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## Model electronic form for the submission of a representation under article 24 of the ILO Constitution

Information and further instructions on the [article 24 procedure](#) and its implications, as well as on other available ILO supervisory mechanisms, may be found on the [web page](#) of NORMES. For further support you may contact: for employers' organizations – ACT/EMP ([ACTEMP@ilo.org](mailto:ACTEMP@ilo.org)) and for workers' organizations – ACTRAV ([ACTRAV@ilo.org](mailto:ACTRAV@ilo.org)).

(Please provide information on why you are submitting your allegations through an article 24 representation procedure, as opposed to other procedures)

The Association of Free Trade Unions of Slovenia (hereafter: ZSSS) as an industrial association of Slovenian workers is seeking representation of non-observance of Convention No. 155 (Hereafter: Convention) by the government of the Republic of Slovenia. Slovenia ratified the Convention on 29 May 1992 and has since not established and applied any functioning procedure for the notification of occupational diseases in accordance with the article 11 of the Convention, nor does it plan to do so under current administration. ZSSS is submitting allegations through article 24 as this is, according to our knowledge, at this time the only appropriate measure to ensure the compliance of Slovenia with the Convention.

### Receivability

1. Please indicate the name of the industrial association of employers or workers making the representation:

(Please provide information on the organization concerned, its statutes, contact details, etc.)

Zveza svobodnih sindikatov Slovenije - ZSSS is a voluntary and democratic trade union organisation at the national level, 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. ZSSS is a full member of the national social dialogue body Economic and Social Council of the Republic of Slovenia - <http://www.ess.si/ess/ess-eng.nsf> (Hereafter: ESS). ESS is organised following the ILO pattern of tripartism. It is a tripartite body in which the Government plays an active role as the third partner besides the employers' and trade unions' associations.

ZSSS is on the government list of Slovenian representative trade unions at the national level, as it's representative status has been recognised by the appropriate national authorities (see list: <https://www.gov.si/teme/sindikati/>).

The action plan ZSSS 2017-2022 (in SI): [https://www.zsss.si/wp-content/uploads/2017/09/program-zsss\\_kongres2017.pdf](https://www.zsss.si/wp-content/uploads/2017/09/program-zsss_kongres2017.pdf)

The statute of ZSSS (in SI): [https://www.zsss.si/wp-content/uploads/2017/09/statut-zsss\\_kongres2017.pdf](https://www.zsss.si/wp-content/uploads/2017/09/statut-zsss_kongres2017.pdf)

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2. Please indicate the Member of the Organization against which the representation is made:

Republic of Slovenia is an ILO Member since 29.05.1992 - ILO Region: Europe - Correspondence language for the ILO: English.

List of ratification for Slovenia is on [https://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200\\_COUNTRY\\_ID:103533](https://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:103533).

3. Please indicate the ratified Convention(s) of which non-observance is alleged:

(Please also specify the ratification date(s).)

C155 - Occupational Safety and Health Convention, 1981 (No. 155) - date of ratification by Slovenia: 29.5.1992, date of ratification of the P155 Protocol of 2002 to the Occupational Safety and Health Convention is 1.5.2010

Non observance of Article 11 of the Convention: To give effect to the policy referred to in Article 4 of this Convention, the competent authority or authorities shall ensure that the following functions are progressively carried out:

(c) the establishment and application of procedures for the notification of occupational accidents and diseases, by employers and, when appropriate, insurance institutions and others directly concerned, and the production of annual statistics on occupational accidents and diseases;

4. Please use the [expandable] space below to inform the ILO Director-General in what respect it is alleged that the Member against which the representation is made has failed to secure the effective observance within its jurisdiction of the Convention(s) indicated

above, making specific reference to article 24 of the ILO Constitution. Please provide any relevant information in support of your allegations:

The Slovenian Ministry of Health (hereafter: MZ) is the ministry in charge of preparation of legislation on notification of occupational diseases. The Ministry of Labour, Family, Social Affairs and Equal Opportunities ( hereafter: MDDSZ) also shares this responsibility. To this day, Slovenia has not acted in accordance with article 11 of the ratified Convention and has not established and applied the procedures needed for the notification of occupational accidents and diseases by employers and/or insurance institutions and other directly concerned, or the production of annual statistics on occupational accidents and diseases.

Slovenia does have some legislation that partly establishes a system of prevention of occupational diseases and workers' entitlements:

- 1- Pension and Disability Insurance Act (ZPIZ-2)
- 2- Health Care and Health Insurance Act (ZZVZZ)
- 3- Health and Safety at Work Act (ZVZD-1)

However, none of these acts establishes procedures for notification of occupational diseases. Article 68 of ZPIZ-2 stipulates that the minister of health in unison with the minister for labour shall issue rules on this procedure. However, even after a period of 30 years there is still no applicable legislation on this procedure. Consequently, workers taken ill because of an occupational disease are treated as though their disease is not work related and there is practically no or little prevention of occupational diseases. Therefore it is evident that despite the aforementioned acts, Slovenia has still not complied with the article 11 of the Convention, since no appropriate procedures, stipulated under §11/c have been implemented.

The only exceptions are the established procedures for asbestos occupational diseases in:

- 1- Act Concerning Remedying the Consequences of Work with Asbestos
- 2- Rules on conditions for designation of disease because of exposure to asbestos and measures for designation of height of indemnity

However, this should not be considered sufficient, since illnesses and conditions issuing from asbestos use are obviously not the only occupational diseases.

The national strategy “Resolution on the National Programme of Health and Safety at Work 2018-2027” (Official Gazette of Republic Slovenia No. 23/2018) – which is the result of social dialogue - stipulates that new legislation on notification of occupational diseases is in order:

## “2. STRATEGIC OBJECTIVES AIMED AT ENSURING HEALTH AT WORK

### 2.1. Arranging, enforcing, monitoring and upgrading the system of establishing, confirming and reporting occupational diseases

A new regulation must be prepared which will regulate occupational diseases (list), workplaces where these occur, conditions considered occupational diseases, and the procedure for determining, confirming and reporting occupational diseases.

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**MEASURES FOR REALISING STRATEGIC OBJECTIVES AIMED AT ENSURING HEALTH AT WORK**

**2.1.1. Preparation, adoption and enforcement of regulations governing the establishment, confirmation and reporting of occupational diseases”**

Despite the above mentioned stipulations of the National Strategy, such regulations have yet to be put in place, meaning Slovenia is not fulfilling its obligations according to the Convention, nor is it following its own National Strategy.

ZSSS has repeatedly demanded, at least once a year in the period between 1991-2021 of the MZ and MDDSZ that they establish procedures for legally binding notification of occupational illnesses. To no avail we repeatedly called to the ministers in charge, campaigned, protested, demonstrated and took part in social dialogue on the matter. The Presidency of ZSSS, however, decided to represent to ILO the Slovenia's non-observance of the Convention only after MZ representative on 14 September 2021 declared that no such legislation is planned until the end of 2023 due to a lack of resources at the MZ. This happened at the 14th meeting of the Health and Safety at Work Council (the expert consultative body of MDDSZ), where the preparation of the three-year action plan 2021-2023 of the National Programme of Health and Safety at Work was on the agenda.

When ZSSS once again demanded on this meeting, that preparation of legislation on notification of occupational diseases be included in the action plan, the official representative of MZ declared that no such thing is planned till the end of 2023 and possibly even longer due to limited staff resources of MZ.

In the year 2021 Slovenia marks a 30-year period with no legislation on notification of occupational diseases (with the exception of asbestos-related occupational diseases). That means that even though Slovenian national legislation on entitlements of workers with occupational disease does exist, however, in practice the system doesn't work as there is no legally binding procedure of notification. The average employers don't even assess risk of occupational diseases as they most likely don't see the need of it. ZSSS has even in vain campaigned on risk assessment of occupational diseases (see ZSSS 2016 publication at [https://www.zsss.si/wp-content/uploads/2016/07/IzbranePomembnejsePoklicneBolezni\\_OcenTveganja\\_Priorcnik\\_2016.pdf](https://www.zsss.si/wp-content/uploads/2016/07/IzbranePomembnejsePoklicneBolezni_OcenTveganja_Priorcnik_2016.pdf)).

**Other information**

5. Please indicate whether the issue has already been examined by, or submitted to, the national competent authorities (including national courts, social dialogue mechanisms or mechanisms to resolve disputes before the ILO that may exist in the country) and provide any information on the state and outcome of the procedures engaged. Exhaustion of national procedures is not a prerequisite for the submission of a representation. However, in certain cases, the procedure to examine the representation may allow for conciliation or other measures at the national level – see the following question:

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Yes, this issue has been repeatedly put forth at the agenda of the Economic and Social Council - ESS - the national tripartite social dialogue body. Still, no steps have been made by the government to ensure compliance with the Convention. There is no court procedure established at a national level that would ensure compliance with the Convention in this case, as it is a case of government non-action.

6. Please indicate if: (i) your organization would wish to explore the possibility of seeking conciliation or other measures at the national level for a maximum period of six months from the date of the ad hoc tripartite committee's decision to suspend the examination of the merits of the representation in order to address the allegations (subject to the agreement of the government; with the possibility for your organization to request the procedure to resume at an earlier moment should the conciliation/other measures fail; and with the possibility for the tripartite committee to decide on a limited further extension of the suspension should the initial conciliation or other measures need a further period of time to successfully resolve the issues raised in the representation); (ii) if so, please indicate if you would wish to have recourse to the intervention or technical assistance of the Office or the secretariats of the Employers' or Workers' groups in this regard.

We can't see a realistic chance of conciliation on this particular matter, since it is a case of establishing procedures mandated by the Convention. The only thing we would be willing to consider would be the government pledging a set date by which compliance shall be established. But, yes, technical assistance of the office or secretariat of Workers' group might be helpful.

7. Please indicate whether, to your knowledge, the allegations have already been examined by or submitted to ILO supervisory bodies and, if so, in what respect any currently submitted allegations are different from those already examined or submitted.

Not to our knowledge.