

Pursuant to Article 153 of the Rules of Procedure of the National Assembly of Slovenia, the National Assembly of the Republic of Slovenia at its session on 29 September 2006 approved the official consolidated text of Employment and Insurance against Unemployment Act, encompassing:

- Employment and Insurance Against Unemployment Act – ZZZPB (*Uradni list RS*, no. 5/91 of 8 February 1991);
- Act Amending the General Offences Act – (*Uradni list RS*, no. 10/91 of 14 March 1991);
- Amendment to Employment and Insurance Against Unemployment Act (*Uradni list RS*, no. 17/91 of 19 April 1991);
- Republic of Slovenia's National Currency Unit Act – ZUDE (*Uradni list RS*, no. 17/91-I of 9 October 1991);
- Act Amending the Employment and Insurance Against Unemployment Act (*Uradni list RS*, no. 12/92 of 13 March 1992);
- Act Amending the General Offences Act – (*Uradni list RS*, no. 13/93 of 12 March 1993);
- Act Amending the Employment and Insurance Against Unemployment Act (*Uradni list RS*, no. 71/93 of 30 December 1993);
- Amendment to the Act Amending the Employment and Insurance Against Unemployment Act (*Uradni list RS*, no. 2/94 of 14 January 1994);
- Act Amending the Employment and Insurance Against Unemployment Act (*Uradni list RS*, no. 38/94 of 30 June 1994);
- Act Amending the Employment and Insurance Against Unemployment Act – ZZZPB-D (*Uradni list RS*, no. 69/98 of 9 October 1998);
- Parental Protection and Family Benefits Act – ZSDP (*Uradni list RS*, no. 97/01 of 4 December 2001);
- Employment Relationship Act – ZDR (*Uradni list RS*, no. 42/02 of 15 May 2002);
- Act Amending the Employment and Insurance Against Unemployment Act – ZZZPB-E (*Uradni list RS*, no. 67/02 of 26 July 2002);
- Vocational Rehabilitation and Employment of Disabled Persons Act – ZZRZI (*Uradni list RS*, no. 63/04 of 10 June 2004);
- Labour and Social Courts Act – ZDSS-1 (*Uradni list RS*, no. 2/04 of 15 January 2004);  
and
- Act Amending the Employment and Insurance Against Unemployment Act – ZZZPB-F (*Uradni list RS*, no. 79/06 of 27 July 2006).

No.: 101-01/90-2/68

Ljubljana, 29 September 2006

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President of the  
National Assembly  
of the Republic of Slovenia  
France Cukljati, dr. med., s

**EMPLOYMENT AND INSURANCE AGAINST UNEMPLOYMENT ACT**  
**Official consolidated text**  
**(ZZZPB-UPB1)**

*(Uradni list RS, No.107/2006)*

**I. GENERAL PROVISIONS**

**Article 1**

This Act shall regulate employment, insurance against unemployment, management of the system and method of carrying out professional tasks in this field.

Employment within the meaning of the present Act shall cover employment brokerage, work brokerage, measures to promote employment, creation of new and preservation of productive jobs as well all activities which provide the conditions for productive and freely-chosen employment, occupational and professional development and use of abilities of individuals for work.

The insurance against unemployment shall guarantee the rights of insured persons during the period of involuntary unemployment through no fault of their own and the rights in case of redundancy.

Granting scholarships shall be considered as employment activity under this Act.

Activities under paragraphs two, three and four of this Article shall be considered as activities in the public interest and shall be carried out as public service.

**Article 2**

The companies, institutions, state bodies, banks and other financial organisations, insurance organisations, cooperative societies and other legal persons (hereinafter referred to as organisations), working people engaged in self-employed activities and other persons (hereinafter referred to as employers), socio-political communities and workers shall provide funding for employment activity and for rights referred to in the previous Article in a manner provided by the law.

**Article 3**

On the proposal of the Government of the Republic of Slovenia, the National Assembly of the Republic of Slovenia shall adopt the employment policy, the programme for its implementation and shall allocate the required funds.

## **Article 4**

Professional tasks related to employment, insurance against unemployment and implementation of active policy measures shall be performed by the Employment Service of Slovenia (hereinafter referred to as the Employment Service).

### **Article 4a**

The Employment Service and social work centres shall co-operate in facilitating the inclusion of unemployed persons to activities and active employment policy measures; it shall co-operate with the competent tax authority and other state bodies and exchange personal and other data, kept in their respective data bases, required for the purpose of exercising the rights and fulfilling the obligations of unemployed persons pursuant to this Act. The Employment Service and social work centres may establish a single database for the purpose of exercising the rights under this Act and under regulations on social assistance.

On the basis of a written request by the Employment Service, the tax administration shall provide the information on particular taxable person specified in this Act as necessary for carrying out the Employment Service's tasks. The communicated data may only be processed for the purposes of carrying out task under this Act. To this end, the tax administration shall also provide the Employment Service a secured and controlled direct electronic access to data from its records. The Employment Service's request shall indicate data on individual taxable person and shall also state the legal basis and the purpose of processing personal data; the same level of security shall be provided for the direct electronic access.

The type and method of data exchange referred to in the previous paragraph shall be specified by the minister responsible for labour. The type and method of exchanging data kept and collected by the tax authority shall be specified by the minister responsible for labour in agreement with the minister responsible for finance.

### **Article 4b**

Within the framework of the programme referred to in Article 50 of this Act, an unemployed person shall have the right to participate in the active employment policy programmes with the aim to build his/her vocational capacities.

An unemployed person shall enter the active employment policy programme on the basis of the employment plan that shall be drawn up by the Employment Service or other authorised organisation not later than in two months of the date of unemployment registration. The minister responsible for labour shall specify the contents of the employment plan in the implementing regulation.

The employers shall make it possible for the representatives of the Employment Service or other authorised organisation to attend the selection procedure for recruiting unemployed persons to job vacancies.

#### **Article 4c**

The citizens of the EU Member States shall be equal to Slovenian citizens in rights and obligations under this Act.

## **II. EMPLOYMENT BROKERAGE AND WORK BROKERAGE**

#### **Article 5**

Employment brokerage within the meaning of this Acts shall comprise professional and organisational tasks aiming at the conclusion of an employment relationship by an unemployed or other person.

Work brokerage within the meaning of this Act shall comprise professional and organisational tasks aiming at integrating an unemployed or other person into labour.

#### **Article 6**

The Employment Service shall provide employment and work brokerage, including temporary and casual work, to persons referred to in the second paragraph of Article 6b.

The Employment Service shall refer individuals who are entitled to cash social assistance under regulations on social assistance to any employment, appropriate work under a contract for work or a copyright contract and to appropriate temporary or casual humanitarian or other similar work not exceeding 56 hours per month and organised by the Employment Service or by a non-profit non-governmental organisation in agreement with the Employment Service or by a non-profit employer in the field of social assistance, health, pre-school education, education and culture. A non-profit employer within the meaning of this Act shall be an employer from the above listed fields whose articles of association state its non-profit character and/or whose income is channelled back to principal activity and who does not distribute profit.

The Employment Service may also provide employment and work brokerage referred to in the previous paragraph to unemployed persons not entitled to cash social assistance.

By way of a concession contract, the ministry responsible for labour may authorise an organisation or employer who satisfies staff, organisational and other requirements to deliver professional tasks concerning work brokerage, including the brokerage of temporary and casual work to secondary school pupils and students, employment brokerage, to draw up employment plans and to implement active employment policy measures.

The organisation and/or the employer may post workers to user undertakings to work there, provided it meets staff, organisational and other requirements and subject to its entry into the register of temporary agencies, kept by the ministry responsible for labour, prior to the taking up of activity.

The organisations and/or the employers who provide temporary and casual work brokerage to persons referred to in the second paragraph of Article 6b of this Act shall calculate a 12% concession fee on income paid to such persons. The Employment Service shall calculate 12% on paid income in the same manner as the 12% fee is calculated by the organisations and/or employers who provide temporary and casual work brokerage to persons referred to in the second paragraph of Article 6b of this Act. For the purpose of paragraph eight of this Article, the Employment Service shall deduct from the calculated amount the same percentage as set in the said paragraph. The Employment service shall allocate the remainder of the calculated amount to the public fund.

The organisations and/or the employers who provide temporary and casual work brokerage to secondary school pupils and students shall allocate to the public fund 25% of the invoiced amount of concession fee set in the previous paragraph.

37.5% of the invoiced amount of concession fee, set in paragraph six of this Article, shall be earmarked for the functioning of the University student organisation, independent higher education institution, local community and/or interest alliances of secondary school pupils and students and shall be used for carrying out optional and extracurricular programmes in the field of culture, education, sports, technical culture, international co-operation, advanced training abroad, research, and for improving social and economic circumstances of secondary school pupils and students.

The public fund referred to in paragraph seven of this Article shall allocate financial resources from the concession fees to finance scholarship schemes.

Recognised costs of the organisations and/or the employers who provide temporary and casual work brokerage to secondary school pupils and students shall amount to 37.5% of the invoiced amounts of concession fee set in paragraph six of this Article. By way of an implementing regulation, the minister responsible for labour shall determine the method of calculating recognised costs of the organisation and/or the employer who provides temporary and casual work brokerage to secondary school pupils and students; the minister shall also lay down staff, spatial, organisational and other requirements to be met by the authorised organisation and/or the employer referred to in paragraphs four and five of this Article and specify the manner of recording data referred to in paragraph three of Article 6b of this Act, mandatory data on referral form and submission of referral forms to the Labour Inspectorate of the Republic of Slovenia as well as detailed contents of concession contract.

The minister responsible for labour shall, by way of the implementing regulation referred to in the previous paragraph, also regulate the procedure for entry into and

deletion from the registry of temporary agencies and prescribe the contents and manner of keeping the register of temporary agencies.

### **Article 6a**

The authorised organisation and/or the employer referred to in paragraph four of the previous Article may not enter employment and work brokerage services into the court register and/or notify the commencement of such activity if no concession contract has been concluded.

The organisation and/or the employer referred to in paragraph five of the previous Article may not enter the activity of posting workers to user undertakings to work there in the court register or notify the commencement of such activity if the organisation and/or the employer has not been entered into the register of temporary agencies.

The entry of employment brokerage services, work brokerage services and/or activity of posting workers to user undertakings to work there in the court register and/or the notification of commencement of such activity without concluded concession contract and/or with no entry into the registry of temporary agencies shall be null and void.

### **Article 6b**

The authorised organisation and/or the employer who carries out professional tasks of employment brokerage and work brokerage pursuant to the concession contract or who pursues the activity of posting workers to user undertakings to work there based on the entry into the register of temporary agencies may provide services to the nationals of the Republic of Slovenia, citizens of the European Union or the European Economic Community Member States, as well as to persons who are not citizens of the European Union or the European Economic Community but have acquired permanent residence permit in the Republic of Slovenia, unless otherwise provided by an international agreement.

The authorised organisation and/or the employer who provides temporary and casual work brokerage services to secondary school pupils and students pursuant to the concession contract may only render such services to secondary school pupils who have already reached 15 years of age and to students and participants in adult education younger than 26 years of age who are educated under public education programmes for primary, vocational, secondary and post-secondary vocational education.

The persons referred to in the previous paragraph may only carry out temporary and casual work on the basis of a referral form issued by the Employment Service or authorised organisation engaged in work brokerage to secondary-school pupils or students. When a secondary-school pupil or student exceeds a special personal income tax relief given to residents in education who hold a status of secondary-school pupil or student, set in the Income Tax Act, the calculation of the concession fee on the basis of the referral form shall be suspended; the employer shall insure

such secondary-school pupil or student under the pension and disability insurance pursuant to the provisions of the Pension and Disability Insurance Act.

The organisation and/or the employer who may provide employment and work brokerage or post workers to user undertakings to work there pursuant to the legislation of the European Union or the European Economic Community Member State and is engaged in the Member State shall have the right to pursue such activity in the territory of the Republic of Slovenia, provided that prior to taking up such activities in the Republic of Slovenia the organisation and/or the employer notifies the minister responsible for labour thereof and subject to meeting the requirements specified in the implementing regulation referred to in paragraph eleven of Article 6 of this Act by the minister responsible for labour. The above-mentioned implementing regulation shall also specify the method and contents of the notification referred to in this paragraph.

### **Article 6c**

The organisation and/or the employer who wishes to engage in providing employment and/or work brokerage or post workers to user undertakings to work there shall address the application for concession and/or for entry into the register of temporary agencies to the ministry responsible for labour.

The ministry responsible for labour shall decide on the application for granting concession and/or entry in the register of temporary agencies by a decision issued in the administrative procedure.

In deciding the application for granting concession, the ministry responsible for labour shall take account of the number of unemployed persons registered by the regional services of the Employment Service, employers' needs for work or employment of new workers in respective territories, the type and scope of active employment policy measures, the number of secondary-school pupils and students in respective territories and their social status, the number of concessionaries in respective territories and previous applicant's compliance with the legislation.

An applicant may commence providing employment or work brokerage by concluding the concession contract, while the right to post workers to user undertakings to work there shall be acquired by the entry in the register of temporary agencies.

No appeal shall lie against a decision on granting concession and/or entry in the register of temporary agencies, however an administrative dispute may be brought before a court.

### **Article 6č**

The ministry responsible for labour shall conclude the concession contract with the applicant granted the concession referred to in the second paragraph of the previous Article.

The concession contract shall regulate the relationship between the concession grantor and the concessionaire, in particular:

- the type and scope of the service which is the subject of the concession;
- the concession commencement date;
- the duration of the concession contract;
- the amount of recognised expenditure in accordance with paragraph eight of Article 6 of this Act and the amount of funds to be deducted in accordance with paragraphs five and six of Article 6 of this Act;
- the obligation of the concessionaire to report to the concession grantor and the manner thereof;
- contract sanctions for failure to implement or irregular implementation of the concession;
- the method of financial, professional and administrative supervision exercised by the concession grantor;
- method of changing the concession contract and/or concession relationship;
- extension and termination of the concession contract;
- obligations of concessionaire in case of early termination of the contract;
- other provisions important for determining and pursuing the activity which is the subject of the concession.

The concession contract not concluded in writing shall be null and void; the same shall apply to its amendments.

The concession contract shall be concluded for a period not exceeding one year.

#### **Article 6d**

The concession contract shall terminate:

- upon the expiry of the contract period;
- upon the termination of the contract by one of the contracting parties;
- upon the withdrawal of the concession;
- upon the termination of the concessionaire and/or on the date of commencement of the insolvency or winding up proceedings.

#### **Article 6e**

The ministry responsible for labour may withdraw the concession from the concessionaire without prior notice in case it establishes that:

- the concessionaire operates beyond the granted concession or contrary to the concession contract or pursued the activity prior to concluding the concession contract;
- the annual report reveals that the concessionaire did not pursue concession activities in the reported period;



- the concessionaire conducts business in violation of the regulations;
- the concessionaire failed to remedy deficiencies based on the findings of the ministry responsible for labour or other competent body within a set time-limit.

When deficiencies in conducting business are established, the ministry responsible for labour may withdraw the concession for a fixed period and order the concessionaire to remedy any identified deficiencies.

The ministry responsible for labour shall withdraw the concession by a decision.

### **Article 6f**

The ministry responsible for labour shall delete the organisation and/or the employer from the register of temporary agencies *ex officio* or on the proposal of the Labour Inspectorate of the Republic of Slovenia and/or other competent bodies in the following cases:

- if the organisation and/or the employer ceases to pursue the activity of posting workers to user undertakings to work there;
- if a natural person pursuing the activity of posting workers to user undertakings to work there dies or if a legal person pursuing the activity of posting workers to user undertakings to work there is terminated;
- if a natural or legal person is banned from pursuing the activity by a final decision;
- if the annual report of the organisation and/or the employer entered into the register of temporary agencies reveals that during the reported period no workers were posted to user undertakings to work there or the annual report was not submitted;
- if it is established that the organisation and/or the employer entered in the register of temporary agencies no longer meets the required conditions for pursuing the activity of posting workers to user undertakings to work there.

The ministry responsible for labour shall issue a decision on the deletion from the registry of temporary agencies.

### **Article 7**

The organisation and/or the employer who has concluded the concession contract with the ministry responsible for labour in accordance with paragraph four of Article 6 of this Act or who is entered in the registry of temporary agencies shall report annually on the scope of its business, in a manner prescribed by the minister responsible for labour.

The organisation and/or the employer who has concluded the concession contract with the ministry responsible for labour or who is entered in the registry of temporary agencies shall report on its work to the ministry responsible for labour, as well as provide updated information on any changes regarding the compliance with staff,

organisational and other requirements that may affect the concession relationship or entry in the register of temporary agencies.

## **Article 8**

The Employment Service shall not impose charges for employment brokerage and work brokerage.

The authorised organisation and/or the employer shall not require payment for rendered employment and work brokerage services from employment and/or work-seekers.

The authorised organisation and/or the employer who provides employment or work brokerage services to an unemployed person recorded in the unemployed persons register for at least three months shall receive payment for each rendered brokerage service, provided the unemployed person concluded the employment relationship:

- for an indefinite period on a full-time basis;
- for a definite period of at least twelve months on a full-time basis;
- for a definite period of at least twenty-four months and for minimum 50% of full working time.

The requirement concerning registered unemployment of at least three months shall not apply for persons older than 50 years or receiving unemployment benefit or entitled to cash social assistance under regulations governing social assistance and/or for unemployed person with disabilities established by a decision of the competent body.

The authorised organisation and/or the employer who provides employment to an unemployed person for a definite period of time on a full-time basis or minimum 50% full-working time, may claim payment of services, provided that the unemployed person did not enter the employment relationship with the employer of his/her last employment and/or with related natural or legal person and if the cessation in employment with the same employer and/or related natural or legal person exceeds 30 days.

The rendered brokerage services shall be paid from the budgetary funds of the Republic of Slovenia earmarked for this purpose.

Services shall be paid by the Employment Service based on the proof of actual employment (photocopy of the insurance registration form – form M-1) and based on the referral form endorsed by the employer.

When several authorised organisations and/or employers provide employment brokerage for the same unemployed person, the payment shall be made to the authorised organisation and/or the employer who shall submit to the Employment Service the photocopy of the insurance registration form and the referral form endorsed by the employer bearing the earliest date and hour of the call of the unemployed person on the employer.

The detailed procedure and the method of payment for services shall be set in the co-operation contract concluded between the authorised organisation and/or the employer and the Employment Service; the latter shall submit the contract to the minister responsible for labour for approval within 15 days of its signing.

The amount of funds for employment and work brokerage services referred to in the third paragraph shall be set by the order of the minister responsible for labour, account taken in particular of the share of unemployed persons in total population of the regional unit of the Employment Service where the employment or work brokerage services are rendered to the unemployed person, of the unemployed person's age, disabilities, the period during which the unemployed person was registered with the Employment Service and the eligibility to unemployment allowance or cash social assistance under regulations governing social assistance.

### **Article 9**

The organisations and/or the employers shall provide employment in co-operation with the Employment Service.

The organisations and the employers shall submit to the Employment Service:

- a notification of job vacancy and requirements to be met by the worker for carrying out work on the workplace concerned, unless a new employment contract for the definite or indefinite period and for the same workplace is to be concluded with an already employed worker or when, by way of exception, an employment contract may be concluded without public notice in accordance with regulations governing employment relations;
- a notification concerning the need to conclude a contract for work or a copyright contract, not later than in eight days of the need being identified, unless the notification concerns a worker already in the employment relationship with the same employer or legal person, sole proprietor and/or a person engaged in self-employed activities;
- a report on overtime worked and a report on work carried out under a contract for work or a copyright contract to be submitted by 15 January for the previous year;
- a notification concerning a concluded contract for work or a copyright contract, not later than in eight days of the concluded contract, unless the contract is concluded with a worker already in the employment relationship with the same employer or legal person, sole proprietorship and/or a person engaged in self-employed activities.

### **Article 10**

The organisations and the employers shall submit to the Employment Service data on the envisaged annual staff requirements, on the number and structure of workers who will be made redundant and on the envisaged redundancy programme by the 15 January for the current year; current needs and data shall be communicated in the changes to the annual forecast.

The organisations and the employers shall submit data required for a common call for applications for company scholarships for the next academic year to the Employment Service by 15 January.

#### **Article 11**

When the Employment Service receives a notification of a job vacancy, it shall publish the vacancy and carry out all necessary procedures relating to employment brokerage.

#### **Article 12**

Based on a job vacancy notification, the Employment Service may direct a person seeking employment for over two years to the organisation and/or the employer without previous publication of job vacancy.

In the case referred to in the previous paragraph, employment relationship contract for a definite period may be concluded.

#### **Article 13**

The minister responsible for labour shall prescribe the method and contents of data submission referred to in Articles 9 and 10, as well as the procedure referred to in Article 11 of this Act.

### **III. INSURANCE AGAINST UNEMPLOYMENT**

#### **Compulsory insurance**

#### **Article 14**

Workers having an employment relationship shall be compulsory insured against unemployment.

#### **Voluntary insurance**

#### **Article 15**

Insurance against unemployment may be underwritten by:

- the sole proprietors, persons independently pursuing a gainful activity as a sole or main occupation (hereinafter referred to as self-employed persons) and persons who are owners of a company, provided they are not insured on any other basis;
- Slovenian nationals having an employment relationship with an employer in a foreign country who may not exercise the unemployment rights on any other basis after returning to their home country; and

– spouses of Slovenian nationals employed in a foreign country, provided they were in an employment relationship before departure.

The persons referred to in the previous paragraph shall have the same rights as the insured persons referred to in the previous Article.

## **Unemployed persons**

### **Article 16**

For the purpose of this Act, an unemployed person shall mean:

- a person having no employment relationship;
- a self-employed person generating a profit from the activity – established without reductions and tax relief in accordance with regulations governing income tax and increased by the calculated compulsory social security contributions – not exceeding the amount of guaranteed salary compensation and an owner or co-owner of a company, not insured on any other basis, in which profit less paid contributions for compulsory social insurance did not exceed the amount of guaranteed salary compensation in the calendar year prior to unemployment;
- an owner, tenant farmer, lessee or other user of agricultural or forest land with cadastral income up to the amount set as basis for admission to the compulsory pension and disability insurance under regulations governing pension and disability insurance;
- a person who is not retired, a student, a secondary-school pupil, an apprentice, a participant in adult education younger than 26 years of age or a participant in education in accordance with Article 53b of this Act or a participant in the in-service training under the active employment policy measures referred to in Article 50 of this Act, provided that the person concerned is:
  - capable for work;
  - registered with the Employment Service;
  - available for employment;
  - actively seeking employment.

Notwithstanding the provisions of the preceding paragraph, an unemployed person shall also mean a person who was concurrently in an employment relationship and a self-employed person prior to the unemployment, provided that a profit made by the person concerned – established without reductions and tax relief in accordance with regulations governing income tax and increased by the calculated compulsory social security contributions – did not exceed the amount of guaranteed salary compensation in the calendar year prior to the unemployment.

For the purpose of this Act, an unemployed person who was compulsory or voluntary insured against unemployment prior to the unemployment and has the right to cash benefits deriving from such insurance under this Act shall be deemed an insured person.

## **Article 16a**

**(Deleted)**

### **(Rights arising from insurance)**

## **Article 17**

The rights arising from insurance against unemployment shall be as follows:

- cash benefit;
- transport and removal costs reimbursement;
- right to health care and to pension and disability insurance.

The rights referred to in the last indent of the previous paragraph shall be exercised in accordance with regulations governing the two areas.

### **Requirements for entitlement to insurance rights**

## **Article 17a**

An insured person may exercise the right to cash benefit if:

- he/she was insured against unemployment prior to the unemployment; and
- no appropriate employment is available.

An insured person may retain the right to cash benefit if:

- he/she is available for employment;
- no appropriate employment is available;
- after three months of entitlement to cash benefit no suitable employment is available;
- he/she actively seeks employment;
- there is no appropriate active employment policy programme available;
- he/she resides in the Republic of Slovenia, unless otherwise provided by an international instrument; in a period of non-residence in the Republic of Slovenia the right to cash benefit shall be suspended.

## **Article 17b**

An unemployed person shall be deemed capable for work if he/she is aged over 15 years but does not exceed the age criteria set in the pension and disability insurance regulations for acquiring the pension for the minimum insurance period and provided he/she satisfies general health conditions.

The rights under this Act shall also pertain to an unemployed person who was or became incapable for work due to health reasons at the time when he/she entered unemployment and provided such person files a claim not later than 30 days from the occurrence of incapacity for work due to health reasons. The said time limit shall be suspended during hospital treatment of the unemployed person or due to other valid reasons on account of which the unemployed person was not able to file the claim.

The Employment Service shall guarantee the rights to the unemployed person referred to in the previous paragraph for the period equal to the period of payment of salary compensation by the employers during temporary absence from work because of illness or injury under regulations governing health care and health insurance. After the expiry of such period, the compensation amounting to the last paid cash benefit under this Act shall be guaranteed from the compulsory health insurance.

Incapacity for work due to health reasons shall be established by a doctor appointed by the minister responsible for labour in agreement with the minister responsible for health.

#### **Article 17c**

An unemployed person shall be deemed available for employment if he/she is at the disposal of the Employment Service every working day for three hours at the permanent address or at the address agreed upon with the Employment Service. The time of being at the Employment Service disposal shall be set by the latter.

An unemployed person shall have the right to be absent for personal or other valid reasons up to 18 working days per year; the absence shall be agreed upon with the Employment Service at least eight days prior to its start, otherwise the unemployed person shall be deemed not to be at the disposal. An unemployed person shall have the right to a three days absence from the address agreed upon with the Employment Service in case of death of the spouse, parents or children. In such cases or in case of sudden illness, the unemployed person shall inform the Employment Service thereof and submit relevant documents within three days of the cessation of the reasons.

An unemployed person shall be deemed to be at the disposal during the period of participation in the active employment policy programme. An unemployed person shall be deemed to be at the disposal also during the time of carrying out appropriate or suitable temporary or casual work or job seeking in accordance with the referral or in agreement with the Employment Service.

Notwithstanding the provisions of the second paragraph of this Article, an unemployed person shall have the right to absence for performing obligations relating to the service in the reserve units of the Slovenian Army by contract and/or to voluntary contract-based military service as a national, for the duration of such obligations. An unemployed person shall notify the Employment Service of any

obligations under the contract on military service in the reserve units of the Slovenian Army and/or under the voluntary contract-based military service eight days prior to the commencement of these obligations at the latest. A national called by the competent authority to participate in training for civil protection and disaster relief as a performance of civil duties in the area of protection against natural and other disasters shall be treated equally as a member of the military reserve.

The right to absence referred to in the previous paragraph of this Act may be exercised by an unemployed person before or after his/her inclusion in the active employment policy programme, but not during the period of participating therein, unless the person concerned participates in the programme that provides the basis for concluding an employment contract.

### **Article 17č**

An appropriate employment within the meaning of this Act shall be the employment:

- with concluded employment relationship contract for indefinite or definite period of time;
- that corresponds to the classification of post into the qualification grade of the relevant collective agreement to which the person was graded for the most part of last twelve months prior to the unemployment;
- that corresponds to the level and type of professional education acquired by an unemployed person who is a first time job seeker or who seeks employment after a break in employment of at least two years;
- at a workplace where the one-way distance between an unemployed person's place of residence and his/her workplace does not exceed an hour journey by public transport or transport provided by the employer.

An unemployed person shall not be absent from home due to work and commuting in the total duration exceeding eleven hours.

### **Article 17d**

A suitable employment within the meaning of this Act shall be any employment that satisfies the conditions referred to in the first indent of paragraph one of the previous Article and corresponds to up to two levels lower classification of post into qualification grade of the relevant collective agreement to which a person was assigned for the most part of last twelve months prior to the unemployment.

Employment referred to in the previous Article shall also be deemed suitable if the one-way distance between an unemployed person's place of residence and his/her workplace does not exceed an hour and a half journey by public transport or transport provided by the employer, or the unemployed person is provided accommodation in another place.

Suitable distance between the place of residence and the workplace for an unemployed person who lives alone in a common household with a child up to fifteen



years of age shall be up to an hour one-way journey by public transport or transport provided by the employer.

An unemployed person shall not be absent from home due to work and commuting in the total duration exceeding eleven hours.

One level lower position offered to an unemployed person after three months of the registered unemployment shall be considered as suitable provided there are no unemployed persons for whom such a post would be an appropriate employment. Two levels lower position offered to an unemployed person after six months of the registered unemployment shall be considered as suitable provided there are no unemployed persons for whom such a post would be an appropriate employment.

An unemployed person who had accepted a suitable employment but re-entered unemployment within 18 months shall be offered an employment deemed appropriate prior to accepting the suitable employment. Where this is not possible, an employment deemed suitable prior to re-entering unemployment may be offered to the unemployed person after three months of registered unemployment.

The Employment Service shall offer an unemployed person who accepted employment deemed suitable in accordance with paragraphs one, two and three of this Article an appropriate employment when available.

#### **Article 17e**

The distance between work and an unemployed person's place of residence shall not prejudice the determination of appropriate or suitable employment if the major part of activity is carried out outside employer's premises (e.g.: building industry, transport and communications, installation works) or in case of technologically complex activity carried out outside employer's premises.

#### **Article 17f**

In the case where the classification of post into the qualification grade of the relevant collective agreement is not shown in the employment contract referred to in Articles 17č and 17d of this Act, such classification shall be determined by the Employment Service taking account of the relevant collective agreement and the workplace to which an unemployed person was assigned for the most part of last twelve months prior to unemployment.

#### **Article 17g**

Active employment seeking within the meaning of this Act shall include:

- written applications for advertised appropriate or suitable employment;
- registration with the temporary agencies looking for workers in the place of residence of an unemployed person or in other place where the one-way distance from the unemployed person's place of residence does not exceed an hour journey by public transport.

The obligation of an unemployed person to actively seek employment shall be suspended during his/her participation in the active employment policy programme, unless the person concerned is engaged in carrying out suitable temporary or casual humanitarian or other similar work in accordance with regulations governing social assistance or carries out work under a contract for work or a copyright contract or unless otherwise provided in the employment plan.

If an unemployed person wishes to claim expenses for active employment seeking, he/she shall submit proof of active employment seeking to the Employment Service at least once a month for the previous month.

The Employment Service may at any time require a recipient of cash benefit to submit proof of active employment seeking. The classification of post into qualification grade for management, members of management boards of companies and for elected and appointed officials shall be made by the Employment Service according to the level of their education.

#### **Article 17h**

On a proposal from the management board of the Employment Service, the minister responsible for labour shall lay down detailed rules concerning the conditions under which an unemployed person shall be considered available; the definition of appropriate and suitable employment; the definition of active employment seeking; eligible costs in respect of active employment seeking referred to in the previous Article; the minister responsible for labour shall also establish detailed criteria, manner and expiration date of the right to cash benefits.

#### **Article 17i**

Suitable work within the meaning of this Article shall be work that corresponds to physical and mental abilities of an unemployed person; opinions to that effect shall be issued by the first instance rehabilitation committees functioning within regional offices of the Employment Service and appointed in accordance with regulations governing vocational rehabilitation and employment of persons with disabilities. The opinion shall only be issued when an unemployed person fulfils criteria for work and/or workplace set by the employer but refuses work offered by the Employment Service or does not agree with the referral of the Employment Service on the basis of alleged psychophysical impairments. The refusal shall not be on the part of an unemployed person when the organisation and/or the employer refuses the unemployed person referred by the Employment Service.

The rehabilitation committees referred to in the previous paragraph shall issue their opinions on the basis of documents submitted by an unemployed person and the Employment Service within eight days of the receipt of such documents.

An unemployed person may also refuse offered work because of conscientious objection. The committee referred to in the first paragraph of this Article shall deliver its opinion on the validity of the objection.

## **Cash benefit**

### **Article 18**

The right to cash benefit may be claimed by an insured person whose employment contract with one or more employers lasted at least 12 months during the last 18 months prior to its termination, provided that general requirements referred to in Article 17a of this Act are satisfied.

An insured person who carried out seasonal work under an employment contract for a definite period shall be entitled to cash benefit, provided that hours worked reckoned to full-time working days total to at least 12 months of insurance period in the last 18 months prior to unemployment.

### **Article 19**

The right to cash benefit may not be claimed by an insured person whose contract of employment terminated:

1. due to consensual cancellation;
2. due to extraordinary termination of the employment contract by the employer – transferor because the worker refused the transition and the actual carrying out of work with the employer – transferee;
3. due to ordinary termination of the employment contract by the worker;
4. due to ordinary termination of the employment contract by the employer because a worker violated the contractual or other obligation arising from the employment relationship (worker's fault liability);
5. due to termination of the employment contract by the employer because the worker refused the employer's offer to conclude a new employment contract for appropriate work and for an indefinite period;
6. due to extraordinary termination of the employment contract by the employer for reasons on the side of the worker, except in case of extraordinary termination when a worker fails to pass the probationary period;
7. due to court's findings that the termination of an employment contract is contrary to law but a worker does not wish to continue the employment relationship;
8. due to termination of the employment contract contrary to Articles 89, 113, 115, 116 and 117 of the Employment Relationship Act (*Uradni list RS*, No. 42/02), provided the insured person did not seek an arbitration award or judicial protection;
9. when an older worker is not assured the right to the unemployment cash benefit until such time as he/she fulfils minimum requirements for retirement pension but the worker concerned gave a written consent to the termination of the employment contract for business reason;
10. when the office of elected or appointed public function or office holder within bodies of legislative, executive or judicial power in the Republic of Slovenia or bodies of local self-government terminates and the person concerned did not assert the right to reinstatement in accordance with legal provisions to that effect.

Notwithstanding the provisions of indents one and three of paragraph one of this Article, the right to cash benefit may be claimed by an insured person whose employment contract has terminated ordinarily or consensually due to resettlement and employment of his/her spouse or partner cohabiting with him/her for at least one year in another place where the distance from the insured person's residence exceeds an hour-and-a-half one way journey by public transport.

The insured persons who are not insured through employment relationship may not claim a right to cash benefit if compulsory insurance de-registration was not caused by objective reasons, in particular protracted disease of the insured person, natural disaster, major material damage to property of the insured person, the loss of business premises or business partner, upon whom business operations were entirely dependent.

#### **Article 19a**

**(Deleted)**

#### **Article 19b**

**(Deleted)**

#### **Article 19c**

**(Deleted)**

### **Cash benefit basis**

#### **Article 20**

The cash benefit assessment basis shall be the average monthly salary received by an insured person in twelve months prior to unemployment.

If an insured person was a recipient of salary compensation pursuant to regulations governing employment relationships, health insurance or pension and disability insurance or if the person concerned did not receive salary, the cash benefit assessment basis shall include basic salary increased by the seniority allowance which the person concerned would have received if he/she had worked.

## **Amount of cash benefit**

### **Article 21**

The cash benefit shall amount to 70% of the assessment basis referred to in the previous paragraph for the first three months and to 60% in the subsequent months. Contributions shall be charged to the assessed benefit in rates set by the regulations governing pension and disability insurance contributions, health care and employment.

The contributions for pension and disability insurance shall be paid to the Pension and Disability Institute of Slovenia and the contributions for health care to the Health Insurance Institute of Slovenia.

The cash benefit shall not be lower than 45.56% of the minimum salary and shall not exceed three times the amount of the lowest benefit thus determined.

An insured person shall be entitled to benefit for days deemed working days subject to a full-time of 40-working hours, and for days off determined by law.

### **Article 22**

**(Deleted)**

### **Article 23**

**(Deleted)**

### **Article 24**

In January each year, the cash benefits shall be adjusted to the consumer price index for the 12 months preceding the adjustment.

## **Duration of the right to cash benefit**

### **Article 25**

The duration of the right to cash benefit shall not exceed:

- 3 months for insurance of 1 to 5 years;
- 6 months for insurance of 5 to 15 years;
- 9 months for insurance of 15 to 25 years;
- 12 months for insurance of over 25 years;

- 18 months for insured persons older than 50 years and for insurance of over 25 years;
- 24 months for insured persons older than 55 years and for insurance of over 25 years.

The insurance referred to in the previous paragraph shall not include periods of participation in public works.

#### **Article 25a**

When the right to cash benefit is reclaimed by an insured person whose right to this benefit terminated because it was entirely exercised, the insurance period shall not include the period of employment prior to the last entitlement to cash benefit and the period in which the person concerned received the cash benefit.

Notwithstanding the previous paragraph, the insurance period shall include the total duration of insurance, together with the period in which the person concerned received the cash benefit, when the right to cash benefit is reclaimed by an insured person older than 50 years and with at least 25 years insurance period.

When the right to cash benefit is reclaimed by an insured person whose right to cash benefit has not been entirely exercised, unless through his/her own fault, the right shall be assessed in terms of duration of insurance period after the receipt of the last cash benefit and the residual benefit entitlement. When an insured person reclaims cash benefit in 24 months following the last receipt of such benefit, the residual benefit entitlement shall be set in the amount of the last paid cash benefit, otherwise the total cash benefit shall be assessed in accordance with Article 20 of this Act.

#### **Article 26**

The Employment Service shall pay the pension and disability insurance contributions for an insured person who is a citizen of the Republic of Slovenia or an alien holding a permanent residence permit and a personal work permit of indefinite duration, provided that the person concerned is unemployed and will meet retirement conditions in no more than three years following the expiry of cash benefit.

The basis for the payment of contribution referred to in the previous paragraph shall be the last cash benefit received by an insured person; this benefit shall be adjusted in the same manner as other rights under this Act.

#### **One-off payment of cash benefit**

#### **Article 27**

**(Deleted)**

## **Article 28**

**(Deleted)**

## **Article 29**

**(Deleted)**

## **Article 30**

**(Deleted)**

### **Time limits for claiming cash benefit**

## **Article 31**

The entitlement of an insured person to cash benefit shall commence one day after the termination of compulsory insurance, provided the person concerned registers with the Employment Service and files an application claiming the right to cash benefit in 30 days following the termination of compulsory insurance. When the person concerned claims cash benefit after the expiration of this time limit, the total period of receiving cash benefit shall be reduced by the delay calculated from the thirty-first day of the termination of compulsory insurance to the date of filing the application.

The time limit referred to in the previous paragraph shall be suspended during:

- illness;
- parental leave;
- military service and performing and/or training for civil protection and disaster relief on the call of the competent authority;
- detention and/or imprisonment or preventive or precautionary measure of up to six months;
- vocational rehabilitation in accordance with the law governing pension and disability insurance.

An insured person shall register with the Employment Service in eight days of the cessation of reasons referred to in the previous paragraph.

In the case referred to in the second paragraph of this Article, an insured person shall be entitled to cash benefit as of the first day following the cessation of reasons referred to in the second paragraph of this Article.

An insured person may not claim the right to cash benefit after the expiry of 60 days of the termination of compulsory insurance or after the expiry of 30 days of the cessation of reasons referred to in the second paragraph of this Article.

### **Ground for cessation of the right to cash benefit**

#### **Article 32**

The entitlement to cash benefit shall cease if:

- an insured person concludes a full-time employment contract;
- an insured person becomes self-employed;
- an insured person fulfils the conditions to obtain retirement or disability pension or exercises the right to survivor's or widow's pension;
- an insured person reaches the age requirement set in the regulations governing pension and disability insurance for acquiring pension for minimum insurance period;
- an insured person de-registers from the register of unemployed persons;
- an insured person refuses an appropriate or suitable employment or acts in such a way that the employer refuses to employ him/her;
- an insured person unjustifiably refuses unpaid temporary work in cases of force majeure (flood, earthquake etc.);
- an insured person unjustifiably refuses to participate in the active employment policy programme;
- an insured person does not actively seek employment;
- an insured person is not available;
- an insured person provided false information regarding the fulfilment of conditions for acquiring cash benefit;
- an insured person starts serving the sentence of imprisonment of six months or more;
- an insured person breaches an obligation arising from the contract on the participation in active employment policy programme;
- it is established that a self-employed person or owner or co-owner of a company has made profit from the activity and other taxable income amounting to at least guaranteed salary compensation in the period of receiving cash benefit;
- it is established that the person concerned has taken up illegal work or employment;
- the Employment Service ceases to keep the person concerned in the unemployed persons register.

The Employment Service shall inform the competent social work centre of an insured person whose entitlement to cash benefit ceased and state the reasons thereof.



### **Article 32a**

Cash benefit shall be reduced by 50% for the period of two months if an insured person refuses:

- suitable work under a contract for work or a copyright contract;
- suitable temporary or casual humanitarian or similar work defined in the second paragraph of Article 6 of this Act.

Work referred to in the previous paragraph shall mean the work that corresponds to a one level lower degree and type of professional education of an unemployed person, as shown in the description of work in a contract for work or a copyright contract or as required for performing humanitarian or other similar work by the party commissioning a contract or work.

In cases referred to in the previous two paragraphs, the provisions of Article 21 of this Act concerning the amount of the minimum cash benefit shall not apply; the person concerned shall be entitled to reimbursement of travel expenses by public transport and to meals allowance.

### **Article 33**

The right to cash benefit shall be suspended during:

- military service or alternative civil service;
- detention and/or imprisonment or preventive or precautionary measure of up to six months;
- time under a full-time contract of employment concluded for a definite period shorter than twelve months;
- participation in an educational programme in accordance with Article 53b of this Act;
- period of receiving parental benefit;
- incapacity for work due to health reasons in the period of receiving compensation from the compulsory health insurance pursuant to the third paragraph of Article 17b of this Act;
- participation in public works programme;
- period of residing outside the Republic of Slovenia, unless otherwise provided by an international instrument;
- carrying out work as a home care assistant for a period shorter than 12 months, provided the work did not terminate for reasons considered as fault liability for terminating an employment contract pursuant to the law governing social assistance;
- participation in the in-service training under the active employment policy programme referred to in Article 50 of this Act.

In cases referred to in the previous paragraph an insured person shall have the right to cash benefit for the residual duration of entitlement, provided that the person concerned registers with the Employment Service in eight days of the cessation of

reasons for suspension; if that is not the case, the Employment Service shall cease to keep him/her in the unemployed persons register.

The right to cash benefit shall also be suspended for:

- members of management who received and/or are entitled to payment of compensation or severance pay due to the termination of an employment contract, for the number of months corresponding to the number of compensation and/or severance payments received and/or entitled to under the contract;
- persons who are entitled, pursuant to labour legislation, to compensation for complying with the prohibition of competitive activities after the termination of an employment relationship, up until the expiry of period in which they receive compensation for complying with the prohibition of competitive activities;
- persons who received severance pay due to the termination of an employment contract if the severance pay exceeds the amount set in employment relationship regulations, for as many months as the severance pay broken down to basic monthly salaries exceeds the amount prescribed by the law;
- insured persons who came to an agreement with the employer to receive compensation in place of notice period, for the number of months corresponding to the number of monthly salaries received.

An insured persons referred to in the third paragraph of this Article shall claim the right to cash benefit in accordance with Article 31 of this Act; cash benefit shall become payable on the day following the expiration of the period during which the right is suspended.

### **Article 33a**

An insured person who seeks full-time employment and concludes a part-time employment contract shall be entitled to cash benefit for the residual duration of cash benefit entitlement.

In the case referred to in the previous paragraph, Article 21 of this Act concerning the amount of the minimum cash benefit shall not apply.

### **Article 33b**

An insured person may gain supplementary income with the full knowledge of the Employment Service. If an insured person had gained supplementary income before becoming unemployed and continued to gain such income afterwards, the person concerned shall inform the Employment Service thereof upon registration in the unemployed persons register.

Once a month, an insured person shall inform the Employment Service of any supplementary income received in the previous month.

In the case referred to in the first and second paragraph of this Article, cash benefit shall be reduced by 50% of supplementary income in the month following the

payment of such income, unless the amount of supplementary income is lower than SIT 10,000.

An insured person maintaining one or more children up to 18 years of age and/or children in regular schooling shall be entitled to an increase in respect of every child amounting to 10% of the full amount of cash benefit to which the person concerned would have been entitled if he/she had not gained supplementary income; however, the amount shall not exceed the full amount of cash benefit.

Supplementary income paid for several months shall be divided to equal parts corresponding in number to the number of relating months; the amount so established shall be taken into account for the residual cash benefit entitlement in accordance with the second and third paragraph of this Article.

The level of the pension and disability insurance contributions and the health insurance contributions paid by the Employment Service for an insured person who gained supplementary income shall remain unchanged, except in the case referred to in Article 33a of this Act.

An insured person who does not comply with the requirements of the first and second paragraph of this Article shall lose the entitlement to cash benefit and shall repay any unduly received amounts of cash benefit and compensate for any other caused damage.

#### **Article 34**

**(Deleted)**

#### **Unemployment relief**

#### **Article 35**

**(Deleted)**

#### **Article 35a**

**(Deleted)**

#### **Article 35b**

**(Deleted)**

**Article 36**

**(Deleted)**

**Article 37**

**(Deleted)**

**Article 38**

**(Deleted)**

**Right to preparation for employment**

**Article 39**

**(Deleted)**

**Article 40**

**(Deleted)**

**Article 41**

**(Deleted)**

**Article 42**

**(Deleted)**

**Article 43**

**(Deleted)**

## **Right to transport and removal costs refund**

### **Article 44**

An unemployed person shall be entitled to removal costs refund, provided such costs relate to employment in another place which the person concerned was referred to or agreed upon by the Employment Service.

An unemployed person shall be entitled to reimbursement of travel expenses by public transport agreed upon by the Employment Service, provided such expenses are incurred in connection with seeking employment through a referral of the Employment Service, and to reimbursement of costs for registered mail incurred by the unemployed person in connection with active employment seeking referred to in Article 17g of this Act.

Reimbursement of expenses referred to in the previous paragraph shall amount to 100% of the public transport rates.

## **Exercising rights arising from the insurance against unemployment**

### **Article 45**

The insured persons shall claim their rights arising from insurance against unemployment in accordance with this Act and regulations governing general administrative procedure.

The rights of insured persons and other unemployed persons shall be decided upon by the authorised employee of the Employment Service in the first instance, and by the body of the Employment Service in the second instance. The Statute of the Employment Service shall designate the authorised employees and the body deciding upon the rights of insured persons and other unemployed persons.

An insured and/or other unemployed person not satisfied with the decision of the second instance body may bring an action before the court having jurisdiction in social matters in 30 days of having been served with a final decision.

No appeal against the decision of the competent body of the first instance on the rights arising from the insurance against unemployment shall stay the execution thereof.

### **Article 45a**

The beneficiaries under this Act shall inform the Employment Service of any changes affecting the acquisition or loss of rights not later than in 15 days of the occurrence of the change.

## **Supervision**

### **Article 45b**

The administrative and professional supervision of the work of the Employment Service and/or authorised organisations and/or employers and of the use of earmarked funds shall be exercised by the ministry responsible for labour. If irregularities are detected, the ministry responsible for labour shall issue a decision defining the measures and time limits for remedying them.

The legality of work carried out by the organisations and/or the employers who perform professional tasks of employment brokerage and work brokerage or who pursue the activity of posting workers to user undertakings to work there shall be reviewed by the ministry responsible for labour, the Labour Inspectorate of the Republic of Slovenia and other competent bodies.

The use of earmarked funds referred to in paragraph eight of Article 6 shall be supervised by the Court of Auditors of the Republic of Slovenia, by the competent ministries and by other bodies in accordance with the law.

The supervision of the implementation of the provisions of this Act shall be exercised by the Labour Inspectorate of the Republic of Slovenia, unless otherwise provided by this Act.

### **Article 45c**

The Employment Service shall supervise the fulfilment of obligations of unemployed persons and other requirements under this Act. For exercising such supervision the Employment Service shall set up an internal organisational unit.

The supervision over the implementation of Article 10 of this Act shall be exercised by the Employment Service.

The Employment Service may authorise a legal or natural person who fulfils requirements regarding the supervision to exercise supervision referred to in the first paragraph of this Act, subject to prior consent of the minister responsible for labour.

### **Article 45č**

The professional and administrative supervision and the supervision over the fulfilment of obligations of unemployed persons and other requirements under this Act shall be exercised by authorised persons who shall be required to pass a professional examination.

#### **Article 45d**

In order to exercise supervision over the implementation of this Act and over the exercising of rights of unemployed persons and other requirements under this Act, the Employment Service may obtain and use personal data and data on income and property of taxable persons from registers and records kept by the tax authorities, the Pension and Disability Insurance Institute and the Health Insurance Institute.

The competent tax authority shall communicate data referred to in the previous paragraph to the Employment Service upon its application.

Data referred to in the previous paragraph of this Article obtained by the Employment Service shall be considered as confidential tax information under regulations governing tax procedure and shall be permanently protected and not communicated to third persons. Persons who are acquainted with such data shall keep it confidential and shall be liable for violation of confidentiality in accordance with regulations governing tax procedure and tax service and for conduct contrary to regulations on personal data protection.

#### **Article 45e**

Once a year, the Employment Service shall submit a report on exercised supervision to the minister responsible for labour.

#### **Article 45f**

The minister responsible for labour shall determine the methodology, modes, procedure and manner of exercising professional and administrative supervision referred to in Article 45b of this Act, the manner and procedure of exercising supervision, the requirements for legal and natural persons referred to in Article 45c of this Act and prescribe the programme and manner of taking the professional examination referred to in Article 45č of this Act.

#### **Co-financing the rights of workers whose work has been made redundant due to operational reasons**

#### **Article 46**

**(Deleted)**

#### **Article 47**

**(Deleted)**

## **IV. ACTIVE EMPLOYMENT POLICY**

### **Measures**

#### **Article 48**

Within the limits of the funds earmarked for the implementation of employment programmes, organisations and/or employers may be granted in particular:

- co-financing for the creation of new productive jobs,
- partial compensation of costs for the preservation of productive jobs,
- loans for investments in new production capacities,
- co-financing for the promotion of the year-round employment of workers engaged in seasonal sectors (construction, tourism, catering, etc.),
- assistance for the training of newly-recruited workers,
- co-financing for education and training,
- co-financing costs of workers whose work became redundant and who are employed by an organisation and/or employer with the aim of labour brokering.

Co-financing of costs of long-term redundant workers' training and retraining during the notice period and of costs of the reassignment and salary for a worker recruited to the temporarily vacant job of a worker undergoing training, shall be deemed to be partial compensation of costs for the preservation of productive jobs.

The measures of the active employment policy shall be implemented by the Employment Service, the authorised organisations and/or employers referred to in Article 6 of this Act, labour funds and the ministry responsible for labour.

#### **Article 48a**

To the employer who shall employ:

- an unemployed person under 26 years of age, a first-time job seeker, registered with the Employment Service for at least six months, with an occupation in excess supply;
- an unemployed person under 28 years of age, registered with the Employment Service for at least 24 months;
- an unemployed person, registered with the Employment Service, substituting for a worker on maternity leave or child care leave;
- an unemployed person over 55 years of age, registered with the Employment Service for more 12 months;



- an unemployed person, registered with the Employment Service, over 55 years of age, with an occupation in excess supply,

shall be reimbursed the employer's contributions as follows: for the persons referred to in the first, second, fourth and fifth indent of this Article for one year and for persons referred to in the second indent of this Article for the entire period of substituting for a worker on maternity or child care leave, but for not more than 15 months.

Employers shall claim reimbursement of contributions by filing an application at the Employment Service within 30 days upon the expiry of each individual year from the day of conclusion of an employment contract, or the expiry of maternity or child care leave of the person for the substitution of whom an unemployed person was employed.

For employing one and the same unemployed person, employers shall not be eligible for other measures for promoting employment of unemployed persons set out in the active employment policy measures programme or other legal acts.

With the exception of self-governing local communities, indirect beneficiaries of the national Budget, i.e. national authorities, public agencies, public funds, public institutes and other public law legal persons, in their role as employers, shall not be eligible for reimbursement of employer's contributions.

The Government of the Republic of Slovenia shall specify, in the active employment policy measures programme, the period of eligibility for the reimbursement of employer's contributions for the persons referred to in the first, second, fourth and fifth indent of the first paragraph of this Article.

The occupations in excess supply referred to in the first and fifth indent of this Article are the occupations laid down in the implementing regulation referred to in the first paragraph of Article 51 of this Act.

## **Article 49**

Persons who participate in active employment policy programmes shall be granted, within the limits of the resources for employment, in particular:

- covering the costs of the insurance against injury at work and occupational disease;
- cash benefits (to elderly persons, young first-time job-seekers, persons with serious disability, single parents, etc.);
- covering the costs of conducting information, formation and training programmes;
- covering part of the salary of trainees;
- covering part of the salary of the first-time job-seekers not obliged to undergo traineeship, difficult-to-employ persons, persons with disability and long-term unemployed;

- loans for the procurement of equipment under self-employment scheme (craft-trade, company);
- covering the costs of vocational adjusting of unemployed persons to the technical and technological development;
- costs of the assistance in the finding of employment (costs of offers, travel costs, costs of over-night stay, costs of work equipment and alike);
- covering the costs of vocational retraining for new employment opportunities;
- costs of providing advice and information under self-employment scheme;
- for covering costs of vocational guidance, information and counselling, and for developing the necessary methods and tools;
- for co-financing costs of the promotion of entrepreneurship.

### **Article 49a**

It shall be the right and duty of an unemployed person to enter the active employment policy measures programme in compliance with the employment plan. The employment plan shall set out and anticipate activities involved in seeking employment and participation in the active employment policy measures programme.

Notwithstanding the first indent of the first paragraph of Article 16 of this Act, and provided that other conditions set out in Article 16 are fulfilled, the disabled of categories II and III, who are registered with the Employment Service in compliance with the pension and disability regulations, shall participate in the active employment policy measures programme.

On the basis of the redundancy programme, workers whose work has been made redundant for business reasons, and, on the basis of the financial reorganisation plan, workers whose work has been made redundant due to the commencement of the compulsory settlement procedure may participate in the active employment policy measures programme. On the basis of a notification by a trustee in bankruptcy on a planned termination of employment contracts with a larger number of workers, as required by the labour legislation, the redundant workers concerned may enter the active employment policy measures programme as well.

Unemployed persons or those long-term redundant workers for whom it may be expected, on the basis of the analysis of staff needs and of the business plan of the company concerned, that in the long term it will not be possible to provide employment for them, may also participate in the active employment policy measures programme.

In accordance with the specification of the work activity in the employment plan and in compliance with the law governing social assistance, unemployed persons who are entitled to cash social assistance under the law governing social assistance shall participate in the active employment policy measures programme.

## **Article 49b**

The procedure for the entry into the programme of the active employment policy measures shall be started upon a proposal of the employer when redundant workers are involved or upon a proposal of the Employment Service or the authorised organisation or of the unemployed person when unemployed persons are involved.

The Employment Service shall carry out the procedure of determining whether it is reasonable for the unemployed person to participate in the active employment policy measures programme. The decision on the entry into the active employment policy programme and on the selection of particular measures for an unemployed or other person shall be made in the first instance by an authorised employee of the Employment Service and in the second instance by the body of the Employment Service designated in the Statute of the Employment Service.

When deciding on the entry into the programme of the active employment policy measures, the following shall be taken into particular consideration:

- the situation in the labour market within a particular area and particular occupation;
- costs of the participation in the programme;
- personal, occupational, working and other skills of the unemployed person concerned and his/her age;
- prospects for a successful conclusion of the programme;
- wishes of the unemployed person concerning the type of the programme in which he/she is to participate; whether the wishes are justified and whether it is reasonable to accommodate them, given the prospects of finding an employment in a particular environment and period;
- possibilities of obtaining a certificate or other public document on the education or training;
- family responsibilities for a child with a serious or severe physical or mental impairment who lives with the unemployed person;
- obligation to support a minor.

Priority in the entry into the active employment policy measures programme shall be given to persons from the target groups defined in the active employment policy measures programme referred to in Article 50 of this Act.

## **Article 49c**

The entry into the programme and the manner and conditions of participation in the active employment policy measures programme shall be regulated by a contract concluded between the unemployed person and the Employment Service or other authorised organisation, in which obligations, responsibilities and rights of the unemployed person concerned, the body implementing the active employment policy measures, the duration and co-financing of those measures and of supervision of the implementation of the measures shall be defined.

## **Article 50**

For a budget or a planning period, the Government of the Republic of Slovenia shall adopt, after consulting the social partners, a programme of the active employment policy measures which shall contribute to the implementation of mid-term guidelines and strategic documents on the labour market and employment development, adopted at the national and the EU level. The programme shall define measures and activities for direct regulation of the labour market as well as target groups and the amount of funding earmarked for the programme implementation in accordance with the budget.

For the purpose of co-financing from the EU funds, programme shall be consistent with the programming documents setting out the rules governing the management of the funding provided by the European Structural Funds.

## **Article 51**

In an implementing regulation, the minister responsible for labour shall, after consulting the social partners, define into more detail as to how the measures of the active employment policy are to be implemented and prescribe the methodology for determining the occupations in excess supply and the occupations in excess demand.

On the basis of the adopted active employment policy measures programme, the Employment Service shall prepare a catalogue which shall specify into more detail individual programmes. The Employment Service shall publish the catalogue on its website within 30 days after the adoption of the active employment policy measures programme.

## **Public works**

### **Article 52**

Public works are local or national employment programmes intended for the activation of unemployed persons, their socialisation, maintenance or development of their occupational skills, and for the encouragement of the creation of new jobs. Public works shall be organised for the purpose of implementing social assistance, education, cultural, conservationist, municipal, agricultural and other programmes.

Employers or other organisations must not organise public works for the activities whose goal is the generation of profit or which would create distortions of competition at the labour market.

The programme of public works which is carried out in the framework of the active employment policy measures programme and the number of persons who will participate and be financed under this programme shall be laid down by the Government of the Republic of Slovenia for a particular budget period.

A municipality may also adopt a programme of public works insofar as its implementation is fully funded by that municipality.

### **Article 53**

The unemployed person concerned shall start working on public works on the day of conclusion of a special employment contract with the public works provider, unless a different date of the commencement of work is set out in the contract. The employment contract shall be concluded so as to comply with the arrangements regarding remuneration for work, duration of leave, full working hours and grounds for the termination thereof as provided for in this Act.

A special employment contract, concluded for the purpose of participation in public works, shall terminate upon the expiry of the period of its validity or earlier in any of the events as follows:

- the participant concerned takes employment elsewhere;
- the participant concerned enters into training financed from the European Structural Funds;
- the participant concerned refuses to accept appropriate or suitable employment, offered to him/her by the Employment Service;
- the participant concerned refuses training proposed by the Employment Service;
- the participant concerned stops working with public works without consent;
- the participant concerned fails to fulfil his/her obligations under the public works programme;
- the participant concerned fails, due to his/her untimely, unprofessional and poor quality work, to deliver results which may be expected from an average participant;
- early termination of the public works programme for objective reasons on the side of the Employment Service, public works programme provider or public works programme contracting authority.

An unemployed person may participate in a public works programme for no more than one year, with the exception of persons with disability, established in a decision issued by the competent authority, whose participation may be prolonged when they cannot be offered appropriate or suitable employment, and with the exception of women over 53 and men over 55 who may participate in the programme until they meet retirement conditions.

While participating in the programme, the person concerned shall be entitled to annual leave with a duration of no less than four weeks. For the acquisition of the right to annual leave and its use, the provisions of the Act governing employment relationships shall be applicable.

A participant in public works may take part in training and education programmes during no more than one fourth of their working hours, with full-time weekly working hours amounting to 30 hours.

### **Article 53a**

Under the contract of employment, concluded for the purpose of participation in public works, the person concerned shall be entitled to receive for the work performed within the public works programme a salary expressed as a percentage share of the minimum salary for a particular level of professional skill, namely:

- for the professional skill level I: 80% of the minimum salary;
- for the professional skill level II: 85% of the minimum salary;
- for the professional skill level III: 90% of the minimum salary;
- for the professional skill level IV: 95% of the minimum salary;
- for the professional skill level V: 100% of the minimum salary;
- for the professional skill level VI: 125% of the minimum salary;
- for the professional skill level VII: 150% of the minimum salary.

The funding for the implementation of the public works programmes shall be provided by the Employment Service and the public works contracting authority; it may also be provided by the public works provider.

The Employment Service shall cover a part of the participants' salary costs, which shall be determined in the public works programme adopted by the Government of the Republic of Slovenia for individual budget period. In determining the share of resources earmarked for the participants' salaries, identification and classification of areas with an unemployment level above the Slovenian average and other criteria determined by the minister responsible for labour shall be taken into consideration.

In addition to the share of salaries, the Employment Service shall provide funding for allowances for public transport to work and meal allowances, whereas the public works contracting authority or public works service provider shall provide funding for covering the remaining salary costs of the participants, pay for annual leave and material costs, which shall include costs for the premises and equipment required. For the participants whose salary shall not achieve the amount of the minimum salary, it shall cover also the payments of the social security contributions in compliance with the law governing social security contributions, whereby the minimum salary shall be used as the basis for the calculation.

## **Education for the unemployed persons**

### **Article 53b**

An unemployed person who cannot be provided with an appropriate or suitable employment may, with a view to improving his/her position in the labour market,

enter a training programme on the basis of the employment plan and in compliance with the regulations governing this field.

Upon the entry into the programme, the participant referred to in the preceding paragraph shall have the right to health care, if not insured on some other basis, to scholarship and reimbursement of expenses set out in the programme referred to in Article 53c of this Act.

#### **Article 53c**

The ministry responsible for labour and the ministry responsible for education shall draft a programme of training for unemployed persons for individual academic year, to be adopted by the Government of the Republic of Slovenia.

The programme of training for unemployed persons shall set out the types and number of training posts which are to be organised, conditions for the participation of unemployed persons and the mode of funding. The programme shall be a component part of the yearly education programme in compliance with the regulations governing education.

#### **Article 53č**

An unemployed person who has or who shall acquire professional knowledge and skills required to pursue a certain occupation may, with a view to enhancing his/her position in the labour market, enter in the procedure for the acquisition of the National Vocational Qualifications Certificate on the basis of an employment plan and in compliance with the regulations governing this field. Upon entry, the person concerned shall be entitled to cash benefits and reimbursement of costs as set out in the implementing regulation referred to in Article 51 of this Act.

#### **Article 53d**

For the purpose of implementing the measures of the active employment policy, a Labour Fund (hereinafter referred to as the: "Fund") may be established for a territory of a municipality or of several municipalities, or within a company or several companies.

The Fund may be established by a company, the Government of the Republic of Slovenia, a municipality, the Chamber of Commerce and Chamber of Crafts or any other chamber, an association or a trade union. The Fund shall be a legal person in private law.

The Fund shall be established with the adoption of its articles of association, which shall define its purpose, funding for its operating costs, obligations of the founders, the bodies of the Fund and their respective powers.

The establishment, operation and termination of the Fund shall be subject to the regulations governing institutions.

### **Article 53e**

The Fund's participants shall be the unemployed persons or those long-term redundant workers for whom it may be expected, on the basis of the analysis of staff needs and of the business plan of the company concerned, that in the long term it will not be possible to provide employment for them.

The Fund's participant who shall enjoy measures of the active employment policy programme funded by the Fund, shall not be entitled to the same measures from some other source.

### **Article 53f**

The Funds may be provided with funding by companies, municipal budgets, national budget, donations and Fund's own activities. The funding received may be refundable or unrefundable and, as a rule, it shall be in the form of cash and only by way of exception in the form things or rights.

The Funds may be provided with funding from the national budget only to the extent of covering the implementation of the measures of the active employment policy under this Act.

The Fund may allocate a higher amount of funding for employment promotion programmes or establish a longer period of implementation of those measures than otherwise determined for the implementation of the active employment policy measures, subject to the condition that the share of the national budget funding accounts for less than one half of resources of the Fund concerned.

### **Article 53g**

The Fund shall be managed by a Programme Council, to which each founder shall appoint one member. A representative of the Employment Service shall be a member of the Programme Council.

The representative of the Employment Service may withhold the implementation of any decision of the Programme Council if he/she shall consider the decision concerned to be illegal or in opposition to the active employment policy measures.

## **V. REPAYMENT OF FUNDS**

### **Article 54**

The Employment Service shall have the right to demand the repayment of funds paid under the unemployment insurance scheme, from the funding earmarked for the active employment policy measures, and from the funding paid through the scholarship scheme when the entitlement is acquired on the basis of false data, when the beneficiary does not notify any changes affecting the eligibility of the



entitlement concerned or when funding is used for purposes other than those prescribed.

In cases when it is established by a final decision of a court of justice that a termination of an employment relationship is illegal, the Employment Service shall claim damage restitution from the employer concerned.

The damage restitution that may be claimed by the Employment Services in the cases referred to in the two preceding paragraphs shall include costs and amounts of cash benefits paid by the Employment Service to the unemployed person concerned and other costs resulting from the participation of that person in the active employment policy programme.

The Employment Service shall claim the repayment of funds paid under the unemployment insurance scheme from the worker who had requested judicial protection with respect to the notice of termination of employment contrary to Articles 89, 113, 115, 116 in 117 of Employment Relationship Act (*Uradni list RS*, No. 42/02), but, prior to the court decision, settled the dispute with the employer without indicating in the settlement that the termination of employment was illegal and that the employer should reconstitute the damage resulting from the illegal termination of the employment contract.

The procedure of establishing the right to the restitution of damage and other funds referred to in this Article shall be subject to the regulations governing obligational relationships.

## **VI. AWARDING OF SCHOLARSHIPS**

### **Article 55**

The awarding of scholarships under this Act shall include company scholarships, national scholarships, scholarships for talented persons, as well as issuing guarantees and subsidising interest rates for education loans.

Company scholarships shall be granted by organisations and employers in accordance with their needs.

The amount of a company scholarships must not be lower than 20% of the statutory guaranteed salary less tax and contributions for secondary-school pupils nor lower than 30% of the statutory guaranteed salary less tax and contributions for students.

### **Article 56**

Apprentices, secondary-school pupils and students who do not receive company scholarship nor have they an education loan, may apply for a national scholarship.

A candidate is eligible for a national scholarship provided the income per family

member in the calendar year before applying for the scholarship did not exceed 130% of the guaranteed salary on a yearly basis.

Notwithstanding the income census referred to in the preceding paragraph, apprentices, secondary-school pupils and students of particular talent can acquire a Zois scholarship.

### **Article 57**

In addition to scholarships, secondary-school pupils and students shall be entitled to allowances for:

- increased costs for the time of education elsewhere than at the place of permanent residence;
- costs of commuting to school;
- school achievements.

### **Article 58**

For each academic year, the Employment Service shall issue a common call for applications for company and national scholarships, indicating conditions for eligibility.

### **Article 58a**

Education loans on the basis of guarantees and with subsidised interest rates in compliance with this Act shall be granted by creditors who shall acquire a concession granted to them by the minister responsible for labour on the basis of a public tender.

### **Article 59**

The amounts of the national scholarship and education loan shall depend on the costs of education, the income per family member in the preceding calendar year, branch, level and year of education and any specific needs of a scholarship holder due to his/her severe impairment.

A concession for granting education loans shall be granted to creditors subject to compliance with the conditions concerning the interest rate, repayment period, deferral period and loan insurance conditions.

The minister responsible for labour shall define into more detail criteria and conditions for the acquisition, repayment and the amounts of the national and Zois scholarships, education loans and allowances attached to scholarships as well as the method of stimulating employers to offer company scholarships.

The minister responsible for labour shall, in agreement with the minister responsible for finance, define into more detail conditions applicable for granting concessions and issuing guarantees and subsidising interest rates for education loans.

The right to acquire a national or Zois scholarship shall be decided upon by the body of the Employment Service, designated in the Statute of the Employment Service.

## **VII. FINANCING**

### **Article 60**

The resources for insurance against unemployment shall be provided through contributions from workers, organisations and employers and shall be collected in the budget of the Republic of Slovenia and shall be directed, on the basis of the financial plan of the managing authority responsible for labour, and broken down by purpose, to the bodies implementing the programme.

The resources for other purposes covered by this Act, the resources for covering the deficit of funding for insurance against unemployment and the resources for the operation of the Employment Service shall be provided in the budget of the Republic of Slovenia.

## **VIII. AWARDS AND RECOGNITIONS**

### **Article 60a**

The minister responsible for labour shall confer awards and recognitions to employers for outstanding achievements in the area of employment.

The minister responsible for labour shall define into more detail the conditions and manner of conferring the awards and recognitions referred to in the preceding paragraph.

## **IX. EMPLOYMENT SERVICE OF SLOVENIA**

### **Article 61**

The Employment Service shall be set up as a public institute and is organised so as to cover the entire territory of the Republic of Slovenia.

Within the Employment Service, organisational units may be formed to carry out individual tasks or part of the tasks or to carry out tasks in a certain area.

### **Article 61a**

The Employment Service shall have two bodies, the Council of the Employment Service and the Director of the Employment Service.

## **Article 62**

The Council of the Employment Service shall have thirteen members, as follows:

- the Government of the Republic of Slovenia shall appoint six members, who shall be representatives of the ministries responsible for labour, education, the economy and finance;
- Associations of Employers at the national level shall appoint three members;
- trade unions representative at the national level shall appoint three members;
- staff of the Employment Service shall elect one member.

The term of office of the Council members shall be four years.

The Council of the Employment Service shall elect from among its members a Chairperson and a Vice-Chairperson for a term of two years; representatives of the grouped referred to in the first three indents of the first paragraph of this Article shall take turns in performing these tasks.

The Council of the Employment Service shall start operating when at least one half of its members is appointed.

## **Article 63**

The Council of the Employment Service shall in particular:

- propose elements for the adoption of development policy in terms of employment;
- propose employment policy and programmes including implementation measures and policy regarding the granting of scholarships;
- plan and propose the size of resources needed;
- adopt the Statute of the Employment Service;
- decide on the implementation of programmes;
- adopt the programme of work of the Employment Service;
- decide on the granting of funds for co-financing programmes and exercising the rights of unemployed persons.

## **Article 64**

The ministry responsible for labour shall withhold the implementation of any decision adopted by the Council of the Employment Service if it deems the decision concerned to be illegal or in opposition to the current policy or employment programme and shall inform thereof the Government of the Republic of Slovenia.

## **Article 65**

The Director of the Employment Service shall be appointed and dismissed, on a proposal by the minister responsible for labour, by the Government of the Republic of Slovenia.

The term of office of the Director of the Employment Service shall be four years.

## **Article 66**

The Employment Service shall:

- identify the coverage of the demand of organisations and employers for workers;
- advice organisations, employers and workers as regards employment opportunities and needs;
- offer assistance in providing employment to unemployed persons and other job-seekers and provide labour brokerage services;
- keep prescribed records in the area of labour and employment;
- enforce rights arising from the insurance against unemployment;
- organise training and education of unemployed persons;
- organise training and education of disabled persons;
- provide vocational guidance, information and advice to youth and adults and develop methods and tools for vocational guidance;
- post workers abroad on temporary basis, ensure their organised return and employment and participate in employing foreign citizens;
- prepare analytical, planning and information materials for the needs of proposing, formulating, coordinating and monitoring of employment policy;
- prepare and carry out the procedures for the implementation of the active employment policy for which it is empowered;
- organise public works;
- maintain information system for the monitoring of labour market developments and provide public information;
- examine formation and development of new occupations, and the classification of occupations;
- carry out professional tasks in granting scholarships;
- carry out financial and accountancy function for ensuring rights, implementation of programmes and operation of the Employment Service;
- study and monitor particular events in the labour market and other areas which directly or indirectly impact employment and unemployment;
- carry out other tasks pursuant to this Act, regulations adopted on the basis thereof and other relevant regulations;

- transfer to the ministry responsible for labour the data needed for analysing, monitoring and assessment of the employment policy measures.

#### **Article 66a**

Professional tasks related to employment, insurance against unemployment, implementation of the active employment policy measures and scholarship granting shall be carried out by workers who have appropriate higher or high education and have passed a special professional examination in the field of employment and insurance against unemployment.

The contents, conditions and manner of passing the professional examination shall be prescribed, after a prior opinion issued by the management board of the Employment Service, by the Director of the Employment Service.

#### **Article 67**

The Statute of the Employment Service shall regulate into more detail the organisation of the Employment Service, its bodies and their powers, methods of decision-making and other issues of relevance for the work and activities of the Employment Service.

The Government of the Republic of Slovenia shall give consent to the Statute of the Employment Service.

### **Registrations and official records**

#### **Article 68**

The Employment Service shall keep records of unemployed persons, persons granted a scholarship under this Act, persons participating in active employment policy programmes, unemployed persons whose rights and obligations under this Act are suspended and persons registered with the employment office under other regulations (hereinafter referred to as the: "records").

The Employment Service shall send to the authorised organisations referred to in Article 6 of this Act data from the unemployed persons register which are needed for the purpose of employment and work brokerage, drafting of an employment plan or participation in active employment policy measures.

#### **Article 68a**

Data from the records referred to in the preceding Article may be used solely for carrying out the tasks of the ministry responsible for labour, Labour Inspectorate of the Republic of Slovenia, the Employment Service and the authorised organisations referred to in Article 6 of this Act, exercising the rights in the field of social security at relevant institutions and for statistical or research purposes.

## Article 68b

The records referred to in Article 68 of this Act shall contain the following data:

- name and surname,
- date of birth,
- sex;
- personal identification number (EMŠO),
- tax number,
- residence address.

In addition to the data referred to in the preceding paragraph, some records shall contain also the data as follows:

register of unemployed persons:

- transaction account number,
- registration and the beginning of record keeping,
- termination of record keeping,
- reasons for the termination of record keeping,
- education, additional knowledge and skills,
- work experience,
- ability to work,
- employment restrictions,
- calling on the Employment Service, referrals, fulfilling of other obligations,
- rights arising from the insurance against unemployment,
- activities carried out at the authorised organisations,
- claims for the reimbursement of unduly paid amounts and the manner of reimbursement thereof,
- reimbursement of unduly paid amounts,
- complaints;

register of scholarship-holders:

- transaction account number,
- registration and the beginning of record keeping,
- type of scholarship,
- status of the scholarship holder (apprentice, secondary-school pupil, student),
- socio-economic circumstances of a national scholarship holder and his/her family,
- scholarship holder's schooling and school-achievements,
- attested publicly recognised achievement of a holder of scholarship for talented youth,

- payment of scholarship and allowances,
- reasons for the suspension of scholarship due to non-compliance with requirements,
- reasons for and date of termination of the keeping of records,
- results of aptitude tests of a holder of scholarship for talented youth,
- claims for the reimbursement of unduly paid amounts of scholarship and the manner of reimbursement thereof,
- reimbursement of unduly paid amounts of scholarship,
- complaints;

register of persons participating in active employment policy programmes:

- transaction account number,
- person's status at the time of entry into a programme,
- beginning and termination of participation in a programme,
- reasons for the termination of record keeping,
- reasons for and duration of suspension in the register,
- type of the active employment policy programme in the which the person concerned participates,
- provider of the active employment policy programme,
- fulfilment of contractual obligations,
- funding used for the implementation of the programme,
- completing of the active employment policy programme and achievements therein,
- claims for the reimbursement of unduly paid amounts and the manner of reimbursement thereof,
- reimbursement of unduly paid amounts,
- complaints;

register of unemployed persons whose rights under this Act are suspended:

- registration and the beginning of record keeping,
- reasons for and duration of suspension of rights,
- type of the suspended right,
- termination of record keeping,
- reasons for the termination of record keeping;

register of persons registered with the Employment Service under other laws:

- registration and the beginning of record keeping,
- reasons for record keeping,
- type of the right under other laws,
- termination of record keeping,
- reasons for the termination of record keeping.



### **Article 68c**

Upon the termination of keeping records on a person, personal data shall be kept and used no longer than required to achieve the particular purpose for which they were processed. The duration of keeping of data of individual register shall range between five to fifty years, depending on the purpose for which the register concerned is kept and used.

### **Article 69**

The unemployed person shall register at the local office which is competent in the place where the person concerned resides. The unemployed person whose employment relation terminated may register also at the local office which is competent in the place where there is the seat of the organisation or place of business and/or employer with whom the person concerned had the employment relation.

An alien may register as unemployed when he/she is in possession of a personal work permit.

### **Article 70**

The person concerned shall cease to be registered in the Employment Service' register of unemployed persons and of persons participating in the active employment policy programmes when:

- he/she is no longer unemployed;
- he/she de-registers from the register of unemployed persons and of persons participating in the active employment policy programmes;
- he/she refuses to enter an active employment policy programme or breaches an obligation arising from the contract of the entry into an active employment policy programme;
- he/she refuses to accept appropriate or suitable employment or acts in such a way that the employer refuses his/her employment;
- he/she does not provide correct data regarding the eligibility for obtaining the status of the unemployed person;
- he/she meets the eligibility conditions for an old-age pension for the minimum insurance period in compliance with the pension and disability insurance regulations;
- he/she becomes temporarily or permanently unemployable, which shall be established on the basis of an employment plan;
- he/she starts serving the sentence of imprisonment of six months or more;
- he/she is not available for employment;
- he/she is engaged in occasional or regular illegal employment;

- he/she does not actively seek employment, unless he/she participates in an active employment policy programme and his/her employment plan does not include a requirement for him/her to actively seek employment;
- he/she refuses to sign the employment plan because he/she does not agree with the obligation to accept any employment, suitable temporary or occasional humanitarian or other such work defined in the law governing social assistance.

In cases referred to in the third, fourth, fifth, ninth, tenth, eleventh and twelfth indent of the preceding paragraph, the unemployed person shall not be able to re-register with the Employment Service within six months of the finality of the decision issued under the administrative procedure on the termination of registration of the person concerned as unemployed.

If the Employment Service considers that the situation in the labour market has changed and that there are possibilities, for the persons registered with the Employment Service pursuant to other laws and for whom it is established in the employment plan that they are permanently or temporarily unemployable, to find employment or that it is reasonable that they enter active employment policy programmes or that they be required to actively seek employment, the Employment Service may provide so in the employment plan and amend the employment plan accordingly.

The person concerned shall cease to be registered in the Employment Service' register of persons registered with the Employment Service pursuant to other laws when:

- he/she refuses to sign the employment plan without a valid reason or breaches obligations set out therein;
- he/she refuses to participate in the active employment policy programme when reasonableness is established in the employment plan, or he/she breaches obligation arising from the contract of the entry into an active employment policy programme;
- he/she shall de-register from the register of persons registered with the Employment Service pursuant to other laws;
- he/she refuses to accept appropriate or suitable employment or acts in such a way that the employer refuses his/her employment;
- he/she does not provide correct data regarding the eligibility for the entry into the register of persons registered with the Employment Service pursuant to other laws;
- he/she meets the eligibility conditions for an old-age pension for the minimum insurance period in compliance with the pension and disability insurance regulations;
- he/she is engaged in occasional or regular illegal employment;
- he/she does not actively seek employment or is not available for employment when reasonableness of these two activities is established in the employment plan.

## **Article 71**

**(Deleted)**

## **Article 72**

The minister responsible for labour shall prescribe the contents and manner of keeping records referred to in Article 68 of this Act.

## **X. PENALTY PROVISIONS**

### **Article 73**

A fine of SIT 300.000 up to SIT 10.000.000 shall be imposed for a breach on a legal person, a sole proprietor or a person engaged in self-employed activities if they carry out activities referred to in Article 6 of this Act without having a concession contract, without being entered in the register of temporary agencies or if they carry out any of those activities in the Republic of Slovenia but are not allowed to do so under regulations of any of the EU Member States or the European Economic Community.

A fine of SIT 50.000 up to SIT 500.000 shall be imposed for a breach on the responsible person of a legal person, a sole proprietor or a person engaged in self-employed activities in the event of a violation referred to in the preceding paragraph.

### **Article 74**

A fine of SIT 300.000 up to SIT 15.000.000 shall be imposed for a breach on a legal person, a sole proprietor or a person engaged in self-employed activities in the event of violation of provisions of the concession contract referred to in Article 6 of this Act, who do not comply with the regulations prescribing the conditions to be fulfilled by an organisation and/or employer during the concession contract referred to in Article 6 of this Act and at the time when the organisation and/or employer are registered in the register of temporary agencies.

A fine of SIT 50.000 up to SIT 500.000 shall be imposed for a breach on the responsible person of a legal person, a sole proprietor or a person engaged in self-employed activities in the event of a violation referred to in the preceding paragraph.

A fine of SIT 100.000 up to SIT 500.000 shall be imposed for a breach on a legal person, a sole proprietor or a person engaged in self-employed activities in the event of failing to register employment brokerage, work brokerage pursuant to the concession contract or posting workers to a user undertaking in compliance with Article 6b of this Act.

A fine of SIT 50.000 up to SIT 500.000 shall be imposed for a breach on the

responsible person of a legal person, a sole proprietor or a person engaged in self-employed activities in the event of a violation referred to in the preceding paragraph.

#### **Article 75**

A fine of SIT 300.000 up to SIT 15.000.000 shall be imposed for a breach on a legal person, a sole proprietor or a person engaged in self-employed activities in the event of acting contrary to Article 8 of this Act and demand payment for employment brokerage or work brokerage from the person seeking employment or work.

A fine of SIT 50.000 up to SIT 500.000 shall be imposed for a breach on the responsible person of a legal person, of a sole proprietor or of a person engaged in self-employed activities in the event of a violation referred to in the preceding paragraph.

#### **Article 76**

A fine of SIT 100.000 up to SIT 500.000 shall be imposed for a breach on a legal person, a sole proprietor or a person engaged in self-employed activities in the event of failing to send to the Employment Service the data referred to in Articles 9 and 10 of this Act within the time limits prescribed.

A fine of SIT 10,000 up to SIT 100,000 shall be imposed for a breach on the responsible person of a legal person, of a sole proprietor or of a person engaged in self-employed activities or on the responsible person of the national authority or local self-government body in the event of a violation referred to in the preceding paragraph.

**Employment and Insurance Against Unemployment Act – ZZZPB (*Uradni list RS, 5/91*) contains the following transitional and final provisions:**

### **XI. TRANSITIONAL AND FINAL PROVISIONS**

#### **Article 77**

The National Employment Service shall commence its work as a public institute under this Act on 1 January 1992.

Until the commencement of the work of the National Employment Service as a public institute, the tasks pursuant to this Act shall be carried out by the Republic Employment Service as a body within the Republic Secretariat of Labour.

The Republic Employment Service as a body within the Republic Secretariat of Labour shall cease to work on 31 December 1991.

#### **Article 78**

The insured persons who on the day of the entry into force of this Act exercise the rights arising from insurance against unemployment, shall be entitled to such rights in scope and duration as set out in the regulations more favourable to them.

Scholarship-holders who have been receiving scholarships from the Fund providing scholarships for young workers, shall be granted this right until the expiry of the scholarship contracts concerned.

#### **Article 79**

Pending the entry into force of the amendments to the Social Protection of Children Act, cash benefits of women whose employment relationship terminated during their pregnancy or maternity leave, and of persons eligible to child care leave shall continue to be paid after the expiry of the period referred to in Article 25 of this Act until giving birth and afterwards for as long as this leave shall last.

#### **Article 80**

The ministry responsible for labour shall issue the regulations referred to in Articles 6, 13, 15, 16, 32, 51, 59 and 72 of this Act within five months after the entry into force of this Act at the latest.

#### **Article 81**

On the day of the entry into force of this Act the following acts shall cease to apply:

1. Employment and Insurance Against Unemployment Act (*Uradni list SRS*, Nos. 18/74, 14/77, 8/78 – consolidated text, 27/82 and 48/87);
2. Act on the Criteria for and Manner of Cofinancing the Exercising of Rights of Redundant Workers (*Uradni list RS*, No. 30/90).

#### **Article 82**

This Act shall enter into force on the eighth day following its publication in the *Uradni list Republike Slovenije*.

**Act Amending the Employment and Insurance Against Unemployment Act (Uradni list RS, No. 12/92 of 13 March 1992) contains the following transitional and final provisions;**

#### **Article 2**

Provisions of the preceding Article shall be applicable also for the pupils and students enrolled in the 1991/92 academic year.

#### **Article 3**

This Act shall enter into force on the fifteenth day following its publication in the *Uradni list Republike Slovenije*.

**Act Amending the Employment and Insurance Against Unemployment Act (Uradni list RS, No. 71/93 of 30 December 1993) contains the following transitional and final provisions:**

#### **Article 29**

The insured persons who on the day of the entry into force of this Act exercise the rights arising from insurance against unemployment, shall be entitled to such rights in scope and duration as set out in the regulations applicable on the day of the entry into force of this Act.

Notwithstanding the provisions of the preceding paragraph, the insured person concerned:

- shall be no more entitled to receive cash benefit if within three months after the entry into force of this Act the Employment Service establishes ex officio that he/she does not meet the conditions referred to in Article 35 of this act;
- shall no longer receive cash benefit or financial assistance on the grounds referred to in Articles 11 and 15 of this Act.

#### **Article 30**

The organisations and employers for whom workers work on the basis of a work contract or a copyright contract on the day of entry into force of this Act, shall, in compliance with Article 2 of this Act, communicate such contracts to the Employment Service within 15 days from the entry into force of this Act.

### **Article 31**

Notwithstanding the provisions of Article 56 of this Act, in the 1993/94 academic year the pupils and students enrolled in that year, who study in the place of residence and whose income per family member in the second quarter in 1993 does not exceed 100% of the statutory guaranteed salary and those who study in the place other than the one where they reside and whose income per family member does not exceed 130% of the statutory guaranteed salary, shall be eligible to receive a national scholarship, provided they fulfil their study obligations.

### **Article 32**

The Employment Service shall establish the conditions for the acquisition of rights, the scope of the rights and obligations under the voluntary insurance scheme by 31 March 1994 at the latest.

### **Article 33**

This Act shall enter into force on the fifteenth day following its publication in the *Uradni list Republike Slovenije*.

**Act Amending the Employment and Insurance Against Unemployment Act (*Uradni list RS*, No. 38/94 of 30 June 1994) contains the following transitional and final provisions:**

#### **Article 7**

The provisions of this Act shall also be applicable to eligibility for national scholarship in the 1994/95 academic year.

#### **Article 8**

This Act shall enter into force on the fifteenth day following its publication in the *Uradni list Republike Slovenije*.

**Act Amending the Employment and Insurance Against Unemployment Act – ZZZPB-D (*Uradni list RS*, No. 69/98 of 9 October 1998) contains the following transitional and final provisions:**

## **TRANSITIONAL AND FINAL PROVISIONS**

### **Article 60**

The procedure for exercising rights arising from the insurance against unemployment which was initiated before the entry into force of this Act shall be completed in compliance with the regulations in force until the entry into force of this Act.

### **Article 61**

The insured person who exercised the rights arising from the insurance against unemployment before the entry into force of this Act shall retain that rights in the scope and duration set out in the regulations in force until the entry into force of this Act.

The insured person referred to in the preceding paragraph shall exercise rights under the conditions and in the way determined in respect of unemployed in this Act.

The insured person who exercised the right to cash benefit in compliance with the regulations in force before the entry into force of this Act, shall exercise the right to financial assistance in compliance with the regulations in force until the entry into force of this Act.

The insured person whose decision on the termination of employment pursuant to the second paragraph of Article 36d of the Employment Relationship Act became final before the entry into force of this Act shall be entitled to cash benefit in compliance with the regulations in force until the entry into force of this Act.

### **Article 62**

The unemployed person pursuant to this Act shall be considered to be an employment-seeker within the meaning of the fifth indent of Article 24 of the Pension and Disability Insurance Act (*Uradni list RS*, Nos. 12/92, 5/94 and 7/96).

### **Article 63**

The minister responsible for labour shall issue implementing regulations referred to in this Act within three months after the entry into force of this Act.

Pending the adoption of the implementing regulation referred to in this Act, the Rules on scholarship awarding (*Uradni list RS*, Nos. 29/93, 64/93, 64/94, 69/94, 33/95, 38/96 and 39/97) shall be applicable.

The Employment Service shall introduce the supervision referred to in Article 45c within one month after the entry into force of implementing regulation referred to in Article 45f of this Act.



The Employment Service or other authorised organisations shall draft employment plans for unemployed persons who have such status at the time of the entry into force of this Act within six months after the entry into force of this Act.

The Director of the Employment Service shall prescribe the contents, conditions and manner of passing the professional examination referred to in Article 66a of this Act within three months after the entry into force of this Act.

The workers who carried out tasks in the field of employment, insurance against unemployment, implementation of the active employment policy measures and awarding of scholarships before the entry into force of this Act, must pass the professional examination referred to in Article 66a of this Act by 31 December 1999.

Public works shall start to be carried out in compliance with this Act within three months after the entry into force of this Act.

The Employment Service shall adopt a new Statute within three months after the entry into force of this Act.

#### **Article 64**

With the entry into force of this Act, the Act Regulating Conditions for Refunding Employers' Social Security Contributions (*Uradni list RS*, Nos. 18/94 and 37/95) shall cease to have effect.

#### **Article 65**

This Act shall enter into force on the fifteenth day following its publication in the *Uradni list Republike Slovenije*.

**Act Amending the Employment and Insurance Against Unemployment Act – ZZZPB-E (*Uradni list RS*, No. 67/02 of 26 July 2002) contains the following transitional and final provisions:**

#### **Article 13**

The minister responsible for labour shall harmonise the implementing regulations issued in compliance with the Employment and Insurance Against Unemployment Act with the provisions of this Act within six months after the entry into force of this Act.

#### **Article 14**

The Employment Service of Slovenia shall harmonise the registers it keeps in compliance with the Employment and Insurance Against Unemployment Act or, where necessary, set up registers in compliance with the provisions of this Act within six months after the entry into force of this Act.

#### **Article 15**

The provision of Article 3 of this Act shall apply on the day of Slovenia acquiring full membership of the EU and in accordance with the principle of reciprocity of the established free movement of workers in the EU Member States.

#### **Article 16**

This Act shall enter into force on the fifteenth day following its publication in the *Uradni list Republike Slovenije*.

**Act Amending the Employment and Insurance Against Unemployment Act – ZZZPB-F (*Uradni list RS*, No. 79/06 of 27 July 2006) contains the following transitional and final provisions:**

### **TRANSITIONAL AND FINAL PROVISIONS**

#### **Article 59**

Pending the establishment of the Public Fund, which is to be set up by 31 December 2006 at the latest, in compliance with the provisions of Article 4 of this Act, and pending the harmonisation of the concluded concession contracts with the provisions of this Act, the funding from the concession fees for brokerage of work for secondary-school pupils and students shall be directed to recipients in compliance with the Rules on conditions for performing activities of employment agencies (*Uradni list RS*, Nos. 48/99, 79/00 and 30/03).

#### **Article 60**

The ministry responsible for labour shall harmonise the regulations issued in compliance with the Employment and Insurance Against Unemployment Act with this Act within six months after the entry into force of this Act.

The ministry responsible for labour shall start keeping a register of temporary agencies within six months after the entry into force of this Act.

The ministry responsible for labour shall within six months after the entry into force of this Act harmonise valid concession contracts with this Act and the implementing regulations issued in compliance with this Act.

### **Article 61**

The minister responsible for labour shall issue implementing regulations referred to in Articles 4, 8 and 40 of this Act within six months after the entry into force of this Act.

The funding expressed in percentage terms, referred to in the seventh, eighth and tenth paragraph of Article 6 of this Act, shall be earmarked or recognised, as the case may be, as from 1 January 2007 onwards. Until that date, the funding shall be calculated as follows:

- for the purposes referred to in the seventh indent – 20%
- for the purposes referred to in the eighth indent -40%
- for the purposes referred to in the tenth indent -40%.

### **Article 62**

Provisions of Articles 41, 42 and 43 of this Act referring to public works shall apply from 1 January 2007, and provisions of Articles 20, 24, and 28 of this Act shall apply within six months after the entry into force of this Act.

### **Article 63**

The Employment Service shall harmonise the Statute of the Employment Service of Slovenia within three months after the entry into force of this Act.

The Council of the Employment Service shall be formed in compliance with the provision of Article 48 of this Act within three months after the entry into force of this Act.

The Management Board of the Employment Service which performs its duties at the time of the entry into force of this Act shall continue to do so in the same composition until the initial convening of the Council of the Employment Service in compliance with this Act.

### **Article 64**

The insured person who exercised the right to cash benefit on grounds of unemployment before the entry into force of this Act, shall maintain this right in scope and duration as set out in the regulations in force until the entry into force of this Act.

The insured person referred to in the first paragraph of this Article whose right to cash benefit on grounds of unemployment was being suspended at the time of the

entry into force of this Act, may, after the expiry of the reasons for suspension, claim to receive cash benefit for the remaining entitlement period in the manner and under conditions set out in the regulations in force until the entry into force of this Act.

#### **Article 65**

On the day of entry into force of this Act, Article 216 of the Employment Relationship Act (*Uradni list RS*, No. 42/02) shall cease to apply.

#### **Article 66**

This Act shall enter into force on the day following its publication in the *Uradni list Republike Slovenije*.