

ABOUT ZSSS

– THE ASSOCIATION OF FREE TRADE UNIONS OF SLOVENIA

1. CONTACT

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2. INTRODUCTION OF THE ASSOCIATION OF FREE TRADE UNIONS OF SLOVENIA (ZSSS)

ZSSS is a voluntary and democratic organisation, independent of political parties, parliament, government and religious communities, founded on 6 April 1990. The association is funded solely by membership fees and project work.

Our representativeness and efforts to establish a high level of social dialogue give us the leverage to negotiate the contents of collective agreements and participate in the Economic and Social Council where we, together with the government, coordinate law proposals and other documents affecting workers. Social and other agreements related to salaries and specific economic and social affairs are concluded in the framework of a tripartite partnership. ZSSS has representatives in all social security institutions and three representatives in the national council.

Our goals are achieved through negotiations, agreements, strikes or mass manifestations. The advantage of ZSSS and its members over other trade union organisations is its regional union organization network that allows them to provide, in the entire territory of Slovenia, at their regional organizations' head offices and in a number of local trade union offices, legal, professional and other assistance to their members near their place of residence and work.

Since 1999 we remain the country's only full member of the European Trade Union Confederation.

Organizational structure and its functioning

ZSSS comprises 23 trade unions from different sectors from the whole of Slovenia, from both private and public sectors:

a. Industrial trade unions (8)

- Trade Union of Energy Sector Workers of Slovenia - SDE
- Trade Union of Construction Industry Workers of Slovenia - SDGD
- Forestry Trade Union of Slovenia
- Chemical, Non-Metal and Rubber Industries Trade Union of Slovenia – KNG
- Agriculture and Food Industry Trade Union of Slovenia – KŽI
- Trade Union of Metal and Electro Industry of Slovenia – SKEI
- Wood Processing Industry Trade Union of Slovenia - SINLES
- Textile and Leather Processing Industries Trade Union of Slovenia – STUPIS

b. Service sector trade unions (6)

- Trade Union of Financial Organization Workers of Slovenia - SFOS
- Union of Transportation and Telecommunication Workers – SDPZ
- Trade Union for Catering and Tourism Industry Employees of Slovenia – GIT
- Trade Union of Retail Workers of Slovenia – SDTS
- Trade Union of Public Utilities, Security and Real Estate Workers of Slovenia – SKVNS
- Trade Union of Craft Employees of Slovenia – SDE

c. Public sector trade unions (6)

- GLOSA – Trade Union of Culture Workers of Slovenia
- Slovenian Pre-school, Education and Research Workers Trade Union – VIR
- Trade Union of Civil and Social Bodies of Slovenia - SDDO
- Trade Union of Health and Social Security of Slovenia - SZSS
- Trade Union of Professional Firefighters of Slovenia - SPGS
- Defence Ministry Trade Union – SMO

d. Other trade unions (3)

- Slovenian Trade Union of Athletes – SŠS
- Trade Union of Retired Persons of Slovenia - SUS
- Free Trade Union of Slovenia - SSS

Achievements

a) Labour legislation

In the Employment Relationships Act we have successfully defended:

- a. a paid 30-minute lunch break,
- b. the level of severance pay upon termination of the employment contract,
- c. reimbursement of costs for meals during work and travel expenses to and from work,
- d. seniority allowance,
- e. trade union's role and tasks in connection with employment relationships,
- f. employment and legal status and protection of trade union trustees,
- g. the rule that only the collective agreement at the sectoral level may, by way of exception, stipulate rights at a level lower than that prescribed by law.

b) Healthcare legislation

- a. preserved intergenerational mutuality in supplementary health insurance,
- b. prevented cuts in wage compensation for long-term absence due to illness (the government proposed a 30% cut in wage compensation),
- c. preservation of autonomy of the sickness insurance fund (which continues to be managed by representatives of contributors from employer and trade union organizations),
- d. prevented attempts to discontinue the right to wage compensation after one year of sick leave,
- e. prevented the introduction of the above standard voluntary health insurance at the expense of compulsory health insurance.

c) Pension and invalidity legislation

- a. preserved the safe intergenerational agreement that remains the foundation of workers' old age security,
- b. prevented the introduction of investment-related compulsory pension insurance,
- c. flexible retirement is encouraged through a number of incentives, not only negative (malus-schemes), but also
- d. positive (bonus) incentives for delaying retirement date.

d) Co-management

We prevented the adoption of amendments to the Co-management act proposed by the Chamber of Commerce and Industry of Slovenia:

- a. a reduction in the number of workers' council members to three members (presently the number is determined according to the size of the company – from a minimum of 3 up to 13 or more members, because the number of council members in a company with more

than 1,000 workers increases by two members per every 1,000 workers),

- b. worker representation in supervisory boards of companies was to be entirely abolished in companies with less than 500 employees,
- c. also to be abolished were the institution of worker directors in companies with less than 2,000 employees and
- d. the possibility of professional functioning of a workers' council member.

e) **Worker participation in profit sharing**

Adoption of the Financial Participation Act (at the request of ZSSS after more than 15 years; however, participation is still not mandatory, but voluntary).

f) **Occupational safety and health**

Adoption of the Occupational Safety and Health Act (with active participation of ZSSS – the union obtained the right to documented information on the occupational safety and health situation with individual employers and the possibility to direct and organize the work of elected worker trustees; upon consultation with workers and worker representatives every employer is required to produce a safety statement with a risk assessment).

g) **Tax legislation**

- a. Introduction of a two rate value added tax (the government proposed only one – a 20% rate – but trade unions forced the introduction of a reduced rate for basic consumer goods, medicines, etc., with which we prevented further decline in the quality of life for the lowest paid workers. The reduced rate is now 8.5% and the standard rate 20%.
- b. Prevention of the introduction of a flat tax rate (ZSSS demonstrations, which led to the preservation of the progressive tax system).

Services ZSSS

The Association of Free Trade Unions plays a key role in bargaining at the national, sectoral and entrepreneurial levels and provides its members with free legal assistance, mediation, professional consulting, training, solidarity aid and various benefits. Sectoral trade unions are actively involved in the organization of demonstrations, strikes, sport games, social meetings, holidays and other benefits.

What do we do?

- a) The national level
 - a. exert influence on the adoption of legislation (ZSSS) – the Economic and Social Council,
 - b. special collective agreements – ZSSS (such as wage adjustments with inflation).

- b) Sectoral level
 - a. collective agreements (sectoral trade unions).
- c) Regional level
 - a. services for members at the ZSSS regional organizations' offices (legal assistance) – implementation of trade union and ZSSS policy.
- d) Enterprise level
 - a. collective agreements,
 - b. general assistance to members,
 - c. information provision,
 - d. elections to workers' councils, negotiations in the event of redundancies, strike mobilization and similar.

3. TRADE UNIONS IN SLOVENIA

Slovenian trade unions developed as a part of Austrian trade unions as early as the late 19th century. They started as educational and self-help organisations and gradually developed into organizations representing workers' rights. Amendments to labour legislation at the end of the 1980s provided the basis for the development of collective bargaining as a fundamental instrument in industrial relations. Until 1988 only one trade union organisation existed, although changes in the trade union movement had already developed. In 1990 trade union pluralism started to emerge.

Today there are seven representative trade union confederations in Slovenia, in addition to 28 trade unions that are representative for individual sectors or professions. In the first half of the 1990s trade union membership dropped to some 60% of the active population of Slovenia. In the second half of the 1990s trade unions lost about one-third of their members. In 1998 trade union membership rate fell to 42.8% and has remained relatively steady since. In 2009 new data demonstrated a further decline in membership to some 27%. Nevertheless it should be stressed that union membership rate among the active population is the highest among new EU member states and even exceeds that of many old EU member states.

History of the trade union movement in Slovenia

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| 1853 | - first support fund established in Ljubljana |
| 1867 | - first graphical workers' educational society in Ljubljana |
| 1868 | - first workers' educational society in Maribor |
| 1890 | - first Slovenian socialist brochure on 8-hour work day |
| 1889 | - two major strikes organized in Trieste and the Zasavje district |
| 1893 | - Slovenian socialist newspaper Delavec (Worker) |
| 1917 | - strike wave in Slovenia |

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| 1920 | - unity of political and trade union movement – the Communist Party |
| 1922 | - establishment of the Yugoslav General Federation of Labour |
| 1934 | - Slovenian Communist Party |
| 1942 | - Workers' Unity conference |
| 1945 | - first Slovenian trade union congress |
| 1950 | - elections of first workers' councils (self-management) |
| until 1990 | - trade union unitarity – the only trade union is the Association of Trade Unions of Slovenia |
| After 1990 | - trade union pluralism – 7 trade union confederations |
| 1990 | - Association of Free Trade Unions of Slovenia (Zveza svobodnih sindikatov Slovenije) |

Within the scope of its powers arising from the Representativeness of Trade Unions Act (Official Journal of RS, No.13/1993), and based on the evidence of meeting the conditions stipulated by the legislation, the Ministry of Labour, Family and Social Affairs issues decisions on trade union representativeness for trade union associations or confederations and for independent trade union representatives within their industry, sector, occupation, municipality or broader local community. Presently, the list of representative trade unions comprises 39 trade unions. Seven of these trade union associations are representative at the national level: ZSSS (Association of Free Trade Unions of Slovenia), Pergam, KNSS (New Trade Union Confederation of Slovenia), K-90, Alternativa (Alternative), Solidarnost (Solidarity), Confederation of Public Sector Trade Unions.

The legislative basis for trade union organization and their operation is provided already by Article 42 of the Constitution of RS (OJ RS 33/1991) which sets out the right of assembly and association, and Article 76 which lays down the freedom of trade unions. Article 77 provides for the constitutional right to strike. Key acts regulating trade union activities are also the Representativeness of Trade Unions Act (OJ RS 13/1993), the Collective Agreements Act (OJ RS 43/2006), the Strike Act (OJ SFRY, No. 23/1991), the Workers' Participation in Management Act (OJ RS 42/2007), the Financial Participation Act (OJ RS 25/2008) and the Employment Relationships Act (OJ RS 103/2007).

4. INDUSTRIAL RELATIONS

Industrial relations in the modern sense of the word began to develop more rapidly after 1990, when social partners in Slovenia adopted new roles and gained importance. At the same time, in the period since the establishment of a tripartite dialogue following Slovenia's independence, the development of trade unions and employer organizations saw the emergence of pluralisation and in turn, a significant decrease in membership.

Social partners in Slovenia participate in the Economic and Social Council (ESC), which was founded in 1994 and represents a framework that has consolidated democratic relationships between the social partners. The ESC is a consultative body whose decisions, which are taken unanimously, are binding for all three partners. The significance of the ESC is reflected also in the position of the National Assembly of RS, according to which all acts and policies that in any way affect the interests of social partners must first be negotiated at the ESC level.

The aim of the reforms following the country's independence was to form a socially sustainable market economy. In this respect, the economic development model largely followed the so-called gradualist approach that attempted to – also through social dialogue – distance itself from the practice of economic and political “shock therapies”. Slovenia's endeavours to join the EU, which were realised in 2004, significantly contributed to the changes in the economy.

According to Stanojević (2007, in: *ibid.*) the social market economy during the Slovenian transition pursued the following goals:

- social market economy is primarily founded on market regulations;
- the state withdraws from the market and economy so that market operators can act independently in relation to the state;
- social market economy implies quality production; this in turn means translation of equality and fairness into market efficiency at the enterprise level.

Realistically speaking, these goals were only partially achieved or successfully implemented during the transition process. The increasing privatisation of profit through an increasingly higher number of management buyouts on the one hand, and the socialization of losses that was particularly prominent during the current economic and social crisis and increasing unemployment rate on the other indicate all too well that there are a number of steps to be taken before a social market economy is properly realised.

5. LABOUR LEGISLATION FRAMEWORK

Certain important work-related rights are established in the Constitution of RS as human rights and basic freedoms. The constitution therefore guarantees the freedom of work and the right to free choice of employment, prescribes access to any position of employment under equal conditions and prohibits forced labour.

The most important element of the Slovenian labour legislation system is the Employment Relationships Act (ERA) which regulates individual employment relationships, i.e. those employee – employer relationships that arise upon the conclusion of an employment contract. The ERA stipulates the minimum level of rights guaranteed to workers, while a more favourable regulation is left to collective agreements (CA) at different levels (industry, enterprise CA) and general acts of

employers. Special features of employment relationships and civil servants' rights and duties are regulated by the Civil Servants Act.

The ERA lays down the obligation to conclude an employment contract, with which the employee and the employer stipulate their mutual rights and obligations. The contract must be concluded in writing and must contain all elements laid down by the ERA. As a rule the contract is concluded for an indefinite time, although in certain cases the contract may also be concluded for a fixed period (e.g. replacement of a temporarily absent employee, project work). Fixed-term employment contracts may be concluded with the same employee for the same job for a maximum period of two years. Work may also be carried out within a shorter working period or at home.

Upon the conclusion of the employment contract the employee and the employer may agree upon a probation period or traineeship. Probation periods may not last longer than six months and traineeship no longer than a year. A trainee may only be an employee who starts to carry out work appropriate to the type and level of his/her professional qualification for the first time. A trainee's base salary may not be lower than 70% of the base salary for the position.

The ERA regulates the rights, obligations and responsibilities arising from the employment relationship, including the working hours, night work, overtime work, breaks and rests, annual leave, remuneration, training and similar.

Full working hours consist of 40 hours per week, which time includes a daily 30-minute lunch break. Work exceeding full working hours – overtime – may only be imposed on employees by way of exception in specific cases prescribed by law. Overtime work is limited to a maximum of 8 hours per week, 20 hours per month and 170 hours per year (with employee's consent up to a total of 230 hours per year).

Employees have the right to a rest of 12 hours between two successive days of work and an additional 24 hours of rest over a period of one week. They are also entitled to a minimum of 4 weeks of annual paid leave per calendar year. Additional days of annual leave are stipulated by law (e.g. additional day of annual leave for every child younger than 15 years of age) or collective agreements (e.g. additional days of leave with regard to the complexity of an employee's position, education, working conditions and similar).

The ERA also regulates the remuneration package, which consists of base salary, performance-based remuneration payment, allowances (extra payments for special working conditions related to the distribution of working time, e.g. for night work, overtime, Sunday work and work on statutory holidays and free days; extra payments for special working conditions that ensue from special burdens at work, such as working without natural light; seniority allowance) and a part of the salary that is paid relative to business performance. An employee is entitled to

reimbursement of work-related costs (meals during work, travel to and from work, business trips) and other types of remuneration (holiday allowance, jubilee rewards, solidarity aid, severance pay).

Rights ensuing from parenthood are regulated separately. Parents have the right to be absent from work or to reduced working-hours arrangement when using parental leave (maternity leave, paternity leave, childcare leave, adoption leave). The employer is obliged to facilitate the balancing of family and working commitments. Parental leave is regulated under the Parental Protection and Family Benefit Act.

The employer is obliged to provide the conditions for occupational safety and health, which means that they must also provide the means necessary for safe work performance (such as protective glasses, gloves and similar). The rights and obligations of employers and employees in connection with occupational safety and health and measures for safety and health at work are prescribed by the Occupational Safety and Health Act.

Employee and employer may also terminate the employment relationship. Termination may be ordinary (with a period of notice) or extraordinary (without a notice period). The ERA specifies the termination procedure, the reasons for termination, notice periods and cases when an employee is entitled to severance pay.

If an employee finds that the employer has not met the obligations arising from the employment relationship or that some of his/her employment rights prescribed in the relationship have been violated he/she has the right to request in writing that the employer meets his obligations or remedy the violation. If the employer fails to remedy violations or meet his obligations within 8 days, the employee may seek judicial protection from a competent labour court within 30 days.

Employees' rights are protected by other acts as well, namely by acts regulating pension and invalidity insurance, employment, unemployment insurance, parental protection and family benefits.

LABOUR LEGISLATION IN ENGLISH LANGUAGE IS AVAILIABLE AT THE OFFICIAL WEB SITE OF MINISTRY OF LABOUR, FAMILY AND SOCIAL AFFAIRS:
<http://www.mddsz.gov.si/en/legislation/>