

(unofficial translation of)  
**ACT ON LABOUR INSPECTION**

**I. GENERAL PROVISIONS**

Article 1

Supervisory inspection over the implementation of acts, other regulations, collective contracts and general acts regulating labour relations, salaries and other incomes, employment of workers in Slovenia and abroad, workers' participation in management, strikes and safety at work shall be carried out by the Labour Inspectorate (hereinafter: the Inspectorate) unless specified differently in other regulations.

Article 2

The Inspectorate shall be founded as a body of the ministry competent for labour.

The Inspectorate shall have internal organisational units, founded, merged and dissolved by the minister competent for labour, at the proposal of the chief labour inspector.

The Inspectorate shall be headed by a chief labour inspector (hereinafter: chief inspector).

Article 3

The Inspectorate shall ensure uniform implementation of policies and measures in the field of labour inspection, co-operate with the ministry competent for labour and perform other matters stipulated by act or other regulations.

Article 4

The Inspectorate shall provide employers and employees with expert assistance in the implementation of laws and other regulations, collective contracts and general acts within its competence.

The Inspectorate shall co-operate with other inspection services, offices for employment, health, pension and disability insurance, unions and the professional associations of employees and employers.

The Inspectorate shall co-operate with research and education organisations and experts in the field of labour.

Article 5

By the end of the first three months of every current calendar year the Inspectorate shall submit to the ministry competent for labour a report on its work in

the previous calendar year. The report, which must contain general statistical data, shall contain the following:

1. a list of the acts, other regulations, collective contracts and general acts regulating supervisory inspection,
2. information on the number of employers by activity in which inspection is performed and the number of employees employed by these employers,
3. information on the number of inspections by activity in which inspection is performed,
4. information on established infringements and criminal offences, measures taken and the implementation of measures by activity,
5. information on fatal accidents at work, collective accidents at work, severe injuries at work and established occupational diseases by activity.

In the cases under 4<sup>th</sup> and 5<sup>th</sup> point of preceding paragraph, the Inspectorate must propose measures to resolve the questions from this field.

The Government of the Republic of Slovenia shall submit the report under the first paragraph of this article to the National Assembly. The report shall be debated by the National Assembly by 30 June of the current calendar year and, no later than three months after the debate, sent to the Director-General of the International Labour Organisation.

## II. LABOUR INSPECTOR

### Article 6

An inspection falling within the competence of the Inspectorate shall be performed directly by a labour inspector (hereinafter: an inspector).

An inspector shall have a university degree in a legal, economical, medical and sanitarian or technical subject, at least five years work experience and have passed the professional exam for inspectors.

### Article 7

An inspector has a right and duty to constantly improve his/her expert knowledge and to get training for his/her work under the programme of the Inspectorate.

An inspector must pass a professional ability test every three years.

The first test of professional ability must be taken during the first year after being appointed as an inspector or no later than three years after passing the professional exam.

### Article 8

An inspector shall sit the professional exam and the professional ability test before a commission appointed by the minister competent for labour. The members of the commission must have a university degree in a legal or technical subject.

### Article 9 (abolished)

## Article 10

The minister competent for labour shall stipulate the content and the procedure of the professional exam and the content and procedure of the professional ability test for inspectors.

## Article 11

An inspector may not accept gifts or obtain any benefits such as may influence his official conduct.

## III. MEASURES TAKEN BY AN INSPECTOR

### Article 12

During an inspection an inspector shall have the right to inspect means of production, work premises, the work environment, work sites, business books, contracts, papers and other documents of the employer, establish the identity of persons that work for the employer and perform other acts if so determined by law.

The employer or the employer's responsible person must ensure that the inspector can perform the inspection without hindrance.

### Article 13

The inspector is entitled to have access to work premises, work sites, equipment and other premises where a commercial or non-commercial activity is performed, without previous notice and of irrespective to working hours. The inspector shall inform the employer on entering the premises, providing the employer can be reached.

If, during the inspection, the need arises for the inspector to inspect individual residential premises where a commercial or non-commercial activity is performed, and the employer or an employee object, the inspector must obtain an order from the competent court in order to inspect these premises.

An inspector may for a maximum of eight days seize documents needed to establish the actual situation in the matter under inspection, provided he believes that a obvious infringement of the rights of the employees has taken place or infringements or if severe infringements of the act, other regulations, collective contracts or general acts are suspected.

Upon the seizure of documents under the preceding paragraph, the inspector shall issue the employer with a certificate which must clearly state which documents have been seized.

### Article 14

The inspector shall write up a record of the inspection, which must contain following information:

- date and time of inspection,
- the employer,
- the established situation,

- the measures and legal basis for the measures taken,
- the removal of documents in accordance with Article 13 of this act.

The inspection record shall be sent to the employer where the inspection was carried out.

#### Article 15

After the inspection the inspector shall have the right and duty to order the employer to take action, to not take action or to pass an act within a deadline prescribed by the inspector, and to implement acts, other regulations, collective contracts and general acts within his competence.

In cases of extreme urgency, the order under the preceding paragraph may be verbal. The inspector must issue the employer with a written order within eight days of the inspection.

A complaint against the order under the 1<sup>st</sup> and 2<sup>nd</sup> paragraph of this article may be lodged within eight days from receipt of such order.

A complaint against the order under the 1<sup>st</sup> and 2<sup>nd</sup> paragraph of this article shall not delay its execution.

#### Article 15a

*The Employer must report on execution of an order to the inspector within eight days from expiration of the deadline set for its execution.*

#### Article 15b

*A labour inspector may withhold the execution of final decision (of the employer) if it intervenes the existing rights, duties and responsibilities of an employee, until it becomes lawfully binding, if he establishes evident violation of employee's rights.*

*The inspector issues a written decision on withhold within three days of the inspection.*

*The decision under the preceding paragraph may be verbal if there exists danger of causing irreplaceable damage. In such case the inspector shall issue a written decision within three days.*

*The inspector passes the delation of criminal offence against the labour relations and social security to the competent authorities, sends the decision on withhold to the Office of employment and Health, pension and disability insurance office if the final decision under first paragraph means termination of the individual employment relationship.*

*A complaint against the inspector's decision may be lodged within three days from receipt of such decision. A complaint against the decision shall not delay its execution. The ministry competent for labour shall decide on the complaint within eight days.*

#### Article 15c

*If during the inspection inspector establishes violation concerning establishment, existence and termination of employment relationship, that falls within*

*the competence of the Labour Court, warns the employee, that he can claim his rights in a legal procedure.*

#### Article 16

An inspector may issue an order prohibiting the employer from performing the work process or using means of production until irregularities are remedied, if the following was established during the inspection:

1. that the employer has not ensured faultless means of production, and a suitable work environment and work process, and their continuous adaptation whenever a change in the work process takes place,

2. that the means of production, work process or unprotected areas threaten to injure or damage the health of the workers, or workers who have not received appropriate instruction,

3. that the employer or an employee of the employer obstructed the inspection.

#### Article 17

An inspector shall issue an order prohibiting an employer from performing the work process or using means of production until such time as the irregularity is remedied, if the following was established during the inspection:

1. that the employer has not signed an employment contract with an employee or work contract in accordance with regulations and the collective contract,

2. that the employer has not registered an employee or is not paying contributions for disability and pension insurance, health insurance and insurance against unemployment for his employees,

3. that there exists a direct threat to the lives or health of the workers.

4. *that the employer enabled the foreigner or a person without citizenship to work, in opposition to regulations on employment of foreigners.*

*In the explanation of the order the inspector shall warn the employer of possibility of issuing further measures in case of continuance of violation under the preceding paragraph.*

#### Article 17a

*The employer remedies irregularities under 1<sup>st</sup> point of 1<sup>st</sup> paragraph of preceding article with conclusion of a contract of employment with the employee in accordance with the regulations, from the day the employee started to work for him, and registers the employee into insurance, or he concludes work contract with the employee and sends it to Employment office.*

*The employer remedies irregularities under 2<sup>nd</sup> point of 1<sup>st</sup> paragraph of preceding article with registration of the employee into the insurance and starts to pay off officially ordered contributions for the employee, from the day he started to work for the employer.*

#### Article 18

The order under Articles 16 and 17 of this act may be issued verbally.

An inspector must issue the employer with the order from the preceding paragraph within eight days of the inspection.

A complaint against the order from the first paragraph of this article may be lodged within eight days of its issue.

A complaint against the order from the first paragraph of this article shall not delay its execution.

#### Article 19

An employer may request that the inspector delays the execution of an order if the employer *probably demonstrates* that the execution would cause him damage that would be difficult to remedy, that a delay would not be detrimental to the public good and that there is no danger of creating significant and irredeemable damage by delaying the execution of the order.

The employer shall submit appropriate proof relating to the request from the preceding paragraph.

The inspector must issue a decision on the request from the first paragraph of this article no later than three days after receiving a request from the employer.

A complaint may be lodged against the decision from the preceding paragraph within eight days from receiving the decision.

#### Article 20

An inspector shall be entitled to seal means of production, work premises, work sites, and other premises in which commercial or non-commercial activities are being performed.

The inspector shall mark the seal with the stamp of the Inspectorate.

Where irregularities were established, the inspector shall have the right to order companies which distribute electricity, water and gas, and telecommunications companies, to stop their supply or to disconnect the telecommunications lines.

A company under the preceding paragraph must implement the order of the inspector within three days of receiving such order.

#### Article 21

*If, at the same employer, inspector discovers an infringement under Article 17 of this act more than twice within a six-month period or several times in a longer period of time, the inspector must immediately submit a proposal for withdrawal of the permit to perform the activity and pass the proposal for the initiation of the termination, liquidation or bankruptcy to the competent authority.*

#### Article 22

If inspector during an inspection discovers infringements of an act, other regulations, collective contract or general acts, he shall have the right and the duty to propose the initiation of proceedings relating to the infringement, pass a mandatory penalty (on-the-spot fine) or notify the authorities that criminal offence has been committed.

## Article 23

Unless specified differently with this act, for the purpose of carrying out an inspection an inspector shall apply the provisions of the act regulating administration and the regulations on general administrative procedure.

A complaint may be lodged against an inspector's order at the ministry competent for labour.

## IV. PENAL PROVISIONS

### Article 24

A fine of at least SIT 1,000.000 shall be imposed on an employer who:

1. does not provide the inspector with the conditions for unhindered inspection (2<sup>nd</sup> paragraph of Article 12),

2. *does not act in accordance with an order, issued under the first paragraph of Article 15.*

3. *in spite of inspector's prohibition continues with work process or uses means of production (Article 16 and 17)*

4. unseals means of production, work premises or work sites, or other premises where a commercial or non-commercial activity is being performed (1<sup>st</sup> paragraph of Article 20),

5. damages, removes or performs any act in connection with a seal bearing the stamp of the Inspectorate (2<sup>nd</sup> paragraph of Article 20).

A fine of at least SIT 80.000 shall additionally be imposed on the responsible person at the employer for committing an infringement under the preceding paragraph.

### *Article 24a*

*A fine of at least SIT 500.000 shall be imposed on an employer who commits an infringement of not informing the inspector about the execution of an order within eight days (Article 8).*

*A fine of at least SIT 80.000 shall be imposed on a responsible person at the employer for the infringement under the preceding paragraph.*

### Article 25

A fine of at least SIT 750.000 shall be imposed on a company for the infringement of not executing the order of an inspector within three days of its receipt (4<sup>th</sup> paragraph of Article 20).

A fine of at least SIT 80.000 shall be imposed on the person responsible at the employer for the infringement under the preceding paragraph.

## V. TRANSITIONAL AND FINAL PROVISIONS

### Article 26

Inspectors who, at the time of the enactment of this act, are working in labour inspection bodies, shall become workers of the Inspectorate on the day this act comes into force.

On the day of the enactment of this act the Inspectorate shall take over all documentation, archives and unfinished matters from the current labour inspection bodies.

#### Article 27

The nameplates, seals and stamps of the labour inspection bodies shall be replaced with new ones within two months of the enactment of this act. Until such replacement, the current nameplates, seals and stamps of the labour inspection bodies shall be used.

#### Article 28

An inspector who, on the day of the enactment of this act, is working for a labour inspection body but does not have a university degree, must obtain university education for the field in which he has been performing inspection work within seven years of the enactment of this act.

At the end of the period from the preceding paragraph, the employment at the Inspectorate of any inspector who has failed to obtain the university education required for the field in which he performs inspection work shall cease.

The provisions under the preceding paragraphs shall not apply to an inspector who, on the day of the enactment of this act, is employed by labour inspection bodies, has college education, and has no more than five working years left to serve.

Notwithstanding the provisions of the preceding paragraphs, the work of an inspector may, at the proposal of the chief labour inspector and as an exception, also be performed by an employee with college education who has passed the professional exam for labour inspectors, providing he has been performing the work of an inspector for at least ten years at the time of the enactment of this act.

#### Article 29

The Inspectorate shall continue to work on the premises and with the means previously used by the labour inspection bodies.

The means from the preceding paragraph as at 31<sup>st</sup> of December 1993 shall be transferred to the Republic of Slovenia. The obligations of the Republic in respect of repayment of these means to local communities shall be regulated by a contract signed between the Republic and individual local communities.

The Republic and the local community shall sign a contract on the lease or purchase of the premises under the first paragraph of this article.

#### Article 30

On the day of the enactment of this act the provisions of Chapter IV of the Act on Safety at Work shall cease to apply, save for the provisions of Articles 53 and 54 (Official Gazette of the Socialist Republic of Slovenia, Nos. 32/74, 16/80 and 25/86) relating to the labour inspection and Chapter XIII of the Labour Relations Act (Official



Gazette of the Republic of Slovenia, nos. 14/90, 5/91 and 71/93) regulating supervision of labour inspection.

#### Article 31

This act shall enter into force on the fifteenth day after its publication in the Official Gazette of the Republic of Slovenia.

No. 103-01/93-1/3,  
Ljubljana, 20<sup>th</sup> of June 1994.

President of the  
National Assembly  
of the Republic of Slovenia  
Herman Rigelnik

**Notice:** The wording of the Act on labour inspection is completed with changes from Acts on changes and completion of act on labour inspection. The changes adopted in 1997 are written in *italic* style and the changes adopted in 2000 are underlined. The provision of Act on changes and completion of act on labour inspection from 1997 that was not given special article is stated below.

### **ACT ON CHANGES AND COMPLETION OF ACT ON LABOUR INSPECTION**

#### Article 12

Until the changes of Act on labour relations and until changes of Act on employment of foreigners, with irrespective to Article 25 of Act on Infringements (Official Gazette of the Socialistic Republic of Slovenia, No. 25/83, 42/85, 47/87, 5/90 and Official Gazette of the Republic of Slovenia, No. 10/91, 13/93, 66/93 and 61/96 - order of Constitutional Court) a fine of SIT 100.000 shall be imposed on the spot to employer for every infringement under 3<sup>rd</sup> and 13<sup>th</sup> point of Article 132 of Act on labour relations (Official Gazette of the Republic of Slovenia, Nos. 14/90, 5/91, 29/92 - order of Constitutional Court, 71/93 and 2/94) and 1st paragraph of Article 21 of Act on employment of foreigners (Official Gazette of the Republic of Slovenia, No. 33/92).

A fine of SIT 25.000 shall be imposed on the spot to responsible person in the undertaking if he/she commits a violation under preceding paragraph.