all stakeholders in this area, as well as their legal implementation, are expected.

The IRSD has been pointing to the need for introducing **electronic reporting of accidents at work for a long time**. In 2021, the IRSD, acting jointly with the MJU, ZZZS, NIJZ and MDDSZ, made significant progress in this area as well by adopting appropriate rules and developing an information system which would ultimately put in place electronic registration. The current deadline for implementation is 30 June 2022, and given the efforts of all participants we are confident that the electronic registration project will be successfully completed by that date.

It has also been agreed with MDDSZ that in 2022 we will jointly consider changes to the currently valid **Rules on Safety at Work in Forestry** (Official Gazette of the Republic of Slovenia [Uradni list RS], No. 15/79). These rather outdated rules need to be updated and their content adapted to new technologies of work in the forest, thereby achieving greater safety for workers who perform dangerous work in forests.

In the past, the IRSD called attention to the problems that arise when monitoring the provisions of the **Rules ensuring health and safety in manual handling of loads** (Official Gazette of the Republic of Slovenia [Uradni list RS], No. 73/05), especially regarding the maximum load manually handled by workers and regarding the adequacy of the methodologies used in assessing risks in connection with manual handling. A draft of changes was prepared at the end of 2021, but since a number of stakeholders showed great interest in properly prepared content, an expert working group is being established with the task of preparing a draft that would suit all interested parties. We expect the new rules to be adopted in 2022.

We once again point to 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, 29/03 – corrigendum, 124/06),

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. In this regard, both the IRSD and MDDSZ expect an active role from the Ministry of Health, without which, in our opinion, it is not possible to start considering the changes.

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 identifying, recognising and reporting occupational diseases. The **Rules on occupational diseases** have not yet been adopted, which is, in our opinion, a major obstacle preventing employers from identifying and reporting occupational diseases.

1.3. PROPOSALS REGARDING SOCIAL AFFAIRS

- **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, the SWCs 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).

2. COMPETENCES, ORGANISATION AND ACTIVITY OF THE LABOUR INSPECTORATE

2.1. COMPETENCE AND LEGISLATION

The IRSD is a body within the MDDSZ. 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.

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 Slovenian Government 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.

2.2. STAFF AND ORGANISATION

Based on the areas of inspection, there are three 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 Štukljjeva cesta 44 in Ljubljana since 7 December 2018, in 7 regional units and 8 inspection offices.

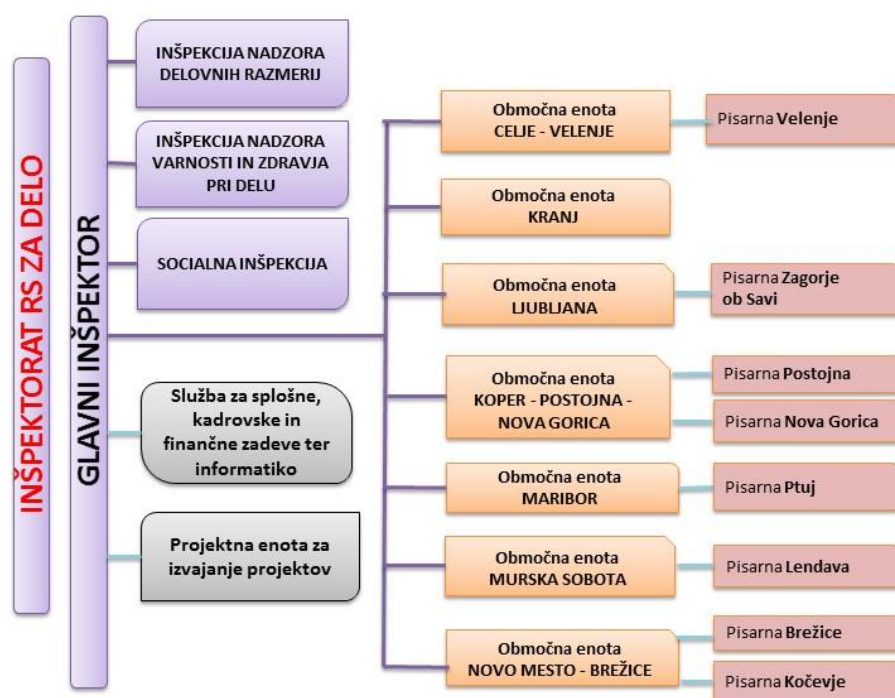


Figure 1: Organisational chart of the Labour Inspectorate of the Republic of Slovenia (as at 31 December 2021).

As at 31 December 2021, the IRSD had **120 employees**, among whom, in addition to the Chief Inspector, there were **91 inspectors** employed at the IRSD on 31 December 2021. There were 53 inspectors working at the Employment Relationships Inspection Service, 32 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 48.4 years.**

Since 2017, we have also been implementing the Stop Conflicts at Work project, which involves six other employees whose jobs are 80 percent co-financed by EU funds. In 2021, we were also successful in applying for the public works programme, within which four female and male colleagues worked in the inspectorate.

2.2.1. Staffing issues

The COVID-19 epidemic affected the staffing of the IRSD in 2021 as well. **The high average age of inspectors (49.4 years)** continued to be an important factor affecting the scope of on-site inspections performed in risky epidemiological conditions in 2021,

In 2021, **work at the IRSD continued to be performed from home to a much greater extent than** in previous years, thus **contributing to curbing the spread of the coronavirus disease across society as a whole.** In total, the IRSD staff worked **3,746 days** from their homes, which means that each employee worked from home for an average of **30 days**. Organisation of work from home and work at the office was adjusted to the Government's measures and to the guidelines and regulations regarding inspections. Inspectors, who represent roughly 75% of all IRSD employees, had to perform field work to a large extent so that, in addition to performing their own duties, they also monitored compliance with the ZNB and the government ordinances issued on its basis. 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 showed practically no spread within the IRSD. In the event of getting infected

with COVID-19, employees stayed at home in due time and thereby in practical terms did not transmit the disease to their fellow employees.

Nevertheless, sick leave in 2021 had a significant impact on the work of the IRSD. An analysis of absences from work due to sickness showed that **at least 85% of the staff were absent from work for at least one day and that 6.6% of calendar days were lost at the IRSD for this reason in 2021** (5.5% in 2020). **The average sick leave was 27 days.** Apart from a few cases where employees were absent for more than two weeks, including due to the coronavirus disease, the share of absences due to illness was still significantly affected by some long-term sick leaves. Some such sick leaves ended in 2021, but some long-term absences arose.

Despite adverse economic conditions that continued in 2021 due to COVID-19, **the number of business entities increased again sharply, i.e. by as many as 7,000, in 2021**, resulting in **228,795 potential subjects of supervision.** Given that in 2021 (as at the last day thereof) **53 inspectors were employed to cover the area of labour relations control**, this means that **each inspector would be responsible for as many as 4,317 business entities** in order to ensure that inspectors' controls are preventive, not just based on reports received. **Each health and safety at work inspector** would thus be responsible for as many as **7,150 business entities.** Moreover, as we have already been mentioned, the priority areas of the IRSD inspectors' control included control over compliance with the ZNB and the government ordinances adopted on its basis.

Table 1: The number of economic operators in Slovenia and the 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
2021	228,795	91	53	32	6

As we have been emphasizing for years, enhancing compliance with regulations on labour relations and occupational safety and health and strengthening the respect of workers' rights **requires further reinforcement of the IRSD staff.** Only in this way will we be able to plan inspection work that will not only respond to the most serious violations of workers' rights, but will also facilitate better preventive action in the area of labour relations and ensure better control of employers' compliance with regulations.

Inspectors (particularly in the areas of employment 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 6,575 reports in 2021** and their content is becoming increasingly more demanding.

Such a number of applications in 2021 was a particular challenge for the IRSD due to the already repeatedly emphasised additional powers of control over preventing the spread of the coronavirus disease and on the basis of the anti-coronavirus emergency legislation. With the number of permitted new hiring practically unchanged throughout 2021, the IRSD had to significantly adjust its work in 2021 as well.

At the same time, the additional responsibilities resulted in additional administrative tasks that impacted the scope of the IRSD's work (particularly due to the increase in the number of different authorities and institutions that expect reports regarding our work, which is due to Slovenia's engagement with the EU and various international organisations). There has also been a growing 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.

Moreover, employers often obstruct the work of inspectors in various ways, for example by not allowing them to conduct inspections properly, by not providing the required documents or clarifications and by not complying with the measures issued by inspectors.

Over the past years, the IRSD has mainly increased the number of inspectors overseeing employment relationships, since the majority of the reported violations still relate to this area, and, in addition to two new hirings of employment relationship inspectors, the IRSD managed to hire an additional inspector to oversee safety and health at work in 2021. We successfully completed another additional employment procedure in this area at the beginning of 2022. If we want to restore the number of occupational health and safety inspectors to the level of a few years ago, we will have to continue with this approach, but it will not be possible without the cooperation of the line ministry (in determining the personnel plan).

This will also be necessary for the implementation of the action plan for the implementation of the national occupational safety and health programme for the period 2021-2023, which was adopted at the end of 2021, as its objectives related to reducing the number of accidents at work and raising the level of occupational safety are very demanding and will be difficult to achieve without increased staffing at the Inspectorate. All the more so, because the Inspectorate is also waiting for the assessment carried out by the EU member states among themselves in 2023 and 2024, which brings additional duties to the inspectors.

In the past two years, the coronavirus epidemic or, more precisely, pandemic, has very clearly demonstrated the importance of ensuring safety and health at work, the necessity of planning and the adoption 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 and needs for vocational rehabilitation, costs of treatment and sickness benefits, etc.), therefore supervision in this area is just as important as in the area of employment.

The IRSD is still committed to increasing the number of professional assistants, as provided by the ZID-1 in 2014. We consider the recruitment of professional assistants to be important because they would help with numerous administrative tasks that would undoubtedly help make inspections more effective. The Slovenian judicial system has a similar arrangement. 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 issues supervised by the IRSD and the inspector's area of work and competences, making them able to carry out their work independently and more promptly, which would be a great advantage for the IRSD.

In this respect we would also like to point out that a 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.

2.2.2. Psychosocial factors affecting staff's work

In 2021, in particular, **the continuation of the COVID-19 epidemic affected the work of employees from the perspective of psychosocial risk factors**, as this continued to greatly affect their work. They could not focus on their original responsibilities, but had to carry out an extraordinary amount of controls in an area outside the IRSD's jurisdiction, while many other reports remained unprocessed. Unprocessed and unfinished cases create pressure and a feeling of overload on the employees, and reporting persons had difficulty understanding this.

Employees – both inspectors and others – are also on the receiving end of insults and improper behaviour from reporting persons, particularly by telephone and e-mail. In the recent period this list includes social networks (especially Facebook), through which persons reporting are also trying to influence the work of inspectors and the IRSD.

In 2021, we observed intolerance and an abusive attitude with threats from supervised persons and employers, especially in inspections carried out by female inspectors, even if the inspection was carried out jointly by two female inspectors.

Principally due to the opposition of a section of the population to measures adopted by the State in order to prevent the spread of the coronavirus disease and, as a result, opposition to the tasks performed by inspectors, the inspectors were also exposed to visual recording and the posting of such recordings on social networks.

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 the like). 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 through other channels. 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 policies determined by law.

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 and to protect the public interest.

The IRSD provides employees with training in this area as well, provides support and assistance to employees, but especially in cases of recording and online publications, we would like more of a joint response and action in the framework of the inspection council with regard to such practices, as we encountered such cases in various supervisory authorities.

2.2.3. Professional and additional training of staff of the Labour Inspectorate of the Republic of Slovenia

One of the measures to realise the IRSD's vision - to be a professional, efficient and reputable body - is a systematic approach in the field of professional training, additional training and education. Systematic concern for the acquisition of new knowledge and practical skills in all areas of work in the body, for regular renewal and updating of knowledge, and for the transfer of knowledge and skills to fellow employees is crucial for ensuring the principle of comprehensive quality in the work of the body and optimal achievement of common objectives.

Workshops and other professional training modules in specific areas of the IRSD's work, annual employee consultations and other forms of acquiring knowledge help to improve the quality and professionalism of the 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. Due to the COVID-19 epidemic, which rendered gatherings of large groups of people impossible, and partly due to additional IRSD powers of control, the Inspectorate's staff was unable to attend training in 2021 at the same level as in previous years. Due to the epidemic, **we also had to cancel the 18th annual IRSD conference** for the second subsequent year, but despite this, each employee spent an average of almost two days (1.88 days) training and improving at workshops, conferences and seminars.

The majority of employees attended training courses on the Integrity and Prevention of Corruption Act, and some employees attended refresher seminars on the ZIN and the ZP-1 and on topical issues with regard to conducting inspections, organised by the Administration Academy. A number of 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 - competence model for trainings under the programme designed for seniors, seminars regarding safe and healthy work from home. Some of the IRSD's employees took part in trainings or advanced trainings in various professional

fields organised by external contractors (for example, days of labour law and social security, minor offence days), while a number of occupational safety and health inspectors participated in various consultations, conferences, seminars and workshops in the area of occupational safety and health (such as the consultation of the construction section and occupational safety and health coordinators).

Since the IRSD cannot provide all trainings to all employees due to our workload and limited financial resources, it publishes substantive reports and materials from individual trainings on the intranet and thus enables the transfer of knowledge to all employees, as well as the renewal of acquired knowledge. The IRSD also publishes on the intranet annual reports on employee training, hours worked and costs.

The IRSD's employees also received training and upskilling through other, 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.

The IRSD regularly analyses the training and upskilling needs for its staff, making sure that its annual plan takes into account content that is most relevant for its work.

The IRSD also sees an important contribution in the shifting of its orientations and expertise to the professional organisations of stakeholders in the field covered by the IRSD with its inspections. In 2021, we therefore actively cooperated to the maximum extent possible 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.

2.3. CONDITIONS AND RESOURCES FOR THE WORK OF THE INSPECTORATE

2.3.1. Budget

In 2021, the IRSD had at its disposal **EUR 5,287,000** of aggregate and appropriated funds and the IRSD Project Unit had at its disposal EUR 155,000 of cohesion policy funds for the epidemic, pursuant to Article 123 of the ZIUOPDVE. The IRSD Project Unit had at its disposal EUR 339,000 of cohesion policy funds, making EUR 5,791,000 in total. EUR 4,545,000 was spent on salaries, contributions and other personnel allowances, EUR 330,541 on material costs and EUR 136,000 on investments.

The costs of material included 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 investment were mostly used for the purchase of service vehicles. In accordance with the regulations related to health and safety at work 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. 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 23,876 was spent on the purchase of protective equipment against the spread of the virus.

Due to the COVID-19 epidemic, we spent less money than planned 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 conducting of examinations of professional competence for occupational safety and health coordinators at temporary and mobile construction sites. A fraction of surplus revenues over expenses totalling EUR 5,671 was used in 2021 to purchase information technology, while the remaining surplus revenues totalling EUR 3,798 were carried forward to fiscal year 2022. The IRSD has no direct influence on the achievement of the projected revenue from its independent activity, as candidates apply on their own or their application is submitted by the providers of the first training session. According to the number of candidates who applied for the examination, EUR 13,813 was generated in revenue from the independent activity in 2021.

In 2020, the IRSD's **claims** from non-tax revenues (fines, court fees, costs of proceedings, administrative fees, etc.) **amounted to EUR 3,922,207**. On 31 December 2021, **EUR 2,185,607 EUR was paid to** the IRSD's suspense accounts with regard to these claims, while claims in the amount of EUR 1,960,019 were transferred to the FURS, which is responsible for the recovery of outstanding claims. On 31 December 2021, the IRSD had EUR 4,954,427 in outstanding claims as a result of unfinished court or bankruptcy proceedings, pending proceedings, and proceedings not yet transferred to the FURS for recovery.

2.3.2. 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 2021 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 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 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 2021 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 involve 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 area of recognising 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. To this end, we compiled a list of key business processes and internal controls in 2021.

In addition, the work of the IRSD is overseen by other oversight bodies, such as the KPK, the RS RS, the IJS and the Ombudsman. **We follow all the recommendations of the supervisory authorities.**

2.3.3. Premises

The IRSD uses offices at **15 locations across the country**. Some of these offices are owned by the Republic of Slovenia, while 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 2021, the construction of additional new offices was completed at the location of the IRSD's headquarters and the Ljubljana Regional Unit, which was carried out in agreement with the Ministry of Public Administration as the lessor and lessee of the premises, due to inadequate lighting of workplaces in some offices. At the end of the year, we continued with works to change the purpose of previously inadequate offices. In 2021, the lessor also had to carry out a number of repairs on the building due to roof leaks in heavy rain.

Due to new hiring at the Novo mesto-Brežice Regional Unit, in 2021 we submitted an application to the Ministry of Public Administration as the authorised state property manager to resolve premises-related issues in Novo mesto. The issue was not resolved by year end 2021, but we hope that it will be as soon as possible in 2022.

In this regard, we reiterate the need to increase the personnel of the Inspectorate, as its increase entails the need for additional premises. At the majority of locations we only have room for the existing number of employees, which means that each additional employment entails new problems regarding office space. We would like the Ministry of Public Administration to take into account the need for new employments in inspection bodies when planning office space for inspectorates.

Inspection bodies occupying the premises at the location of the Municipality of Kranj, in cooperation with the Ministry of Public Administration, resumed addressing the long-standing office space problem in Kranj, but the activities were not yet completed in 2021. The call for tenders from lessors in early 2021 was not successful. As the problem of premises has existed for a number of years, we hope to be more successful in tackling it in 2022. Moreover, the IRSD is planning additional hiring in its Kranj Regional Unit.

In 2021, the Ministry of Public Administration also completed the project of moving the inspection bodies in Celje to a single location, i.e. to the building that has housed the headquarters of our Celje-Velenje Regional Unit for several years. Although the aforementioned project did not bring any major changes to our regional unit, it partially affected the work of our Celje inspectors.

In some places across Slovenia there are buildings and offices that are occupied by inspection bodies and still in need of renovation or major maintenance work and, in some places, access for people with disabilities is still difficult. Considering that the IRSD has offices at many locations in Slovenia, the issue of lack of office space is very important, and therefore we hope for the most successful cooperation with the Ministry of Public Administration as the authorised manager of the State's property.

Despite the different expectations of the IRSD before 2017, when the IRSD was also involved in 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.

2.3.4. Service vehicles

Service vehicles are the principal tool for carrying out inspections, which are the main activity of the IRSD. At the end of 2021, the IRSD had **48 service vehicles and 2 that belonged to the IRSD Project Unit**. Updating the vehicle fleet is highly important to the IRSD and, at the same time, represents a considerable cost; therefore, the update dynamics depend mainly on the funds provided. In 2021, almost two thirds (61%) of the aggregated funds under the Small Investments budget heading were earmarked for the renewal of the fleet. We bought seven vehicles, of which five were part of the joint public procurement carried out by the Ministry of Public Administration, but, due to additional needs (the inexpediency of major repairs that would exceed the value of the car, which became apparent after requests were already submitted for the joint public procurement), we subsequently bought two more used vehicles as part of a small-value public procurement which we carried out ourselves. With these two purchases, we replaced worn-out vehicles that caused high maintenance and servicing costs. The budget did not allow us to purchase a large number of new vehicles, but we have already submitted the request for the purchase of new cars in 2022 as well.

In 2021, we also bought one (1) service vehicle for the Maribor Regional Unit. At the time of the inventory of fixed assets for 2021 we thus had nine service bicycles. Service bicycles enable inspectors to perform their duties more rationally, especially in larger cities.

2.3.5. Information technology

In 2021, we continued to upgrade **the INSPIS – IS IRSD information system**. Minor upgrades were made for better functionality, according to the requirements of all inspectorates that are users of INSPIS.

An important task carried out in cooperation with the Ministry of Public Administration was the migration of users - IRSD employees - to a new computer environment. This meant several months' work of a team of Ministry of Public Administration employees and the IRSD IT department, who installed computers in a new computer environment for all IRSD employees. Among other things, the migration also brought about the use of new computer programmes, as a result of which the employees required quite a bit of additional technical support, which was a big task carried out by a single computer scientist for a body with 120 employees.

Due to the migration to a new computer environment, a large number of employees had to be provided with new computers, as their old ones were not powerful enough for the new computer environment. In addition, we continued to regularly update computer equipment, providing new equipment to a total of 50 or more than a third of all users. We also purchased several new scanners.



Therefore, in order to ensure greater efficiency in the performance of inspections according to the ZNB - both for inspectors and for recording and reporting on the performed inspections and findings - we established a mobile application - ZNB IRSD - in the Microsoft Teams environment in cooperation with Microsoft Slovenia and their partner. The application is accessible via mobile phones and computers.

For the purposes of working at home, we continued to provide VPN access to inspectors and other employees.

In cooperation with the line ministry, the ZZZS, the NIJZ and the Ministry of Public Administration we continued activities for overhauling the information system in the field of safety and health at work (IS VZD), making the entire process of reporting an accident or injury at work - from notification of the inspectorate to the procedure at the clinic - electronic, with the SPOT portal as the entry point. In addition to coordinating substantive and technical solutions between authorities, it was also necessary to prepare the basis for personal data protection and to obtain the consent of the information commissioner, as well as to draft the rules governing this area. We strongly hope that in the second half of 2022 employers will be able to input reports electronically. This will eliminate administrative barriers for employers, while ensuring significant savings per employee for the IRSD.

2.4. STATISTICAL REVIEW OF THE WORK OF THE INSPECTORATE



In 2021, inspectors carried out **38,624 inspections**: 23,639 in the area of employment relationships, 14,549 in the area of occupational safety and health, **83** in the area of work accidents, and 436 in the area of social affairs. Inspections are carried out in the form of routine, targeted and follow-up inspections. The IRSD performs follow-up inspections to check the implementation of the measures it imposed.

In 2021, the inspectors identified **18,343** different **violations** in the three work areas, and based on this issued **9,736 administrative and minor offence measures** and filed **36 notifications of suspected criminal offences and criminal complaints**. The **fin**es imposed totalled **EUR 3,546,856.72**. The IRSD also issued **755 work permits for children** and **25 consents regarding the elimination of special legal protection in accordance with Article 115 of the ZDR-1**, and **3 decisions 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 **7,269 measures** and **two proposals to initiate offence proceedings to other authorities**, and issued **2,465 administrative inspection measures**. In accordance with the ZUP, inspectors **handled 27,599 administrative cases** in 2021, of which **18,128** cases were resolved and 9,471 cases remain open.

Other than in administrative proceedings, we dealt with **7,875 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 2021 - 31 December 2021 on the cut-off date of 6 January 2022.

2.5. COOPERATION OF THE IRSD AT NATIONAL LEVEL

Inspectors worked together with other supervisory authorities, most often with the **FURS**, especially as regards employment and work of foreigners, the supervision of construction sites and catering establishments, the identification of undeclared employment and the supervision of construction sites. The IRSD often also coordinated 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 still 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 other supervisory authorities.

It is also necessary to highlight the cooperation with the **Health Inspectorate of the Republic of Slovenia (ZIRS)**, particularly regarding the acquisition of information on the isolation and quarantine of individual persons under supervision, and the **Market Inspectorate of the Republic of Slovenia (TIRS)** regarding information on the adequacy of personal protective equipment in specific considered cases of preventing the spread of the novel coronavirus disease.

Moreover, we cooperated with the Chemicals Office of the Republic of Slovenia (URSK) - the Chemicals Inspection, the Inspectorate of the Republic of Slovenia for Education and Sport (IRSŠŠ), the Inspectorate of the Republic of Slovenia for Protection Against Natural and Other Disasters (IRSVNDN), the Inspectorate of the Republic of Slovenia for the Environment and Spatial Planning (IRSOP) - the Building Inspection, the Defence Inspectorate of the Republic of Slovenia (IRSO) and some other supervisory authorities, mainly within the framework of regional coordination of inspectors.

In general, in 2021, fewer joint controls were carried out in 2021 due to the epidemiological situation in Slovenia, while cooperation took place to a greater extent in the form of information exchange and individual controls.

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 implementation of the rules on transnational provision of services, the inter-ministerial working group for coordinating social security schemes, 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 Employment Service of Slovenia (ZRSZ), the Health Insurance Institute of Slovenia (ZZZS), the Pension and Disability Insurance Institute of Slovenia (ZPIZ), and the Student Organisation of Slovenia (ŠOS) 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 2021, we again actively participated in proposing amendments to regulations. For more information, see the previous chapter.

2.6. OPERATION OF THE IRSD AT THE 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 2021, an IRSD representative participated in the SLIC meeting hosted by Portugal (the meeting was held remotely), and in October, the IRSD organised the SLIC meeting in Slovenia as part of the **EU Council presidency**, which was also held remotely due to the epidemiological situation. The meeting was organised over two days: one day for a plenary meeting and one day for a thematic meeting. At the plenary day, the chief inspectors or representatives of the labour inspectorates of the EU Member States discussed topics related to the operation of the SLIC Committee, while the thematic day was intended for exchanging experiences and good and bad practices among EU Member States regarding the prevention of the spread of the new coronavirus. We also attended the remotely held meetings of the



Figure 2: Participants at a SLIC meeting, Slavko Krištofelc and Jadranko Grlić (from left to right).

SLIC, WG Machex, WG Chemex and WG Enforcement working groups.

An **assessment of the IRSD** is planned in the framework of SLIC for 2022. Every year, the SLIC Committee appoints a commission from among its members, which checks the organisation and operation of the labour inspectorate in the assessed country, as well as compliance with international conventions and directives relating to the work of labour inspectorates. Slovenia is expected to chair the commission that will assess Austria's compliance with international requirements in 2023.

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 at employers engaged in the fast food and bakery sectors. For more information, see the section on targeted inspections.

In 2021, we also cooperated with EU Member States through the **SLIC KSS**. For the purposes of exchanging information, 39 questions were published in the system in 2021, two of which were prepared by the IRSD. We answered 21 questions.



Figure 3: IMI – requests for information regarding posted workers

The IRSD is included in the **IMI** system and, by using an online tool, guarantees the competent authorities of the other EU Member States at their request 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 where the IRSD's task is to serve 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.

Implementation of the EU's **Mobility Package** began in 2021. This envisages the expansion of the IMI system to three new modules: posting declarations, social legislation in the field of road transport (social rules) and letterbox companies. The use of IMI for the purposes of the Mobility Package will help to ensure better implementation of the posting rules by digitising the exchange of information, making it more efficient. The IRSD started using the first of the three new IMI system's modules, which relates to posting declarations, as early as at the beginning of 2022.

In 2021, we dealt with 529 new IMI requests, of which seven requests for information were sent by the IRSD. In 522 cases, we were contacted by the authorities of EU Member States, asking for information in 73 cases and making 449 requests for the delivery of documents (300 for the delivery of decisions and 149 for the delivery of other documents). The work with resolving IMI claims is extensive and imposes an additional burden on 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.



Among other things, a group of inspection experts was formed within the ELA as early as in 2020, with the main focus on the creation of tools and procedures for coordinating and assisting members in successfully implementing **concerted and joint inspections (CJI)**, sharing good and bad practices, experiences and the like.

In 2020, the IRSD appointed a member of the aforementioned working group, who in 2021 participated in several workshops of the Working Group for Inspections and other training in the form of online seminars or workshops (Webinar on various aspects of the operation of labour brokerage agencies and other intermediaries, which are important for the work of inspections, Road Traffic Workshop) organised by the ELA. Due to the numerous activities of the group, the IRSD also appointed a substitute member to the working group at the end of 2021. The ELA also has a Working Group for Undeclared Work, in which the IRSD does not officially have a representative, but an IRSD employee occasionally attends the meetings, depending on the content dealt with by the working group.

In order to better prepare the inspectors, the IRSD appointed two inspectors at the end of 2020, who attended the (train the trainer) training organised by the ELA at the end of 2020 and the beginning of 2021, where they received information about how cross-border inspections should take place, and in 2021 they further organised a workshop themselves, where they acquainted all our inspectors with the ELA's operations and procedures. In the future, they will prepare another workshop with more in-depth content for a smaller group of inspectors who are expected to participate in the implementation of concerted and joint inspections (CJI). In 2021, the IRSD also appointed a coordinator for cross-border inspections, whose task, in the case of CJI, is to coordinate inspections between inspectors in Slovenia and the ELA. The member states are already carrying out the first CJIs, and in 2021 the focus was mainly on cross-border controls in seasonal employment. In 2021, the ELA led a seasonal employment campaign in all areas of its competence. The IRSD supported the campaign by advertising ELA-prepared messages or materials on its websites.

At the beginning of 2021, Slovenia assigned a National Liaison Officer (NLO), who is an employee of the IRSD, to the ELA. The NLO assists in the performance of the labour authority's tasks, including by encouraging cooperation and exchange of information and supporting and coordinating inspections. It acts as a national contact point for issues originating in and concerning its Member State by directly addressing such issues or liaising with national administrations. In 2021, the NLO presented several times the ELA's operations and tasks (presentation in the National Council) and established a relationship with many national authorities with which it actively cooperates.

International meetings and working meetings that the IRSD representatives attended in 2021:

- presentation of the results of the HBM4EU occupational exposure study at the Finnish Institute of Occupational Health (21 January 2021);
- international conference on International Survivors of Human Trafficking, organised by the OSCE Office for Democratic Institutions and Human Rights - ODIHR (Vienna, 25 January 2021);
- meeting of the regional group of experts on human trafficking for the purpose of labour exploitation in SE Europe as part of UNODC (13 April - 14 April 2021);
- REACH Regulation training at the German Federal Institute for Occupational Safety and Health - with the cooperation of the German Federal Ministry of Labour and Social Affairs (21 April - 22 April 2021);
- regional workshop on the protection of workers against radon in the workplace, organised by the International Atomic Energy Agency (IAEA) together with the ILO (4 May - 6 May 2021);
- Seminar and workshop on Successful approaches to cooperation between labour inspectorates and social partners, organised by the ELA (22 June - 23 June 2021 and 22 July 2021);
- Aspects of temporary work agencies (TWAs) and labour brokers relevant to labour inspection, organised by ELA (9 July 2021);
- plenary session platform on declared work (PDW) - organised by the ELA (22 October - 23 October 2021).

3. INSPECTIONS REGARDING OCCUPATIONAL SAFETY AND HEALTH

3.1. GENERAL



In the area of safety and health at work, inspectors carried out in 2021 inspections in all activities at employers who employed a varying number of workers, including the self-employed. In any event it is necessary to call attention to the situation due to the presence of **SARS-CoV-2 in the work environments of employers**. Regulations adopted with a view to preventing and managing infections 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 method of conducting

inspections.

As part of their work, the occupational safety and health inspectors for the most part performed targeted and follow-up inspections, and practically no routine inspections. While performing inspections, they paid particular attention to ensuring health at workplaces in line with the regulations based on the Communicable Diseases Act (ZNB). At the same time, they checked the implementation of the provisions of the ZVZD-1, which also defines the necessary measures to be taken to directly ensure the safety and protect the health and life of workers. Inspections were carried out both at the employers' public premises and at all other premises.

Just like in previous years, **the largest number of inspections was carried out in 2021 in the construction industry** due to the increased risks to the safety and health of workers, followed by inspections in trade, manufacturing, professional, scientific and technical activities and in the hospitality sector.

A total of **14,549 inspections** were carried out. The majority of inspections were carried out as part of prepared and planned campaigns and targeted inspections and campaigns, followed by narrowly targeted inspections. In addition to the aforementioned inspections, a large number of inspections related to prevention of the spread of the novel coronavirus.

In 2021, occupational safety and health inspectors identified **8,384 violations**. The most frequent violations were related to **risk assessment** procedures, and to the orderliness and safety of outdoor workplaces, especially on construction sites. They are followed by violations regarding the provision of workers' healthcare, the adequacy of work equipment, the provision of personal protective equipment and the training of workers to perform work safely. Nearly **32% of violations** observed in 2021 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 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. To a lesser extent, employers also did not inform workers about the accepted risk assessments and about the persons responsible for the implementation of safety and health measures at work. **The highest number of violations** were found in the **construction industry**.

In 2021, the IRSD received **1,677 reports** in terms of occupational safety and health, which is slightly more than the years before the onset of the SARS-COV-2 epidemic. All of the reports were either dealt with or, in a small number, referred to other competent authorities, including due to the division of competences for controlling compliance with the provisions of the ZNB and government decisions among inspectorates. The vast majority of reports related to the definition and implementation of measures to prevent the spread of SARS-CoV-2 in employers' work environments, both in public and other spaces.

In 2021, occupational safety and health inspectors issued **3,707 administrative and minor offence decisions** for the established violations. Among the most commonly issued decisions were **administrative regulatory decisions** instructing employers to remedy the 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 172 cases**. In minor offence

proceedings, the inspectors imposed **742** sanctions by way of a **minor offence decision** and **364** sanctions by way of a **payment order**. In 2021, inspectors also issued **491 warnings under the ZIN** and **663 warnings under the ZP-1**.

In addition, inspectors **reported a crime or instigated criminal complaints in seven cases**.

There were **755 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 2021, the relevant inspectors **investigated 83 work accidents**, among them 7 fatal accidents, 63 serious accidents, 11 minor accidents and 2 collective accidents. The causes of **reported fatal accidents** – there were 15 such accidents in the previous year – were connected with falls from height (4 cases), moving work equipment (4 cases), explosion or fire (2 cases), workers getting buried under earth (2 cases), traffic accidents (2 cases) and drowning (1 case).

For 2021, employers **reported 11,158 work-related accidents**. The reported accidents included 1,944 COVID-19-related illnesses and 9,214 non-coronavirus-related occupational accidents. The IRSD also received reports about 74 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, but also to employers. In 2021, **396** written answers were given in the field of occupational safety and health. Employers most often required help regarding the correct implementation of the Government's decrees regarding the prevention of the spread of the novel coronavirus, while due to the employers' failure to implement measures related to the prevention of the spread of the novel coronavirus, workers often pointed to the alleged unconstitutionality of the decrees issued in this area.

In 2021, the IRSD received notifications from **2,690 employers** who organised work from home via the **SPOT** portal. These employers reported that **217,428 workers** were going to work from home.

The epidemiological situation in 2021 and the increased number of controls carried out to prevent the spread of the novel coronavirus prevented a more realistic assessment of the situation in other areas of occupational safety and health, but it may still be generally concluded that the situation did not significantly improve in the period under review, given that, in this period, employers paid much more attention in this period to the successful introduction and implementation of the measures imposed by the Government's decrees, while performing other tasks in this area less consistently.

3.2. INSPECTIONS

3.2.1. Introduction

As part of their work in 2021, the occupational safety and health inspectors performed routine, targeted and follow-up inspections within their competences, targeted inspections of only individual regulatory provisions being among the most common in the past few years. These inspections stemmed from the previously adopted IRSD guidelines, reports received or identified current issues, particularly those relating to preventing the spread of SARS-CoV-2. The number of inspections of implementation of the imposed measures, as well as inspections of compliance with applicable legislation, has remained at approximately the same level in recent years, although a slight downward trend was recorded in 2021, including as a result of inspections relating to the novel coronavirus disease.

Taking into account all inspections in the field of safety and health at work, including inspection of compliance with measures to prevent the spread of the new coronavirus in this area, in 2021 most controls (9.7%) were carried out in the construction sector, where the implementation of the work process entails a greater risk of accidents at work and workers' health impairments.

Due to the powers subsequently conferred by the emergency legislation, 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 to some extent reduced the number of regular and, in particular, control inspections. Inspections of compliance with measures aimed at preventing the spread of SARS-CoV-2 were also carried out in other work premises of employers.

According to data obtained from the Statistical Office of the Republic of Slovenia (SURŠ), there were 900,262 persons employed in Slovenia at the end of 2021, of which 95,830 were self-employed individuals. The largest number of workers (22.8%) were employed in manufacturing (activity under section C of the Standard Classification of Activities); in addition, with the exception of construction (7.5% of persons employed) and trade (12% of persons employed), the highest number of inspections was carried out in manufacturing.

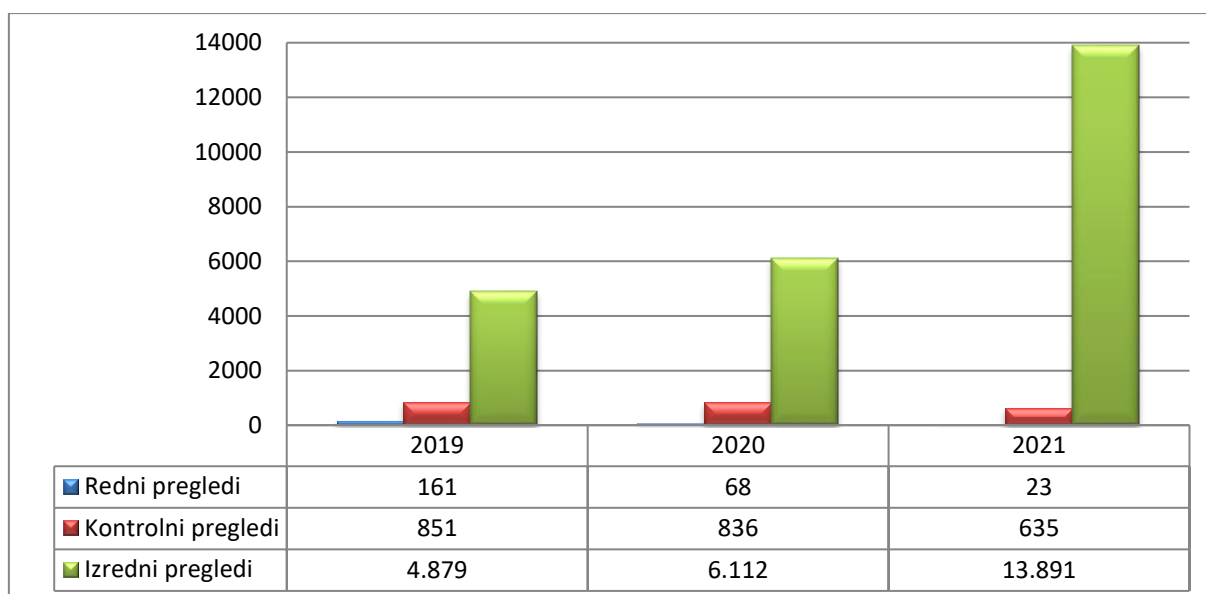
According to the AJPES, there were **228,795 business entities registered** in Slovenia **at the end of 2021**. As the IRSD employed 32 inspectors for health and safety at work at the end of 2021, **individual inspectors** had to carry out **7,150 inspections of business entities** (7,152 in 2020; 7,104 in 2019; 7,691 in 2018; 6,803 in 2017; i.e. **28,133 inspections of workers** 28,675 in 2020; 29,088 in 2019; 31,712 in 2018; 27,619 in 2017), taking into account the SUSR data about employed persons.

3.2.2. Routine, targeted and follow-up inspections and imposed measures

In 2021, the inspectors for occupational safety and health carried out **14,549 inspections**, which is 207.4% more than in 2020 and 246.9% 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 in the work environment of employers.

The most common were **targeted inspections** that accounted for **95.5%** of total inspections (87.1% in 2020; 82.8% in 2019; 79.5% in 2018). The majority of these included inspections carried out as part of the planned and targeted actions and campaigns (44.8%) and inspections relating to the prevention of the spread of the novel coronavirus (40.7%). Other targeted inspections were mostly carried out based on received reports. **Routine and follow-up inspections** accounted for **0.1%** of total inspections in 2021 (0.8% in 2020); 2.7% in 2019, and **controls** for **4.4%** (11.9% in 2020); 14.5% in 2019).

Graph 1: Number of inspections relating to occupational safety and health in the period 2019–2021.



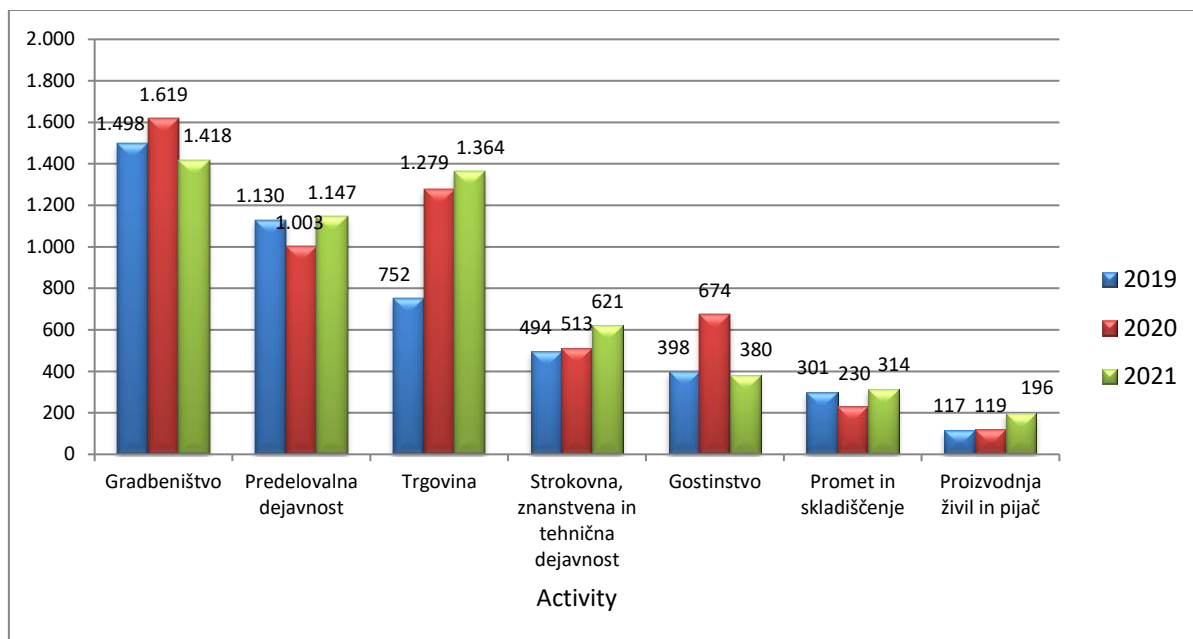
In 2021, the IRSD received **1,677 reports** (2,043 in 2020; 995 in 2019; 1,061 in 2018) relating to safety and health at work, which were mostly submitted due to non-compliance with the measures adopted for preventing the spread of the novel coronavirus. For the most part, the contents of the reports showed that workers in work environments, both in public and other employers' premises, did not use respiratory protection or used protection in an inappropriate way (wearing protective masks under the nose or under the chin). Reports regarding the novel coronavirus also related to non-compliance with the measure of isolation for sick workers and non-compliance with the quarantine requirement for workers in high-risk contacts. Other reports in the field of occupational safety and health, which were typical of previous years, were submitted on a smaller scale in 2021 and mainly related to inadequate working conditions and failure to provide health examinations and safe work training courses to employees. We also

received a large number of reports from citizens who mostly pointed out inadequate living conditions caused by the harmful effects of work processes carried out at employers' locations, 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, taking account of their competence and powers.

In 2021, **most inspections** of anti-coronavirus measures were carried out pursuant to the provisions of the ZNB at employers whose main registered activity was **construction** (activity under section F of the Standard Classification of Activities), which constituted **15.9%** of all employers (23.1% 2020 and 25.4% in 2019). As regards inspections in this activity, most of them were conducted at employers engaged in special construction work (49.1% of inspections), followed by employers for the construction of buildings (41.3% of inspections) and employers carrying out civil engineering works (9.6% of inspections). Inspectors carry out the largest number of inspections in the construction sector, where risks to workers' life and health are most common.

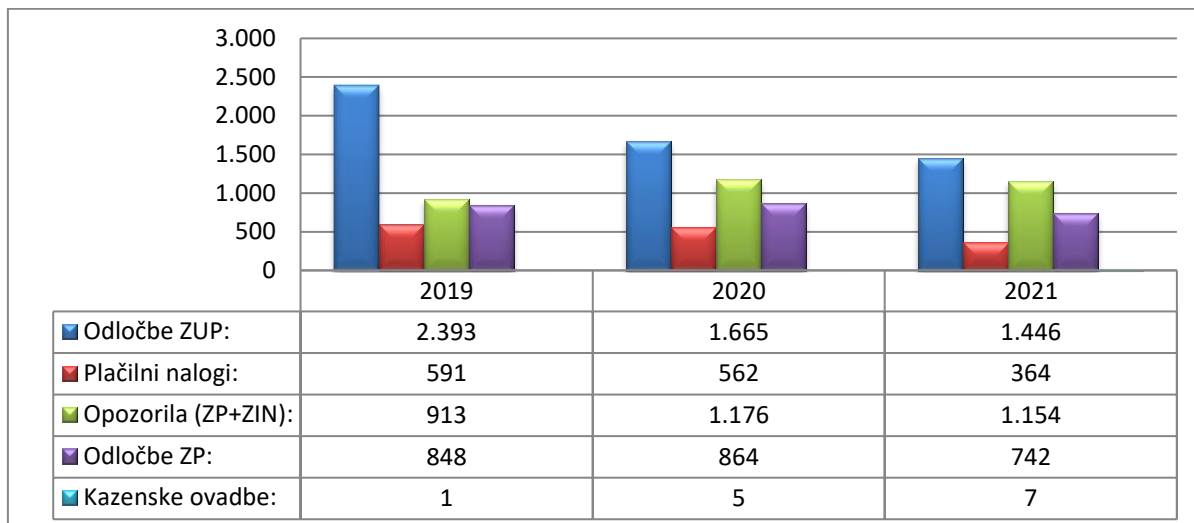
In 2021, employers in the **trade sector** were also frequently subject to inspections; in fact, **15.3%** of all inspections were carried out in this sector (18.2% in 2020 and 12.8% in 2019) and so were those in the **manufacturing sector** with **12.9%** of all inspections (14.3% in 2020 and 19.2% in 2019). 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 19.0% of inspections were conducted, food and beverage production with 17.1% and the furniture and wood industry with 12.9% of total inspections performed. The numbers of conducted inspections by activity are shown in the graph below.

Graph 2: Activities in which the most inspections relating to occupational safety and health were carried out (in absolute terms), a comparison between 2019 and 2021.



In 2021, occupational safety and health inspectors issued **3,707 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 **1,446** decisions issued (39.0%). By means of **administrative 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 **172 cases**. **Among these, 51 decisions** (57 in 2020 and 49 in 2019) **concerned the prohibition of operation due to direct threats to workers' lives**.

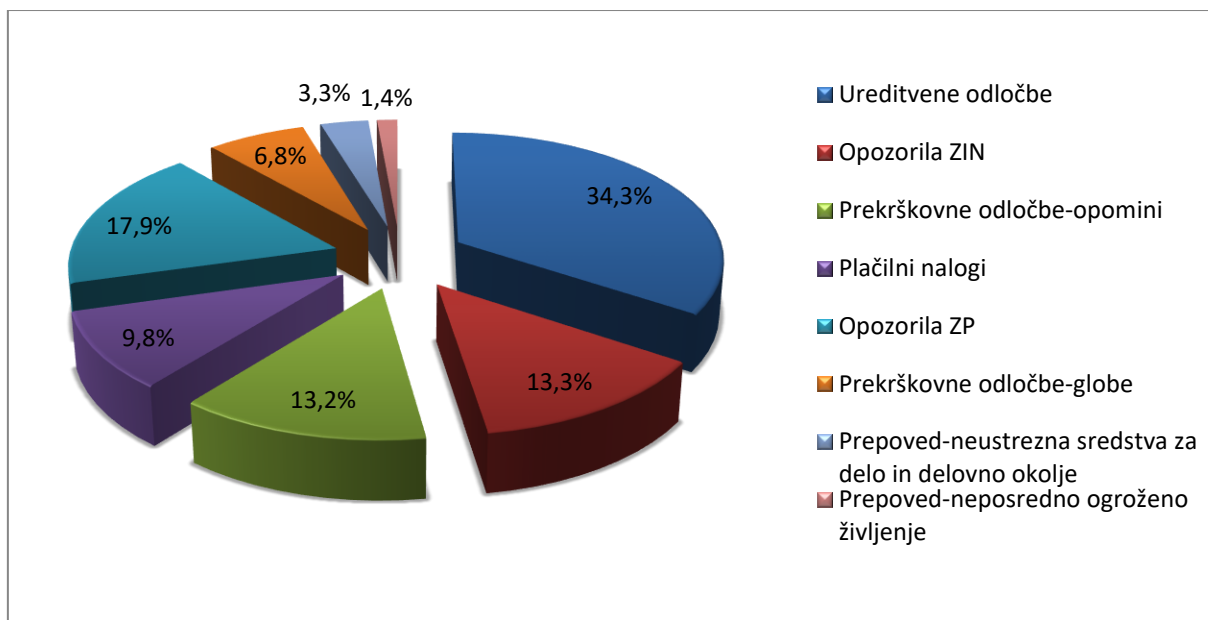
Graph 3: Number of measures imposed with regard to occupational safety and health in the period 2019-2021.



In minor offence proceedings, inspectors imposed a total of **1,770 measures** (2,602 in 2020 and 2,352 in 2019), i.e. **742 minor offence decisions**, of which 253 were fines (264 in 2020 and 281 in 2019) and 489 reprimands (600 in 2020 and 567 in 2019), and **364 payment orders**. They also made one proposal to initiate offence proceedings to other authorities. In 2021, inspectors also issued **491 warnings under the ZIN** and **663 warnings under the ZP-1**.

In addition, inspectors **reported a crime in seven cases**. As regards the labour of children under **15 years of age**, inspectors issued **755 decisions** (505 in 2020 and 649 in 2019).

Graph 4: Percentages of measures imposed with regard to occupational safety and health in 2021.

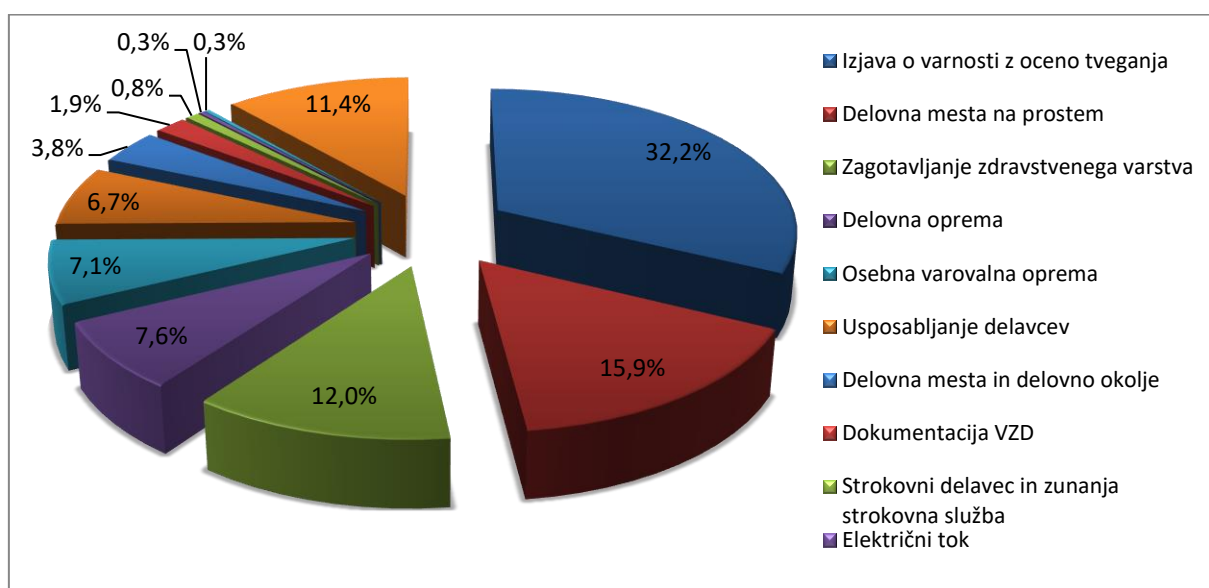


Most of the **measures** were imposed on employers in the sectors of **construction, at 26.7%** (25.7% in 2020 and 24.4% in 2019), **manufacturing at 13.3%** (14.6% in 2020 and 17.5% in 2019), and in the **trade sector at 13.7%** (12.2% in 2020 and 10.1% in 2019). With regard to the manufacturing sector, measures were most commonly issued to employers engaged in the manufacture of fabricated metal products with the exception of machinery and equipment, in 22.3% of cases, employers in the manufacture of food and drink products, in 14.8% of cases, and employers in the wood and furniture industry, in 13.8% of cases.

3.2.3. Inspection findings and the most frequently identified violations

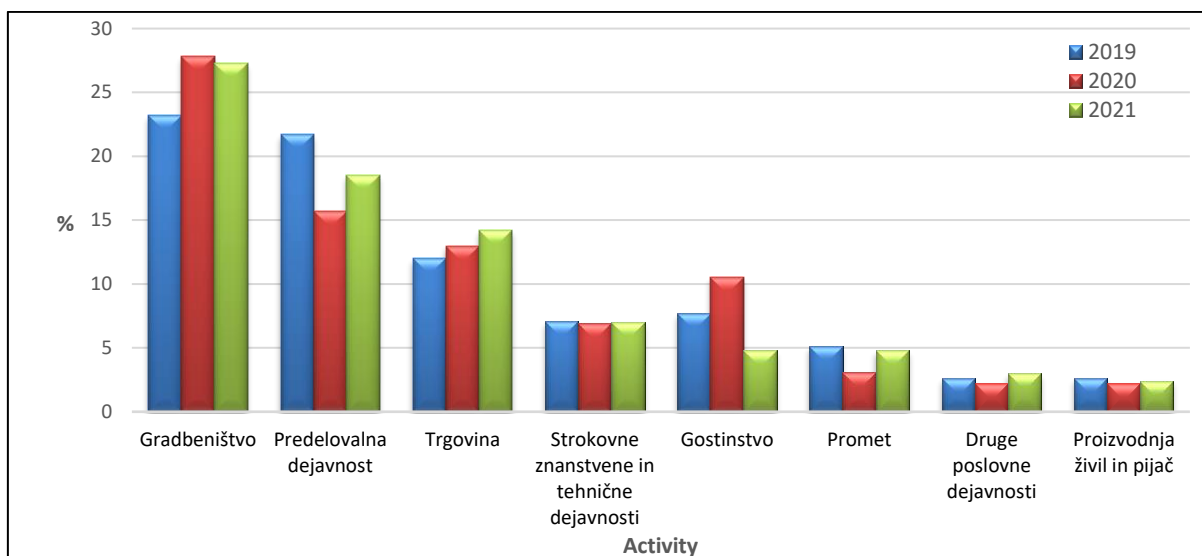
In 2021, inspectors for occupational safety and health found **8,384 violations**. The highest number of violations was identified in relation to assessing risks and the preparation of the safety statement and the risk assessment document (2,702 violations), followed by violations pertaining to the orderliness and safety of outdoor workplaces (1,332 violations), ensuring employees' health at work (1,007 violations), suitability of work equipment (638 violations), provision of personal protective equipment (594 violations) and employees' training in safe working practices (559 violations). The percentages of the above-mentioned violations and other violations relating to occupational safety and health are shown in the graph below.

Graph 5: Percentages of the most frequently identified violations with regard to occupational safety and health in 2021.



The most **violations** were found in the **construction industry**, with **27.3% of irregularities** (27.8% in 2020 and 23.2% in 2019), followed by the **manufacturing sector** with **18.5% of irregularities** (15.7% in 2020 and 21.7% in 2019), the **trade sector** with **14.2%** (13.0% in 2020 and 12.0% in 2019), **professional, scientific, and technical activities** with **7.0%** (6.9% in 2020 and 7.1% in 2019) and the **hospitality sector** with **4.8%** (10.5% in 2020 and 7.7% in 2019). A comparison of the number of violations in individual activities in comparison with the previous two years is shown in the graph below.

Graph 6: Activities in which the most violations relating to occupational safety and health were identified (in absolute terms), a comparison for the period 2019-2021.



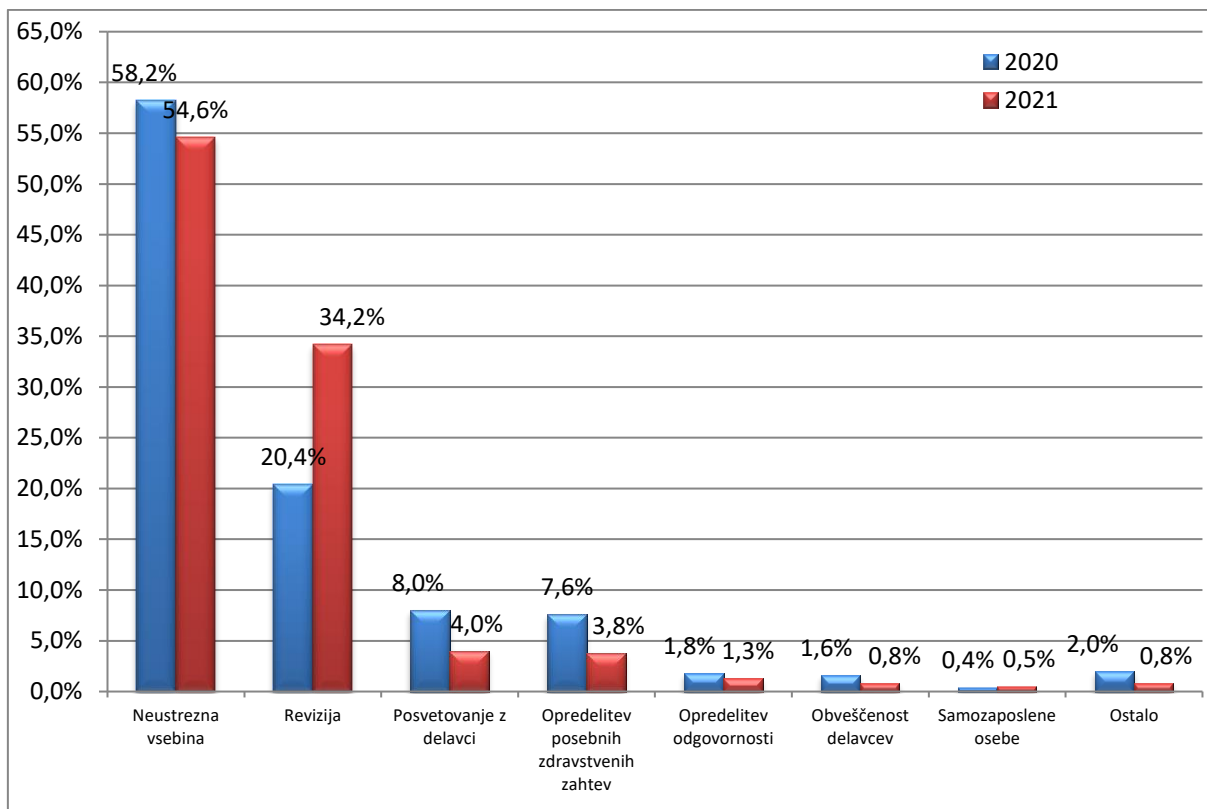
3.2.4. Safety statement and risk assessment

Risk assessment in the work environment is the basic measure by which employers identify hazards and risks that arise in their work process. The same applies to self-employed individuals. 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 and the adoption of appropriate measures. The employer, the employer's occupational safety expert and occupational medicine specialist are in charge of the professional risk assessment. The cooperation of workers or their representatives plays an important role in this, since it is precisely the workers who are most familiar with the work processes they carry out, and face dangers directly.

In 2021, there were 2,702 **violations** found with regard to risk assessments (2,501 in 2020 and 3,691 in 2019). The highest number of violations, i.e. 1,476 (1,457 in 2020 and 1,729 in 2019), concerned the inadequate content of the safety statement and the risk assessment document, specifically with regard to the identification of risks, risk assessment procedures and the identification of the necessary risk-reducing measures. In 924 cases (510 in 2020 and 849 in 2019), the inspectors found that employers did not supplement or revise the safety statements and risk assessment documents in view of the changed working conditions. There were 34 violations (88 in 2020 and 154 in 2017) with regard to designating responsible persons in 2021 (44 in 2020 and 78 in 2019), and 109 (200 in 2020 and 421 in 2019) violations concerning the involvement of employees and their representatives in risk assessment procedures. As regards specific health care requirements that employees should have complied with in the performance of their work, in 103 cases (190 in 2020 and 353 in 2019), the supervised employers did not define and in 21 cases (41 in 2020 and 85 in 2019) employees were not familiar with the content of the adopted safety statement and risk assessment document. The inspectors also identified 26 violations relating to the assessment of risks defined in other regulations concerning occupational safety and health.

Violations were identified also in the case of self-employed individuals. In 10 cases (2020: 3: 2019: 10), self-employed persons did not perform a risk assessment and in four cases they did not prepare the safety statement and the risk assessment document, even though risks of accidents, occupational diseases and work-related disorders existed in their operations.

Graph 7: Percentages of the most frequently identified violations with regard to safety statements and risk assessment documents, a comparison between 2020 and 2021.



In 2021, the **total number of violations** identified in relation to the assessment of risks increased over the previous year, amounting to **32.2%** of the total (24.5% in 2020). It can be noted that the number of violations related to the revision of the risk assessment due to SARS-CoV-2 increased significantly. Due to the smaller number of other violations, this does not in any way mean an improvement in the state of health and safety at work.

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 which have a significant impact on the increasingly frequent occurrence of bone and muscle diseases, electricity and various radiations, or these risks are assessed inadequately, often also due to the choice of an inadequate risk assessment method. However, unidentified and unassessed risks indicate the lack of professional competence of occupational safety professionals. Personal protective equipment is often defined in risk assessments too broadly and in such cases it is not clear from the document which specific personal protective equipment the workers are supposed to use, as no standards corresponding to specific risks are indicated.

Employers often do not consult with workers in the risk assessment process. Fewer violations were found in 2021 than the year before, but the finding remains the same. The majority of employers believe that they have fulfilled the legal requirement for employee participation by only acquainting them with the already adopted risk assessment content and its internal publication.

One can also not 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.

It has been established 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, especially regarding risk assessment when working with dangerous chemical substances and biological risks. Risk assessments prepared by employers' professionals are more professional than a large number of those prepared for employers by external professional services.

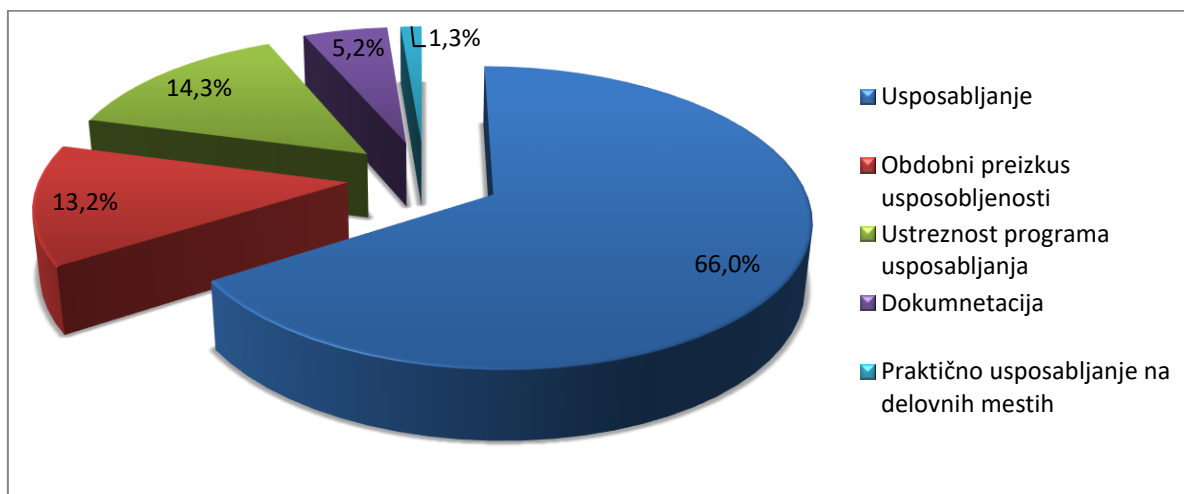
We still miss the more active participation of occupational medicine practitioners in risk assessment procedures, especially with regard to visiting the workplace and advising employers on the ergonomic arrangement of workplaces in the work process. In any case, it is necessary to mention the role of the Institute of Occupational, Traffic and Sports Medicine (KIMDPŠ), Association of Occupational, Transport and Sports Medicine (ZMDPŠ) and individual occupational medicine providers and the efforts they put into improving employees' health and the work of occupational medicine specialists in this field.

3.2.5. 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 2021, inspectors found **559 violations** concerning employees' training in safe working practices (919 in 2020). Most irregularities, i.e. 369 (499 in 2020) were again identified with regard to the provision of employees' training in safe working practices at the time of recruitment, in the event of an assignment to another post and in the event of changes in the work process. There were also many violations concerning employees' periodic examinations in safe working practices, specifically 74 such violations in 2021 (145 in 2020). As regards the adequacy of employees' training programmes in safe working practices, the inspectors found 80 violations (157 in 2020). There were 29 employers who did not have adequate documents with regard to employee trainings at the time of inspection (75 in 2020). In seven cases (in 40 cases in 2020), employers did not examine competence in safe working practices with regard to certain posts, as provided for by legislation.

Graph 8: Percentages of the most frequently identified violations with regard to employees' training in safe working practices in 2021.



We have noted that there were less identified violations concerning employees' training in safe working practices for 2021 than the year before. 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. We believe that employees are still not adequately and sufficiently trained to perform their work safely, as training often does not mean the achievement of the purpose, i.e. the effectiveness of the training, but merely the performance of the employer's legally defined duty. We find that employers often do not train employees for the safe performance of work activities in due time, but do this with a delay when it is necessary to train a larger number of employees or when it is necessary to conduct a periodic skill test for a larger number of employees.

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. In our opinion, this also indicates inadequate training of employees for safe work performance.

Doubts arise as to the quality of training in the case of foreign workers who do not understand or poorly understand the Slovenian language. With regard to practical training, we also found that it was carried out inadequately or not at all. It is often a mere formality, since the practical test does not reveal the content and detailed implementation of the training. Employees often undergo practical training which is entirely provided by their direct managers without the participation of a professional, which is not in line with the legislation.

Particularly in 2021, we noticed employers' interest in providing employees with e-training for safe working practices due to the novel coronavirus. This is an issue for which employers and professionals often contact the inspectorate.

3.2.6. Employees' health at work

In addition to guaranteeing safety at work, ensuring employees' health at work is also an important employer obligation. Employers are obliged to entrust the implementation of health measures to an occupational medicine provider. The tasks to which occupational medicine providers should pay particular attention are set out in the ZVZD-1, but we have noted that, of all the tasks laid out in the Act, the task which occupational medicine providers carried out very often was performing medical examinations of workers. We would like to see occupational medicine providers take a more active role, especially in assessing risks and carrying out related workplace inspections. All too often, occupational medicine specialists receive from the employer an already prepared risk assessment for review and signature. The scope of medical examinations carried out often does not coincide with the occupational safety and health risks in workplaces or working environments. This is influenced by non-professional risk assessments and, as a result, inadequately completed referrals for preventive health examinations. The referrals do not contain all the data necessary to carry out a suitable medical examination. This applies in particular to the description of the risks to which the employee is exposed during their work and to the definition of specific health requirements. Since the risk assessment documents available to the authorised occupational medicine provider are also often inadequate, a suitable medical examination cannot be carried out.

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, allegedly as a result of occupational medicine specialists being overworked and their being too few in number. Problems with the shortage of occupational medicine providers and their excessive workload were further aggravated by the appearance of the novel coronavirus. Inspectors also report 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 in the preparation of the measures only after having been warned by inspectors.

Managing psychosocial risk factors and promoting the health of employees, as set out in the applicable legislation on occupational safety and health, present a challenge for employers. 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 2021, there were 6 cases involving employers (23 in 2010 and 76 in 2019) that did not adopt measures with regard to psychosocial risk factors in the workplace. In the case of seven employers (35 in 2020 and 133 in 2019) inspectors found out that these employers had not planned and carried out the promotion of health in the workplace, 46 employers did not hire an occupational medicine provider for the implementation of measures relating to health and safety at work, and 95 employers did not take part in risk assessments.

In 2021, inspectors identified **1,007 violations** of the obligation to provide healthcare (1,335 in 2020 and 2,279 in 2019). The highest percentage of violations is connected to the failure to carry out medical

examinations, both preliminary and periodic; such violations were found in 668 cases (925 in 2020 and 1,276 in 2019). In 2021, employers did not establish appropriate cooperation with the occupational medicine providers and did not perform the tasks required under the provisions of the ZVZD-1 in 157 cases (197 cases in 2020 and 357 cases in 2019). The inadequate first aid provision was also a frequent occurrence in the past year, with 86 cases identified cases of violation (48 cases in 2020 and 177 cases in 2019). Inspections found 44 violations (56 in 2020 and 142 in 2019) with regard to the storage of documents relating to employees' medical examinations.

Alcohol consumption and smoking are risk factors that affect employees' health and, particularly the former, also employees' safety. As regards the prohibition of work under the influence of alcohol, inspectors found 14 violations in 2021 (29 in 2020 and 94 in 2019), of which 9 concerned the adoption of an internal act, while in 5 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 25 violations (17 in 2020 and 24 in 2019).

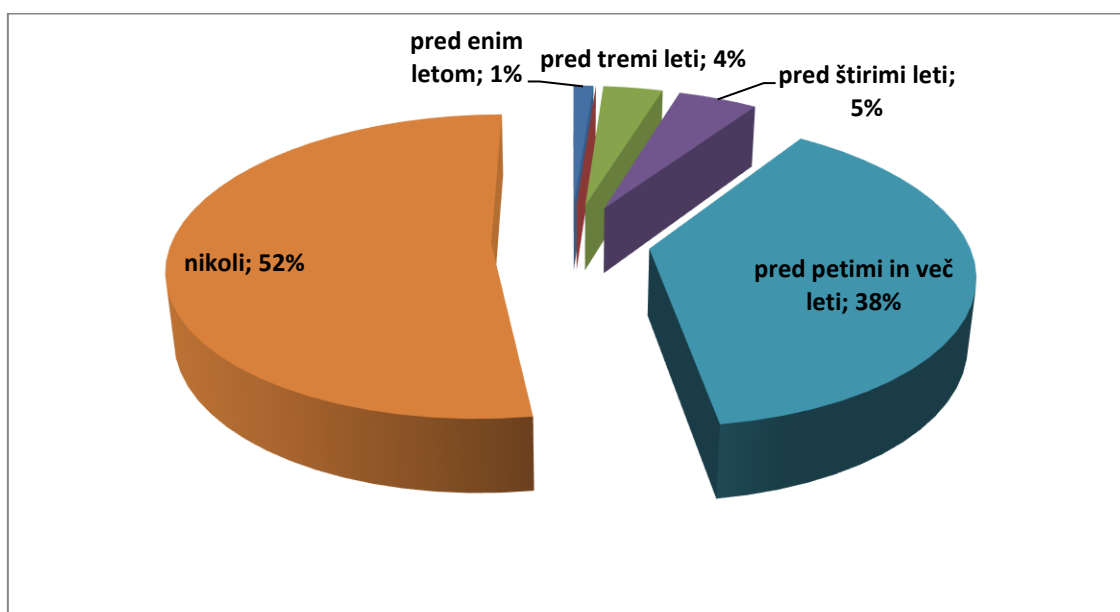
Employers are also required to report **occupational diseases** to the IRSD. In 2021, we received no such report (3 in 2020, 1 in 2019, 0 in 2018, 0 in 2017, 0 in 2016 and 1 in 2015).

3.2.7. Representative sample

Inspections on the implementation of occupational safety and health regulations for employers selected using a random computer methodology were carried out for the 18th consecutive year in 2021. The implementation of such inspections conducted in previous years established that the findings 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 reduce the share of legal entities that have never been inspected for occupational safety and health.

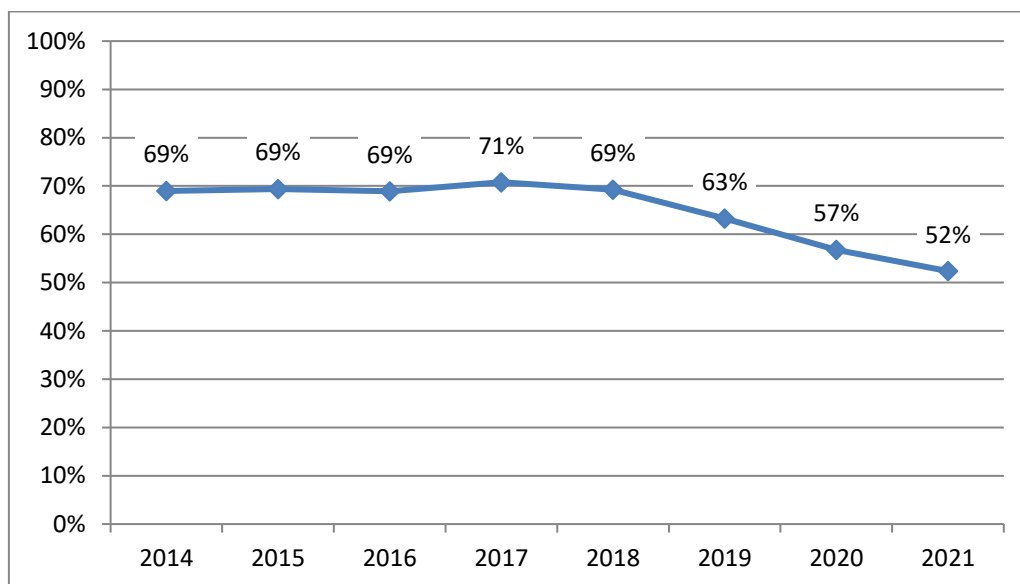
The share of legal entities for which an inspection (in occupational safety and health) was carried out for the first time since the start of the legal entity's operations decreased from 57% in 2020 to 52% in 2021. This is the third consecutive reduction of this share since 2018.

Graph 9: Previous inspections of entities, representative sample of the IRSD, 2021.



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 2021.

Graph 10: Percentages of entities that have never been subjected to an occupational safety and health inspection, representative sample of the IRSD, 2014–2020.



More information on the representative sample campaign can be found in the chapter on targeted inspections carried out in 2021.

3.2.8. Other significant violations

3.2.8.1. 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 personal protective equipment (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 priority must be given to collective protection measures over individual ones.

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 employees against the risks arising from the work process, especially when specific equipment is used in more demanding working conditions.

Personal protective equipment must be marked with the CE label and also bear other markings that ensure the identification and traceability of individual pieces of equipment. Requirements also include a declaration of conformity and instructions for use in Slovenian.

In 2021, inspectors identified **594 irregularities** (837 in 2020 and 1,168 in 2019) relating to the provision and use of suitable and dedicated PPE. Most of the irregularities (284 in 2020 and 308 in 2019) 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 92 cases (136 in 2020 and 160 in 2019). In this regard, workers stated that the use of PPE often hindered them at work, which is why they did not use it consistently. In addition, employers did not provide PPE to their employees or ensure its use in 151 cases (264 in 2020 and 264 in 2019).



Figure 5: Proper use of personal protective equipment



Figure 4: Non-use of personal protective equipment

In 31 cases (81 in 2020 and 265 in 2019) irregularities 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 2 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 47 cases, employers did not have the relevant documents on inspections and tests of PPE (72 in 2020, 163 in 2019, and 117 in 2018).

It can be concluded that fewer violations with regard to the use of personal protection equipment were found in 2021 than in 2020. Employers are still insufficiently aware that it is not enough to provide PPE and that they are responsible for ensuring that employees use it. Most such violations were detected especially in the construction industry, where inconsistent use or non-use of personal protective equipment is often also the cause of injuries.

The ongoing presence of the novel coronavirus in the work process had a significant impact on the provision of respiratory protective equipment and its use. The Government's ordinances regarding the use of respiratory protection equipment referred to open and closed public spaces, but did not interfere with the rest of the spaces at the employers' locations; therefore the legislation governing occupational safety and health applied to these spaces. It provides 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. Quite a few problems regarding the provision of adequate personal protective equipment were identified at the beginning of 2021, however, the situation improved towards the end of the year. As inspections became more frequent, employers also realised that efforts should be made to provide appropriate personal protective equipment. The use of hygienic masks in employers' workplaces was practically abandoned, and surgical IIR type masks were used more often. Inspectors also advised employers on what protective means provide the best possible protection against infection with the novel coronavirus in a given situation. Moreover, inspectors identified inadequate use of medical masks, which were most frequently worn under the nose or under the chin. Employers' consultations with occupational medicine specialists regarding the selection of appropriate respiratory protection, as stated by the NIJZ in its publications, were not implemented in practice.

3.2.8.2. 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.



Figure 7: Unscrewed - bypassed safety lock - enabled access to the inside of the machine



Figure 6: Unscrewed - bypassed safety lock - enabled access to the inside of the machine

As regards adequacy of work equipment at employers, inspectors found **638 violations** in 2021 (822 in 2020 and **1,26242** in 2019). The most frequent violations were related to checks and tests of work equipment and were found in 201 cases (293 in 2020 and 485 in 2019). Employers did not provide workers with safe work equipment, which was established in 197 cases (309 in 2020 and 317 in 2019). Inspectors found violations in 96 cases (103 in 2020 and 267 in 2019), which were related to meeting 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*], No. 101/04). Most often, these were related to missing protection of dangerous parts of the work equipment.

In addition, inspectors found 15 cases where the employers' documents regarding the checks and tests of work equipment were not in order (21 in 2020 and 63 in 2019). There were 147 cases of incorrect use of work equipment (112 cases in 2020).

The IRSD would like to draw attention to the violations that the inspectors identified with regard to explosion protection in the employer's working environment. As many as 17 such violations were identified last year (10 in 2020), which related to the drafting of the explosion protection document and the corresponding risk assessment, inspection, testing and maintenance of installed equipment, training and proficiency checks for work in a workplace with a potentially explosive atmosphere and for informing the inspectorate about the resulting explosions.

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 legislation, especially in the case of periodic checks and tests or if the equipment was moved to another place. 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. Control buttons and switches on machines are often damaged, safety switches are removed or bypassed, and electrical cables are damaged. 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, which is especially true for older work equipment.

3.2.8.3. 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 regularly verify the adequacy of working conditions through investigations of harmful factors. In this regard, it is necessary to check all harmful factors arising from the work process at the employer's premises. In practice, checks of the working conditions 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. Employers often measure air temperature in the spring and 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. Given the inadequate thermal conditions in summer and winter, the inspectorate receives a considerable number of reports every year. To a certain extent, employers also measure noise levels and the presence of hazardous substances.

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, which particularly applies to measurements of the harmful effects of chemical substances. Employers also generally do not have appropriate and effective measures in place for cases when the air temperature in the working environment exceeds 28 degrees Celsius. Even the measurements of lighting conditions are often inadequate, as they are not adapted to new LED technologies, which are massively replacing conventional light bulbs.

In 2021, inspectors found **323 irregularities** (439 in 2020 and 795 in 2019) regarding the adequacy of work spaces, the arrangement of workplaces in work spaces and the adequacy of the work environment. Most irregularities (117) were identified in relation to the obligation of the employer to assess working conditions with periodic investigations of harmful risk factors. Furthermore, in 6 cases employers did not have the relevant documents related to the investigations performed. A high number of irregularities were also found with regard to keeping transport routes and passageways in order (30 violations), unsuitable locker rooms and sanitary facilities (15 violations). Irregularities were found also regarding other risk factors that affect a healthy working environment. Inspectors identified 4 violations concerning harmful noise in the working environment and 17 violations concerning explosion safety.

In 2021, a large number of employers organised work from home. 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. At the end of 2020, electronic notification of the inspectorate about work at home via the SPOT portal was introduced, and in 2021 the vast majority of employers notified it in this way. In 2021, work from home was reported to the IRSD for 217,428 employees by 2,690 employers.

It is expected that the arrangement of working from home will continue even after the end of the epidemic, which is why it should be regulated in more detail. During office hours and when on stand-by, inspectors received many questions regarding the arrangement of working from home, mainly from employers.

3.2.8.4. Hazardous chemical substances in workplaces

With regard to the suitability of the working environment in workplaces where chemical substances are present, we often found that the risk assessments performed by employers, professionals or occupational medicine providers are too general and lack the identification of substances present in the workplace and do not take into account the hazardous properties of such substances. This is also the main reason for not introducing the necessary measures specified in the Rules on the Protection of Workers from Risks Due to Exposure to Chemical Substances at Work (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 72/21 and the Rules on the Protection of Workers from Risks Due to Exposure to Carcinogens or Mutagenic Substances (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos. 101/05, 43/11 – ZVZD-1, 38/15 and 79/19). The reasons for the insufficient risk assessment of chemical hazards are difficult to define, but one of them could be the basic professional background of occupational health and safety providers, 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. We still find employers that have not identified the presence of chemical substances in the workplace and have therefore failed to assess their impact on workers' health and take appropriate preventive measures.

The IRSD also notes that some employers have little knowledge of the requirement to carry out measurements of the impact of chemical substances on the working environment, as they mainly carry out a single measurement of the presence of chemical substances in the working environment, and fail to consider the caution from the report issued by the measurement provider that the measurement should be repeated within three to six 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.



Figure 8: Precautionary measures at work involving powdery chemical substances

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. This is not given sufficient attention in the risk assessment, or not at all. Employers should assess 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.

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 harm to health exists, the employer is obliged to design a plan of measurements in such a 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, 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 workers using this substance.

The current Rules on the Protection of Workers from Risks Due to Exposure to Carcinogens or Mutagenic Substances specifies fewer hazardous substances (54) than the previous Rules; therefore, when assessing risks and notifying the competent authority, 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.

In addition, some dangerous substances, such as formaldehyde and quartz, are classified as carcinogens by the latest amendment to the Regulations on the Protection of Workers from Risks Due to Exposure to Carcinogenic or Mutagenic Substances, but employers pay too little attention to this fact. The IRSD found that employers do not comply with the requirements of these Rules specifying that, inter alia, the employer should notify the IRSD no later than 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.

Employers therefore not only recognise changes in the legislation and do not supplement the risk assessment, but comply with their obligations only after inspections.



Figure 9: Appropriate remediation of spills of

Employers know that they must obtain safety data sheets for dangerous substances with which employees come into contact, but these are often still in foreign languages, and they are also still too often inadequate, because in the part in which safety technical measures should be defined, the limit value for occupational exposure to the substance specified is not the one applicable in Slovenia, but the one applicable in another country. Likewise, the biological limit value is not indicated or is indicated incorrectly, and the personal protective equipment with features that are required in order to effectively protect employees from injuries, occupational diseases and health impairments is also often not indicated. Inadequate safety data sheets are often the cause of inadequate identification of personal protective equipment that protects employees from the effects of dangerous chemical substances in employers' risk assessments. The personal protective equipment must include, in particular, detailed descriptions, standards, specific definitions of protection levels and the frequency of filter replacement.

As a rule, the problem of exposure to dangerous substances is not dealt with comprehensively, but individual problems are solved instead. Exposure to hazardous substances in the workplace is a very complex area that requires an interdisciplinary approach, which must include the fields of occupational health and safety, general chemistry, analytical chemistry, chemical process engineering, medicine and law. The presence of dangerous chemicals in the workplace affects the health of workers, therefore it requires adequate monitoring of exposure, continuous education and training, knowledge of technological processes, work equipment, personal protective equipment, internal transport, storage of dangerous substances, legal acts, suitability of buildings and work environment and obligations regarding notification of the supervisory authority. At the same time, protected categories of workers such as the disabled, pregnant women, breastfeeding workers and children must also be taken into account. There are also citizens of other EU and non-EU Member States in Slovenian working environments who pose an additional risk due to language barriers. External contractors are also often involved in the work processes when carrying out overhaul, maintenance and investment works, which contributes to an increase in the risk due to exposure to dangerous chemical substances. In the context of exposure to hazardous substances, this is a particularly complex process engineering field, as it requires the mastery of advanced technologies and procedures for reducing exposure, as well as planning methods for the implementation of these technologies in technological processes and their effective maintenance.

It can still be noted that the majority of employers determine quite individual safety measures, i.e. the use of personal protective equipment, although this measure is in the last place in the hierarchy of measures, preceded by measures regarding work planning, i.e. the use of equipment that prevents the release of hazardous substances into indoor premises (closed systems) and the replacement of a more hazardous substance with a less hazardous one, and collective safety measures such as appropriate spatial and local ventilation. No such measures were found with employers who use highly dangerous chemical substances, especially carcinogenic ones.

When dealing with the impact of a chemical substance on an exposed worker, we lack active cooperation between employers, professionals and occupational medicine. Some workers develop health problems only after a certain period of time, often when they have already changed employers where they were exposed to chemical substances or when they retire. Exposure analyses are not performed, nor are the causes of problems identified. The lack of interest in workers having fewer health problems could also be one of the reasons why employers do not deal with chemical safety in a systematic and in-depth manner.

In 2021, inspectors identified **53 violations** (59 in 2020 and 201 in 2019) with regard to dangerous chemicals in the workplace, but still fewer than in 2019. In this regard, it should be taken into account that there were also significantly fewer inspections related to this topic in the last two years than in 2019. The majority of irregularities (22) concerned the Rules on the Protection of Workers from Risks Related to Exposure to Chemical Substances at Work. The irregularities related to the absence of or to inadequately prepared risk assessment for dangerous chemical substances and failure to comply with standard 689. These are followed by violations relating to inadequate documents on hazardous substances (16 cases) and violations concerning the provision of relevant safety data sheets (12 cases). Inspectors also found irregularities regarding compliance with the Rules on the Protection of Workers from Risks Related to Exposure to Carcinogenic and Mutagenic Substances.

3.2.8.5. Construction industry and work at heights

Construction activity in Slovenia fluctuated strongly in the last months of 2021 and was 10.7% lower in October of the same year than in the year before. Activities in the construction of engineering structures and specialised construction works remained at the same level, but decreased in the construction of residential buildings and especially in the construction of non-residential buildings. Costs in the construction industry rose sharply over the past year under the pressure of rising raw material prices and labour shortages.

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 and 43/11 – ZVZD-1; Decree), clients notified the IRSD of the commencement of works at 2,429 construction sites in 2021 (2069 in 2020). In 2021, registered construction sites were active on average for 6.5 months, which is half a month more than in 2020.



Figure 10: Unsuitable workplace – construction site improvisation



Figure 11: Unsuitable workplace – construction site improvisation

In 2021, inspectors carried out inspections in the construction industry throughout the year and visited 439 construction sites (414 in 2020 and 302 in 2019) and 79 workplaces, where mostly short-term work at height was carried out (60 in 2020 and 44 in 2019), they found 2,046 violations (2,282 in 2020 and 2,320 in 2019) and imposed 1,026 measures (1,079 in 2020 and 1,065 in 2019).

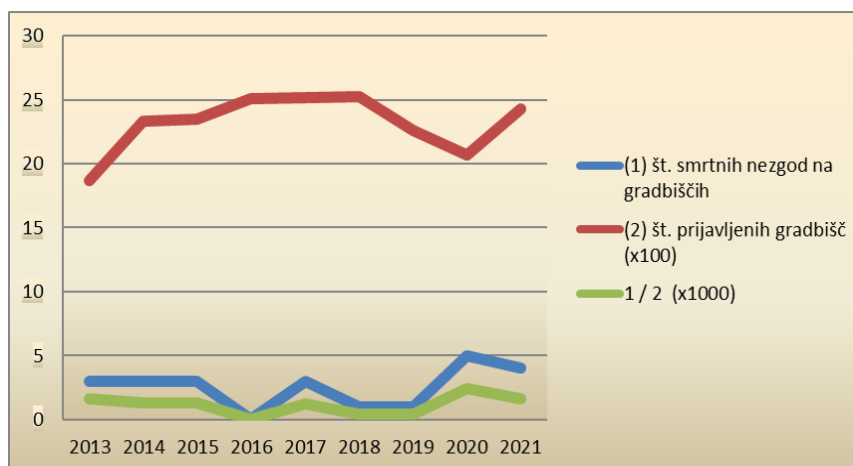
In 2021, inspectors conducted more inspections on construction sites than in the previous years. They found that health and safety conditions in construction sites continue to deteriorate. Special attention should be drawn to their findings at construction sites where short-term works at heights were carried out, because workers working at heights generally fail to comply with the provisions of health and safety at work.

In 2021, there were **4 fatal accidents** at work at those construction sites that should have been reported to the inspectorate (5 workers in 2020 and 1 worker in 2019). The first accident involved falling from the roof, the second falling from the top of a ladder, the third falling from a platform and the fourth being run over by a construction machine. Up until 2020, Slovenia's construction sites had seen a decrease in the number of fatal accidents involving a fall from height, with 62.5% being such accidents in 2007, 50% in 2008, 36.4% in 2009, and only 5 fatalities between 2010 and 2019. In 2020, fatal accidents involving a fall from height accounted for 80% of all accidents and 75% in 2021.

In 2021, **two fatal accidents** also occurred on construction sites where compliance with the Decree was required (2 in 2020); however, the conditions for reporting the construction sites to the Inspectorate had not been satisfied. One fatal accident occurred because of a collapsed retaining wall, and another from a collapsed partition wall.

A total of **52 serious accidents** occurred at construction sites in 2021, which is slightly more than in 2020 (47) and 2019 (51). It should be pointed out that employers define the severity of an accident at their own discretion, which often proves to be wrong.

Graph 11: Number of fatal accidents per registered construction site, 2013-2021

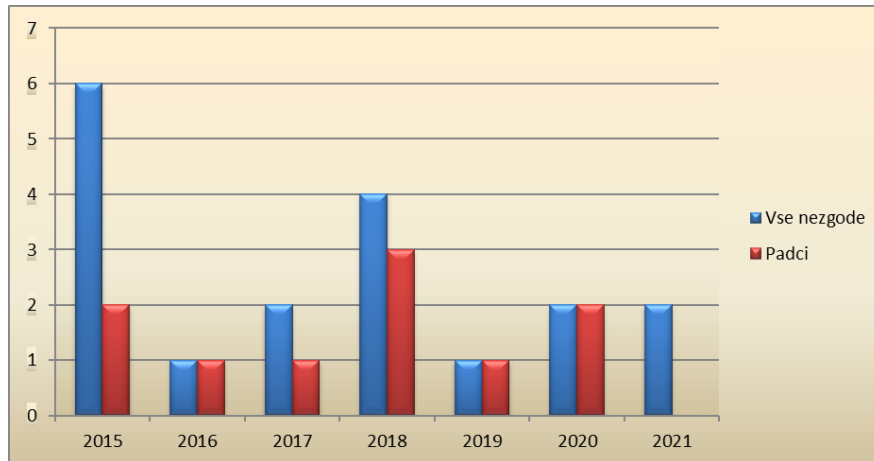


The above graph shows the trend in the number of fatal accidents at construction sites in Slovenia, illustrated by the ratio of fatal accidents per registered construction site.

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 in serious accidents at construction sites. There was no improvement in the situation in 2021 either.

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 equally as poor.

Graph 12: Number of all fatal accidents and percentage of fatal accidents involving a fall from height at worksites where short-term works were carried out, 2015-2021.



The above graph shows the trend of fatal accidents with 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 in detail 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 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, non-provision of instructions for safe work and non-use of PPE (safety harness).



Figure 12: Unsafe performance of work at heights

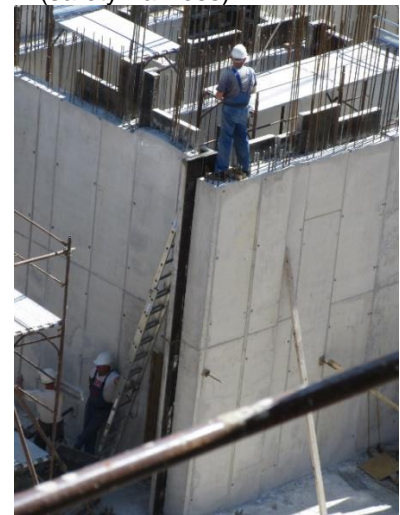


Figure 13: Unsafe performance of work at heights

In 2021, 3.4% of all the accidents the IRSD received reports on were caused by falls from various heights (2.2% in 2020 and 3.4% in 2019). This applies to falls from heights that occurred in all activities, i.e. at construction sites, at work sites during the performance of short-term work and during the performance of the work process at all other locations of employers. In these accidents, 90% of workers suffered minor injuries (84% in 2020 and 86% in 2017), while 9% sustained serious injuries (12.5% in 2020 and 12.5% in 2019), 3 workers were fatally injured due to a fall from a height (9 workers in 2020). The number of fatal accidents caused by a fall from height accounted for 23% of all the fatal accidents reported in the previous year (53% in 2020).

3.3. ACCIDENTS AT WORK

3.3.1. Introduction

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.

For 2021, employers reported to IRSD **11,158 work-related accidents** up until 31 January 2022. The reported accidents included 1,944 cases of COVID-19-related illnesses. The IRSD also received reports of 74 accidents that happened to workers on the way to and from work.

In 2021, the competent inspectors **investigated 83 accidents at work**, among them 7 fatal accidents, 63 serious accidents, 11 minor accidents and 2 collective accidents.

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 2021, employers reported **43 dangerous occurrences** (42 in 2020, 47 in 2019, 20 in 2018 and 42 in 2017).

In addition to reports made by employers, the IRSD also receives reports on accidents from the OKC – Police and the CORS. In 2021, they informed the IRSD of 400 accidents at work (348 in 2020, 372 in 2019, 344 in 2018 and 371 in 2017) in which workers suffered fatal, serious or minor injuries. Certain reports also concerned injuries at work sustained by citizens.

3.3.2. Fatal accidents at work

In 2020, employers notified the IRSD of **15 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. All the reported fatal accidents took place in locations across Slovenia.

The IRSD was also informed of 2 deaths which were not included in the statistics on fatal accidents, as in one case the worker's death was due to their poor health, i.e. a heart attack in the workplace.

The trend in the number of reported fatal accidents at work between 2001 and 2021 is shown in the following graph.

Graph 13: The number of fatal accidents at work, 2000–2020.

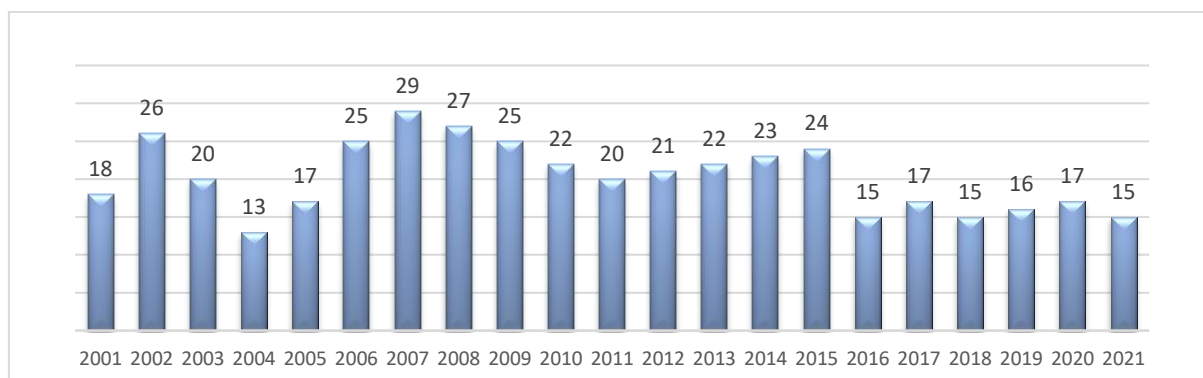




Figure 14: The place on the roof from which the worker fell

In 2021, the most common cause of fatal accidents was a fall from height, which occurred in 4 cases. Workers were fatally injured due to a fall from the roof of a building, a fall from 6.3 m high scaffolding and a fall from the top of a 3 m high ladder when the worker wanted to step down onto a concrete slab, and due to a fall from the roof to another roof 1.5 m below. In 2 cases, the cause of death was a traffic accident, and in 2 cases the collapse of the building, when one worker was buried under rubble and the other was crushed by rubble in the excavation. In a collective accident in which 2 workers were fatally injured, a dust explosion occurred during the maintenance of a coal dumper. The cause of 1 fatal accident was the movement of a lorry during the coupling of the lorry trailer, in 1 case the worker fell from a construction machine, which then ran over him, in 1 case the lorry fell on the worker while he was changing a tire, in 1 case a worker drowned and in 1 case a worker was hit in the head by a metal rod attached to a machine. The causes of fatal accidents in the period 2019–2021 are shown in the following graph.

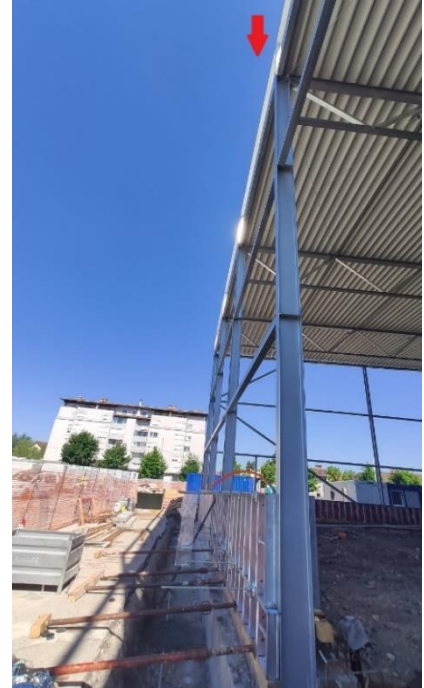
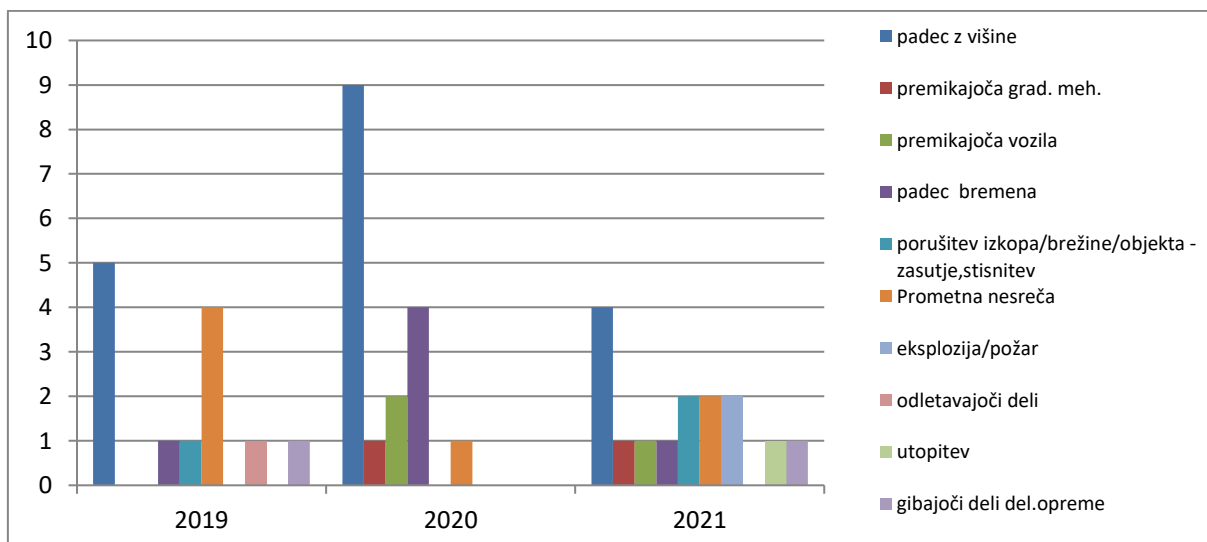


Figure 15: Scene of a fatal accident – fall from height

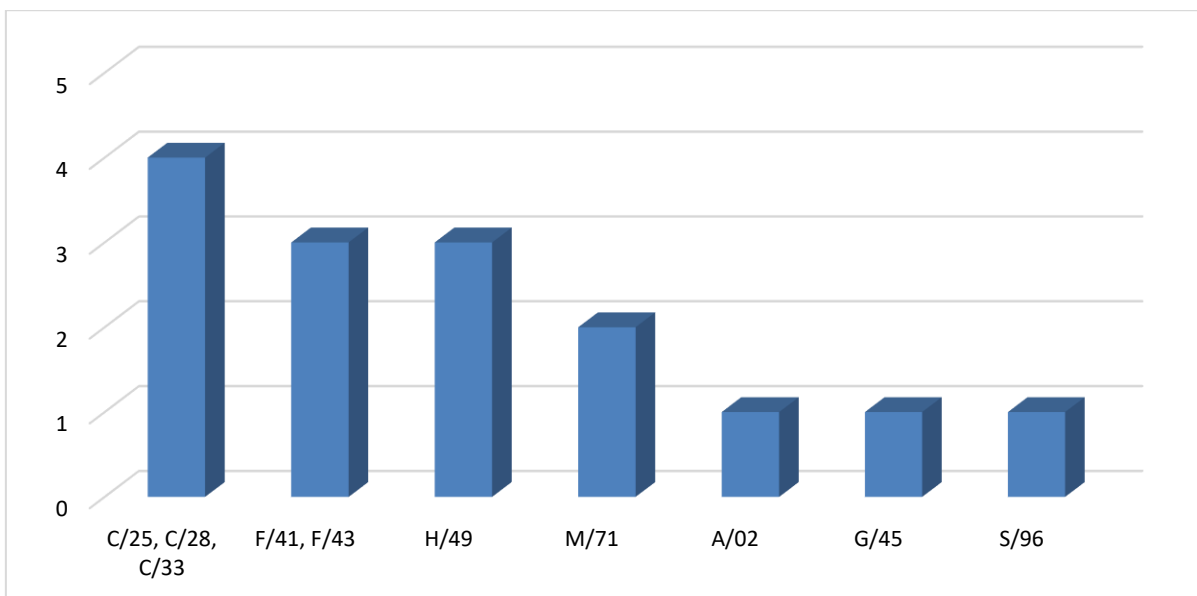
Graph 14: Causes of fatal accidents at work, 2019–2021.



Most fatal accidents occurred in manufacturing (activity under section C of the Standard Classification of Activities), in which 4 workers were fatally injured. In construction activity (activity under section F of the Standard Classification of Activities) and transport and storage activities (activities under section H of the Standard Classification of Activities) we recorded 3 fatal accidents at work. In the activity of architectural and technical design, technical testing and analysis (M71) we recorded 2 fatal accidents and 1 fatal accident each in the activity of forestry (A02), trade in motor vehicles and repair of motor

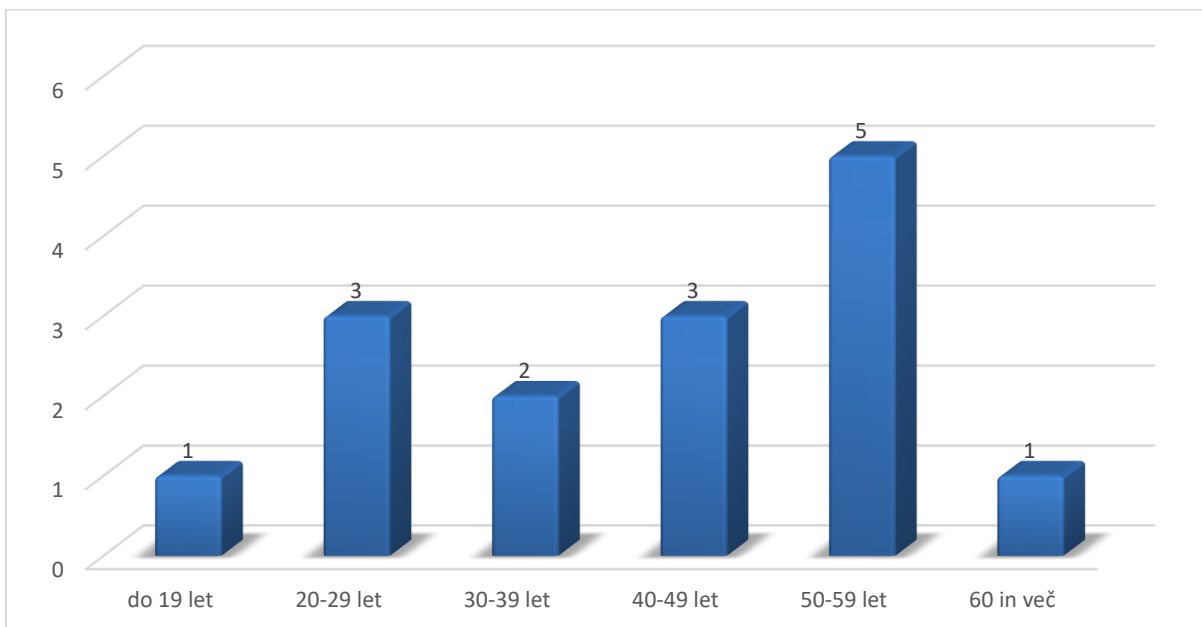
vehicles (G45) and other service activities (S96). The distribution of fatal accidents by activity is shown in the following graph.

Graph 15: Fatal accidents at work by activity, 2021.



In 2021, 5 workers between the ages of 50 and 59 were killed in accidents. Three fatal accidents were also recorded in the age groups of 20–29 years and 40–49 years, 2 fatal accidents were recorded in the age group 20-39 years, and 1 fatal accident occurred in the age group up to 19 years and in the age group 60+ years. The youngest worker who lost their life in 2021 was 18 years old and the oldest was 60 years old.

Graph 16: Fatal accidents at work by age, 2021.



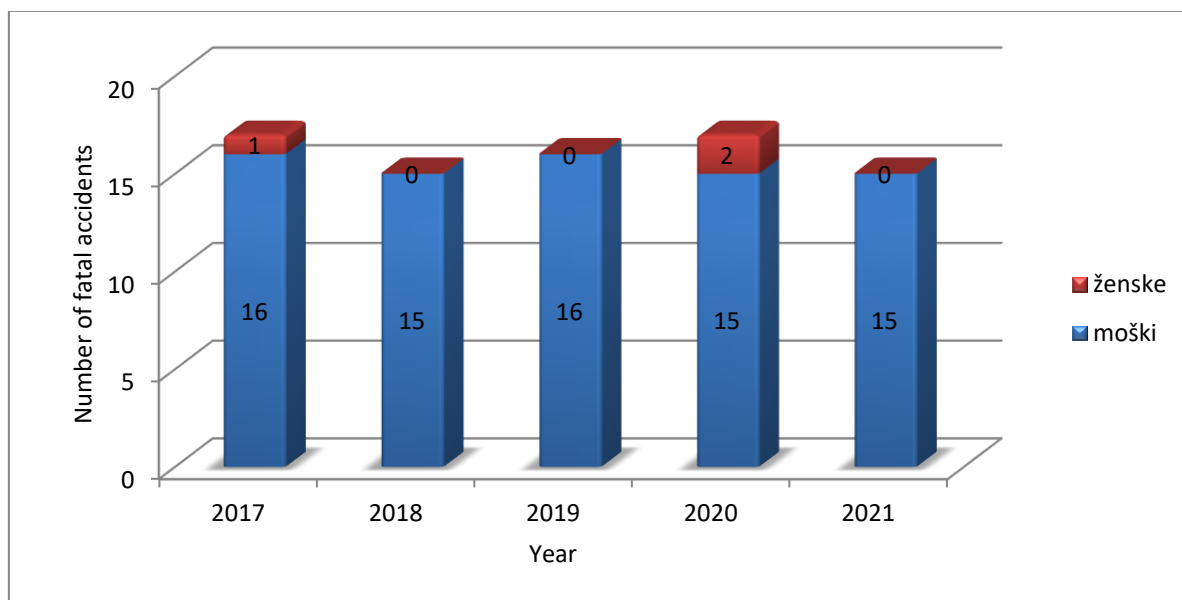
There were 3 fatal accidents recorded at the address of the employer's registered office and 12 fatal accidents that were recorded off the employer's premises.

The highest number of fatal accidents at work occurred at employers employing from 20 to 49 workers, i.e. 7. There were 5 fatal accidents at employers employing between 10 and 19 workers, and 3 fatal

accidents at employers employing up to 4 workers. There were no worker fatalities in other groups of employers in relation to the number of employees.

In 2021, fatalities were recorded only among male workers. Compared to 2020, when we also recorded 2 fatal accidents involving female workers, there were no female employees among the fatal accidents in 2021. The graph below shows the share of fatally injured workers in the past five years.

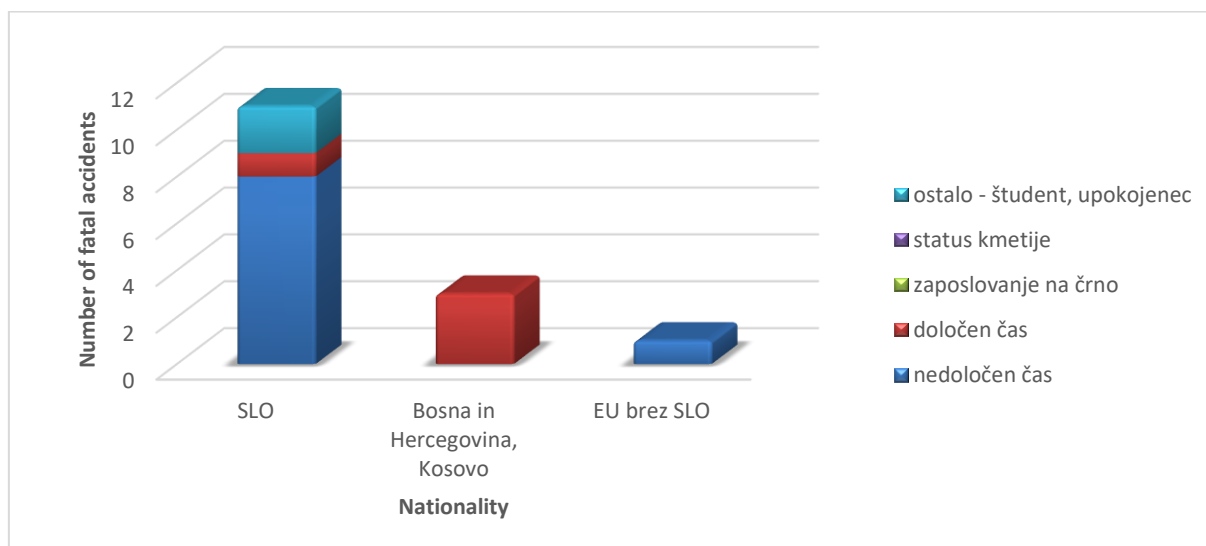
Graph 17: Fatal accidents at work by gender, 2017–2021.



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 2021, there were 11 Slovenian citizens, 2 citizens of Bosnia and Herzegovina and 1 Kosovo citizen that suffered fatal injuries in Slovenia. There was also 1 fatality suffered by an EU citizen from Croatia.

Based on the employment status of the fatally injured workers, it was noted that 9 of these workers were permanent employees, 4 had a fixed-term employment contract, 1 performed work under referral from the student work service and 1 performed occasional work as a retired person. The first of these had a fatal accident while transporting goods, crashing into a large goods vehicle, and the second was hit on the head by a rod attached to work equipment (a lathe).

Graph 18: Fatal accidents at work by nationality and form of employment, 2021.



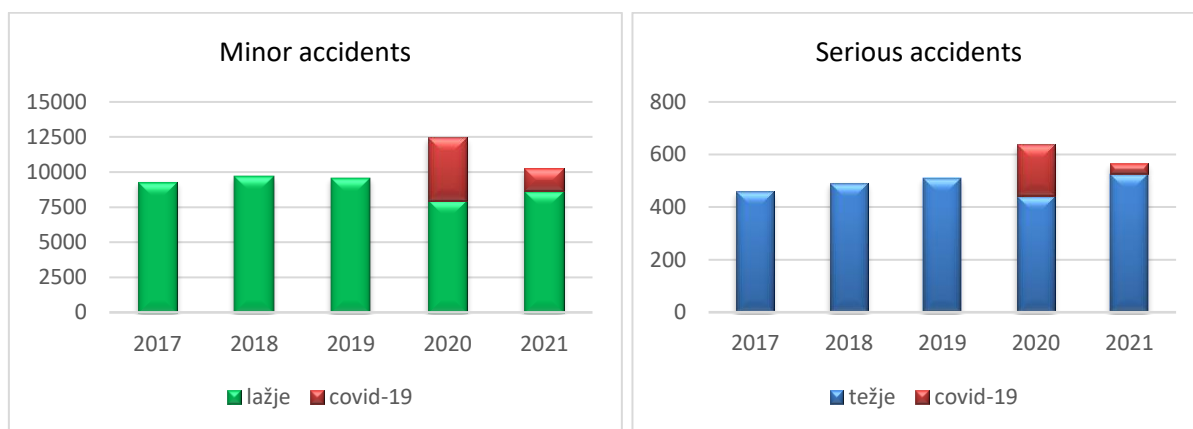
3.3.3. Serious and minor accidents at work

In 2021, the IRSD received reports of **11,158 accidents at work**, excluding reported accidents that occurred on the way to and from work. Compared to 2020, the number of accidents reported increased by over 20%. Among all reported accidents, **1,944** were related to **COVID-19**, of which 1,623 were reported as minor, 38 major and 283 as collective accidents.

Excluding SARS-CoV-2-related incidents, **9,214 accidents** at work were entered in the IRSD information system as of 31 January 2022, without taking into account the reported accidents that occurred on the way to and from work. Of these, **15 were fatal accidents, 8,657 were minor, 527 were serious and 15 were collective accidents**. There were 74 accidents that occurred on the way to and from work, which employers are not obliged to report.

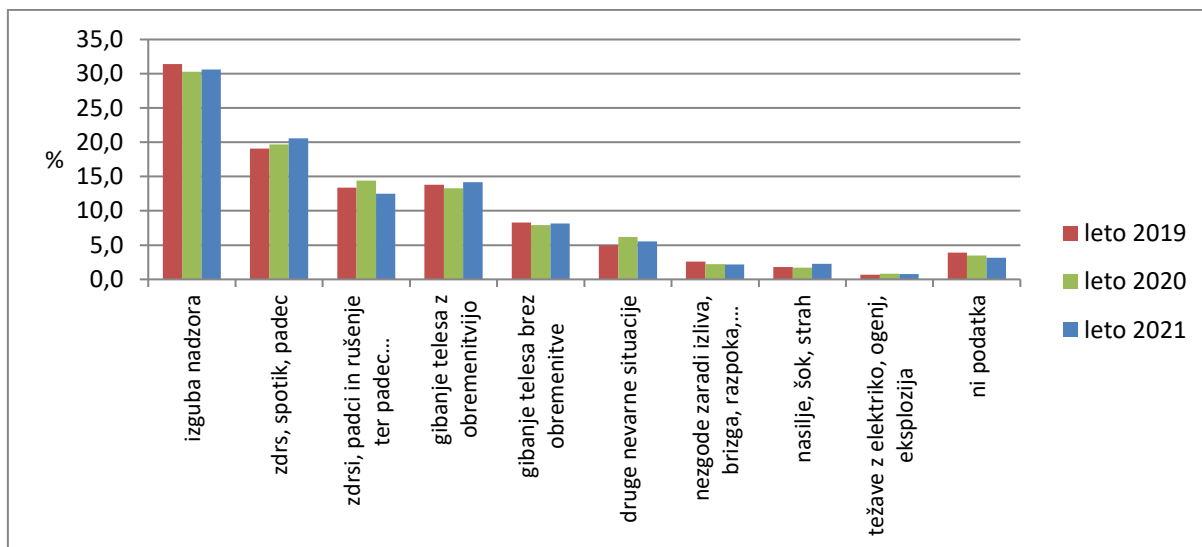
If the novel coronavirus is excluded as a cause of accidents at work, 2021 saw a decline in the number of remaining types of accidents at work compared to 2020. We believe that the reasons for the increase are that economic sectors did not temporarily close in 2021, as happened in 2020 due to the containment of the spread of the new coronavirus; moreover, unemployment in the country was at its lowest level in 2021. The reason for fewer reported accidents than in a number of years before the outbreak of the new coronavirus is probably due to the fact that a significantly larger number of employees worked from home. In 2021, many violations related to working time were identified. The following graph shows the number of minor and serious accidents reported to the IRSD in the period 2017–2021.

Graph 19: Reported minor and serious accidents at work in the period 2017–2021.



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 2021 was again loss of control of work equipment (machines, hand tools, means of transport, etc.), accounting for 30.6% 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 and so on. 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 20.6% of cases. In 14.2% of accidents at work, the cause lies in body movement under or with physical stress and in 12.5% in the fall of a load on the worker. The causes of accidents in the period 2019–2021 are further illustrated in the following graph.

Graph 20: Accidents at work by cause in the period 2019–2021.

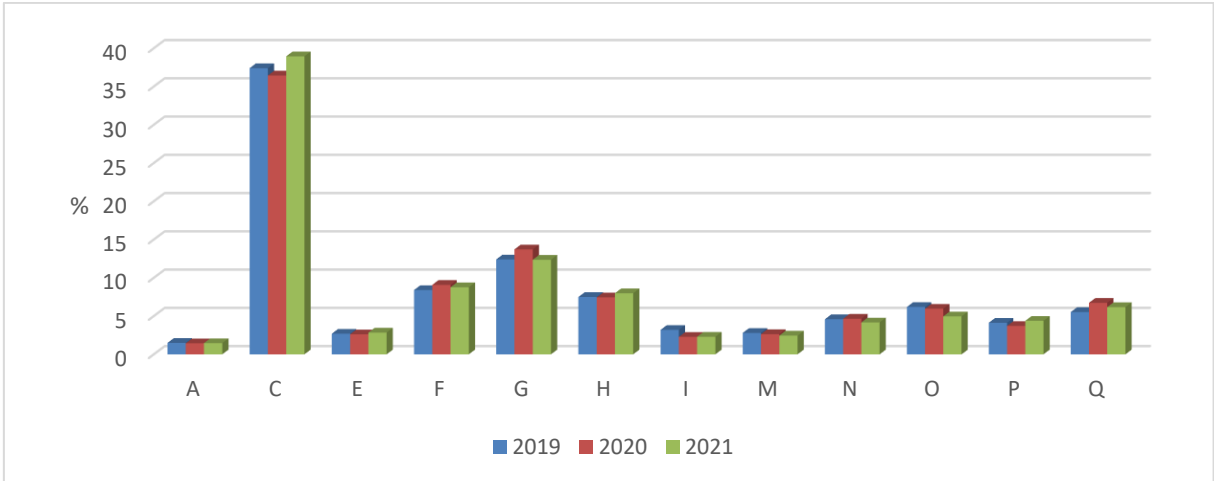


With regard to the analysis of accidents in individual economic activities and without considering SARS-CoV-2-related accidents, the IRSD first highlights manufacturing (activity under section C of the Standard Classification of Activities), as the statistical data show that this is the activity where the greatest number of accidents at work occurred in 2021, i.e. 38.9% of all reported accidents (37.4% in 2020 and 37.4% in 2019).

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 18.4% of reported accidents at work. In this sector, the IRSD also draws attention to 10.9% of accidents recorded in the manufacture of other machinery and equipment (activity under section C28 of the Standard Classification of Activities), 9.3% in the manufacture of electric devices, 8.6% in the production of metals (activity under section C24 of the Standard Classification of Activities), 7.9% in the manufacture of rubber and plastic products (activity under section C22 of the Standard Classification of Activities), and to 7.2% in food production (activity under section C10 of the Standard Classification of Activities).

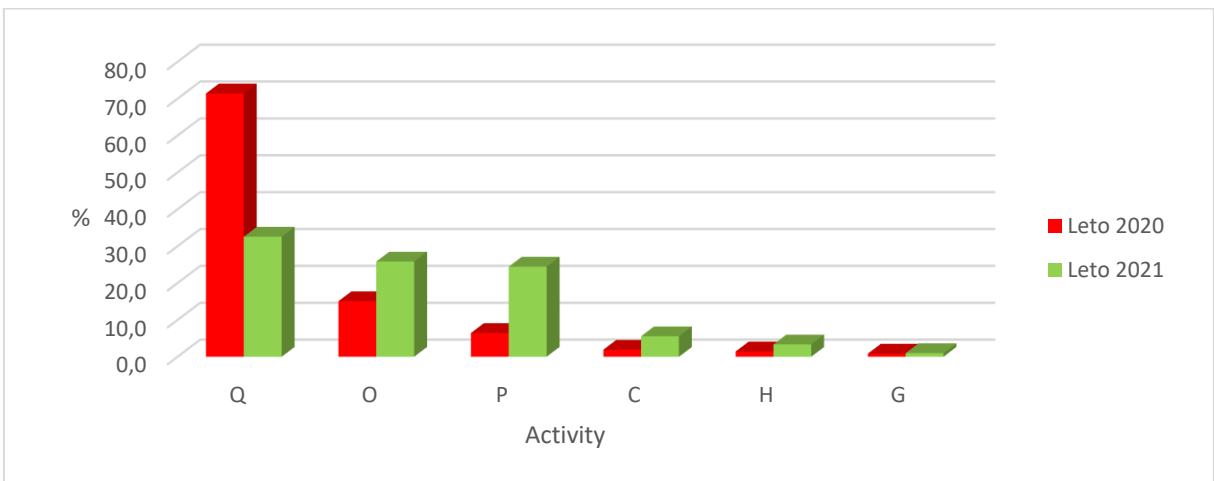
The second-highest number of accidents at work was reported in the activity of sale, maintenance and repair of motor vehicles (activity under section G of the Standard Classification of Activities), where 12.4% of all reported accidents were recorded. By number of accidents, the above activities are followed by the activities of construction (activity under section F of the Standard Classification of Activities) with 8.8% of accidents, transport and storage (activity under section H of the Standard Classification of Activities) with 8.0% of accidents and healthcare and social assistance (activity under section Q of the Standard Classification of Activities) with 6.2% of all reported accidents. Detailed data is shown in the following graph.

Graph 21: Accidents at work by employer's main activity, 2019–2021.



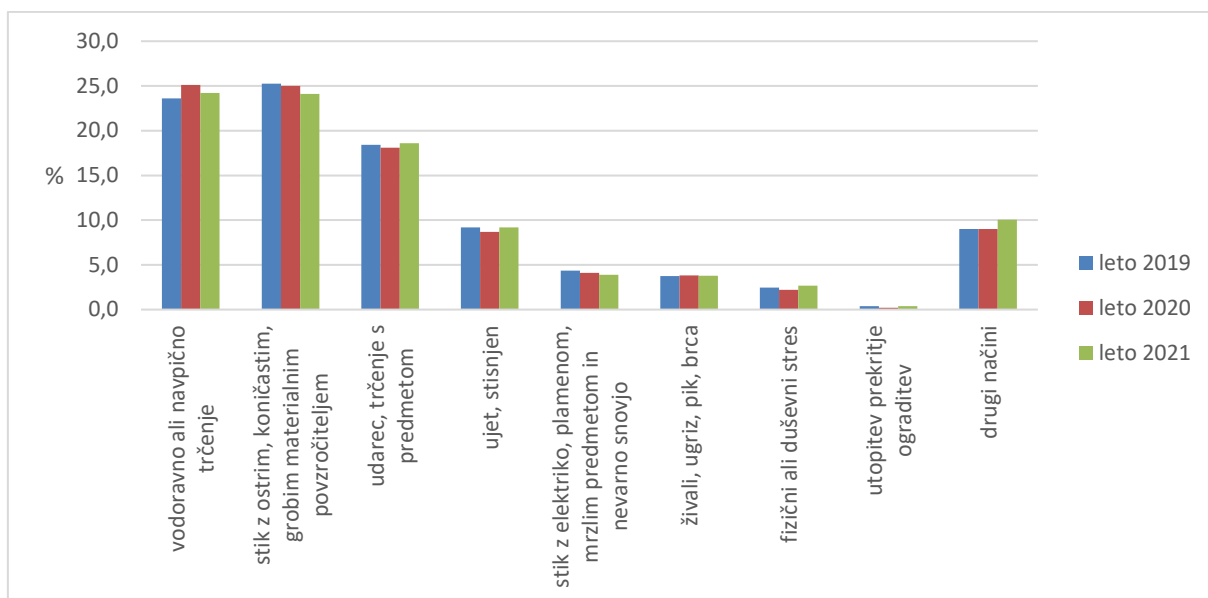
The analysis of SARS-CoV-2 or COVID-19-related accidents shows that most accidents were reported in healthcare and social assistance (activity under section Q of the Standard Classification of Activities), where 32.6% of all reported COVID-19-related accidents were recorded. Within this sector, 82.9% 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 25.8% and education with 24.4% of COVID-19-related accidents. In manufacturing (activity under section C of the Standard Classification of Activities) in transport and storage (activity under section H of the Standard Classification of Activities), in various other business activities (activity under section N of the Standard Classification of Activities), water supply, sewage and waste management, rehabilitation of the environment (activity under section E of the Standard Classification of Activities), 5.6%, 3.3%, 2.3% and 1.2% of total reported 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 and the comparison with 2020 are illustrated in the graph below.

Graph 22: Accidents at work caused by coronavirus, by employer's main activity, 2021.



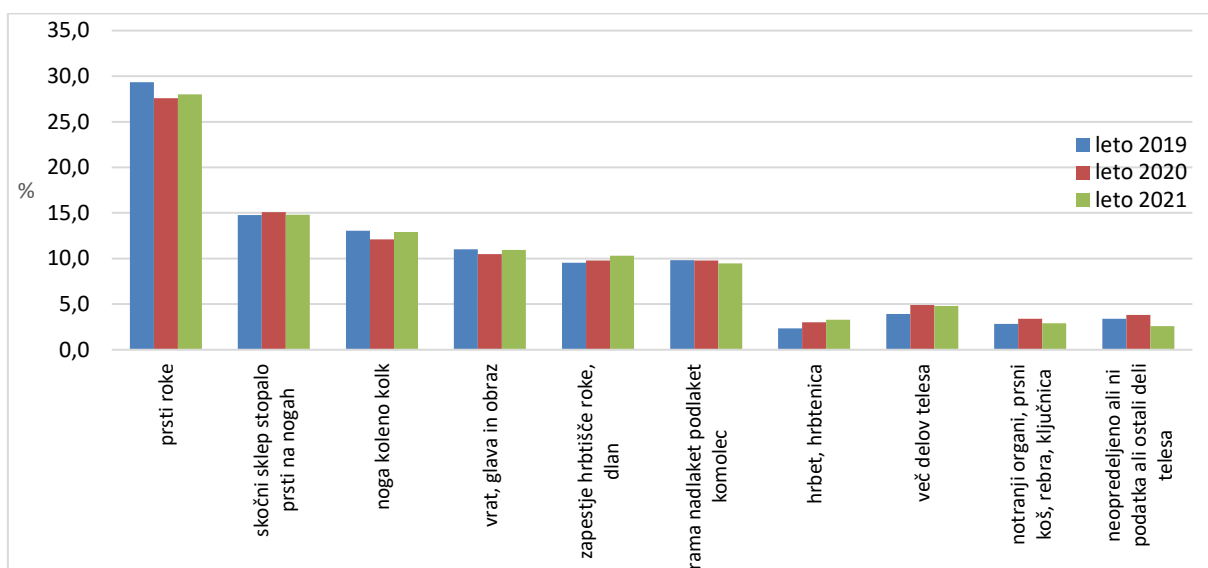
In 2021, the most common type of accident at work was workers colliding with work equipment (24.2%). Frequent accidents at work also involved contact with sharp, pointed and coarse material (24.1%) and the worker being hit by means of work (18.6%). More information on how the injury was sustained is shown in the graph below.

Graph 23: Accidents at work by mode of injury in the period 2019–2021.



In 2021, the most common injuries sustained by workers were injuries to fingers, accounting for 28.0% of all injuries, injuries to the ankle joint, foot and toes, which constituted 14.8% of injuries, and injuries to legs, knees and hips, which comprised 12.9% of injuries. The rest of the injuries involved other or multiple body parts.

Graph 24: Accidents at work by part of body injured in the period 2019–2021.

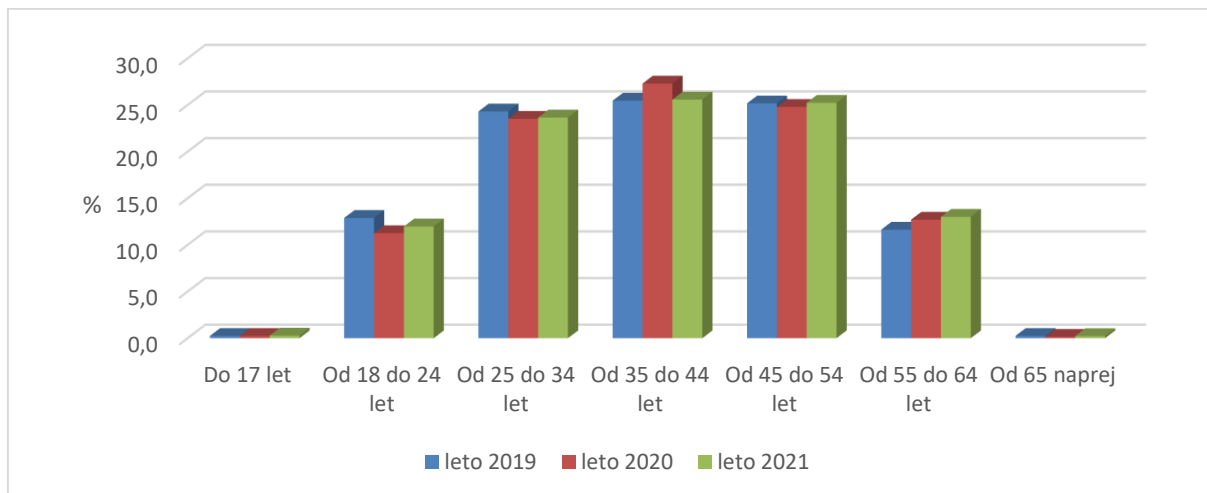


With regard to accident sites, the majority of accidents, i.e. 85.8%, occurred at usual workstations. A total of 5.8% of workers suffered injuries during a business trip or in the workplace at another unit and 4.4% in a temporary workplace. Almost the same percentages were also recorded in 2020, and a certain increase can be detected only in workers who were injured in temporary jobs, with 3.1% of workers being injured in temporary jobs in 2020.

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 2021 were between the ages of 35 and 44 (25.6% of all accidents were recorded in this age group). A total of 25.2% of the reported accidents were recorded in the 45–54 age group and 23.7% of accidents in the 25–34 age group.

The youngest injured workers whose accidents were reported to the IRSD were 15 years old (7 in total) and were either apprentices or trainees. The oldest injured worker was aged 75 and was fatally injured when hit by a steel rope while servicing a lift.

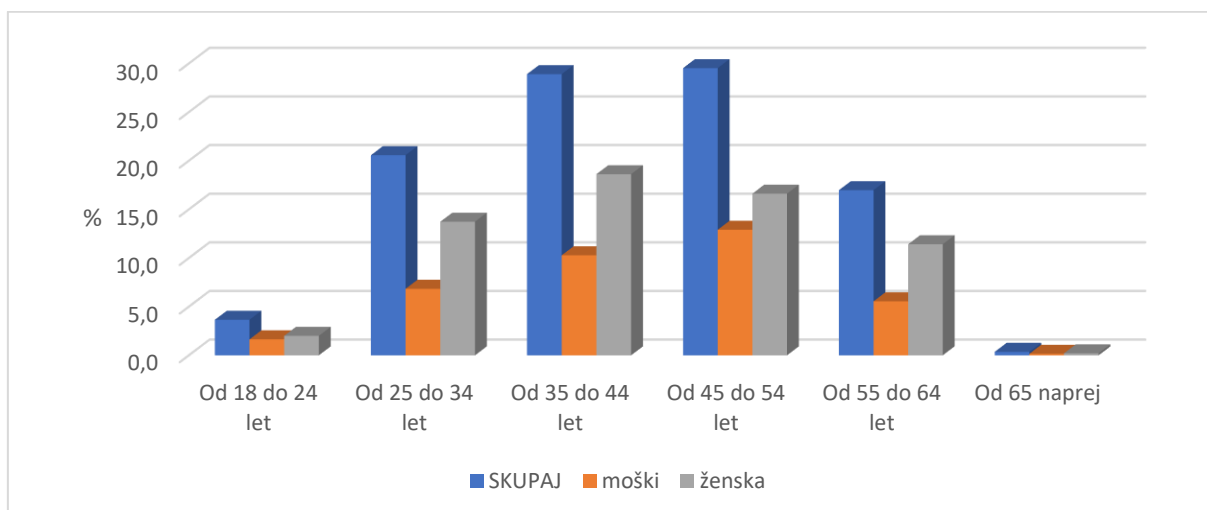
Graph 25: Accidents at work by age of injured workers in the period 2019–2021.



Of all the reported accidents at work in 2021, a total of 28.3% of accidents involved women, while in 71.7% of cases injuries were sustained by men. Almost the same percentages of accidents at work by gender were also recorded in 2020 and 2019.

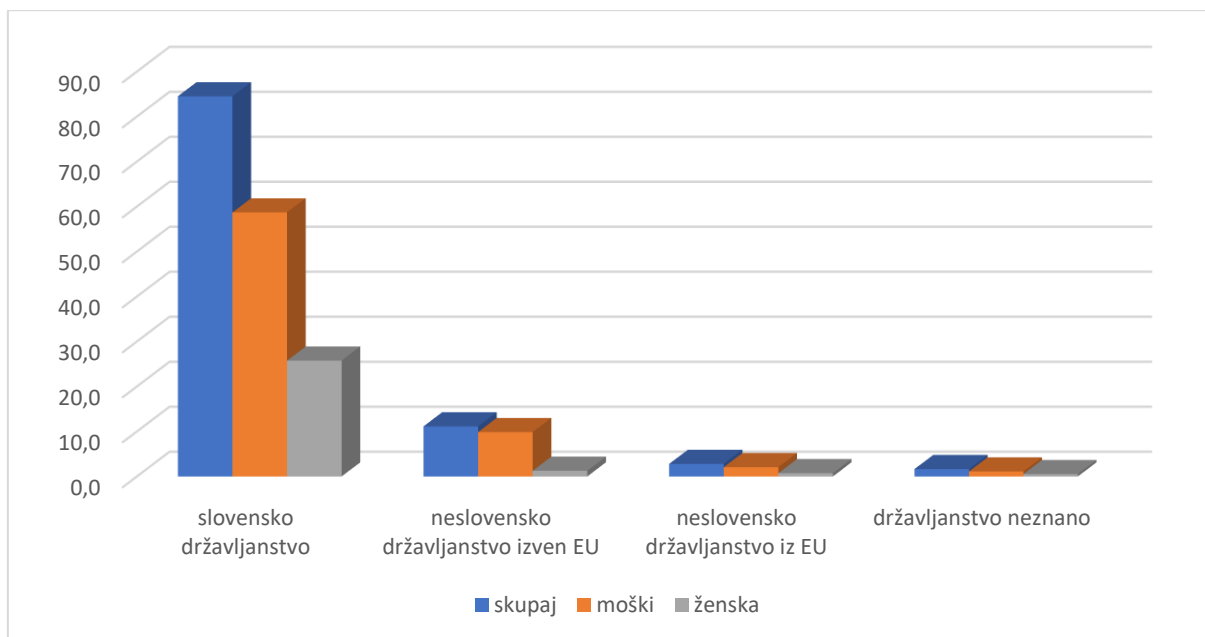
If only data of reported COVID-19-related accidents are analysed by gender, the results show that most accidents (62.6%) were suffered by female workers. Most such accidents were reported in the 45–54 age group, of which 29.5% involved female workers. The highest percentage of women affected by COVID-19 was recorded in the 35–44 age group (18.6%) and men in the 45–54 age group (12.9%). More information is shown in the following graph.

Graph 26: Percentages of reported accidents due to COVID-19 by gender and age, 2021

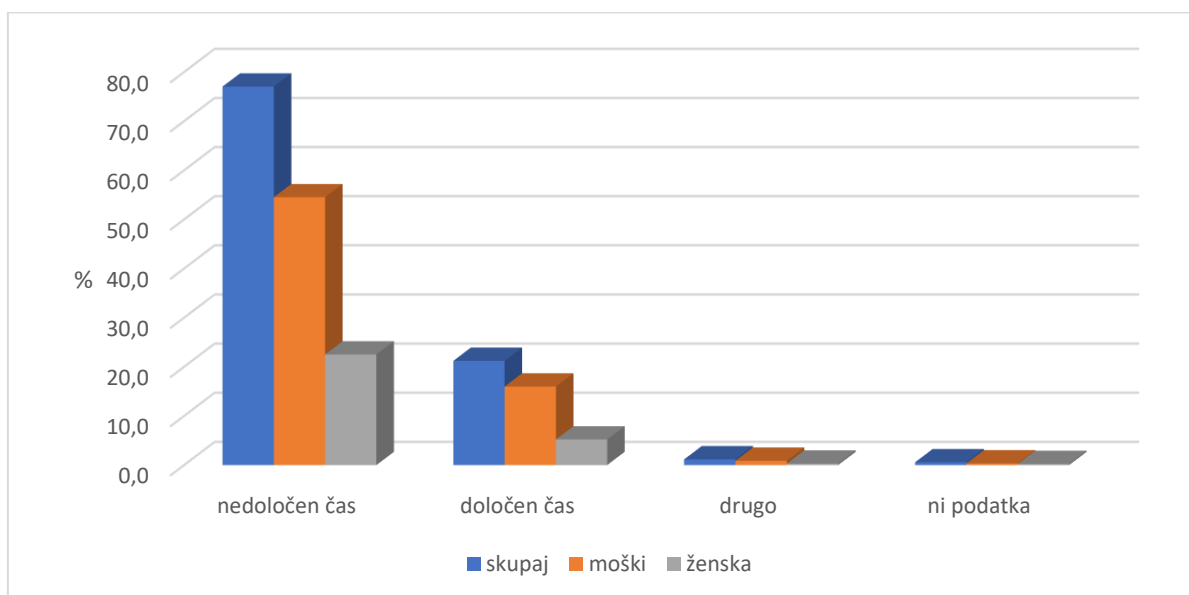


When analysing data regarding the nationality of injured workers, we noted that 84.5% (87.4% in 2020 and 85.5% in 2019) of injured workers were Slovenian citizens, 11.1% (9.5% in 2020 and 12.2% in 2019) were foreign nationals who were not citizens of an EU Member State, but came from the countries of former Yugoslavia, and 2.8% of workers were EU citizens. Of the accidents reported, 1.6% 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 27: Accidents at work by nationality of injured workers in 2021.



Graph 28: Accidents at work by type of employment of injured workers in 2021.



3.3.4. 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 2021, 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 2021 constitutes about 16% of all accidents compared to 1995, which is an 84% decrease in the number of accidents in this period. In 2021, the number of accidents

decreased by 25% (47 fewer accidents) compared to 2019 and by 9% compared to 2020 (15 fewer accidents). In 2021, the number of employees in mining industries increased by 3% (103 new employees) compared to 2020.

In 2021, no fatal accidents occurred in mining.

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 persons employed
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
2021	144	138	6	0	3,202

4. INSPECTIONS REGARDING EMPLOYMENT RELATIONSHIPS

4.1. GENERAL



Like the previous year, 2021 was marked by the coronavirus disease, which had a significant impact on our work. The IRSD carried out its fundamental tasks in the field of employment relations to a limited extent, according to its capabilities. In addition to our existing powers, including the 2020 emergency legislation, we were given some additional powers set out in the ZDUOP, the ZNUPZ and the ZIUPGT. Inspectors thus exercised the powers granted to them, whereby a considerable amount of work related to supervision of the emergency legislation and the Communicable Diseases Act (ZNB), in conjunction with the ordinances of the Slovenian Government in this area. Inspectors noted that supervised entities largely adapted to the epidemiological situation and mostly respected the measures taken for this purpose. Inconsistencies in the implementation of measures were found more often in smaller employers. Inspectors noted that large employers were generally more organised, which in their opinion is also related to the financial resources they had available. On the other hand, for example, employers who employ only one worker find it more difficult to ensure that customers meet the recovered/vaccinated/tested rule upon entering the premises.

Due to restrictive measures, in 2021 we continued our activities by adjusting the method of performing inspections and other tasks in the field of employment relations.

Inspectors were still faced with situations where employers in the private sector did not have their business premises at registered addresses. In terms of conducting an inspection in practice, this means that these employers had to be called to a meeting at the IRSD premises, which clearly resulted in longer procedures. The IRSD would like to point out that it is still facing issues in relation to the service of documents to legal entities that do not actually operate from their registered offices and do not have letter boxes in place.

Given the number of inspectors responsible for employment, the long periods of time needed to conduct inspections, modified priorities of the IRSD in the reporting period and the epidemiological situation led to open cases not being dealt with in a reasonable period. Because of this, the IRSD also faced a number of complaints about its unresponsiveness.

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, which was often offensive, was observed in 2021. 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.

If we assess the situation in general, both on the basis of the content of the applications received, requests for professional assistance and the findings of the inspections themselves, the issues in the field of employment relationships have not changed significantly compared to previous years.

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 in line with available capabilities. 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.

We are still paying attention to **precarious forms of work**. We recorded fewer violations than in 2020, but we were able to control this area only to a limited extent as well. 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. From the

viewpoint of employment relationships, the IRSD's full competence in this area is based on paragraph two of Article 13 of the ZDR-1, which provides that work may not be performed under 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. As has already been mentioned in previous annual reports, 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, inspections regarding **the provision of the work of workers to user undertakings** could only be carried out to a limited extent in 2021; however, somewhat fewer violations were found compared to 2020. 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 2021, 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 positions at each liable entity (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 2021, 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 Ministry of Labour, Family and Social Affairs has already begun resolving the issue.

The IRSD also carried out limited supervision of the **ZČmIS** in 2021. 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 past year, we therefore received many requests for the service of documents or decisions from foreign supervisory authorities, which mainly related to employment relationships. The summary of the 2020 Report on the work of the Inspectorate indicated that Slovenia was by far **the most burdened EU country in terms of received IMI requests**. The ZČmIS was amended in 2021 in terms of applying the same rules regarding payment for work performed by posted workers and in terms of ensuring the translation of documents (more on this in the sub-chapter Foreigners and posted workers). Now it is again in the process of being amended, and the changes or supplements include many additional tasks of the IRSD.

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. At the same time, we point out that the ZEPDSV has still not been amended, while the MDDSZ has carried out numerous activities in this regard during the reporting period. 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, 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 emergency legislation, such as the partial subsidisation of shorter full-time work and the partial reimbursement of salary compensation for workers who have been temporarily laid off. The ZEPDSV 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 where 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 reason and is withheld the right to defend themselves. Employers even use pre-signed (blank) forms for termination of contract. Most of the violations related to non-payment of severance pay to the employee upon termination of the employment relationship.

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. Reports also relate to employment procedures, violations of working hours and provision of annual leave.

During the reporting period, considerable attention was devoted to prevention. 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 **1,734 written requests for professional assistance**, which is significantly less than in 2020 (2,275) and 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 2021 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 reviewing their cases and pointing out irregularities as well as in terms of drafting various instructions, notices (with a special focus on adopted emergency legislation) and other work instruments.

4.1.1. Statistical review

During the reporting period, the IRSD carried out a total of **23,639 inspections** on employment relationships, which is significantly more compared to 2020 (10,031). More than half of the controls

related to implementation of the Communicable Diseases Act. 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.

In 2021, the IRSD received **4,914 new reports relating to employment**, which is a considerable decline in comparison to the previous calendar year (6,867). In addition to inspections concerning implementation of the Communicable Diseases Act, the majority of inspections are still targeted inspections, where, as a general rule, inspectors look into allegations made in the report. Most of the reports are still made by workers, mainly by e-mail. Approaches to the IRSD often involve the FURS, the Police, the CPC, the IRSŠŠ, the TIRS, the ZIRS, the ZRSZ, the Human Rights Ombudsman, the MDDSZ, trade unions and so on. 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 2021, the IRSD found **9,886 violations** of labour legislation, which is significantly more than in 2020, when 8,708 irregularities were recorded.

Table3: The number of identified violations and number of inspections conducted in the period 2012–2021.

Year	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Number of violations	8,323	9,762	10,802	10,358	11,788	11,363	10,103	10,889	8,708	9,886
Number of inspections	9,027	10,958	9,759	8,539	7,754	7,649	6,879	8,013	10,031	23,639

The above table shows that the number of inspections related to employment relationships in 2021 was higher than the number of identified violations for the first time since 2012. This can undoubtedly be attributed to the inspections conducted under the ZNB. Most of the inspected locations, where we checked the implementation of measures under the ZNB in connection with the decrees adopted by the Slovenian Government, were compliant or no irregularities were found. In the remaining inspections related to employment relationships, which were, as already mentioned, carried out to a limited extent, irregularities were frequently found, which is why the IRSD cannot be satisfied with the level of compliance with labour legislation.

The highest number of violations was found in construction (1,638), followed by **manufacturing (1,235)** and **the hospitality industry (868)**. 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 of work and other remuneration from employment (6,012). The second highest number of identified violations was related to **employment in a broader sense (711)**, while irregularities related to **records on labour and social security** were the third most common (**632**). During the reporting period, the IRSD found **337 violations relating to working time and the provision of breaks and rest periods**, and **350 violations concerning termination of employment contracts**. The total number of established violations of **emergency legislation** regulating employment relationships was **258**. In addition to the above, we found

violations of the Communicable Diseases Act (ZNB).

During the reporting period, we highlighted several activities regarding employment relationships when proposing and commenting on amendments to legislation which concerned the ZEPDSV, the ZČmIS,

the GZ-1 and the Reporting Persons Protection Act. We also participated in drafting the proposal for the position of the Slovenian Government on the proposal for a salary transparency Directive.

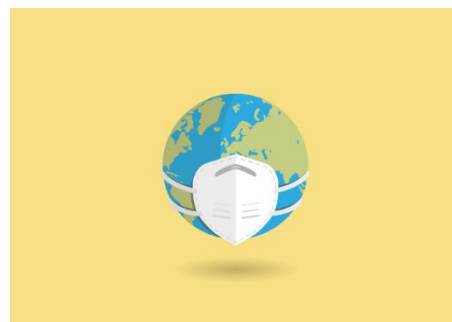
To boost the efficiency of identifying and preventing violations as well as actions, the IRSD has constructively collaborated with the MDDSZ, the ZRSZ and social partners, both trade unions and employers, and with some supervisory institutions in Slovenia. The IRSD participated in various interministerial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

4.2. MEASURES

As a result of irregularities related to employment found in 2021, **regulatory decisions** were issued in **297 cases**, requiring employers to eliminate the irregularities. In the reporting period, action was taken in **28 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 **891 sanctions by way of a payment order, 3,567 sanctions by way of minor offence decision and 1,040 warnings**. In addition, in order to prevent the spread of the novel coronavirus, **citizens were reminded to comply with the ZNB** by the presence of inspectors in the field. The IRSD also reported **27 cases of criminal offences**. **In 163 cases, warnings under the ZIN** were issued in accordance with the principle of proportionality. During the same reporting period, the IRSD **examined 25 cases regarding cancellation of the employment contract for workers** protected during pregnancy and parenthood. The IRSD also issued **3 decisions suspending the effect of termination of employment due to dismissal** pursuant to paragraph two of Article 215 of the ZDR-1.

4.3. INTERVENTION LEGISLATION

The circumstances created by the novel coronavirus continued in 2021, as a result of which activities in the area of emergency legislation, which greatly affected the field of labour law, continued to be implemented. In 2021, the Government additionally adopted 4 emergency laws (in addition to the already existing 7) to help preserve jobs and the economic situation of employers: the ZDUOP, the ZIUPGT, the ZNUPZ and, at the very end of the year, the ZDUPŠOP with validity until 30 December 2021. The new emergency labour legislation did not introduce new concepts, but regulated the already known concepts such as **force majeure, quarantine, partial**



subsidisation of reduced full-time working hours and partial furlough subsidisation in different time frames and under different conditions for use or enforcement. This was reflected in extremely complex inspections carried out by the IRSD. It should also be added that the periods of validity of most of the aforementioned measures expired in 2021 and that at the end of 2021, in the field of labour law, only wage compensation due to quarantine at home and wage compensation due to inability to perform work on account of force majeure with regard to obligations could be claimed for the purpose of protection, stoppage of public transport or closure of borders.

In 2009 a total of **258 violations** relating to **emergency legislation** were found. The largest number of violations (**165**) were found due to non-compliance with the provisions regarding the **crisis allowance** (Article 33 of the ZIUZEOP, paragraph one of Article 26 of the DUOP). **In 78 cases**, violations were found regarding temporary (up to 7 working days) or permanent return to work after or during temporary lay-off and the related **obligation to notify the ZRSZ in advance** (paragraph three of Article 76 of the ZZUOOP, paragraph two of Article 70 of the ZZUOOP, paragraph three of Article 31 of the ZIUZEOP, paragraph three of Article 10 of the ZIUODV, paragraph three of Article 32 of the ZIUOOPE, and paragraph three of Article 47 of the ZDUOP). Other violations related to the prohibition of ordering overtime, uneven distribution or temporary redistribution of working time, if this could be done with workers who were ordered to work with reduced working hours or with workers temporarily laid off (5 violations) and to non-payment of wage compensation during the period of receipt of reimbursements (8 violations). Two violations were found in connection with impeding the administrative and financial review of the ZRSZ in procedures for claiming refunds of salary compensation.

Due to the extensiveness of the emergency legislation, inspectors reported that inspections carried out under such legislation were time-consuming and that employers often found the legislation unclear. In general, it is an extremely fast adaptation of intervention measures, which is why it is difficult to maintain an overview of the legislation. For this reason, it is also difficult to ensure effective control. The inspectors noted that workers were well-informed about their right to crisis bonus and that employers were also well-informed of their obligation to pay. Although the employers' awareness regarding payment obligations was good, there were quite a few violations in this regard. Complications, violations and misunderstandings on the part of employers occurred mainly in connection with the prior notification of the ZRSZ about the early return of workers back to work. Inspectors again call attention to the problem regarding working time records, as there were situations when workers were officially temporarily laid off or worked shorter hours but were nevertheless forced to work, which was difficult to prove in practice, because the records submitted by the employers did not support the workers' claims.

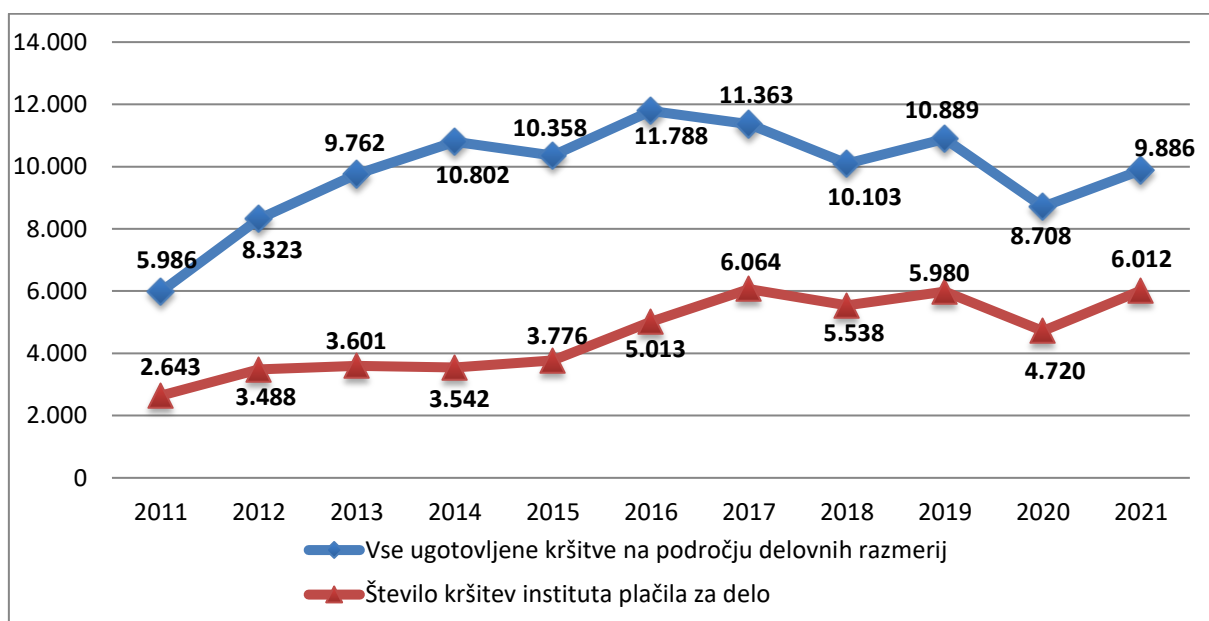
It should be added that, just like in 2020, emergency laws did not sanction certain obligations of employers in 2021, which may be reflected in the smaller number of violations of intervention legislation identified by the IRSD.

It should be clarified that, in the context of emergency legislation, the IRSD inspectors acted with the objective of general prevention throughout 2021, providing clarifications to both workers and employers within their competences during business hours by telephone and providing them with professional assistance in writing.

4.4. REMUNERATION FOR WORK

Violations related to remuneration for work are still the most frequently identified violations in the field of employment relationships in the private sector, where in this part we include data on identified violations in terms of the legal provision of **remuneration for work** (basic salary, part of the salary for job performance and allowances), regarding the payment of **annual leave allowance** and **reimbursement of work-related expenses** and violations related to the **minimum wage**. Inspectors found **6,012 violations** in this area in 2021. Such violations accounted for nearly 60% of all violations found in the area of inspection of employment relationships. For the purpose of comparison with 2020, inspectors found 4,720 violations regarding remuneration for work in 2020, and the level of these violations relative to all violations found in the area of employment was 54%.

Graph 29: Number of violations of remuneration for work compared to all violations found in employment relationships, 2012–2021.



Irregularities related to the payment of salary were established both in inspections based on received reports and initiatives and in targeted inspection campaigns concerning payments of annual leave

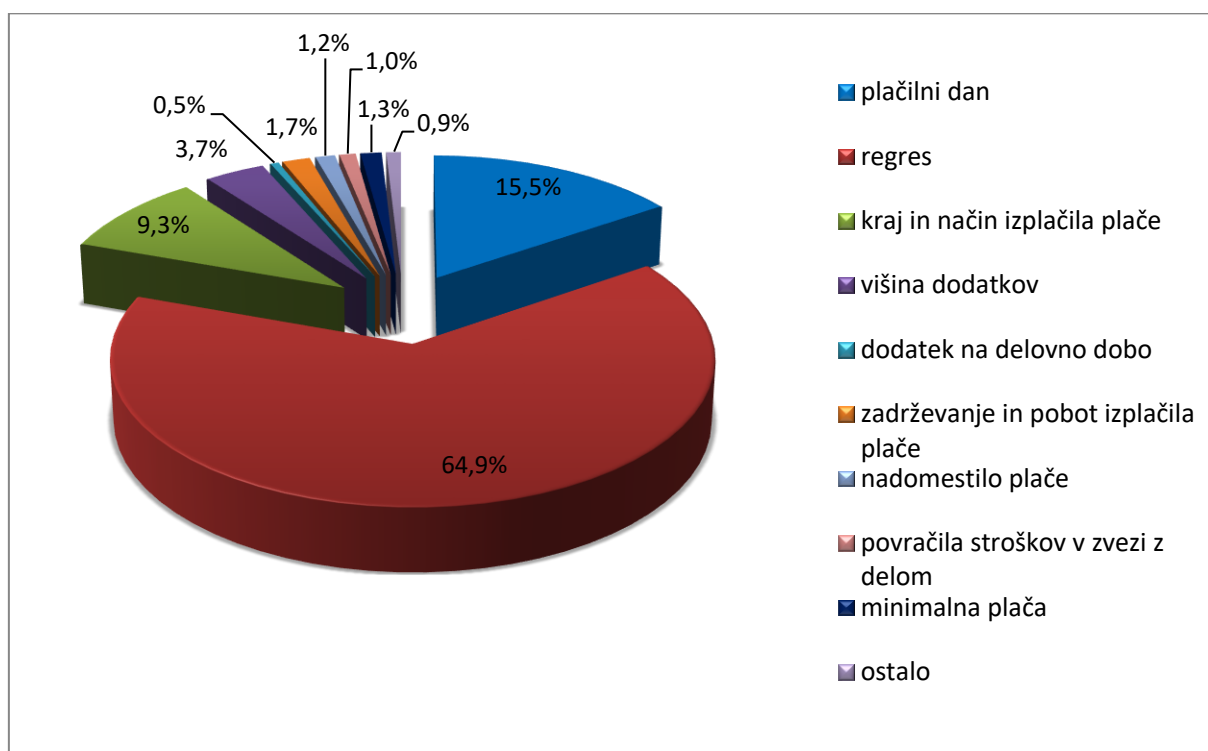
allowance, payment day, written statement, place and mode of payment and compliance with the ZminP, and in the framework of the year-round targeted inspections of annual leave allowance payment which were carried out in conjunction with the FURS. Attention was focused on large and small employers. The number of violations found in relation to remuneration for work also reflects the increased activity of the IRSD in this area.

Table 4: Number of violations of remuneration for work compared to all violations found during inspections of employment relationships, 2012-2021.

Year	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
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	9,886
Number of violations regarding remuneration for work	3,488	3,601	3,542	3,776	5,013	6,064	5,538	5,980	4,720	6,012

In 2021, the most common violations of remuneration for work were those concerning **annual leave allowance**. Inspectors found **3,899** such violations. Regarding payment day, **930 violations** were found not only in connection with non-payment but also involving delayed payment of salaries. There were also **562** violations of the provisions relating to the place and manner of payment of salaries, of which as many as **324 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 **222 violations** regarding additional payments under special working conditions, **29 violations** concerning seniority bonus and **61 violations** concerning reimbursement of work-related expenses. The inspectors found **105 violations concerning withholding and offset of salary payment and 73 violations concerning salary compensation**. 23 violations were recorded due to **the temporary inability to provide work for business reasons**. Inspectors found **10 violations** relating to **severance pay on retirement** and **18 violations** relating to the **type of remuneration**.

Graph 30: Percentages of violations regarding remuneration for work in 2021.

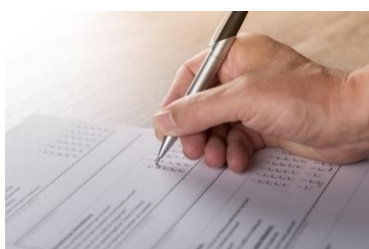


For the salary, the employer must take account of the minimum laid down by law and/or the collective agreement that binds them directly. Inspectors found **80 violations of the ZminP** in 2021. In 2021, a new formula for determining the amount of the minimum wage with reference to the minimum cost of living came into effect, which established a reasonable ratio between the incomes of working and non-working persons. The amount of the minimum wage is determined in the range between 120% and 140% of the minimum cost of living, taking into account the growth of consumer prices, wage trends, economic conditions, or economic growth and employment trends, with reference to tax regulations that enable the determination of the gross amount of the minimum wage. The minimum wage for 2021 was EUR 1,024.24 (gross). The definition of minimum wage excludes any 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. Moreover, the minimum wage cannot include the reimbursement of expenses that the employer is obliged to pay to the employee as well as other benefits from employment.

The forms of violations regarding payment for work related to the fact that employers **paid wages after the date specified by law**, in part due to the circumstances in which employers found themselves as a result of the coronavirus disease. Delays were mostly recorded with small employers. Only a few cases of reports filed by workers who did not receive their salaries for a longer period were recorded. It also follows from the inspectors' reports that no large number of terminations of employment contracts by workers due to non-payment of wages in accordance with Article 111 of the ZDR-1 for reasons on the employer's side 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.

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 or cash.



Inspectors also identified violations related to the **issuing of statements of remuneration paid**. Employers often did not provide workers with statements of remuneration paid and made payments in cash. Unsigned statements were often submitted to inspectors. The problem of proving the employer's issuance of the statement for remuneration paid remains relevant, 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. Given the fact that the written statement of wages is an authentic document on the basis of which the employee can propose judicial enforcement, an amendment to the ZDR-1 relating to this issue would be welcome. Statements issued by some employers are unclear and do not show information about the basis for the calculation, and do not inconsistently show the hours actually worked according to the working time registration records.

We have also identified 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. Inspectors reported the most violations of this type among employers who employ foreign workers, who most often report violations after the termination of the employment relationship. The inspections show that in the main employers refer to damage caused by the worker, who usually does not recognise such claims. In individual cases, employers make deductions from worker's wages without workers' written consent, and pass on the costs of employment, training, medical examination, etc. to workers. During inspections, employers also referred to the fact that workers did not voluntarily return overpaid annual leave allowance in the event of termination of employment.

The largest number of reports received regarding payment for work related to the payment of **annual leave allowance**. Likewise, the greatest number of violations were found with regard to non-payment or delay in the payment of annual leave allowance. Cooperation with the FURS concerning 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 instalments, blaming liquidity problems that are not specifically defined by the ZDR-1. 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 bank account and return it to the employer in cash.

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 a long leave of absence.

Furthermore, one should also mention individual identified violations regarding the payment of the Christmas bonus, which are otherwise considered from the viewpoint of unequal treatment of workers. In 2021, we report on a few cases that were previously dealt with by the Advocate of the Principle of Equality, and the IRSD put forward proposals for introducing minor offence procedures due to the criteria for assessing the business performance bonus, where the employer took into account the presence of workers at work or the absence of sick leave. In this area, the IRSD also plays a preventive role, as it offers professional assistance to investors who usually send such requests at the end of the year.

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. Inspectors also reported cases of non-payment of benefits during annual leave and absence due to illness.

Inspectors also reported 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.

The options during **temporary inability to provide work for business reasons** are regulated in Article 138 of the ZDR-1, concerning where an employer temporarily cannot provide work for a worker, for a period which may not exceed six months in one calendar year. The employer can temporarily lay off these workers in order to maintain their employment. In such case, the ZDR-1 also lays down salary compensation for the worker. 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 the emergency legislation.

It should also be noted that inspectors cannot collect unpaid monetary claims within the scope of their powers (achieve payment of employees' claims); they can only conduct administrative and minor offence proceedings in connection with employers' failure to perform their duty. Employees may enforce monetary claims arising from employment directly before the competent labour court. The IRSD submitted several proposals for amendments to legislation governing remuneration for work.

4.5. WORKING TIME, BREAKS AND REST PERIODS, AND RECORDS OF EMPLOYMENT

In 2021, inspectors found **337 violations relating to working time, breaks and rest periods**, which is significantly less than in the previous years, when 550 violations were found.



The most numerous violations were related to the **allocation of working time**, which were identified in **87 cases**. As regards the allocation of working time, the most frequently identified violations were violations of the provisions of paragraph six of Article 148 of the ZDR-1, which provides that in cases of irregular allocation and temporary reallocation 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. A total of 57 violations were found. Violations of the provisions regulating overtime work and the prohibition of work exceeding full working hours

were found in a total of **84 cases**, of which the most frequent (46) 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.

Employers continue to commit violations relating to working time either intentionally or out of negligence or lack of knowledge. Field inspection has shown that working time records are often fraudulently altered (for example, double records). On the other hand, there are situations where employers want to use flexible working time scheduling, but they do not have the necessary knowledge to do so and thus do not keep records correctly. The allocation and the conditions for temporary reallocation of working time are to be specified in the employment contract, and before the beginning of a calendar or business year, the employer is to provide the yearly allocation of working time and notify the workers and trade unions thereof in a manner customary to the employer. The question of salary compensation on holidays continues to be relevant. This happens when, in line with the allocation 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).

As regards **breaks and rest periods**, **144 violations** were recorded, which is less than in 2020 (249). The highest number of violations, 83, were identified in connection with Article 155 of the ZDR-1 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 56. As in previous years, the fewest violations (5) in 2021 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 entered in the records as the worker's break time. The taking of a lunch break by an employee is particularly difficult in service activities (for example in catering or trade), when the employer employs only one employee and that employee must provide uninterrupted customer service even during the lunch break.

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 2021, the labour inspectors found **632 violations of the ZEPDSV**, which is significantly more than the number of

violations found in 2020. Most of the identified violations concerned the records of the use of working time (Article 18 and Article 19 of the ZEPDSV) and the keeping of these records (266), and the general obligation to keep the records under Article 12 of the ZEPDSV (90 violations).

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.

Amendments to the ZEPDSV are necessary for more effective control over implementation of the regulations on working hours, breaks and rest, so we hope for the adoption of a new Act in this area as soon as possible.

Additionally, it should be noted that control was also carried out in terms of the provisions of **the ZDCOPMD**, as a total of **6 violations** were found, of which 5 were violations of the provisions related to the keeping of records on mobile workers.

4.6. EMPLOYMENT IN THE BROAD SENSE

In 2021, inspectors identified **711 violations** in the area of **employment in the broad sense**, which includes both violations of the provisions of the ZDR-1 regarding the conclusion of employment contracts and various specifics of these contracts, as well as violations of the prohibition of work based on civil law contracts, the prohibition of illegal employment and prohibition of discrimination, harassment and workplace violence. The number of recorded violations in the aforementioned areas is lower than in 2020 (905 violations) and significantly lower than in 2019, when 1,280 violations were found. We focus below on those areas of the subchapter where the most violations were found in this reporting year, and we also specifically present the findings of the inspectors in the area of the prohibition to perform work based on civil law contracts in the presence of elements of an employment relationship and the prohibition of discrimination.

4.6.1. Employment contract

In 2021, most violations (201) in the area of employment were recorded regarding the conclusion and duration of fixed-term employment contracts, namely 201 violations. Most of them related to **the grounds for concluding a fixed-term employment contract**, i.e. violations of Article 54 of the ZDR-1 (**151 violations**), followed by **the prohibition of chaining these contracts (39 violations)**, when the employer concluded one or more consecutive employment contracts for a fixed period of time for the same work, the continuous duration of which was longer than two years. In the same year, **11 violations** of Article 56 of the ZDR-1 were also found, which lays down the consequences of illegally concluded **fixed-term contracts** (the employee is considered to have concluded an employment contract for an indefinite period and the employer must arrange a corresponding change to the insurance registration).

Fixed-term employment is supposed to be an exception, used only where it involves cases listed exhaustively in the ZDR-1 or collective agreements. Inspections show that in practice they still observe a lot of fixed-term employment contracts without indication of the grounds for concluding such a contract, or it is concluded on wrong grounds not provided for by either the ZDR-1 or the collective agreement. According to case law, in these cases the employment contract is considered to be concluded for an indefinite period, since there are no legal grounds for an exception to employment for an indefinite period. According to the inspectors' observations, employers in fixed-term employment contracts most often state as grounds for conclusion an increased volume of work or the substitution of a temporarily absent worker for health reasons or a worker on parental leave. According to the findings of field inspectors, employers in some cases replace probationary work with fixed-term employment, which is, of course, not legal.

As regards **the procedure before the conclusion of the employment contract**, inspectors found the following violations of the following provisions of the ZDR-1:

- **15 violations** of paragraph one of Article 22(1) of the ZDR-1 according to which a worker who concludes an employment contract must meet the requirements for the performance of work prescribed and laid down in a collective agreement or the employer's general acts or as required by the employer and published in accordance with paragraph one of Article 25 of the

aforementioned Act; in **12 cases** the employer had no general conditions for a particular job or type of work (job classification) in place;

- **23 violations** of Article 25 of the ZDR-1, which determines the obligation to publish a job vacancy or type of work, and **6 violations** of Article 27 of the ZDR-1, which provides for equal treatment in the publication of a job vacancy by gender (for more information, see the section on prohibition of discrimination in the workplace);
- **20 violations** of Article 28 of the ZDR-1, which determines what information and evidence the employer may request from job candidates, the possibility of testing the candidate's knowledge and skills, referral of the candidate to a preliminary medical examination at the employer's expense, and the obligation to acquaint the candidate with work, working conditions and the rights and obligations of the employee and employer, which are related to the job for which the employment contract is concluded;
- **56 violations** of Article 30 of the ZDR-1, which provides that the employer must notify an unselected candidate in writing that he or she was not selected within eight days after completion of the selection process, and that they are obliged to return to the unselected candidate at his or her request all documents that the candidate submitted as proof of meeting the required job conditions.

In 2021, inspectors found the following violations concerning the conclusion of employment contracts:

- **44 violations** of Article 17 of the ZDR-1, when the employers did not hand over the written proposal of the employment contract to the job candidate as a rule three days before the intended conclusion, or the written employment contract itself upon its conclusion;
- **35 violations** of Article 11 of the ZDR-1, where employers failed to register workers for compulsory pension, disability and health insurance and insurance against unemployment and provide them with a photocopy of such registration within 15 days of the day of commencement of work.

Violations regarding the **content of the employment contract**, i.e. regarding its mandatory components, which are specified in Article 31 of the ZDR-1, also stand out due to their number. Inspectors report that employment contracts, unfortunately often standard and written on special forms, are not adapted to the actual situation and have inadequate content, as they do not regulate all the content provided for by Article 31 of the ZFR-1. In 2021, inspectors detected **50** such violations. However, it should be emphasised that inspectors recorded these violations only in cases where they targeted the contents of employment contracts, and it can be assumed with high probability that the contents of employment contracts are inadequate with many employers and their employees. Notwithstanding the fact that significantly fewer violations of Article 31 of the ZDR-1 were found in 2021 than in 2020 (137 violations), it is necessary to consider the fact that a well drawn up employment contract covers all the foreseen areas (in addition to those listed in Article 31 of the ZDR-1, in certain cases the contents regulated by other articles are also necessary, for example those set out in Article 209 when an employee is sent for temporary work abroad) essential for both parties to the employment relationship, as it represents a good foundation for successful cooperation between the employee and the employer in the framework of the employment relationship. At the beginning of the employment relationship, it is reasonable and necessary to define all the circumstances of the employment relationship as clearly as possible. In this way, the parties avoid subsequent disappointments, feelings of deprivation and misunderstanding, which can lead to increasingly sharp conflicts, resorting to the courts and reporting to the IRSD. Good employers therefore ensure that employment contracts include the contents referred to in Article 31 ZDR-1, and also add a provision on the peaceful resolution of all disputes that may arise from the employment relationship. We also observed some examples of good practices when employers provided for mediation in employment contracts for the event of disputes with workers.



In 2021 inspectors identified **14 violations** of paragraph one of Article 10 of the ZDR-1, according to which the employer must submit, on the **adoption of the general acts** in which the employer lays down the organisation of work or the responsibilities with which workers must be familiar in order to fulfil their contractual and other liabilities, which constituted employers' non-compliance with their obligations (submitting the proposal of a general rule to trade unions, workers' council or worker representative to obtain their opinion or their failure to inform workers of the content of any such proposed act prior to its adoption). In 2020, inspectors identified 12 violations of Article 10 of the ZDR-1.

In the reporting period, inspectors found **42 violations of the prohibition of work under civil-law contracts while elements of an employment relationship existed** (violation of paragraph two of Article 13 of the ZDR-1). The fewer identified violations compared to 2020, when 95 were recorded, is probably not attributable to a reduction in the incidence of precarious forms of work, but rather to the emphasis on other contents of inspection controls. More details about this will be provided in a special section.

In 2019, the labour inspectors found violations of Article 47 of the ZDR-1 relating to employment contracts and concerning the **measures to protect the dignity of a worker at work**. There were fewer such violations than in 2020. There were **97 violations** identified, of which **64** concerned the adoption of measures to protect dignity and the other **33** were related to informing workers of the measures taken. Inspectors also found **31 cases of violations of the prohibition of discrimination**, which is significantly more than in 2020, when 12 violations were found. More details about this will be provided below.

For many years, inspectors have been pointing out the problem of exceeding the agreed working hours in cases where the employer concludes a **part-time employment contract** with the employee. In such cases, the employer concludes a part-time employment contract with the employee (for example, for one hour a day), and the employee then regularly works significantly longer (sometimes even reaching full-time). In 2021 inspectors found **15** such violations, which is comparable to the 2020 figures.

In 2021, individual violations were also found in the following areas, which in a broader sense belong to the subsection on Employment:

- in connection with the conclusion of an employment contract with a candidate who does not meet the conditions for a fixed one-year period, if none of the applied candidates meets the conditions for the advertised job, when such employment is necessary for the smooth performance of work (and the candidate meets the conditions specified by the law or by-laws) – paragraph three of Article 22 of the ZDR-1;
- in connection with void provisions of an employment contract (Article 32 of the ZDR-1);
- in connection with the amendment of the employment contract (Article 49 of the ZDR-1);
- in connection with part-time work (Article 67 of the ZDR-1), etc.

Violations found within the framework of an employment contract between an employee and an employer who performs the activity of providing the work of workers to another user, will be covered in a special sub-chapter dedicated to the findings of violations of the ZUTD.

As the SARS-CoV-2 epidemic continued, **work from home or at the premises of the employee's choice**, other than the employer's premises, or teleworking performed by making use of information technology, was relevant in 2021 as well. According to Eurofound, more than a third of EU workers started working from home during the shutdown of public life during the epidemic (compared to 5% of workers who normally work from home).

Many employers switched to a hybrid model, where employees alternate between working in offices and from home, in such a way that some days of the week they work from home and some days at the office. At the same time, employers found many advantages of such work (savings in the cost of reimbursement of transportation to and from work and in the costs of renting or operating offices), and so did workers (saving time in getting to work, more flexible organisation of working hours, more free time and the like).

However, it is also necessary to point out the pitfalls of this type of work, which can be reflected in the fact that not all employees have the same conditions for working from home (some do not have a suitable space, others do not have the Internet, still others cannot work in peace as they have to take care of members of the immediate or wider family); working from home also requires that employees have a high degree of autonomy and the ability to organise work, to know how to organise their work, so as to avoid exceeding full-time working hours and being at the same available to the employer during the hours agreed upon in the employment contract for doing work from home. Work carried out predominantly (or exclusively) remotely (or from home) can have a negative effect on relationships in the working environment, especially on teamwork, and excessive use of technological devices exacerbates its consequences such as isolation, dependence on technology, lack of sleep, emotional exhaustion, anxiety and burnout. In this regard, it makes sense for employers to regulate the right of workers to disconnect internally - regulation of this right is provided for in the Proposal for a Directive of the European Parliament and the Council on the right to disconnect.

In 2021, employers got used to the new IRSD notification system about the intended organisation of work from home through the SPOT portal. The simplification of this procedure 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. We still occasionally receive such notifications by email. In 2021, inspectors found **2 violations** of employers' obligation to inform the Labour Inspectorate of the intended organisation of the work from home. This year, **2 violations** were also found in connection with employees' right to compensation from their employer for the use of their own resources while working from home.

The labour inspectors identified **6 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. Unfortunately, even after seven years since the transfer of control over the implementation of the ban on illegal employment from the IRSD to the FURS, we keep receiving a large number of reports of alleged violations of this type and related issues, which we pass to the FURS as the competent authority.

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

In 2021, inspectors found **42 violations of paragraph two of Article 13 of the ZDR-1**, which provides that work may not be performed on the basis of civil law contracts if elements of an employment relationship exist pursuant to Article 4 and in conjunction with Articles 22 or 54 of this Act. The number of identified violations is significantly lower than in previous years (for example, 95 such violations were recorded in 2020, and 98 in 2019) and most likely does not reflect the scale of the problem in the field. Fewer identified violations certainly reflect the increased scope of inspectors' work in other areas and the low number of reports with such content. Reports in this area are rare, at least as long as the cooperation between the employer and the contractual employee is indeed temporary and occasional and is paid regularly. However, when the nature of such work exceeds the bounds of being temporary or periodic and there is a conflict between the client and the contractor, precarious workers often seek legal aid, send a report to the IRSD or file a lawsuit to establish the existence of an employment relationship.

Inspectors report that it is difficult to establish such violations in practice, as high standards of proof are required, which are significantly easier to achieve by the courts. While for example in court proceedings, cooperation and submission and production of evidence is required from both parties, i.e. both the employer (client) and employee (contractor), the inspectors are obliged, according to the current regulations, to obtain the evidence for their findings and measures themselves. In doing so, they can rely on the (too often) deficient records of the client, but, as a rule, they cannot count on evidence from the contractor, which could be crucial (e.g. written evidence - contract, transfer statements, etc.) and testimony - neither the reporting person nor the reporter (if he or she is identified at all and the report was therefore not submitted anonymously) nor any of the witnesses want to testify, as they all fear retaliation from the client and termination of cooperation on their part. If it is not possible to obtain any evidence from the worker or contractor, and the employer completely denies the elements of the employment relationship in their work, it is extremely difficult to prove the violation of the prohibition to perform work based on civil law contracts. It is all the more difficult to do this with the emergence of new flexible forms of work that we have also witnessed in recent years in Slovenia.

Notwithstanding the efforts of the profession and the legislator to limit precarious forms of work and to motivate employers with various measures to employ workers and not "hire labour", employers still hire workers on the basis of civil law contracts. As a rule, employers' principal motive is the **cost of labour**, which is still the highest for employed workers, since workers (unlike contractors under a civil law contract) must also be provided with annual leave, annual leave allowance, granted other absences from work (due to health reasons, parental leave - which, in addition to financial costs for the employer, also means the uncertainty of work process organisation), allowances for work in special working conditions resulting from the allocation of working hours (at night, on Sundays and holidays, in overtime), allowance for meals during work and for transportation to and from work, employee social security contributions, and the like.

From traditional civil law contracts (work contracts, contracts for copyrighted work) or temporary and occasional forms of work (pupil and student work on the basis of a referral from the student work service and temporary or occasional work of pensioners), which inspectors do not observe in practice as much as some years ago (at least not from the viewpoint of the possibility of the existence of elements of an employment relationship), new forms of flexible, occasional and temporary work are becoming increasingly common on the labour market. These forms of work are in many ways ahead of the regulations.

Online platforms are becoming increasingly popular in Slovenia as well. They assist users in ordering a specific service via a special application (e.g. delivery of food or other necessities, cleaning, etc.), the application connects the service provider with the user, and the provider performs the service to the user. In addition to food delivery (which is specific, as it is a four-party "collaboration": platform, contractor - deliverer, client - user, restaurant), platform work in the delivery of various goods, transport, home care, cleaning, babysitting, etc. is also expanding in Slovenia and abroad. In the aforementioned forms of work, it is not possible to conclude in advance that there are always all the elements of an employment relationship as provided by the ZDR-1 (voluntary involvement in the employer's work process and, within this framework, personal and uninterrupted engagement in work for payment, according to the instructions of and under the supervision of the employer). The elements of an employment relationship must be determined in each case separately. In order for the inspector to be able to define a certain conduct or omission of conduct as a violation of the prohibition of work based on a civil law contract, all the elements of the employment relationship listed above must be given in a specific case.

Considering the specifics of platform work, the adjustment of the regulations would, according to inspectors, most likely facilitate effective inspection, since according to their experience in practice, it is often impossible to demonstrate all the elements of an employment relationship. It should be taken into account that, as a rule, the employer is not a typical legal or natural person operating on the labour market, but rather a platform. As can be understood from the scarce testimonies in the media, workers who performed work through a platform (in this way, they registered on the platform through the application and as "business partners" received an item of clothing or, for example, a bag with the application's label - all in a remote and contactless manner) indicate that, from the beginning to the end of the "business cooperation" with the platform, they had no contact with any physical person acting as the head of the work process, but work was "imposed" on them and they were sent to the field by the application. The application warned them about the lack of activity during the hours when they had indicated that they could in principle be available, the application "punished" them with fewer orders during the best-paid period or sent them to the most distant destinations if they were insufficiently active during certain hours, or motivated them by higher payments if they rushed orders or accepted on average more orders than others. The characteristic of platform work is that it bets on flexibility in the labour market, which, however, has two sides. On the one hand, it can be an advantage for the contractor, allowing the contractor to work when it suits them best, without having to work when it does not suit them or cannot work for any reason. On the other hand, however, it is true that the application will financially reward the work better when it so determines, i.e. when there are more user orders, in worse weather conditions, in the evening hours and the like. The contractor, who naturally wants to earn as much as possible from such work, will therefore adapt to the application and its working conditions in practice.

The Directive on platform work, which is being drafted, should try to respond to the labour law challenges of platform work at the EU level. Among other things, the proposal for the Directive provides for the

simplification of the definition of the employment relationship, the determination of the amount of payment, the limitation of control over the work provider by the platform (and thus interventions in the worker's personal sphere), the prohibition of making decisions based only on algorithms (for example, the worker cannot be fired only through or by the application) and the reverse burden of proof (in the event of a dispute, the platform must prove that it was not an employment relationship and that there was not a contractor). The adoption of the Directive would represent an important step forward in the direction of speeding up the evidence procedures and could significantly facilitate the work of inspectors.

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

In 2021, inspectors identified **31 violations of the prohibition of discrimination at 29 different employers**. The vast majority of cases related to the violation of the prohibition of discrimination against workers in employment, while a violation of the prohibition of discrimination against job candidates was recorded in only 3 cases. Out of the 29 listed employers where inspectors found a violation, one is in the public sector, while all the others belong to the private sector - these are companies of various sizes (mostly limited liability companies, but two have the legal form of a public limited company) and three sole traders. Most of the cases were recorded as a violation of Article 6 of the ZDR-1, but in two cases the inspectors recorded a violation of Article 6 of the ZvarD.

The cases of violation of the prohibition of discrimination against job candidates involved the following circumstances:

- in one case, the employer classified candidates for the position of intern according to their age,
- in the second case, it was a discriminatory advertisement of a vacancy based on the personal circumstances of gender, as the employer was looking for a "waitress",
- in the third case, the employer published an ad on the social network Facebook, looking for a "man aged 28 to 42 for the position of process technologist/production manager", thereby discriminating against candidates based on two personal circumstances, i.e. age and gender.

In the cases of established violations of the prohibition of **discrimination against workers for the duration of the employment relationship**, most violations related to the fact that the employer paid different amounts of annual leave allowance to different workers and this (in individual cases) also in different terms. Inspectors recorded such violations in as many as **19 employers**. In the vast majority of these cases, the personal circumstances on the basis of which the employer treated the workers unequally were not apparent. A personal circumstance or a circumstance that was the basis for discrimination was found in two cases:

- in one case, the employer paid lower annual leave allowance to workers who were absent during the year for health reasons and to workers with disabilities and to part-time workers;
- in the second case, the employer paid the workers whose employment relationship was terminated a proportionate amount of annual leave allowance in an amount which was lower than what they should have been paid, unlike workers who worked for the entire calendar year and received an annual leave allowance that was significantly higher than minimal.

Also of note was one of the discussed cases of violations of the prohibition of discrimination, where the employer paid a crisis supplement to workers with disabilities, but not to the others (the employer received from the MDDSZ a refund for workers with disabilities, but not for others).

Inspectors found cases of violations of the prohibition of discrimination in relation to the criteria for **assessing the amount of the part of the salary for job performance** (or as it is often colloquially referred to "Christmas bonus" or "the 13th salary"). In the cases under consideration, the employer applied seemingly neutral criteria (for example, attendance at work), but they resulted in disadvantaging those with certain personal circumstances (illness, injury, absence from work due to parenting or child care, old age, disability and the like). Workers who were absent from work for several days due to the above-mentioned circumstances received no Christmas bonus, or they received it in lower amounts than their colleagues who were less absent from work. In the cases under consideration, the criteria were determined by the employer in a general act (rules), decision, or agreed with the trade unions in the collective agreement. When the (seemingly neutral) criteria set by the employer for the payment of the Christmas bonus result in putting workers with certain personal circumstances in a less favourable position, it represents **indirect discrimination**. This violation is sanctioned by the penalty provisions of the ZDR-1 and the ZvarD. The aforementioned procedures, five of which were implemented or

completed in 2021, were mostly introduced based on the proposals of the Advocate of the Principle of Equality¹. In all five cases, minor offence procedures were initiated in addition to inspection procedures, and in four cases inspectors imposed a fine and a warning in one of the minor offence procedures. The employer was fined in only one case, and all other cases will be finally decided by the court to which the employer applied as they did not agree with inspection measures.

In 2021, the inspectors found no violation of Article 133 of the ZDR-1, which provides for equal pay for women and men.

If significantly more violations of the prohibition of discrimination were found in 2021 than in the past few years, the same cannot be said for the findings in the field of **protecting workers' dignity at work** (Article 47 of the ZDR-1). Pursuant to Article 47 of the ZDR-1, employers must provide a working environment in which none of the workers is subjected to sexual or other harassment or mobbing by the employer, a superior or co-workers. To this end the employer must take appropriate steps to protect workers from sexual and other harassment or from mobbing in the workplace. In 2021, inspectors found **64 violations** where employers failed to take such measures, which is slightly less than in 2020, when they found 72 such violations.

The employer must inform the workers of the adopted measures referred to in the preceding paragraph in a manner customary for the employer (for example on a notice board at the business premises of the employer or by using information technology). According to the inspectors' findings, employers did not notify workers of the aforementioned measures in **33 cases** in 2021 (many more such violations, 47, were found in 2020).

Many employers still see the adoption of appropriate measures to protect workers' dignity only as a bureaucratic obligation that they have to meet for inspection purposes, and then it remains a dead letter on paper (while relations within the working environment deteriorate). An example of this is shown in the photo below - it is evidence obtained in the inspection procedure for checking the implementation of Article 47 of the ZDR-1:

SKLEP na podlagi 47.člena ZDR (varovanje dostojanstva delavca pri delu)

Podjetje zagotavlja delovno okolje, v katerem noben delavec ne bo izpostavljen spolnemu in drugemu nadlegovanju ali trpinčenju z njegove strani ali sodelavcev. Delodajalec sprejema vse ustrezne ukrepe za zaščito delavcev pred spolnim in drugim nadlegovanjem ali pred trpinčenjem na delovnem mestu.

direktor:

Simply by posting some kind of declaration on a notice board that the employer protects the dignity of workers at work will not protect anyone's dignity and will not correct any relationship between the staff or prevent the harmful consequences of mobbing, harassment, inappropriate communication and insults. Employers should actively strive for a stimulating working atmosphere, for zero tolerance for violence, for a healthy and professional relationship between fellow employees. This can only be achieved through active effort, with constant, open and clear communication, with the training of workers to know how to communicate respectfully and refrain from inappropriate behaviour and, on the other hand, to know how to respond appropriately in cases where a fellow employee, subordinate, superior or a third party behaves in an unprofessional, perhaps even violent, manner. Workers must be well aware of who they can turn to with the employer in the event of inappropriate occurrences at the workplace, if they feel threatened or harmed. Otherwise they will turn to outside institutions and the employer will miss the opportunity to resolve the conflicts within the working environment, raise the level of relationships and develop a more positive working atmosphere. Instead, an offended, indignant,

¹ This includes only those procedures where inspectors already found a violation in the inspection procedure and recorded it in 2021, and some such procedures were still ongoing at the time of preparing this report and are expected to be included in the 2022 annual report.

embarrassed, mistreated, affected worker will turn for help to the IRSD or to the labour court when inappropriate behaviour within the work environment shows signs of a criminal offence, as well as to the Police. As a rule, the consequences of such dispute resolution are not positive for anyone, neither the employer nor the reporting person.

Employers must therefore take measures to protect the dignity of workers, which include not only measures to prevent negative occurrences in the workplace, but also the procedures that the victim has available in the event of inappropriate occurrences in the workplace, so that he or she can report them to and have them resolved by the employer. It is of the utmost importance that the employer also enables the victim to protect his or her integrity in the event of negative events, so as to prevent victimisation when he or she tries to enforce the cessation of violations. Failing to do so, he or she again risks resolving conflicts before the above-listed institutions, which is often lengthy and unconstructive.

Contrary to the belief of many employers, measures to protect dignity do not involve significant costs. It may be concluded that these costs are significantly lower than legal costs and the costs of other external conflict resolution procedures. Some of the employer's measures have no cost effects for the employer, such as a respectful attitude and communication with fellow employees, frequent commendation of workers for work done, constructive feedback on work done, regular interviews with workers, etc. Measures to protect the dignity of workers, encouragement of team spirit within the working environment (i.e. teambuildings) and training for appropriate communication can also be carried out by employers within the framework of the Health Promotion Programme, which has otherwise been provided by the ZVZD-1. We note that there are also employers in Slovenia who are aware that only a satisfied employee will work well and contribute to the success of the employer, so they take care of the well-being of employees with various measures. One such measure is the employment of a manager of happiness at work or of workers for headhunting. Such employers will certainly find better quality staff more easily and faster and thus become more competitive on the market.

4.7. TERMINATION OF EMPLOYMENT CONTRACT

Various ways of **terminating employment contracts** were still relevant in 2021. Since the whole of 2021 was marked by the SARS-CoV-2 epidemic, certain trends emerged in the labour market, which also began to be reflected in the termination of employment contracts. In that year, labour inspectors found **350 violations** related to various aspects of termination of employment contracts, which is slightly less than in 2020 (405 violations). Most of the violations were recorded in relation to the **payment of severance pay upon termination of an employment contract**, i.e. **89 violations** of Article 79 of the ZDR-1, which regulates the payment of severance pay at the end of a fixed-term employment contract, followed by violations regarding the payment of severance pay to employees upon termination of an employment contract due to the termination by the employer for business reasons or reasons of incompetence - in 2021, inspectors found **34 violations** of paragraph one of Article 108 of the ZDR-1 and **35 violations** of paragraph six of the same article, which provides that employers must pay to employees a severance pay upon termination of the employment contract, unless otherwise provided by the collective agreement at the branch level.

Notwithstanding the fact that the ZDR-1 has been in force for more than eight years, the observations of field inspectors show that many employers are not aware of the obligation to pay severance pay to an employee at the end of a fixed-term employment contract. According to further reports by inspectors, it cannot be concluded that this obligation would generally motivate employers more to employ workers for an indefinite period.

With regard to terminations of employment contracts, inspectors found most violations regarding the **form and content of terminations (70)**. In these cases, the employers did not terminate employment relationships in writing, did not explain in writing the actual grounds for the termination, or, upon termination, did not inform the employee in writing about legal protection and rights deriving from insurance against unemployment and of the obligation to register in the job seeker register. In practice, inspectors still find cases where employers do not hand notices to workers in writing, but simply deregister them from social insurance. What particularly raises concerns is that in certain cases they use blank resignations signed by employees in advance (usually on the conclusion of the employment contract).

Inspectors also call attention to the trends brought about by the COVID-19 epidemic in individual economic sectors, for example in the catering industry, when employers often did not observe the notice

period upon termination and did provide severance pay to the employee. Thus, with the announcement of the first wave of the epidemic and the subsequent closure of restaurants on 16 March 2020, employers giving notice to employees for business reasons, without taking into account the notice period, became the established practice of some employers. Employees were generally given a statement upon termination that they would be hired again once the situation normalises, or when business operations are allowed again. On 16 March 2020, employers handed employees notices of termination for business reasons and deregistered them from social insurance on the same day. No severance pay was paid in such cases. The non-payment of severance pay was then justified during the IRSD's inspections with statements that it was a "temporary termination" of employment relationship and that workers who wanted to work were generally re-employed when restaurants reopened. Employees did not en masse report violations of Articles 94 and 108 of the ZDR-1 to the IRSD, probably in good faith that termination without a notice period was justifiable, since the operation of catering establishments was limited by a government measure (in which case employees were also entitled to compensation from the Employment Service of Slovenia), and employees were not entitled to severance pay due to the "commitment" or the employer's statement regarding re-employment. Therefore, the IRSD determined violations of the above-mentioned articles in several cases in 2021 with a delay, randomly within the framework of supervision of the implementation of other labour law institutions. Employees lost at least one month's salary, the relevant pension qualifying and employment period, and at least one-twelfth of the proportional part of the annual leave allowance due to the violation of Article 94 of the ZDR-1 (failure to comply with the notice period).



Furthermore, inspectors report that in some cases they found that employers deregistered their employees from mandatory insurance based on the employees' written notices, in which these indicated the exact date of termination, or the employers interpreted in their own way the statement in the worker's notice saying "I am handing in my resignation as of ... (specified date)", where this date was regarded as the date of expiry of the employment contract and not the date when the employee served the notice of termination of employment to the employer. The employer deregistered the employee from compulsory insurance on the same date. However, this method of determining the expiry date of the employment contract is not in line with the provisions of the ZDR-1. Inspectors point out this problem because in practice they

also encounter statements by employees that they gave no such notices or that they signed a blank document during the employment relationship, in which the employer subsequently added the date of notice. In such cases, labour inspectors' have limited options to act, which is why employees must be even more careful and must never sign blank papers. According to case law, such a termination of employment relationship is treated as regular, where the employer and the employee "agree" to shorten the notice period without determining monetary compensation. In such cases, labour inspectors cannot take action in a minor offence procedure, except in the case of violation of the ZMEPIZ-1, if the employer does not hand to employees a copy of deregistration from insurance within 15 days of the termination of the employment relationship.

In such cases, employees can initiate a procedure before the ZPIZ to determine the characteristics of the insured person, so that their employment relationship is recognized for the duration of the notice period. We also successfully resolved some such cases at the IRSD Project Unit through mediation, with the concluded agreement being an enforceable title, which served as the basis for changing the employee's de-registration from insurance and thus for extending the employment relationship for the duration of the notice period.

Employees can also request the ZPIZ to determine the insured person's characteristics even in cases reported by inspectors during their missions, when an employer refuses to deregister employees from social insurance upon termination of their employment contract (or cannot be reached), thereby preventing them from taking employment with other employers or registration as unemployed persons.

In 2021, inspectors identified **36 violations** of Article 81 of the ZDR-1 regarding the **termination of employment by agreement**. In accordance with the aforementioned provision, the agreement must be in writing, and employers must inform employees in writing of their rights arising from unemployment insurance. Failure to notify the worker thereof does not affect the validity of the agreement, but can represent an offence defined by Article 217b of the ZDR-1.

Inspectors found a similar number of violations in relation to the **procedures before the termination of the employment contract** (35). In the aforementioned cases, it was a violation of Article 85 of the ZDR-1, which provides for the employer's obligations in procedures before the termination of the employment contract due to misconduct, due to incompetence and before extraordinary termination. In addition to the duly executed cancellation procedure, the service of the notice is also essential, as proper service is a preliminary condition for the cancellation to be effective. In 2021, inspectors identified **28 violations relating to the service of notices** (Article 88 of the ZDR-1).

In 2021, the IRSD also dealt with a few cases where the employee declared a waiver of salary payment for a specific period, and the employer recorded the employee's unjustified absence from work for that period. In practice, the employer verbally invited employees to leave as there was no work for them, without issuing them a lay-off letter pursuant to Article 138 of the ZDR-1. The absence of a lay-off letter may have enabled the employer to more freely interpret the employee's absence by deregistering the employee from insurance based on extraordinary notice, resulting from defining the absence as unjustified.

Inspectors also found individual violations of the termination of employment contracts in relation to the following institutions

- written notification to the trade union of the intended regular or extraordinary termination of the employment contract (paragraph one of Article 86 of the ZDR-1),
- extraordinary termination of employment contract (Articles 109 and 111 of the ZDR-1) and
- special legal protection against dismissal (Articles 114 to 116 of the ZDR-1) for employees approaching retirement, employees with disabilities and employees absent from work due to illness.

In 2021, inspectors were also approached regarding the granting of prior consent to cancelling an employment contract with a female worker during the period of her pregnancy or with a female worker who is breastfeeding a child of up to one year of age, and with parents in the period when they are on parental leave uninterrupted in the form of full absence from work and for one month after the end of such leave. Inspectors can give such consent if reasons exist for extraordinary termination of the contract of employment or in the event of the initiation of proceedings for winding up the employer.

Violations of the **ZMEPIZ-1** should also be mentioned in connection with the termination of the contract of employment. The IRSD is responsible for supervising the implementation of paragraph three of Article 30 of the ZMEPIZ-1, which provides 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. In 2021 inspectors found 51 such violations, which was less than in the previous year (67 violations in 2020).

4.8. LABOUR MARKET REGULATION ACT

The ZUTD regulates various contents associated with the **rights, obligations and opportunities in the labour market**. For IRSD supervision, the contents relating to advertising a vacant position, the temporary or occasional work of pensioners and the provision of work to the client are particularly important. In 2021, inspectors found fewer violations (**93**) than in the previous years (121 such violations were recorded in 2020 and 105 in 2019). A vast majority of these violations concerned the provision of employee labour to clients (Articles 163 to 174a of the ZUTD).

Violations of the ZUTD in the field of IRSD control fall into the following categories:

- **violations regarding the advertising of a vacant position or job type at the ZRSZ** (violations of paragraph three of Article 7 of the ZUTD) - in 2021, **3 violations** of the aforementioned provision were found, which determines the obligation of employers in the public sector and majority state-owned companies to publish a notice for every vacant job or type of work with the Employment Service unless exempt from the obligation to publish such a notice under the act governing employment relationships;
- **violations regarding the temporary or casual work of pensioners** (Articles 27a to 27d of the ZUTD) - in 2021, inspectors found **13 such violations**, most of them related to keeping daily records of arrival at and departure from work and the number of actually worked hours within the

temporary or casual work scheme (Article 27č of the ZUTD). Reports of violations concerning this type of work are rare in practice;

- there was a total of **77 violations concerning the** provision of the labour of workers to user undertakings in 2021.

In 2021, the largest number of identified violations regarding the provision of the labour of workers to user undertakings related to the fact that employers **supplied labour to user undertakings without permission and without entry in the register of the ministry responsible for labour**. Inspectors recorded **33** such violations (violations of Article 168 of the ZUTD), and 5 violations of Article 169 of the aforementioned Act, which related to employers established in another EU member state, the EEA or the Swiss Confederation, who performed the activity of supplying labour to user undertakings in the territory of the Republic of Slovenia without permission from and registration at the MDDSZ. Compared to 2020, when 59 violations of Article 168 of the ZUTD were found, slightly fewer violations thereof were found in this reporting year.

The number of violations found by user undertakings which **hired workers from employers who did not have a permit and were not entered in the register** was similar: 32 violations of Article 166 of the ZUTD were found in 2021 (39 violations in 2020).

In 2021, some violations of Article 163, Article 165 and Article 174 of the ZUTD were also identified regarding the provision of labour to user undertakings. The ZUTD lays down the reporting obligation at the request of the MDDSZ and the obligation to report regularly on any changes regarding the fulfilment of personnel, organisational, spatial and other conditions which may have an impact on the pursuit of the activity.

In addition to these violations, violations of the ZDR-1 relating to **employment contracts between employees and employers engaged in providing the labour of workers to another user undertaking** were also identified. In 2021, there were **4 violations** of Article 62 of the ZDR-1, which provides for the referral of a worker to the user undertaking's employer and the agreement between the user undertaking and the employer to provide labour. Before the worker starts working with the user undertaking, the employer providing work and the user undertaking must also conclude an agreement in writing in which they define in detail their mutual rights and obligations and the rights and obligations of the worker and of the user undertaking. Workers must be informed in writing upon their assignment to the user undertaking about the conditions of work at the user undertaking and about the rights and obligations of the user undertaking.

As in previous years, inspectors in the field noticed that many employers had obtained the permit set out in the MDDSZ and entry in the appropriate register in order to meet the requirements of the law and inspection (it is also a fact that in cases of violation of the above provisions they can be subject to very high fines). Such practice was established especially in those activities where there is a shortage of workers (for example, in construction and the metal industry). Such employers often do business with their clients under usual subcontracts, which enables them to avoid the provisions of the ZDR-1 and the ZUTD, which, of course, poses a problem. They do this because they provide the work of such foreign workers, which is not in accordance with the regulations on employment, self-employment and the work of foreigners, and at the same time, providing the work of workers to another user undertaking, as regulated by ZDR-1, is not attractive enough from a financial point of view (it is too expensive). One of the possible solutions proposed by the inspectors would be that, in order to provide work in addition to the main activity, i.e. the brokerage of labour to another user undertaking, employers should not perform other activities, such as construction, assembly and the like. An employment agency providing labour to user enterprises would thus really only be an agency for providing labour, but at the same time not a provider of the same labour that it provides.

The work of inspectors, especially in this segment of control, requires a vast range of skills, experience and knowledge to adequately protect the public interest. First of all, the inspector in the field must recognise and correctly define and secure the evidence through direct identification, in accordance with the ZID-1, the ZIN and the ZUP, conduct the administrative inspection procedure, carry out the offence procedure and, last but not least, file regular legal remedies against the judgments of the courts in order to protect the public interest. Case law in this area is not uniform.

With regard to the aforementioned problematic methods of work, which unfortunately are not rare at workplaces in Slovenia and abroad, we still have a lot of work to do in terms of inspections and case law development in order to eradicate them. The fact is that such practices lead to unfavourable results for workers, often foreigners, who work in difficult working conditions and for low pay, often without actually knowing their employer.

4.9. FOREIGNERS AND POSTED WORKERS

Compared to 2020, the number of violations of the provisions governing the conditions of employment, self-employment and work of foreigners in Slovenia decreased in 2021. It should also be noted 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 2021, inspectors found 28 **violations** of the **ZZSDT**, which was less than the number of violations found in 2021 (40). Most violations, i.e. **20**, 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.**



Figure 16: Construction is an industry in which many foreigners work

In three cases, however, violations of paragraph five of Article 7 of the ZZSDT were 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. In eight cases, however, a violation of paragraph two of Article 36 of the ZZSDT was found, according to which an employer with posted workers can provide services related to the supply of goods and servicing, based on the notification of the start of the provision of services, only in specifically defined cases, and three violations of paragraph two of Article 45 of the ZZSDT, according to which foreigners are obliged to keep their official information document, if one was delivered to them, or their seasonal work permit at their place of work and submit it as evidence in a procedure at the request of the competent supervisory authority.

It could be noted that employers, mainly in construction, transport, catering and tourism, as well as metalworking, face a labour shortage in the labour market and, therefore, employ foreigners, which is in many cases associated with the provision of labour contrary to the provisions of the ZUDT.

Inspection of violations of Article 7 of the ZZSDT has shown that it is difficult to establish where workers provided by employers illegally to user undertakings actually work. It was also 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.

Labour inspectors find it difficult to obtain information sheets from foreign workers, as foreigners often do not even know what is required of them. 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.

There are also cases where 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 and then reduce income to the habitual level.

It should also be added that inspectors also found **violations of indent four of paragraph one of Article 54 of the ZDR-1**, which explicitly determines in which cases a **fixed-term employment contract** can be concluded. In eight cases it was found that a fixed-term employment contract for the employment of a foreigner or a stateless person who has a single permit as determined by the act governing the entry and residence of foreigners and a seasonal work permit as determined by the act governing the employment, self-employment and work of foreigners, except when the single permit is issued on the basis of consent for employment, self-employment or work, was concluded contrary to the exception specified in this Article.

As regards the transnational provision of services and the posting of workers, the IRSD also oversees compliance with the provisions of the **ZČmIS**. In supervising the implementation of the aforementioned Act in 2021, inspectors found **10 violations**, which is fewer than in the previous reporting period (13).

In 3 cases, violations of paragraph two of Article 12 of the ZČmIS were found, as the employers did not have a valid A1 certificate for posted workers. There were 7 violations of Article 14 of the ZČmIS, as the foreign employer failed to comply with the provision of Article 14 of the ZČmIS, because the foreign employer failed to register with the Employment Service of Slovenia prior to the commencement of the transnational provision of the service, or failed to ensure that during the provision of such services in Slovenia the documents specified in the ZČmIS are kept and made available at the request of the supervisory authority.

Since the supervision of posted workers is most effective at the place of work, cooperation between the supervisory authorities of the EU Member States is crucial. Supervision can thus focus on the place where the service is provided and the place where the employer posting the workers is registered. According to the IRSD, the establishment of the ELE operation and the increase of supervision and cooperation between EU Member States will contribute to the improvement of the rights of posted workers. 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.

The ZČmIS was amended in 2021 with a view to applying the same rules regarding payment for the work of posted workers as applies to local workers in accordance with the legislation and generally applicable collective agreements at the level of the country of posting, with the aim of limiting the time of long periods of posting and with the aim of ensuring as mandatory respect for the principle of equal treatment in the event that the cross-border service is performed by posted workers employed by the employer to provide labour. Inspectors in the field still find that liable persons do not have the required documentation, and the change introduced by the amendment is that employers now provide translations of documents only at the request of the relevant authority.

In 2021, 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. They found **39 violations of Article 209 of the ZDR-1, which determines mandatory components of employment contracts for workers posted to work abroad**. 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 their 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.

4.10. 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. 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.

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 2021 in the manner provided for by the law, and due to the lack of clear guidelines for its work, the IRSD repeatedly drew attention to this issue.

In 2021, the IRSD continued inspections in the field of occupational pension insurance despite the fact that the situation in connection with SARS-CoV-2 required priority inspection of the provisions of the ZNB and despite the limited number of available resources. In 2021, the number of established violations of Article 200 of the ZPIZ-2 reached **9**. Complaints were filed against some administrative decisions of inspectors and the cases were referred to a second instance authority. Such decisions will be of vital importance for the further work of IRSD.

Inspections are complex and time-consuming due to extensive documents and, in most cases, a large number of workers, where it is necessary to verify inclusion in occupational pension insurance. Inspectors note 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.

4.11. OTHER VIOLATIONS FOUND IN EMPLOYMENT RELATIONSHIPS

In 2021 in the area of employment relationships inspectors found violations in other areas. In this regard, we would like to highlight violations related to **annual leave (180 violations)**, **violations of the ZJRS (13 violations)** and **violations related to the protection of certain categories of workers**.

4.11.1. Annual leave

Again in 2021 the principal violations concerning annual leave involved its **use (77 violations)**, thus violations of Article 162 of the ZDR-1, which defines employer's obligation to allow workers to use their annual leave entitlement in the manner provided by law. Inspectors reported problems with the taking of annual leave, especially with those employers in the private sector where they also found violations concerning working time, or where employers employed a number of workers that was insufficient to successfully replace workers already on leave.

In the course of the reporting year, some employers turned to the IRSD for professional assistance on how to act in cases where their employees refuse to take two weeks of annual leave in one continuous block. These employers want to allow such workers to take at least two weeks in one continuous block as they are aware that they would be in breach of the law if they allowed a different way of taking annual leave. Annual leave is one of employees' basic rights and is defined as such in order to allow employees to take a break from work and gather new strength and energy for further work, i.e. restore their psychophysical abilities. Why some employees do not want to take at least two weeks of annual leave at a time depends on a case-by-case basis, so there are no easy answers or advice for employers here, as an employee's (alleged or actual) refusal to take leave cannot be an excuse for forcing them to take it. In such cases, employers are advised to have a thorough and frank discussion with each worker who does not wish to take at least two weeks of leave, and to emphasise why taking two weeks of leave at a time is important from the viewpoint of restoring the employee's psychophysical abilities and health at work.

In 2021, violations regarding the use of annual leave were followed by those relating to its **determination (65 violations)** and employers' obligation to inform employees about the length of annual leave in a particular year in due time. In **14 cases**, employers did not correctly **allocate annual leave** to employees in accordance with Article 159 of the ZDR-1.

In **18 cases**, inspectors recorded a violation regarding the approval of annual leave, when employers approved the use of annual leave to employees taking into account the requirements of the work process, but not taking into account the opportunities for rest and recreation of employees or their family obligations. This kind of violation is defined as a violation of Article 217a of the ZDR-1.

In the reporting year, inspectors also found individual violations regarding the allocation or the use of a proportionate part of annual leave (violations of Article 161 ZDR-1) and regarding the invalidity of waiving the right to annual leave (violations of Article 164 ZDR-1).

4.11.2. Public Use of the Slovenian Language Act

Labour inspectors are also responsible for supervising the implementation of individual provisions of the ZJRS, in particular the implementation of Articles 14 and 16 of this Act. Paragraph two of Article 14 of the ZJRS, the implementation of which falls under the responsibility of the IRSD, provides that it is the duty of a private employer to take into account the foreseeable frequency and complexity of language contacts with clients:

- to determine the level of difficulty of knowledge of Slovenian required for each job,
- to indicate the required proficiency level in Slovenian when advertising job vacancies for which language contacts with customers are envisaged.

Article 16 of the ZJRS provides that the internal operations of legal entities under private law and natural persons performing a registered activity of regulating the rights and duties arising from the employment relationship, giving instructions and informing workers and occupational safety must be conducted in the Slovenian language. In the event of employment of a foreigner who performs seasonal work, the joint use of a foreign language is allowed. The aforementioned legal and natural persons may not request written applications from candidates only in a foreign language when applying for positions.

In 2021, inspectors identified **13 violations** of Article 10 of the aforementioned articles of the **ZJRS**.

4.11.3. Protection of certain categories of workers

In 2021, labour inspectors found individual violations in relation to the protection of certain categories of workers, i.e. in relation to the rights of workers under the age of 18, in relation to the protection of workers with disabilities and in relation to older workers.

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



In 2020, the IRSD's scope of inspection was temporarily extended, as we were granted powers to control the implementation of the ZNB and the government decrees adopted on the basis thereof to prevent the spread of the novel coronavirus in the work environment of employers. On the basis of the emergency legislation (ZIUPOPDVE), in 2021 we were given the powers to control the implementation of the provisions of the ZNB and the regulations adopted on its basis as part of the departure from the provisions of the ZNB.

On the basis of the aforementioned extended powers, the IRSD inspectors carried out inspections of employers' working environments pursuant to paragraph 1 of Article 39 of the ZNB, in which they strictly checked compliance with the following:

- 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;
- hand disinfection and the suitability of disinfectants that had to be entered in the register of biocidal products, which is maintained and published on its website by the Office of the Republic of Slovenia for Chemicals;
- regular ventilation of indoor spaces in which employers perform or manage their activities in accordance with the NIJZ's recommendations;
- compliance with the recovered/vaccinated/tested rule for employees and other persons involved in the work process; and
- temporarily restricting the gathering of people or temporarily restricting the performance of individual economic activities.

The inspectors of all three inspection bodies carried out **19,064 inspections** in accordance with the ZNB or government decrees regarding the prevention of the spread of the novel coronavirus. As part of ensuring the involvement of IRSD inspectors in the field in order to ensure compliance with current measures, the IRSD issued warnings and, in some cases, also instigated offence procedures for non-compliance with the provisions of the ZNB in cases of identified irregularities. Inspectors in the field found that the supervised entities largely complied with the aforementioned measures to contain the spread of the novel coronavirus, as decreed by the Slovenian Government. In cases of identified irregularities, employers generally complied with warnings.

In the framework of their extended powers, inspectors responsible for the inspection of labour relations also inspected compliance with measures to prevent the spread of the novel coronavirus in **2,436 cases**.

In addition, occupational health and safety inspectors performed **5,416 inspections** in which, in addition to other risk factors in their area of responsibility, they also monitored compliance with the ZVZD-1 in connection with preventing the spread of the coronavirus. In these inspections, priority was given to determining whether, through risk assessment, employers had adopted and implemented measures to prevent the spread of the coronavirus also in work environments other than public spaces at their locations. Inspectors also checked the provision of appropriate protective masks and their use in accordance with the provisions of the ZVZD-1, as well as compliance with the obligation to ventilate workspaces, disinfect workplaces, disinfect hands and ensure sufficient social distance in accordance with the NIJZ's recommendations to employers. Many such inspections were also carried out at construction sites.

In 2021, the IRSD reported to the ZIRS once a week.

6. TARGETED INSPECTIONS OF THE SLOVENIAN LABOUR INSPECTORATE IN 2021

In 2021, the IRSD carried out **7 targeted inspection campaigns or tighter year-round targeted inspections**: 4 on employment, 2 on occupational safety and health and 1 in both areas of inspection.

Table 5: Targeted IRSD inspections in 2021.

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
Tighter inspection of the implementation of occupational safety and health regulations at temporary and mobile construction sites		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
Inspection campaign on the implementation of labour legislation in the production of bread, fresh pastry goods and fast food providers	x	
Tighter inspection of termination of employment contracts for business reasons and annual leave provision	x	
Tighter inspection of the implementation of Articles 131, 134 And 135 of the Employment Relationship Act and The Minimum Wage Act	x	
Tighter inspection of 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 2021, the IRSD again 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. Due to other priority tasks, some of the planned actions were not carried out in the planned scope, or their implementation was moved to 2022.

Since 2016, the IRSD has been participating in joint EU campaigns against labour exploitation and human trafficking. In 2021, inspection was carried out over the implementation of labour legislation and legislation in the field of occupational safety and health at employers engaged in the preparation of fast food and bakeries as part of the **Joint Action Days (JAD)**, which took place from 31/05/2021 to 6/06/2021 and the purpose of which was to identify victims of human trafficking exploited in connection with forced labour and other forms of exploitation. The joint European campaign involved the participation of representatives of the Police, the FURS and trade unions.

Inspectors carried out 105 inspections at 30 employers engaged in the fast food business and bakeries. In total, they imposed 30 sanctions by way of minor offence decisions, 2 fines and issued 27 administrative decisions. In addition, they issued 14 warnings under the ZIN.

In the field of labour relationships, 129 violations were identified in this campaign, of which 92 were violations of the ZDR-1. The largest number of violations (40) related to the payment of allowances for work under special conditions, 21 violations were also found due to non-payment of wages or annual leave allowance, 19 violations related to night work, and 7 violations to weekly rest and rest during work. A total of 31 violations of the ZEPDSV were found, which most often included employers who failed to

keep working time records in accordance with the law. Furthermore, 3 violations of the ZZSDT were found in connection with the employer's duty to cooperate with the competent state authorities and submit an information sheet to the representative of the state authority. Inspectors found 3 violations of the ZIN regarding the submission of documents to inspectors and some other violations of the aforementioned regulations.

In this campaign, occupational safety and health inspectors found 85 violations, of which 79 related to the ZVZD-1. Most violations, 24, were found in relation to employers' obligations concerning risk assessment, the safety statement and ensuring safe working conditions; 22 violations related to employers' obligation to provide workers with medical examinations, 17 violations to the employers' obligation to ensure safe work, and 5 violations of the obligation to retain documents on occupational safety and health. Six violations were found regarding employers' obligation to provide workers with training, a safe working environment and protection against fire. Other violations of the ZVZD-1 were also found. Furthermore, six violations were found concerning by-laws relating to occupational safety and health.

As part of **the IRSD's targeted inspections** in 2021 (including the JAD campaign), **5,339 inspections** out of a total of 38,188 were carried out in the field of occupational safety and health and employment (according to the IRSD 2021 work report the latter also included inspections regarding compliance with measures related to the prevention of the spread of the novel coronavirus, which are the subject of reporting in a separate chapter). The inspections conducted as part of targeted inspection campaigns or tighter year-round targeted inspections account for 14% of all inspections carried out, and therefore represent an important aspect of the IRSD's operation.

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.

6.1. 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 13th consecutive year, a year-round tighter inspection at temporary and mobile construction sites was carried out in spring and autumn 2021. Special attention was also given to this area for two weeks in spring and autumn, when all available inspectors were visiting construction sites.

From 2015 to 2019 inclusive, the number of construction sites inspected by VZD inspectors decreased (2015: 582, 2016: 451; 2017: 373; 2018: 314; 2019: 296) and has recently started to increase again (2020: 415; 2021: 439). The presence of inspectors at construction sites in 2021 was uneven due to the priority inspections under the ZNB in relation to preventing the spread of the coronavirus, as half of all inspections were carried out during the four weeks of increased activity in spring and autumn. Occupational safety and health coordinators who are present on construction sites at least once a week and occupational safety and health professionals particularly play an important role in ensuring that construction sites comply with occupational safety and health regulations. In addition to monitoring compliance with the provisions of the Annexes to the Decree, inspectors paid more attention to compliance with the obligations of contracting authorities or project supervisors and occupational health and safety coordinators.

In 2021, 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. In this regard, inspectors 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.

Occupational safety and health inspectors carried out 1,843 inspections of 1,220 legal entities in their supervision of 439 construction sites and 79 work sites where short-term work, mainly at height, was

carried out. This resulted in 2,046 violations found and 1,026 measures imposed. Most irregularities were found in connection with work at heights (safety fences and scaffolding), the use of personal protective equipment, the written agreement under Article 39 of the ZVZD-1 at construction sites and provision of medical checkups for workers.

Of the 439 construction sites inspected, 22% of them employed between 1 and 5 workers, 52% between 6 and 20 workers, 17% between 21 and 50 workers, and 9% of the construction sites employed more than 50 workers. Of the 79 inspected worksites where short-term works were carried out, 69% of them employed between 1 and 3 workers, 23% between 4 and 6 workers, 5% between 7 and 10 workers, and 3% employed more than 10 workers. The most frequently inspected were worksites where façade work (36%) and roofing work (16%) were performed.

Within the framework of targeted inspection, inspectors also monitored contracting authorities' compliance with their obligations and 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 fulfilment of the conditions for registration under the Decree. A copy of the construction site notification was not placed in a visible place at 21% of the construction sites. Due to changes, construction site notification was updated at 10% of the construction sites, instead of the expected 15%. A total of 93% were construction sites at which works were carried out by two or more contractors, and 5% were construction sites at which clients failed to appoint occupational safety and health coordinators in accordance with the Decree. It was found that of the coordinators present at the construction sites, 2% were not appointed by the contracting authority, while 1% were substituting for appointed coordinators. It was found that 1% of the clients transferred their obligations under the Decree to the contractors, which is prohibited by law, and a total of 5% of the contracting authorities failed to ensure the drawing up of a protection plan, as provided for in the Decree.

As part of targeted inspection, the work of the occupational safety and health coordinators was inspected, both in the preparation phase and during the implementation phase of the project. It was found that at 85% of the construction sites, the same coordinators were appointed for both the preparation phase and the implementation phase of the project. It was found that 1% of the protection plans had failed to comply with Annex V of the Decree and that 2% of the protection plans had not been adjusted to changes at construction sites. At 2% of construction sites, coordinators did not have the Construction Safety Log Book of measures to ensure safety at work in line with the Decree. It was found that 5% of coordinators had improperly recorded measures related to identified irregularities in the log book and 2% of coordinators had not recorded them at all. In 69% of cases, inspectors managed to make contact with coordinators on construction sites during the implementation phase. On average, the coordinators visited construction sites every 8 days, which is not in line with the IRSD's view that coordinators can only perform their tasks properly during the project implementation phase if they are present on the construction site at least once a week or as often as necessary to ensure that the construction site contractors comply with the regulations governing occupational safety and health.

Targeted supervision was focused mainly on the work of construction contractor employers, where irregularities were found in connection with scaffolding. In 152 cases, and in 36 cases access to workplaces at height was found to be inadequate. Inspectors found that in 251 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 55 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 65 construction sites the employers failed to designate a worker who was to safeguard the safety of their workers; at 32 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 40 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 33 cases, in connection with the protection of openings in the ground in 26 cases, and in connection with work on roofs in 28 cases. The inspectors also found 23 irregularities in terms of protecting workplaces from falls at openings in the walls that were at a height of more than 2 m and where the height of the parapet was less than 85 cm. A total of 212 irregularities were found with regard to the provision of personal protective equipment and its use by individual workers. In relation to the protection of construction pits and excavations, 73 violations were found. Inspectors found 84 violations in relation to Electrical installations at construction sites and 84 violations relating to the adequacy of construction machinery and work equipment at construction sites. They found 99 violations in relation to the provision of medical

examinations for workers, and 53 violations in relation to the provision of toilets and hand-washing basins at construction sites, which inspectors were even more attentive to during the coronavirus epidemic.

Based on the findings, the occupational safety and health inspectors issued 328 regulatory decisions to eliminate irregularities, of which 179 measures were imposed orally on the grounds of urgency. In 79 cases, the inspectors prohibited the continuation of individual works until the irregularities were corrected, and in 54 cases the work was prohibited on the grounds of imminent danger to workers' lives. Inspectors issued minor offence decisions giving 44 warnings and imposing 43 fines, and issued penalty notices imposing 116 fines. In addition, 166 warnings under the ZIN and 196 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 2021, given the fact that construction is the activity in which the highest number of violations is found in the area of employment relationships.

Taking into account the fact that employers in this branch of activity use a wide range of legal bases for the performance of work, in the field of supervision of employment relationships the IRSD supervised the implementation of the provisions related to the prohibition of the performance of work based on civil law contracts with the existence of elements of employment relationship and the provisions governing the supply of labour to other user undertakings. The IRSD also supervised the implementation of the provisions of the ZZSDT and the ZČmIS, whereby inspectors also supervised foreign employers providing cross-border services in Slovenia or sending workers to work in Slovenia. The IRSD also paid attention to the existence of possible indicators for identifying human trafficking. Attention was also focused on keeping records on the use of working time, which are determined by the ZEPDSV, as well as to the implementation of the provisions of the ZDR-1 regarding the provision of rest, payment of wages and annual leave allowance.

In the context of targeted inspection of employment, inspectors performed a total of 602 inspections and found 195 violations. A total of 150 measures were imposed for the irregularities identified, most of them being a minor offence. Inspectors issued 46 warnings, 15 minor offence decisions and penalty notices imposing 7 fines. In addition, 57 warnings were issued under the ZP-1. As regards administrative measures, 31 regulatory decisions and 3 warnings under the ZIN were issued. Inspectors also gave consent in one case regarding the elimination of special legal protection in accordance with Article 115 of the ZDR-1.

The majority of the identified violations related to payment for work, (114), most of which were violations of Article 131 of the ZDR-1, which refers to the payment of annual leave allowance (73), with inspectors more often reporting delayed payment and non-payment of the proportional part of this allowance. Inspectors also found 33 violations of Article 134 of the ZDR-1 regarding the payment day and individual violations were recorded regarding the place and method of salary payment, unjustified withholding and compensation of salary payment and payment of allowances. Inspectors found 1 violation of the ZMinP. They found 6 violations regarding working hours. Inspectors also found violations regarding fixed-term employment (12), of which 5 violations related to the reasons for fixed-term employment. Inspectors also identified violations regarding the mandatory components of the employment contract (4) and regarding annual leave (3). A total of 20 violations of the ZEPDSV and 4 violations of the ZZSDT were found. As regards cross-border provision of services, 3 violations of paragraph one of Article 14 of the ZČmIS were found, which requires foreign employers to register with the ZRSZ before starting the cross-border provision of services. Foreign employers were supervised to a lesser extent. Of the 14 identified violations of the ZUTD, 4 violations related to the temporary or casual work of pensioners and 10 to the provision of labour to user undertakings. Inspectors found no violations of Article 13 of the ZDR-1 regarding the performance of work based on civil law contracts. They reported that work at construction sites was mainly performed on the basis of employment contracts, often concluded with foreign workers. In 10 cases, a violation of Article 29 of the ZIN was recorded regarding the participation of the liable parties in providing in due time a written explanation, documents or statement regarding the subject of the supervision. One case of illegal employment was reported to the competent authority.

Inspectors keep highlighting the area of maintaining records of working time. These records are often not available on construction sites, and many employers keep them on a flat basis, so that, according to these records, workers work exactly 8 hours every day, which, given the dependence of this activity on weather, raises the question of the credibility of the submitted records. As a result, it is hard to prove working hour violations.

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

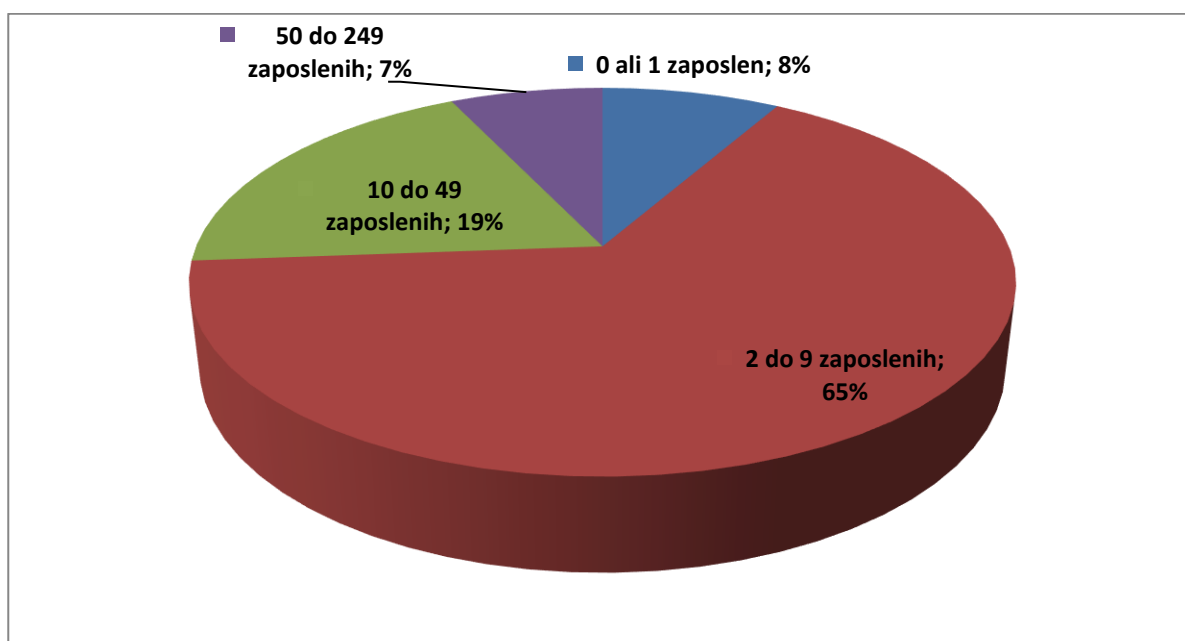
The IRSD has carried out an inspection campaign on the implementation of occupational safety and health regulations at employers selected using random number methodology for the 18th consecutive year. The implementation of this campaign conducted in previous years established that the findings obtained 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 this campaign is to decrease the share of entities that had never been inspected by the IRSD for occupational safety and health.

In 2021, as in previous years, a representative sample of 1120 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.

Our basic tool for obtaining data was a questionnaire. Inspectors complete the questionnaire after finishing their work by entering the basic data on the inspected entity and providing an assessment of the situation in ten areas of control or parameters with grades from 1 to 4; each assessment has a descriptive definition in order to make the assessment as uniform as possible.

Inspectors sent in 84 completed questionnaires. In 2021 their number fell compared to 2020 (273 questionnaires in 2020 and 741 in 2019). As in 2020, 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 2021 the IRSD focused most of its occupational safety and health inspections on the implementation of measures to prevent the spread of SARS-CoV-2.

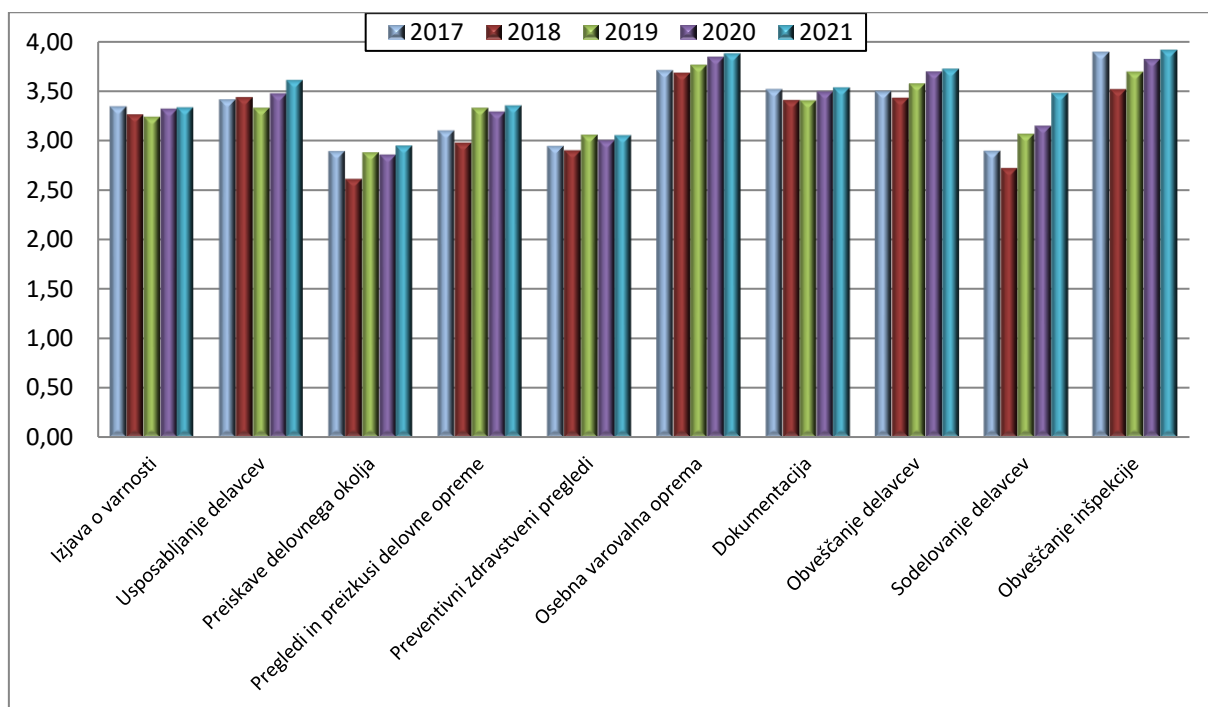
Graph 31: Proportion of inspected entities in relation to the number of employees, IRSD representative sample, 2021 (no entity employed 250 or more workers among the entities inspected in 2021).



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 57% in 2020 to 52% in 2021. It has been noted that the share of entities that have not yet been subject to occupational safety and health inspection has been decreasing for three consecutive years.

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 2017–2021.

Graph 32: Average score of individual parameters, IRSD representative sample, 2017 – 2021.



In 2021, the highest average score (3.91) of all the assessed parameters was given to the parameter of notification of inspection. Since 2007 inclusive, this parameter has been receiving high average scores, which also show the least fluctuation. This parameter also received a very high average score in the aforementioned years, as it always ranked among the three highest rated parameters.

In 2021, the lowest average score (2.94) 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.

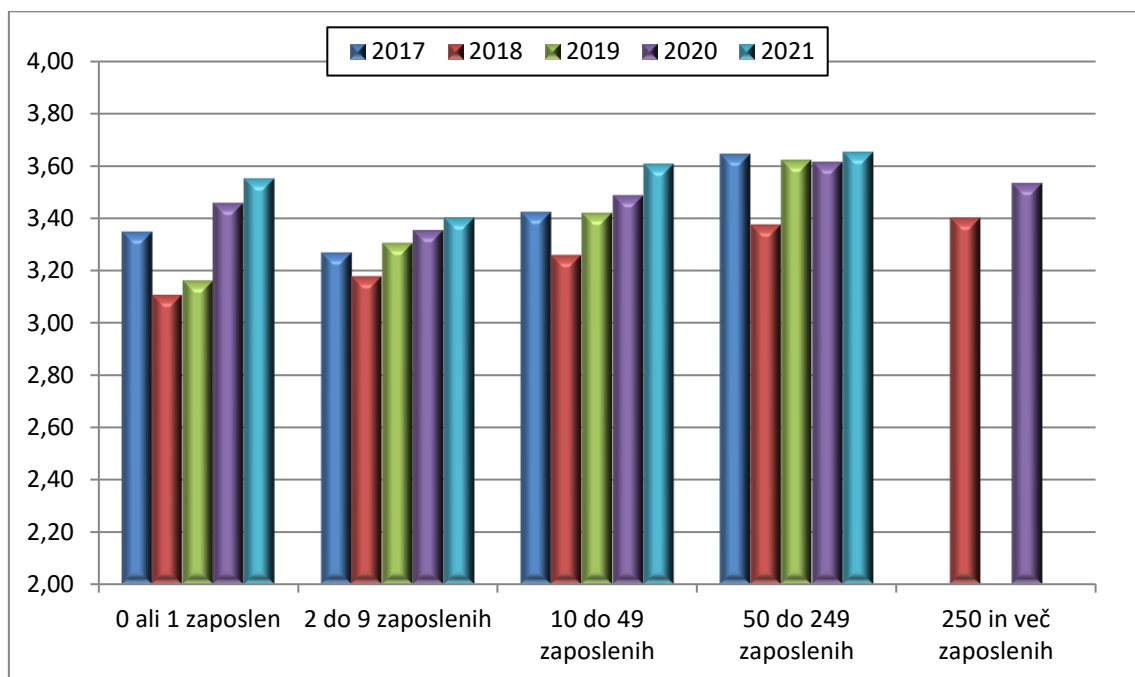
The implementation of measures with regard to occupational safety and health was also found to be significantly affected by whether the entity had been previously subjected to an investigation concerning occupational safety and health. This was established again in 2021, when the average score across all the assessment parameters for entities that had previously at least once been subjected to an occupational safety and health investigation 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.

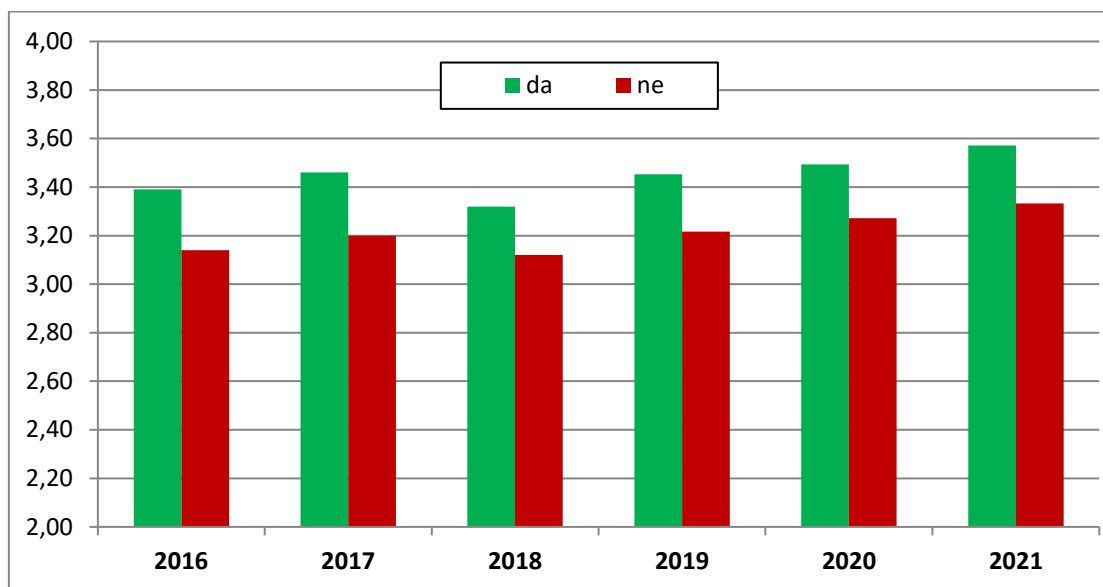
Table 6: Average scores of individual parameters in relation to the number of employees, IRSD representative sample, 2021 (no entity employed 250 or more workers among the entities inspected in 2021).

Number of workers	Safety statement	Training of workers	Inspections of the working environment	Inspections and testing of work equipment	Preventive medical examinations	Personal protective equipment	Documents	Information to workers	Participation of workers	Notification of the inspection authority	Average value
0-1 employee	3.29	3.57	3.25	3.25	2.86	4.00	3.71	3.83	3.75	4.00	3.55
2-9 employees	3.30	3.50	2.87	3.19	2.95	3.89	3.50	3.68	3.33	3.82	3.40
10-49 employees	3.40	3.81	2.93	3.77	3.31	3.86	3.44	3.75	3.81	4.00	3.61
50-249 employees	3.50	4.00	3.33	3.20	3.50	3.67	3.83	3.83	3.67	4.00	3.65
250 or more employees*	-	-	-	-	-	-	-	-	-	-	-

Graph 33: Total average score in relation to the number of employees, IRSD representative sample, 2017-2021 (no entity employed 250 or more workers among the entities inspected in 2021).



Graph 34: Total average score based on whether an entity has previously been subject to inspection for occupational safety and health (yes/no), 2016–2021.



Graph 35: Total average score based on when the subject was last inspected for occupational safety and health (including the trend line), 2021.

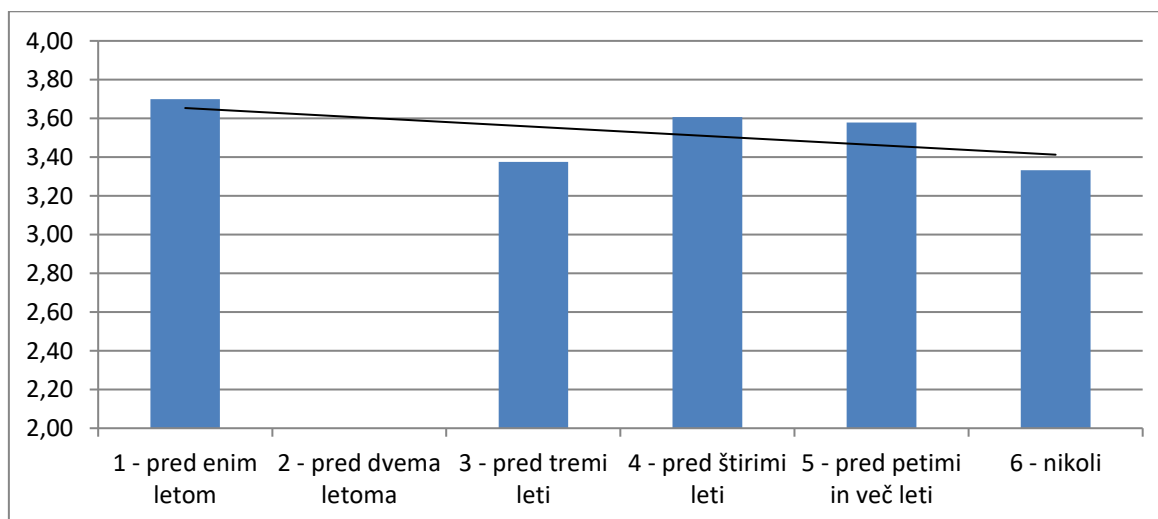


Table 7: Total average scores for the activities in which at least 5 inspections were carried out (ranked from the highest to lowest score), 2021.

Activity code (SKD section)	Name of activity (SKD section)	Average score
69	Legal and accounting activities	3.62
46	Wholesale trade, except of motor vehicles	3.51
43	Specialised construction activities	3.39
45	Sale and repair of motor vehicles	3.36
49	Land transport and transport via pipelines	3.30

47	Retail trade, except of motor vehicles and motorcycles	3.27
56	Food and beverage service activities	3.09

During the campaign, inspectors carried out 191 inspections and imposed 116 measures. Employers were issued with regulatory decisions in 79 cases; 1 warning was issued under the ZIN and 17 under the ZP-1, and 17 measures were imposed in a minor offence decision, of which most were warnings (12). A penalty notice was issued for 2 fines.

In total, the inspectors found 353 violations. The highest number of violations (i.e. 324) was found concerning implementation of the provisions of the ZVZD-1. Of these violations, the most prominent were those relating to risk assessment (109 violations), the training of workers in safe working practices (37 violations), the provision of medical examinations for workers (62 violations), the safekeeping of documents relating to occupational safety and health (26 violations), the execution of tasks of occupational medicine provider (10 violations) and the employer's other main occupational safety and health obligations (80 violations).

In 4 cases, violations in connection with the provision of first aid in the workplace were established. The employers under inspection failed to provide examinations and measurements of low-voltage electrical installations and lightning rods in 2 cases. There were 9 cases of violations relating to work equipment and its use and 6 violations relating to the organisation of workplaces and work areas.

6.3. INSPECTION CAMPAIGN ON THE IMPLEMENTATION OF LABOUR LEGISLATION IN THE PRODUCTION OF BREAD, FRESH PASTRY GOODS AND FAST FOOD PROVIDERS

Employers in the production of bread and fresh pastry goods, which was not prohibited or limited even in the poor epidemiological conditions in 2020, were not subject to inspection for a number of years; therefore, the IRSD decided to include this inspection in its programme guidelines and implement it in 2021. This campaign also included inspection of fast food providers. The purpose of the campaign was to obtain a picture of the state of implementation of labour law legislation from the point of view of the most exposed labour law elements at the aforementioned providers. During the campaign, attention was paid to the legal bases for performing work (including implementation of the provisions of Article 13 of the ZDR-1) and the employment, self-employment and work of foreigners, with an emphasis on identifying indicators pointing to trafficking in human beings. We also paid attention to the implementation of working time rules on night work and the provision of rest breaks while keeping records on the use of working time and payment of annual leave allowance, payment of wages and allowances pursuant to Article 128 of the ZDR-1. When conducting inspections, attention was paid to the correct implementation of temporary measures adopted by the emergency legislation as well as related decrees that fall under the jurisdiction of the IRSD.

The inspection campaign in the area of employment relationships was carried out in the period between 7 June 2021 and 30 September 2021. Before that, in the period 31 May 2021 - 6 June 2021, the IRSD carried out a campaign aimed at monitoring the implementation of labour legislation and legislation in the field of safety and health at work in fast food establishments and bakeries as part of the European JAD 2021 campaign in the field of human trafficking together with representatives of the FURS, the Police and the Association of Free Trade Unions of Slovenia, and for the purpose of which the target sample of employers was agreed upon. For more information, see the previous chapter.



During this targeted campaign, inspectors carried out 67 inspections and found 57 violations. A total of 33 measures were imposed for the irregularities identified, most of them being a minor offence. Inspectors issued 6 notices, 3 minor offence decisions, 4 penalty notices imposing 4 fines and 12 warnings in accordance with the ZP-1. As regards administrative measures, 31 regulatory decisions and 1 warning under the ZIN were issued.

In this campaign as well, the majority of identified violations (38) related to payment for work. Most of the identified violations related to the payment of allowances to workers for working under special working conditions resulting from the allocation of working hours (17) and to violations of Article 131 of the ZDR-1, which regulates the payment of the annual leave allowance (14). Inspectors found 5 violations of Article 134 of the ZDR-1, 1 violation was also recorded regarding Article 135 of the ZDR-1

and 1 violation regarding the seniority bonus. Inspectors also identified violations regarding the provision of rest breaks (4) and regarding annual leave (2).

Inspectors found 9 violations of paragraph four of Article 7 of the ZZSDT, which prohibits working or the allowance of work other than that for which consent has been granted in a procedure for issuing or extending a single permit or an EU Blue Card, or in a written authorisation, or for which a seasonal work permit was issued.

Inspectors found only 1 violation of Article 13 of the ZDR-1 regarding the performance of work based on civil law contracts. They found 1 violation of paragraph three of Article 31 of the ZIUZEOP, which relates to the notification of the institute in the event that the employer invites a laid-off employee to return to work.

Inspectors' reports show that at smaller liable entities work is often performed by owners' or directors' family members and relatives, so that potential violations may be hidden, and workers do not report labour law violations. In the inspected cases, workers mainly performed their work mainly under employment contracts. Inspectors pointed to the problem of keeping records on the use of working time. It is difficult to find out the real situation regarding working time, as entities liable either do not keep records or there is a possibility that records are modified for inspection and do not show the actual situation. As a result, it is hard to prove working time violations. Inspected employers enforced the measures under the emergency legislation only exceptionally.

6.4. TIGHTER INSPECTION OF TERMINATION OF EMPLOYMENT CONTRACTS FOR BUSINESS REASONS AND ANNUAL LEAVE PROVISION

In the past, we noted that the implementation of legislation relating to the termination of employment contracts posed problems for some employers. The COVID-19 epidemic made it difficult for many employers to do business, or caused layoffs, for which employers were entitled to compensation. Emergency legislation imposed a ban on dismissal for business reasons where employers claimed compensation. The ban applied to the period during which employees received wage compensation during layoffs and during which shorter full-time work was subsidised. Inspection focused on the dismissal of workers for whom the employer claimed government aid and failed to take into account the ban on dismissal of workers in accordance with the emergency legislation. In this regard, attention was paid to violations of the provisions of the ZDR-1 regarding the termination of employment contracts and, in connection with this, to the violations of the emergency legislation, which imposes and sanctions the ban on dismissal. Tighter inspection also included compliance with the provisions of the ZDR-1, which relate to annual leave, paying particular attention to whether employers violated the right of workers to the use of annual leave or unilaterally determined the length of workers' leave.

Tighter inspection was carried out from May until the end of 2021, however on a smaller scale, which was also due to the increased inspection workload concerning the implementation of the ZNB.

During this tighter campaign, inspectors carried out 94 inspections and found 31 violations. Inspectors found 20 violations concerning annual leave. The majority of violations were recorded in relation to paragraph one of Article 162 of the ZDR-1, which provides that annual leave may be taken in several parts, where one part must consist of at least two weeks. Inspectors found 2 violations of the emergency legislation: 1 violation of paragraph three of Article 31 of the ZIUZEOP-A and 1 of paragraph three of Article 76 of the ZZUOOP. These violations related to the obligation to notify the institute if an employer invites a laid off employee to return to work. Inspectors also found 8 violations related to the payment of wages, more specifically to the provisions of the ZEPSDSV. The inspectors imposed 24 sanctions, mainly for offences. Inspectors issued 9 notices, 2 minor offence decisions and 8 warnings in accordance with the ZP-1. They issued 4 regulatory decisions and 1 warning pursuant to the ZIN.

Notwithstanding the small number of inspections carried out, it is estimated that the IRSD's contribution was preventive. In our opinion, the very awareness that we are exercising stricter control in this area has to a certain extent contributed to more consistent compliance with the regulations in this area. It can also be concluded that the intervention measures helped to preserve jobs. In this regard, it should be emphasised that the IRSD has no competence to judge the lawfulness of the termination of the employment contract or its validity, but, in accordance with the provisions of ZDR-1, it has the responsibility to determine any violations in connection with the implementation of the procedure for

terminating the employment contract itself. At the same time, the IRSD can report on a number of cases of provision of professional assistance, both regarding use of annual leave as well as the termination of employment contracts.

6.5. TIGHTER INSPECTION OF THE IMPLEMENTATION OF ARTICLES 131, 134 AND 135 OF THE EMPLOYMENT RELATIONSHIP ACT AND THE MINIMUM WAGE ACT

Inspection of remuneration for work remains one of the IRSD's permanent tasks, as it is assessed as posing a risk of violations of the rights of a large number of workers. Tighter inspection was performed in an expanded extent, where inspectors controlled the implementation of Articles 131, 134 and 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. Statistical data were collected separately and are also shown separately in the annual report.

In the context of this inspection, inspectors responsible for employment relationships performed a total of 437 inspections and found 308 violations. As regards remuneration for work, the inspectors found 229 violations, of which 133 violations were found regarding the payment for annual leave (a further breakdown of violations reveals 9 violations of paragraph one of Article 131 of the ZDR-1, 88 violations of paragraph two of Article 131 of the ZDR-1, and 7 violations of paragraph three of Article 131 of the ZDR-1, as well as 29 violations of paragraph four of Article 131 of the ZDR-1). In connection with the day of payment, 62 violations were recorded; there were also 22 violations of Article 135 of the ZDR-1 found. One violation each was found in relation to unjustified withholding and offset of salary payment and in relation to wage compensation. 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 (3), and who failed to pay the seniority bonus (4 violations) or reimburse work-related expenses (1). Inspectors found 2 violations related to the provision of the minimum wage, which the employer must comply with in accordance with Article 126 of the ZDR-1, and 4 violations related to the ZMinP.

As part of this tighter inspection, inspectors found 4 more violations regarding the use of annual leave. Violations were identified in connection with collective agreements (5), fixed-term employment (2), termination of an employment contract by agreement (3), termination of a fixed-term employment contract (3) and some other violations. A total of 250 violations of the ZDR-1 were identified. In addition, inspectors found 19 violations of the ZEPDSV. Furthermore, 19 violations were recorded in connection with the obligations of the person liable in the inspection procedure and the unimpeded performance of inspection duties. Inspectors also found 8 violations of the emergency legislation, of which 5 related to the ZIUZEOP, and 1 each related to the ZIUPOPDVE, the ZZUOOP and the ZDUOP. Inspectors also found 2 violations of the ZMEPIZ.

The violations found during the inspection campaign resulted in 179 different measures. Inspectors imposed 35 fines and issued 64 warnings with offence decisions and penalty notices imposing 10 fines. In addition, 55 warnings were issued under the ZP-1. As regards administrative measures, 10 regulatory decisions and 4 warnings under the ZIN were issued. Inspectors also reported 1 criminal offence.

Most violations found in 2021 concerned the payment of annual leave by the statutory deadline. Inspectors note that employers occasionally make payments for annual leave in several instalments, even with a delay, for which they lay the blame on liquidity problems. Due to the difficult economic situation, illiquidity was generally raised more frequently by employers during this reporting period. Several problems continued to be identified in connection with the payment of the proportional part of the annual leave allowance in cases of concluded fixed-term employment contracts. Inspectors still noted that some employers paid salaries after the statutory date. The violations found in relation to the failure to pay salaries on time in 2021 suggest that this was also due to the circumstances in which the employers found themselves due to the epidemic. There were few reports filed by workers who did not receive their salaries for a longer period. Inspectors also identified violations related to the issuing of statements of remuneration paid.

The findings of tighter inspection did not differ significantly from the general findings regarding the remuneration for work, therefore, they are not quoted separately again. As regards the number of identified violations, it should be pointed out that the highest number of identified violations in this area is a reflection of the increased IRSD activity in this area. Ongoing inspection in this field will continue in the future.

6.6. TIGHTER INSPECTION OF COMPLIANCE WITH ARTICLE 131 OF THE EMPLOYMENT RELATIONSHIP ACT

Given the extent of the alleged violations in connection with the payment of annual leave allowance, we checked the payment thereof as part of a year-long intensified inspection over the implementation of Article 131 of the ZDR-1. Given the situation, which was also shaped by the coronavirus disease in 2021, the IRSD often carried out inspections through requests for documents. Tighter inspection was also carried out based on the aforementioned reports. The focus was on both large and small employers. It should be added that individual inspections were also carried out regarding the retroactive payment of the annual leave allowance (for 2019), within the limitation period. The inspection of the payment of the annual leave allowance for 2020 and 2021 took into account the circumstances that may have led to the non-payment of this allowance.

Tighter inspection was carried out for by far the largest number of cases, i.e. 2,000. Inspectors found 1,729 violations. A total of 1,256 measures were imposed for the irregularities identified, most of them being a minor offence. Inspectors issued minor offence decisions, giving 159 warnings and penalty notices imposing 125 fines. In addition, 200 warnings under the ZP-1 and 52 regulatory measures were imposed, of which 35 in the form of regulatory decisions and 17 warnings under the ZIN.

The majority of violations (180) related to paragraph two of Article 131, which provides that annual leave allowance must be paid out to workers by 1 July of the current calendar year at the latest. Inspectors found 122 violations of paragraph one of Article 131 of the ZDR-1, according to which employers are obliged to pay the annual leave allowance to eligible workers at least in the amount of the minimum wage. In addition, 128 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 294 violations concerning the proportionality of part of the annual leave allowance. Inspectors found 7 violations of paragraph five of Article 131 of the ZDR-1, which regulates the right to holiday leave allowance in cases of a part-time employment contract, with the exception of cases where the employee works part-time in special cases in accordance with pension and disability insurance, health insurance or parental leave regulations.

In connection with the day of payment, 69 violations were recorded and also 51 violations regarding the place and method of payment as determined by Article 135 of the ZDR-1. Inspectors found 5 violations in relation to unjustified withholding and offset of salary payment and in relation to wage compensation. In carrying out inspections, inspectors identified employers who failed to pay bonuses for work in special working conditions resulting from the allocation of working time (6) or reimburse work-related expenses (5).

As part of this tighter inspection, inspectors found 16 violations regarding annual leave. Violations were identified in connection with collective agreements (9), fixed-term employment (14), breaks and rest periods (5), termination of an employment contract (25), etc. A total of 1,564 of violations of the ZDR-1 were identified. In addition, inspectors found 26 violations of the ZEPDSV. Furthermore, 111 violations were recorded in connection with the obligations of the person liable in the inspection procedure and the unimpeded performance of inspection duties, which points to a lack of responsiveness or willingness of liable entities to participate in inspection procedures. Inspectors also found 13 violations of the emergency legislation, of which 9 related to the ZIUZEOP, and a few related to the ZIUPOPDVE and the ZDUOP. Inspectors also found 3 violations of the ZMEPIZ. Inspectors also found a number of other violations of labour legislation.

The findings regarding the tighter inspection over compliance with Article 131 of the ZDR-1 are substantively the same both in the context of extraordinary and tighter inspection. Inspectors noted that some employers paid annual leave allowance in several intervals, blaming liquidity problems. Employers often indicated liquidity problems in connection with COVID-19. 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 provided by Article 131 of the ZDR-1 or in the amount laid down in the binding collective agreement. The employers mostly do not have any general legal acts or formal criteria in place that would allow them to pay different amounts of annual leave

allowance 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.

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. A specific feature is family businesses where directors do not pay a holiday allowance to themselves, their partners or close family members. Some of the irregularities found were related to the time limit set for the payment of the proportionate part of the annual leave allowance. Not all employers are familiar with the case law. In this regard, some employers pointed to the problem that, after receiving the holiday allowance in full, workers did not want to give their written consent for offsetting any overpaid amount in the event of termination of the employment relationship during the calendar year. 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. Inspectors also identified cases of disbursements in cash and cases of illegal offset.

Cooperation with the FURS concerning 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. Furthermore, it has been observed that when inspection procedures were launched, the persons liable often actually made the payment for annual leave; otherwise no annual leave allowance would have been paid to certain workers.

In 2022, we will continue carrying out inspections of the payment of holiday leave allowance and, for preventive purposes, we will continue emphasising that the emergency legislation did not interfere with the payment of holiday leave allowance and point to the realisation of this right, which is important for the restoration of workers' psychophysical abilities.

7. INSPECTIONS IN THE AREA OF SOCIAL ASSISTANCE

7.1. GENERAL

The Social Affairs Inspection Service is tasked with supervising 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), supervising 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 supervising 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.

7.2. STATISTICS

In 2021, the Social Affairs Inspection Service employed six inspectors, including the director, half of whom were aged over 55. Due to the small size of the Service, any absence of inspectors represents a serious disruption in its operation, or significantly impacts the scope of the direct inspection work performed. In 2021, only **5 inspectors** actually worked in the Inspection Service due to long-term sick leaves of absence. Moreover, inspectors of the Social Inspection Service also carried out in 2021 inspections regarding compliance with the ZNB and Slovenian Government decrees intended to prevent the spread of the novel coronavirus, and these additional powers also affected the work of the inspectors.

7.2.1. Inspections

In 2021, the **Social Affairs Inspection Service** received **206 reports** and **concluded 271 inspection cases**. Of these, 211 were **targeted inspections**. As many as **225 inspections were also carried out according to the ZNB** regarding compliance with measures to prevent the spread of the novel coronavirus among social welfare providers.

Due to the variety and sensitivity of the inspectors' tasks and due to their powers, the majority of **inspections, i.e. 62%**, were connected to **the operation of social work centres**, as was expected. The above-mentioned cases primarily concerned the regulation of relationships between parents and children after the dissolution of the family community (34%), tasks related to social security issues (18%), the protection of children at risk and foster care (17%), domestic violence (15%), the provision of social assistance services (14%) and tasks relating to the appointment of a guardian and the performance of guardianship duties (9%).

Approximately 20% 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.). There were still complaints about the work of contractors due to the epidemiological situation.

When planning inspections and other activities for 2021, the Social Inspection Service took into account past findings and more frequently detected irregularities, as well as the proposals of the ministry responsible for social welfare (pursuant to paragraph two of Article 105 of the ZSV).

In 2021, the Social Inspection **gave priority to initiatives** in the field of operation of SWCs, from which it was possible to conclude that the alleged irregularity **threatened the benefits of children**, as well as those with alleged irregularities in dealing with **domestic violence**.

In dealing with domestic violence, inspectors therefore paid special attention to the first response to information about domestic violence and the creation of assistance plans for violence victims. Inspection was carried out in **10 Social Work Centres , involving 13 Social Work Centre units**.

In 15 SWCs, more precisely in 28 SWC units, tasks related to preliminary counselling and formation of opinions in non-contentious proceedings for **regulating relations between parents and children** after the breakdown of marriage were carried out.

In 7 SWCs, i.e. in 13 SWC units, inspection was focused on the implementation of the tasks related to **guardianship**.

Inspection of procedures for exercising the **rights to public funds** was carried out at **7 SWCs, i.e. 14 SWC units**.

Due to reasonable measures to contain the spread of COVID-19, institutional care providers could not fully provide services in accordance with the regulations, however, inspections were nevertheless carried out at **25 institutional care providers for the elderly over 65 years of age**.

Inspection of the **provision of assistance to the elderly** also includes supervision of the tasks of municipalities in organising and implementing social care, which was carried out in **42 municipalities**.

In the above-listed cases, individual contractors could also be inspected in several different areas or on the basis of different notifications.

In accordance with Article 8 of the ZID-1, inspectors can, depending on the circumstances of the case and within the scope of their powers, make a free judgment regarding advice and assistance, as well as the choice of measures to ensure the implementation of or compliance with laws and other regulations. Based on the experience of previous years, the Social Inspection Service continued emphasising its **advisory role** and thereby asserted the inspection's fundamental mission: to ensure through its activities implementation of or compliance with the laws and other regulations the implementation of which it is monitoring. The purpose of advisory work is to prevent violations of the regulations to a greater extent, as due to the specifics of social welfare activity, it is extremely important that the working relationship, the key element of which is cooperation between the user and the contractor in finding possible solutions, is not interrupted due to violations of the regulations or the suspected violation thereof. The Social Inspection Service's advisory role consisted mainly of offering professional assistance in **69 cases**, publication of the Social Inspection Services positions and opinions regarding the lawfulness of the actions of social welfare providers, and providing direct advice in certain regions. Inspectors believe that, in order to ensure the benefits to the users, providers generally want to act in a lawful and professional manner and that violations occur for various reasons, and that they could be avoided by providing early advice made available at the first signs of disturbances in the working relationship between users and providers.

7.2.2. Number of orders and measures imposed

As regards the concluded cases, **42 administrative and minor offence measures** were issued to providers, including **40 orders and measures** to eliminate the irregularities found. In minor offence cases, **2 sanctions were issued by way of a minor offence decision, and in 2 cases referrals of criminal activity were made**.

7.3. 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.

7.3.1. Social work centres (SWCs)

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

The SWCs' activity again had to be organised in line with **epidemiological measures** in 2021. These circumstances showed once again that the possibility of professional consultation (interview) as well as emotional relief and the possibility of self-reflection of one's own work (supervision) was of utmost importance for the highest possible quality (and lawful) execution of tasks. Involvement in supervision should therefore be ensured by regulations for all professional workers, as this is currently prescribed as mandatory only with regard to the provision of social assistance services but not when it comes to the exercise of public authority or performance of tasks under the law, which tend to put more emotional burden on professional workers (such as emergency removal of a child from parents, domestic violence, etc.).



With regard to the **treatment of children at risk**, the Social Affairs Inspection Service did not identify any major shortcomings in social assistance providers. Moreover, the Social Affairs Inspection Service found that, following the entry into force of the Family Code in 2019, the practices of the courts relating to the interpretation of applicable provisions of the Family Code had not yet been entirely unified, which often leads to difficulties for SWCs involved in non-contentious proceedings in court in formulating proposals, opinions and reports, while at the same time they report on lengthy decision-making of courts.

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 family 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 offences, 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 Service they had approached 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 the above-mentioned 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.

7.3.1.1. 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 for the most part 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 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.

7.3.1.2. Measures undertaken by SWCs for the protection of children

In addition to carrying out inspection of the procedures for the protection of the child's best interests, in 2021 the Social Affairs Inspection Service devoted a lot of time to providing professional assistance in that area. The biggest problems are caused by SWCs' lack of knowledge in the area of drafting proposals to the court and the understanding that SWCs are parties to non-contentious proceedings in the area of measures for the protection of the child's interests. Due to the latter, SWCs still too often only "accept" the court's decisions and do not act as "active" participants - for example, they do not complete their proposals, do not defend their proposals, do not pose questions to opposing parties, do not complain in cases where they do not agree with the court's decision and so forth.

7.3.1.3. Dealing with domestic violence

The Social Affairs Inspection Service receives reports from both victims of violence as well as from 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 specific 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. In particular, the unwillingness of victims of violence to cooperate with SWCs and non-governmental organisations in dealing with domestic violence can prove to be extremely risky. In many cases where a sentence was imposed for domestic violence, it turned out that the victims concealed the domestic violence and in some cases even explicitly denied it, both in the proceedings before the SWC and before the law enforcement authorities. There are many reasons for concealing or denying violence, one of them being the victims' lack of trust in the system of organisation of assistance to victims (both in the context of criminal prosecution, direct protection of victims, and proceedings in court).

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 a family, 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 ultimate 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 in previous years, 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. A 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 overall 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 newsletter 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.

7.3.1.4. 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, as to 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.

7.3.1.5. 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 the 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.

In inspectors' opinion, an important part of the problem that enables foster parents to assume an "advocate" position towards children is the lack of foster parents. The government should start implementing a (multi-annual) continuous campaign to motivate families to join the foster care system.

7.3.1.6. 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 2021, there was the continuing trend of a growing number of reports by people alleged to have been wrongly granted rights to public funds. In all cases supervised, this proved not to be the case so far. 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.

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.

7.3.2. 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

Inspection of providers of institutional care services for the elderly, home assistance in the form of social care and social services was performed in 39 cases and in **12 cases revealed shortcomings and irregularities in the provision of such services.**

As in 2020, the providers of institutional care, home assistance in the form of social care and social services had to adapt their work to the epidemiological situation. During the period of the 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; therefore, inspections were typically carried out by inspecting documents and provider's reports.

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 non-compliance 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.

7.3.3. Activities of special social care institutions

In 2021, 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 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.

7.3.4. 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 complied with the applicable regulations.

7.4. THE IMPACT OF EPIDEMIOLOGICAL MEASURES ON THE IMPLEMENTATION OF SOCIAL ASSISTANCE ACTIVITIES INCLUDING RESIDENCE OR PROVISION OF ASSISTANCE AT BENEFICIARIES' PREMISES



Due to the spread of COVID-19, the scope of inspections of institutional care and the service providers of family help at home was reduced in 2021 due to the fact that, since March 2020, there were long-term or repeated infections both among users and among the staff of the providers of these services. 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 who are the beneficiaries of these services. In the case of some contractors, where inspections had been

planned, inspection was carried out at the contractor's premises at a time when no infections were detected there. For inspection purposes, priority inspection criteria, the instructions set out in government decrees and the instructions of the Ministry of Health, the NIJZ and the MDDSZ for streamlining the procedures to reduce the risk of spreading COVID-19 infections in the performance of work were taken into account. Therefore, inspections in 2021, carried out by subject and by taxpayer, were mainly focused on those for which the review of submitted documents ensured the effectiveness of inspection without personal contacts and supervisory actions at the liable person's premises.

The Social Inspection service found that the personnel structure and the norms for the provision of institutional social assistance to the elderly no longer meet the needs of the beneficiaries, since the average age of beneficiaries has increased, resulting in the need for more complex basic and social care.

At the outbreak of the epidemic, emergency departments (coloured zones) of the department of infectious diseases were organized for the providers even where there were no spatial, technical and personnel conditions for this. Providers of the institutional care service for the elderly could therefore no longer carry out their activities in accordance with social assistance regulations or in accordance with the usual needs of the users of these services.

The existing organisation of work with the available staff, taking into account the recommendations for curbing the spread of infections, was effective in preventing further spread only in cases of rapidly identified early cases of infection. In cases where a larger proportion of users became infected at the same time, providers blamed the competent health services for a poor response. In 2021, persons liable controlled COVID-19 infections more quickly, including by following the instructions of the Ministry of Health, according to which each provider was obliged to keep available 10 home care facilities for the purpose of reorganising the premises into coloured isolation zones of the facilities and routes. This was also supported by regular checking of the staff for infections and the MDDSZ programme for financing the shortage of or unoccupied home care capacities as well as of additional social care and healthcare staff up until the end of 2022. Due to the maintenance of free capacities, the beneficiaries' access to home care was limited.

In periods when the presence of COVID-19 infection was found among the users of services of a particular institutional care provider, the implementation of basic and social care was also adjusted in order to take into account the measures and recommendations for curbing the spread of the epidemic. Probably the majority of the complaints related to restrictions or bans on visits between users within individual homes and between users and their relatives, as well as bans on other activities (volunteer work, events, visits by external organised groups, etc.).

Assessing the risk of spreading a contagious disease and deciding on the scope, severity, method and application of individual measures from the instructions and recommendations of the Ministry of Health for institutional care providers is the responsibility of the healthcare service, and the key persons within the care home are the head of the nursing service and care and the care home physician. The organisation of the provision of healthcare and medical care is the responsibility of the healthcare and medical care manager, who holds the title and the position of deputy healthcare director. In the event of

COVID-19 infections inside care homes, the organisation of work and management was taken over by external healthcare workers (epidemiologists) in cooperation with the care home's medical team. The directors and social assistance professionals of institutional care service providers are not competent and professionally responsible for healthcare activities in care homes. Therefore, when implementing the measures and instructions of the Ministry of Health in a situation of spreading COVID-19, they had no influence on the situation and actions of the permanent and auxiliary staff; however, social assistance workers, including directors, collaborated with local epidemiologists and tried their best to mitigate the consequences of the measures and instructions for the duration of the spread of COVID-19 infection among service users and their relatives.

In 2021, the complaints received from the users and their family members included those regarding the provision 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 those regarding non-compliance with the service standard, and all approaches included complaints regarding actions of local epidemiologists and the auxiliary staff (healthcare workers and volunteers that lacked the necessary experience and competence to provide health and social care) in cases of COVID-19 infections. One of the instructions from the ministry responsible for social welfare referred to the proportional application of measures and preventive instructions, which was respected by the majority of providers, while some providers implemented the strictest measures and instructions even when they were no longer necessary and where they were not necessary at all.

The allegations made in the inspection applications received regarding the provision of institutional care for the elderly contained allegations that both users and their family members saw the implementation of the measures (such as 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.) as a serious mess, as an unjust punishment and due to restricted contacts with other users or visitors, and due to restrictions on movement, even as an act of violence against them. These allegations were justified from the viewpoint of institutional care service standards, but the deviation from the standards was the result of measures and recommendations adopted in order to curb the spread of the epidemic.

Unlike providers of institutional care for the elderly, who provide nursing and care at the same time and therefore have data about the users' health condition and dedicated premises for the staff, this is not the case with providers of family help at home in the form of social care, which is carried out in the home environment, i.e. users' homes. An additional risk factor of COVID-19 infection is posed by the service users' relatives living in the same domestic environment. Service providers do not have direct access to data about the health condition of the persons living in same the household in which home care is provided; therefore, the risk associated with the provision of these services is greater, and so are the problems faced by service providers.

The provision of this service was made even more difficult as the providers lacked preventive equipment and accessories, since care at home is mostly carried out by using vehicles privately owned by service providers, and since some users had no adequate spatial conditions in their homes for a consistent implementation of the prescribed measures and instructions, and given the fact that home care providers work under the threat of penalties from the competent inspectors for failure to comply with anti-COVID-19 measures and instructions from the Ministry of Health.

Despite the introduction of testing for COVID-19 infection for direct care providers, providers were unable to track infections among carers and users and their family members with accuracy. Providers could obtain information about the possible infection of users or their family members only voluntarily from these persons, while users were provided with care at their homes on several occasions several times a day. The same carer also visited other users (according to the prescribed care standard), which made the negative daily test result for that direct provider no longer necessarily reliable for the next user and for the next working day.

COVID-19 infection was also spread among carers. Due to the quarantines and preventive isolation of carers, the providers lacked the staff necessary for the provision of direct care at home, therefore they

agreed with individual users to temporarily reduce the scope of their services or to temporarily suspend their provision where family members stayed at home after having been laid off. Providers sought additional help for the provision of care at home including by connecting with other local community players (civil protection, primary healthcare centres, community nursing service, voluntary organisations and associations), so that they could provide users with at least the most urgent assistance at home.

Family members of the users of this service called for an inspection of providers, alleging that they failed to inform them which user and which carer was infected and that, therefore, they could not take preventive measures at home, that the provision of care involved the participation of 5 to 10 carers per month, that this was in contrast with the regulations, and requiring that care be provided only by healthy direct providers. Inspectors found that in some local communities the service had not been provided to some users fully in accordance with the agreement and service standards, and the reason for it was the emergency situation due to the spread of COVID-19 infections and service providers' compliance with the measures and instructions of the Ministry of Health. In this regard, it was established that service providers informed the users of the service on an ongoing basis of the measures and the situation for the provision of the service in accordance with the regulations on the protection of personal data, and sent letters to the users and their family members asking them for understanding due to the temporary exceptional manner of providing this service. The providers made every effort to perform this service in a way that is safe for users and is in accordance with the care agreements concluded with the beneficiaries.

8. IRSD PROJECT UNIT

In 2021, 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 SARS-CoV-2 epidemic, the Project Unit again implemented the project very successfully this year, reaching or exceeding the indicators related to the number of employers informed about the contents of the project, while exceeding the indicators regarding the implementation of mediations in previous years. From the start of the project to the end of 2021, the Project Unit carried out 145 **mediations** between employees and employers, of which **116** or **80%** were successful (agreement on dispute resolution).



In 2021, which was again marked by measures taken to prevent the spread of SARS-CoV-2 infections, the IRSD was forced to completely shift to the organisation of events and presentations online. The IRSD made presentations at online consultations, conferences and expert meetings of other organisers.

The importance of providing decent work (in particular a healthy and safe working environment) was disseminated to **1,598 employers** (the annual objective set for this indicator was **1,080 employers**) or **1,410** participants (representing employers in a large number) and we took an active part in **6 consultations, professional conferences and meetings** of other organisers. A total of **373 employers** (the annual target for this indicator is **300 employers**) and **434** participants were informed about the importance of peaceful resolution of workplace conflicts and mediation options in a conflict through lectures and expert meetings. The Project Unit promoted peaceful settlement of disputes with practical experience in the project at **6 events** (consultations, conferences, meetings, etc.) of other organisers, such as the Chamber of Commerce and Industry of Slovenia and the Association of Employers in Craft and Small Business of Slovenia.

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 (**163 cases**), and even more orally, by phone or in person during or after consultations, 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, by email 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.

According to the responses to anonymous surveys, our webinars are useful and still popular both in terms of content and in the way they are delivered. In 2021, the average **rating of participants' satisfaction** with workshops was 3.9 (out of the maximum possible 5.0).

Users of the Project Unit's services relating to the sub-activity of **raising awareness among employers about decent work with an emphasis on safety and health at work** 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. 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 2021, the Project Unit continued its activities regarding **the handbook on preparation for the occupational safety and health certification exam**, thereby gathering all the necessary material. The handbook is in the final stage of preparation.

As regards **peaceful dispute resolution**, the declining trends in the number of mediations continued in 2021. Thus, the Project Unit received 31 requests for mediation and carried out a total of 21, of which 14 ended with an agreement (by the end of the year), and some continued into 2022. The decline in the number of requests for mediation and the lower number of mediations carried out was certainly influenced by the continuation of the COVID-19 epidemic. In 2021, there was also a change in the Project Unit's membership in this sub-activity (there was only one active member in this sub-activity for two months in the interim period) and two long-term absences for health reasons. The lower number of requests for mediation can also be attributed to the changes in the method of work of state bodies due to the epidemic - with restrictions on clients' access to the premises of state bodies (appointments for visits during office hours or acceptance of applications exclusively in writing, compliance with the recovered/vaccinated/tested rule for physical access to the IRSD's premises). Furthermore, the number of employees working from home or remotely increased significantly during the epidemic, which means that they were far from their superiors, subordinates and colleagues with whom they could potentially have had conflicts that could have been resolved through mediation. Of course, it cannot be concluded that no conflicts arise in such a working method, but it is true that players in the labour market show much lower motivation to resolve them as they occur due to physical (and often emotional) distance.



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).

Unlike in previous years, the content of mediations in 2021 was almost exclusively related to monetary claims of (former) employees against employers (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, severance payments and so on), but in most cases mediation was requested by workers' representatives from trade unions with whom the Project Unit established good cooperation in the course of implementation of the project. From 2018 to 2020, most of the cases also related to monetary claims; however, there were also disputes concerning relations among staff (definition of tasks and responsibilities, inadequate communication between workers and employers, alleged workplace mobbing, etc.). We assume that we did not receive fewer initiatives for mediation in these types of disputes due to the improvement of relations in the working environment, but rather due to the (epidemic-related) reduced willingness to resolve such disputes and due to an emphasis on survival (money claims) and on the search for new opportunities in the labour market (resignations).

In 2021, only three disputes dealt with in mediation related to irregularities in the termination of the employment contract (termination, deregistration from social insurance), and one case each related to the assignment of an employee with disabilities to a suitable job (even in this case, the employee was dismissed, but with the offer of a new employment contract for another job), and to the issuance of a certificate of work performed for the former employer, and there was (only) one case of alleged workplace mobbing.

Of these 21 cases, the following should be highlighted in 2021:

- 14 cases where an agreement was reached or the dispute between the employee and the employer was effectively resolved over the telephone through a mediator or the two mediating parties succeeded in reconciling their positions at the meeting with the help of a mediator and found a solution to the conflict without a specific written agreement;
- in one case, the mediation did go ahead, but at the same time a lawsuit was filed with the labour court, and the employee and the employer were waiting to see how the court proceedings would unfold, leaving mediation at the Project Unit open "just in case";

- in one case, the other party (an employee) withdrew their consent during the mediation process, and in one case the consent was withdrawn by the mediator, as it was clear from the employer's actions that the employer agreed to the mediation without any interest in resolving the conflict, but with the intention to delay the process, and avoid their obligations and responsibility for numerous irregularities in their operations;
- in one case the Project Unit managed to hold the first mediation meeting, but then the employer's statutory representative (who was a citizen of a third country) became unreachable, and by the end of the year the same employer twice changed the company name and the responsible persons and afterwards none of them could be reached by the Project Unit;
- three mediations were still ongoing at the end of 2021, and some cases from 2020 were still being resolved in 2021.

It is noteworthy that as many as three mediations were carried out in 2021 with one employer and three different workers – all ended with agreements that were also executed. For the first time since the beginning of the project, the Project Unit was informed of the enforcement procedure initiated by the employee because their employer did not fully and punctually honour the agreement concluded and signed at the Project Unit (enforcement title pursuant to Article 216 of the ZDR-1); the feedback is very positive, as the enforcement process went extremely quickly and smoothly.

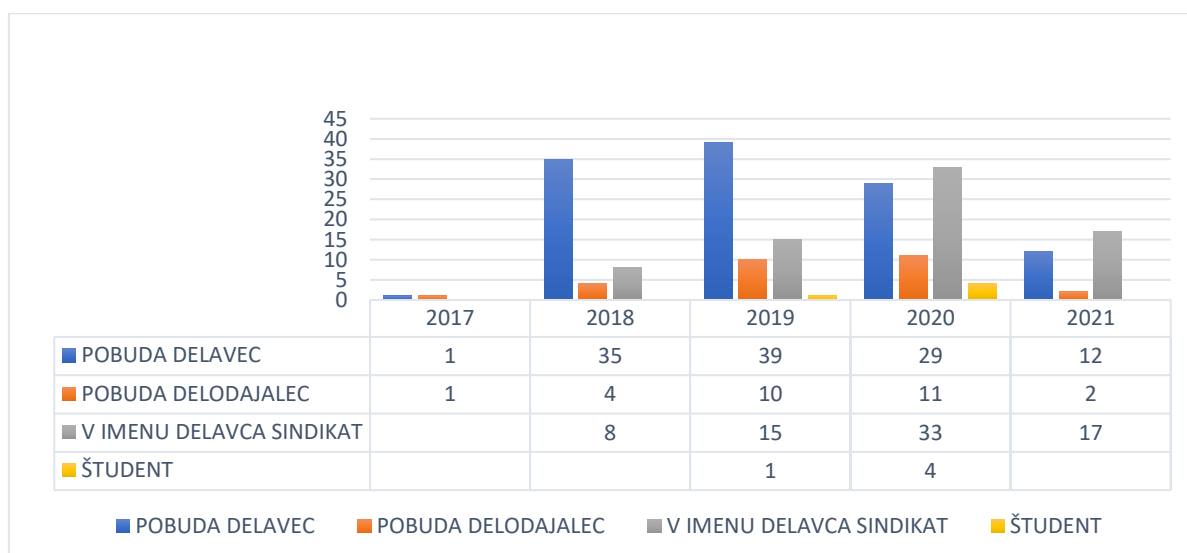
In 2021, the employees involved in this sub-activity received additional training as trainers of mediators (“train the trainers”), they also completed additional training for mediators (both of these trainings will continue in 2022), and they attended a number of seminars, including on the subject of workplace mobbing, working from home or remotely, ergonomics, psychosocial risk factors and the like.



Despite the anti-coronavirus measures in 2020 and 2021, the Project Unit adapted to the new conditions in time and transferred the presentations to a virtual environment and therefore still managed to inform a larger number of employers than planned. We hope that in the last year of the project we will again be able to attract a sufficient number of participants to our workshops.

Presented below is a brief analysis of mediations carried out at the Project Unit from the beginning of the project implementation in 2017 until the end of 2021.

Graph 36: Number of initiatives by years and initiators.

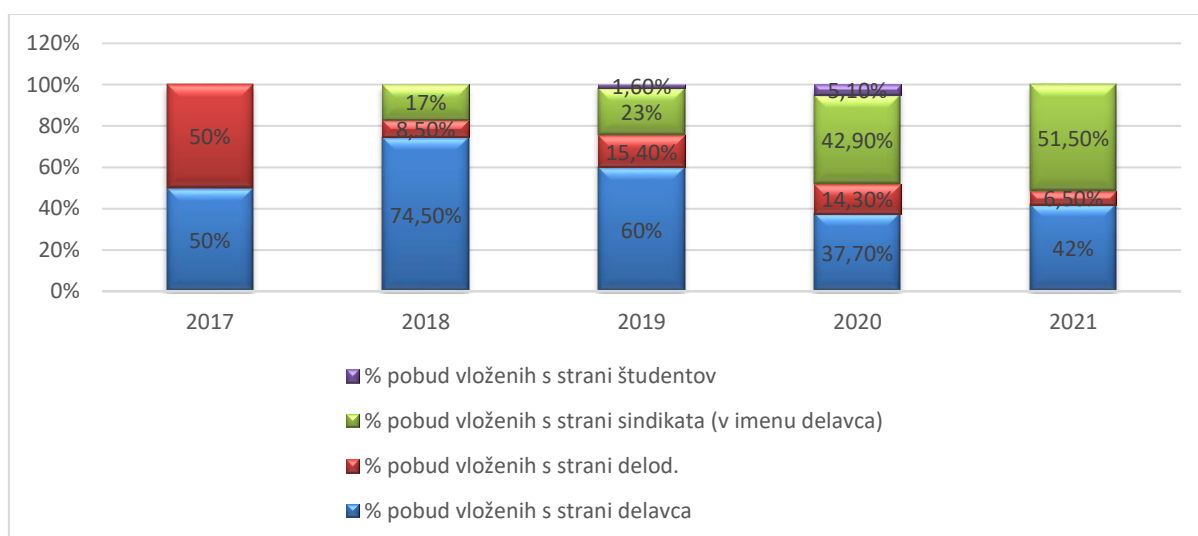


The graph shows that the number of initiatives increased from year to year. In 2017, the number of initiatives stood at 2 and another 47 were made in 2018. The increase in 2018 is probably due the launch of the project and laying the foundations for its implementation. The foundations for the Stop Conflicts at Work project were already established in 2018.

There were no major differences between 2019 and 2020, while in 2021 the consequences of COVID-19 and the measures that were in force at that time were widely felt.

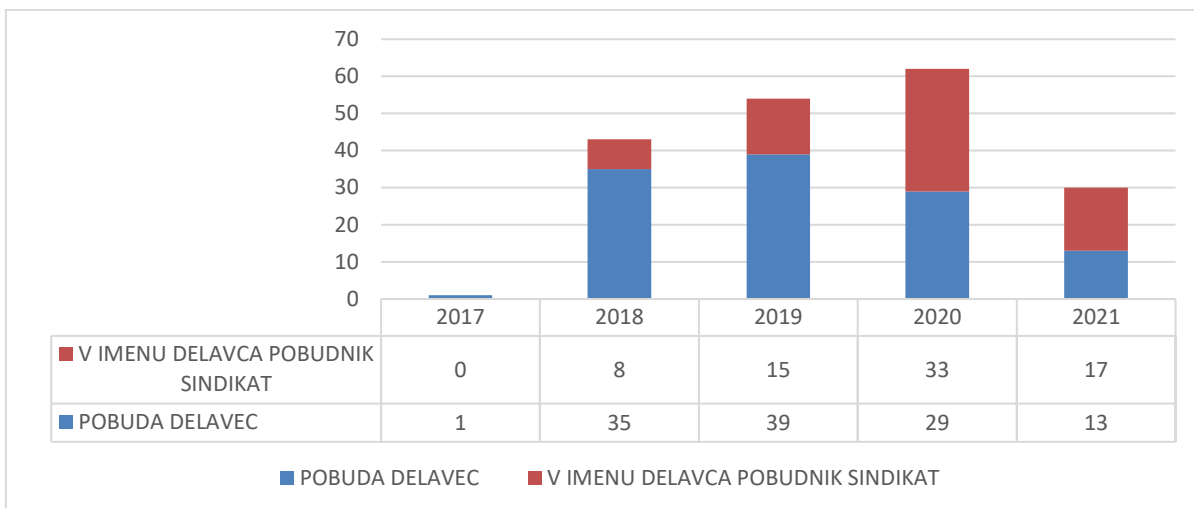
The graph also shows the level of confidence of employers and trade unions in the project, which we consider important. The trade unions found in the Project Unit a constructive partner in discussion and neutral help in resolving disputes between employers and employees.

Graph 37: Percentage of initiatives submitted by various initiators, by years.



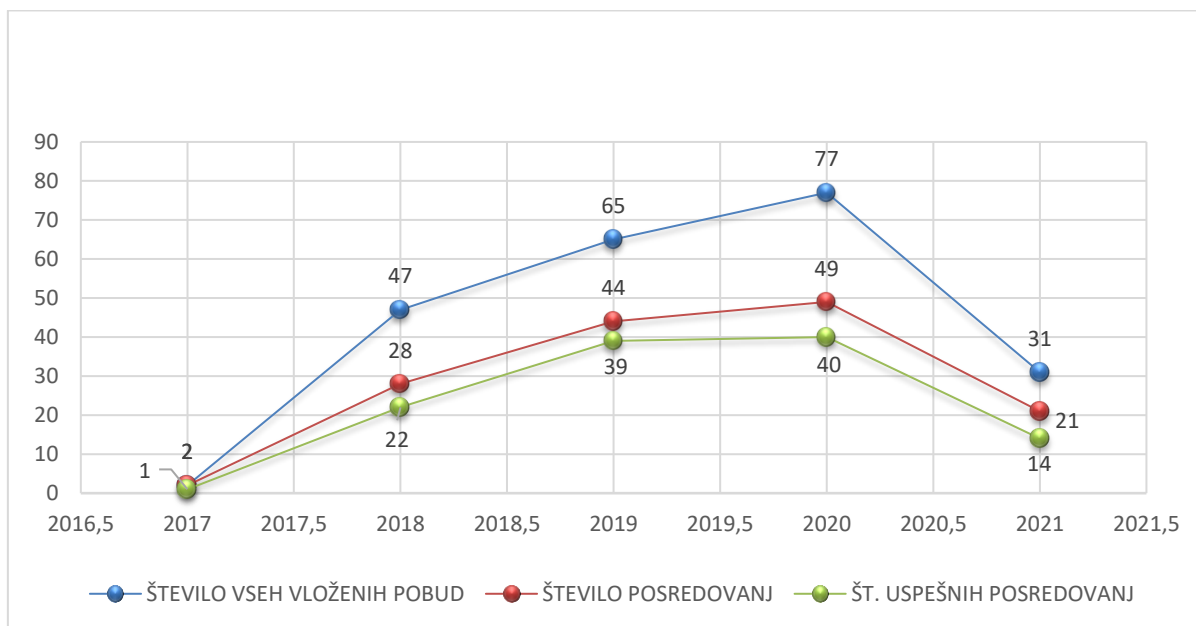
The overview of the number of initiatives submitted by initiator shows that the percentage of approaches from trade union representatives on behalf of employees increased from year to year. In 2021, such initiatives constituted more than one half of the total initiatives submitted. On the other hand, the two years when we worked under conditions largely dictated by the coronavirus disease brought a decline in the number of initiatives submitted by employers. In 2021, such initiatives accounted for only 6.5%. It is assumed that employers focused on other issues during the COVID-19 epidemic, so that the real-time peaceful resolution of conflicts was not high on the list of priorities. This was probably also largely the result of reorganisation (shutdown or reduction of activities in certain areas, significant expansion of work from home). In the post-epidemic situation, it can be expected that the percentage of initiatives taken by employers will increase when more work is done in workplaces again.

Graph 38: Number of initiatives submitted by workers and by trade unions on behalf of workers, by years.



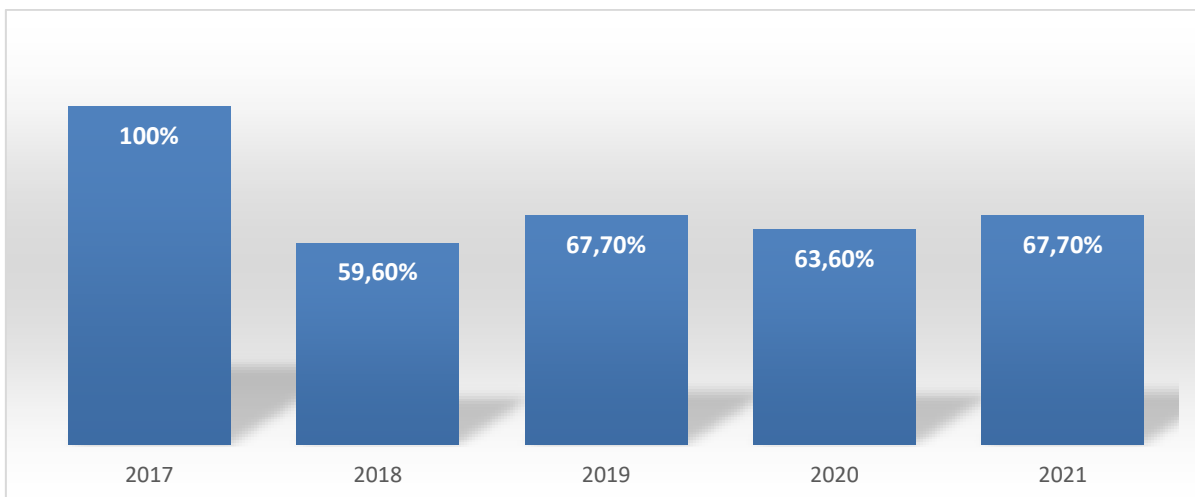
The total number of initiatives submitted by workers in 2019 exceeded that recorded in 2020. The above graph also shows the increasing role of trade unions over the years. During mediation, workers were provided with assistance from trade union employees, which probably contributed to the success of the mediation meetings and conclusions. Moreover, as already noted, it could be argued based on data that mediation assisted by the IRSD was welcomed by trade unions (and sometimes even indispensable as they like to point out themselves), since it is a free, efficient and quick procedure that is successful in most cases.

Graph 39: Number of initiatives, mediations and successful mediations by years.



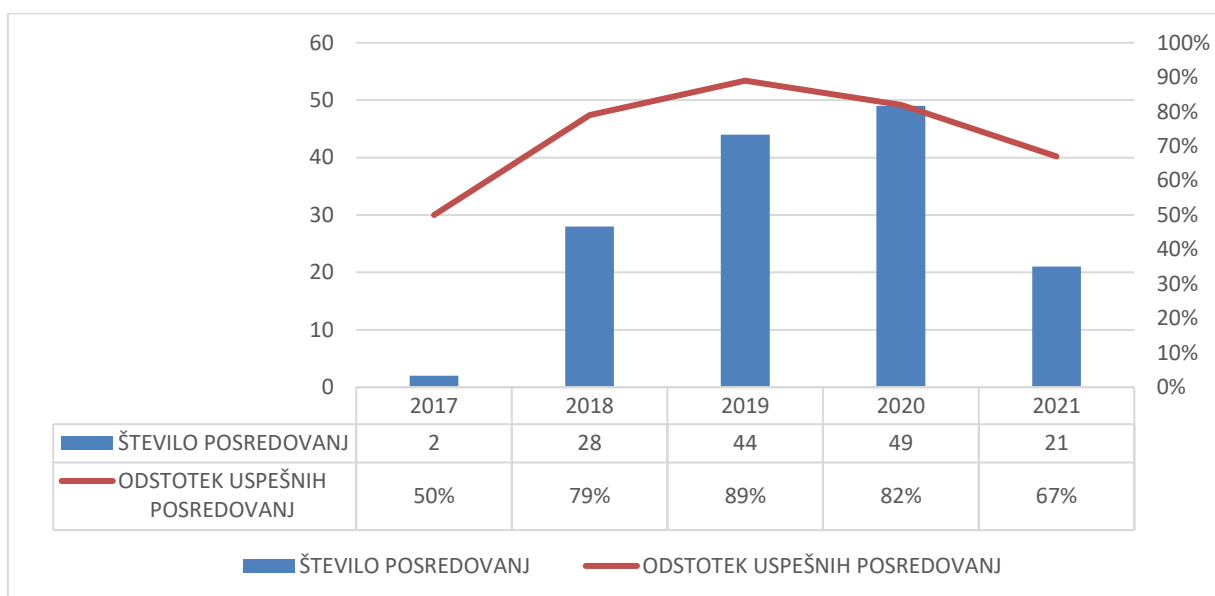
Just as the number of initiatives increased from year to year, so did the number of mediations carried out. Ever since the start of the project, the number of successful mediations has been very high, always exceeding 50%, and reaching beyond 80% in 2019 and 2020.

Graph 40: Percentage of mediations in terms of initiatives submitted, by years.



As shown by the above graph, the percentage of mediations in terms of initiatives submitted has been higher than 60% since 2019. All this could indicate that employees, employers and trade unions showed trust in mediation. The fact that mediation is carried out at the IRSD is very important, as it is an institution that is trusted and trustworthy to such an extent that both employees and employers take it seriously.

Graph 41: Number of mediations and percentage of successful mediations by number and by years.



The effectiveness of mediations increased over the years and there is no doubt that the 2021 figures would have been significantly different had it not been for COVID-19-related restrictions. Nevertheless, the percentage of successful mediations in 2021 was also higher than 60%, and it should be taken into account that quite a few mediations were still open at the end of 2021 and can be successfully concluded in 2022. From this data it can be inferred that the project has been extremely successful.

In view of the results achieved by the Project Unit, we hope and strive to be able to continue these activities in one form or another even after November 2022, when the project is expected to end.

LIST OF REGULATIONS GOVERNING THE WORK OF THE IRSD

1. LIST OF REGULATIONS PROVIDING THE BASIS FOR THE IRSD TO PERFORM ITS TASKS

- ILO work-from-home job Convention, 1996 (No. 177)
- 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)
- Decree on vetting and issuing of personnel security clearances
- Decision suspending the deadlines for exercising the rights of the parties to legal proceedings established by law
- Government ordinance declaring a COVID-19 epidemic throughout Slovenia
- Ordinance on temporary measures to reduce the risk of infection and prevent the spread of the COVID-19 infectious disease in administrative matters
- Ordinance on temporary measures to prevent new outbreaks and the spread of the 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 OR WHOSE IMPLEMENTATION ARE SUBJECT TO INSPECTIONS IN THE FIELD OF EMPLOYMENT RELATIONSHIPS (EMPLOYMENT RELATIONSHIPS INSPECTION SERVICE)

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)
- Notice of termination of International Labour Organisation Convention No. 91 on the paid leave of seafarers (partially amended in 1949), which was adopted by the Republic of Slovenia with the Act on notification of succession regarding UNESCO conventions, international multilateral agreements on air transport, conventions of the International Labour Organisation, conventions of the International Maritime Organisation, customs conventions and some other international multilateral agreements for the Republic of Slovenia
- 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')
- Council Regulation (EEC) No. 1408/71 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. 574/72 laying down the procedure for implementing Regulation (EEC) No. 1408/71 with a view to extending them to cover special schemes for civil servants
- Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85.

The IRSD also performs its tasks or indirectly oversees the implementation of a number of directives in the area of employment, the objectives of which are pursued 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)

- The Act Determining the Intervention Measures to Contain the COVID-19 Epidemic and Mitigate its Consequences for Citizens and the Economy (ZIUZEOP)
- The 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)
- The Act Determining Temporary Measures to Mitigate and Remedy the Consequences of COVID-19 (ZZUOOP)
- The 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)
- The Additional Measures to Mitigate the Consequences of COVID-19 Act (ZDUOP)
- The Act Determining the Intervention Measures to Assist the Economy and Tourism Sector in Mitigating the Consequences of the COVID-19 Epidemic (ZIUPGT)
- The Healthcare Emergency Measures Act (ZNUPZ)
- The Additional Measures to Prevent the Spread of, Mitigate, Control, Ensure Recovery and Remedy the Consequences of COVID-19 Act (ZDUPŠOP)
- Communicable Diseases Act
- Transnational Provision of Services Act
- Employment and Work of Aliens Act
- The Employment, Self-employment and Work of Foreigners Act
- The Prevention of Undeclared Work and Employment Act
- Minimum Wage Act
- Minimum Wage Amount
- 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)
- The 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
- 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
- The Fiscal Balance Act
- Enforcement of Criminal Sanctions Act
- 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 restriction of movement of people and on the prohibition of gathering of people to prevent the spread of COVID-19
- Ordinance on the temporary prohibition of gathering of people to prevent the spread of COVID-19
- Ordinance on the temporary restriction 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 temporarily restricting the offering and sale of goods and services to consumers in the Republic of Slovenia
- Ordinance amending certain ordinances issued pursuant to the Communicable Diseases Act
- Ordinance on the method of meeting the recovered/vaccinated/tested rule in connection with COVID-19
- Ordinance on the method of meeting the recovered/vaccinated/tested rule to contain the spread of the SARS-CoV-2 virus
- Ordinance on exemptions from home quarantine after high-risk contact with the COVID-19 pathogen
- Ordinance on temporary measures for the prevention and control of infections with the infectious disease COVID-19
- 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 the commission for the verification and certification of national vocational qualifications
- 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 hourly rate and remuneration for temporary and occasional work of pensioners
- Order on the adjustment of the minimum gross hourly pay for temporary and occasional work in agriculture
- Ordinance on the implementation of a special screening programme for early detection of SARS-CoV-2 infections for persons engaged in healthcare
- Ordinance on the implementation of a special screening programme for early detection of SARS-CoV-2 infections for persons engaged in education and training
- Ordinance on the implementation of a special screening programme for early detection of SARS-CoV-2 infections for persons engaged in social protection services and programmes
- Recommendations of the NIJZ for SARS-CoV-2 infection prevention
- Hygiene recommendations of the ministry responsible for health

Collective agreements: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

²An 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.

- 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
- Collective Agreement for the RTV Slovenia public institution
- Agreement on the provision of daily and weekly rest breaks
- Agreement on lifting austerity measures regarding the reimbursement of costs and other receipts of public employees, delaying the salary payment date for budget users and the payment date of annual leave allowance for 2021

Employers' general acts

3. LIST OF REGULATIONS GOVERNING THE DUTIES OF THE IRSD OR WHOSE IMPLEMENTATION ARE SUBJECT TO INSPECTIONS IN THE FIELD OF OCCUPATIONAL SAFETY AND HEALTH (OCCUPATIONAL SAFETY AND HEALTH INSPECTION SERVICE):

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 pursued 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
- The Act Determining Temporary Measures to Mitigate and Remedy the Consequences of COVID-19 (ZZUOOP)
- The 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)
- The Additional Measures to Mitigate the Consequences of COVID-19 Act (ZDUOP)

- The Additional Measures to Prevent the Spread of, Mitigate, Control, Ensure Recovery and Remedy the Consequences of COVID-19 Act (ZDUPŠOP)
- Communicable Diseases Act
- Employment and Work of Aliens Act
- The Employment, Self-employment and Work of Foreigners Act
- The 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
- 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 restriction of movement of people and on the prohibition of gathering of people to prevent the spread of COVID-19
- Ordinance on the temporary prohibition of gathering of people to prevent the spread of COVID-19
- Ordinance on the temporary restriction 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 temporarily restricting the offering and sale of goods and services to consumers in the Republic of Slovenia
- Ordinance amending certain ordinances issued pursuant to the Communicable Diseases Act
- Ordinance on the method of meeting the recovered/vaccinated/tested rule in connection with COVID-19
- Ordinance on the method of meeting the recovered/vaccinated/tested rule to contain the spread of the SARS-CoV-2 virus
- Ordinance on exemptions from home quarantine after high-risk contact with the COVID-19 pathogen
- Ordinance on temporary measures for the prevention and control of infections with the infectious disease COVID-19
- 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
- Decree on measures concerning the destruction of explosives or pyrotechnic products
- Decree on the implementation of the Regulation (EU) on personal protective equipment
- Decree on the implementation of the Regulation (EU) on market surveillance and product compliance
- 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 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
- Practical measurement method guidelines for the determination of hazardous chemical substances in the air at the work place.
- 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 coordinators 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
- 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
- Technical guideline TSG-N-002:2009: Low-voltage electrical installations
- Technical guideline TSG-N-003:2009: Lightning protection system
- 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:

- Constitutional Act Amending Chapter II of the Constitution of the Republic of Slovenia
- 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 (ZIUPOPVE)
- Additional Measures to Mitigate the Consequences of COVID-19 Act (ZDUOP)
- Additional Measures to Prevent the Spread of, Mitigate, Control, Ensure Recovery and Remedy the Consequences of COVID-19 Act (ZDUPŠOP)
- 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
- 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
- Long-Term Care Act
- Integrated Early Treatment of Preschool Children with Special Needs 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 restriction of movement of people and on the prohibition of gathering of people to prevent the spread of COVID-19
- Ordinance on the temporary prohibition of gathering of people to prevent the spread of COVID-19
- Ordinance on the temporary restriction 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 temporarily restricting the offering and sale of goods and services to consumers in the Republic of Slovenia
- Ordinance amending certain ordinances issued pursuant to the Communicable Diseases Act
- Ordinance on the method of meeting the recovered/vaccinated/tested rule in connection with COVID-19
- Ordinance on the method of meeting the recovered/vaccinated/tested rule to contain the spread of the SARS-CoV-2 virus
- Ordinance on exemptions from home quarantine after high-risk contact with the COVID-19 pathogen
- Ordinance on temporary measures for the prevention and control of infections with the infectious disease COVID-19
- 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 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 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
- Rules on personal assistance

- Recommendations of the NIJZ for SARS-CoV-2 infection prevention
- Hygiene recommendations of the ministry responsible for health