

# **LABOUR MARKET REGULATION ACT (ZUTD)**

## **Section I: RECITALS**

### **Article 1 (Subject matter)**

(1) This act shall regulate government measures in the labour market with which the performance of public services in the field of employment and active employment policy measures as well as the functioning of the unemployment insurance system are provided, the providers of measures are determined, the conditions and procedures for exercising certain rights and services determined hereunder are prescribed, the method for financing measures, the monitoring, assessment and supervision of their implementation is determined, and shall also regulate the referral of workers to another user.

(2) The measures mentioned in the previous paragraph shall be carried out under the terms herein for unemployed and employed persons, other job-seekers, employers and other persons seeking information and advice on the employment terms and possibilities in the Republic of Slovenia and European Union (hereinafter: "EU").

### **Article 2 (EU regulations)**

This Act transposes the following EU directives into the legal order of the Republic of Slovenia:

- Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work (OJ L 327, 5.12.2008, p. 9);

- Directive 2006/123/EC European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ L 376, 27.12.2006, p. 36).

### **Article 3 (Aim and objectives)**

(1) The aim of this act is to increase the security of job-seekers, especially the security of unemployed persons and persons whose employment is at risk, through the government's quicker response in the labour market. The objective is to establish a system of lifelong career orientation and employment brokerage which shall enable free choice of employment or vocation to comply with an individual's competencies and employment opportunities, and to achieve the highest employment rate possible. Increased security and enhanced employability shall be ensured also through active employment policy measures aimed at education and training to comply with labour market needs, promotion of employment and creation of jobs.

(2) Any person shall have access or is entitled to the required consultancy and support to prevent and eliminate his/her unemployment, and the responsibility to contribute actively hereto.

(3) The aim of this Act is to assure security to insured persons if unemployment occurs through no fault of their own or against their will by providing an unemployment cash benefit in compliance with the reciprocity and solidarity principles.

**Article 4**  
**(Tasks of the Republic of Slovenia in the labour market)**

(1) The Republic of Slovenia ensures the implementation of the employment policy based on the guidelines for the implementation of active employment policy measures and other strategic documents of the Republic of Slovenia and EU in this area.

(2) On the proposal of the Government of the Republic of Slovenia, the National Assembly within the limits of the approved budget shall determine the required financial means to implement the guidelines and other strategic documents referred to in the previous paragraph.

(3) The Republic of Slovenia shall also provide the terms for the successful functioning and development of the compulsory and voluntary unemployment insurance by determining the rate of contributions and obligation to pay contributions, by defining the terms for acknowledging, assessment and enjoyment of rights, by regulating the supervision over the provision of rights, by monitoring the situation in this area and by adopting the appropriate measures.

(4) As its founder, the Republic of Slovenia bears the responsibility for the sustainable provision of funds for the operation of the Employment Service of Slovenia. In the manner determined herein, the Republic of Slovenia assures funds for the implementation of measures with which it intervenes in the labour market also to other providers of measures determined hereunder.

**Article 5**  
**(Definitions)**

For the purpose of this Act individual terms hold the following meaning:

1. Unemployed person: (male or female) a job-seeker meeting the conditions determined herein;

2. Other (male or female) job-seeker (hereinafter: “other job-seeker”): an economically active or inactive person and student seeking employment;

3. Unemployment cash benefit: a compensation for loss of salary or income provided on the basis of unemployment insurance determined hereunder;

4. EURES: European services network which enables mobility monitoring to support the free movement of workers and association of European labour markets and to raise awareness of citizens on the relevant Community laws envisaged by Regulation (EEC) No 1612/68 of the Council of 15 October 1968 on freedom of movement for workers in the Community (OJ L 257, 19.10.1968, p. 2);

5. A job-seeker (male or female) whose employment is at risk (hereinafter: “job-seeker whose employment is at risk”): other job-seeker during the notice period in the event of ordinary termination of the employment contract by the employer, a person whose work shall become redundant which is evident by reviewing the employer’s business documentation, or a person who entered into a fixed-term employment contract and whose employment contract expires in three months at the latest;

6. Provider (male or female) of the measure (hereinafter: “provider of the measure”): a legal or natural person who/which provides measures hereunder and is determined in Article 72 herein;

7. Public invitation to tender: an invitation to employers who wish to participate in the performance of active employment policy programmes, to submit tenders for the award of subsidies and other forms of state-funded aid and is carried out pursuant to regulations governing budget implementation, if not otherwise determined hereunder.

8. Farmer (male or female) (hereinafter: “farmer”): a person who performs agricultural activity and has entered the compulsory or voluntary pension and disability insurance pursuant to regulations governing the pension and disability insurance;

9. Vulnerable groups in the labour market: groups in the labour market among which we find all deprived, seriously deprived workers and disabled persons in compliance with Commission Regulation (EC) No 800/2008 of 6 August 2008 declaring certain categories of aid compatible with the common market in application of Articles 87 and 88 of the Treaty (General Block Exemption Regulation), (OJ L No, 214/2008, 09.08.2008, p. 3);

10. Level of education: enhancement of the learning experience and capabilities which shall be obtained by the participant of the education through the adoption of study material in order to successfully complete the programme;

11. Self-employed person: a person who performs any type of independent activity, such as entrepreneurs pursuant to the law governing companies, persons who independently through personal work perform artistic or any other cultural activity, persons who independently perform an activity related to health, social security, science or private veterinary services, persons performing attorneyship or notary services, and persons performing clerical or other religious services;

12. Labour market: an area in which job-seekers with knowledge, skills and work experience meet employers seeking candidates for vacant job positions or type of work;

13. Pensioner (male or female) (hereinafter: “pensioner”): a person who receives a pension pursuant to regulations of the Republic of Slovenia or from a foreign holder of a pension insurance, save for recipients of survivor pensions or widow/widower’s pensions based on the responsibility to support a child or many children entitled to a survivor pension after the deceased insured person, while the widow/widower is obligated to support such children if these rights pursuant to the regulations governing pension and disability insurance were not obtained permanently;

14. Insurance period: the insurance relationship period for which unemployment insurance contributions have been paid; if not otherwise stipulated hereunder;

15. Insurance relationship: a relationship derived from this Act by establishing a legal relationship providing the basis for compulsory unemployment insurance or by entering into a contract on voluntary unemployment insurance and by paying the unemployment contributions, if not otherwise stipulated hereunder;

16. Insured person (male or female) (hereinafter: “insured person”): a person who has compulsory or voluntary unemployment insurance coverage in compliance with this Act;

17. Health-restriction employment consultancy: assistance to unemployed disabled persons and other unemployed persons with health restrictions in seeking suitable or appropriate employment, or support and consultancy for the inclusion of such persons into an appropriate active employment policy measure.

**Article 6**  
**(EU citizens)**

Citizens of EU member states, the European Economic Area (hereinafter EEA) and the Swiss Confederation have equivalent rights and obligations determined herein to Slovenian citizens.

**Article 7**  
**(Obligation of registration and public advertisement of vacancies or types of work)**

(1) Employers shall send the advertisement for vacant jobs or types of work with determined terms for work performance to the Employment Service of Slovenia (hereinafter: "Employment Service"). The registration (advertisement) of the vacant job position or type of work with the Employment Service shall not be required if the employer concludes a new employment contract for a definite or indefinite period for the same job position or type of work with an employee who was already employed by the employer or when, pursuant to regulations governing employment relationships, employment contracts may be concluded exceptionally without public notice.

(2) The Employment Service shall publish the registered vacant job position or type of work at the employer's request and carry out all required procedures related to employment brokerage.

(3) The method of communicating data, public notice and job brokerage shall be prescribed by the minister responsible for labour.

**Section II: UNEMPLOYED PERSONS AND OTHER JOB-SEEKERS**

**Article 8**  
**(Unemployed persons)**

(1) An unemployed person hereunder is a job-seeker, capable of work, registered with the Employment Service who actively seeks employment and is prepared to accept any appropriate or suitable employment offered by the Employment Service or other provider of employment brokerage services and:

- is not in an employment relationship;
- is not self-employed;
- is not a member of the management body in a partnership, single-member private limited liability company and institutes;
- is not a farmer;
- is not a pensioner;

- does not hold the status of a secondary-school student, apprentice, university student or person taking part in adult education of less than 26 years of age.

(2) An unemployed person hereunder is also an alien with citizenship of a state which is not a member of the EU, EEA or Swiss Confederation and has a personal work permit valid for a period of three years or for an indefinite period, an alien holding a personal work permit issued to a person with temporary protection or to an international protection applicant, and an alien who based on the concluded international agreement or upon considering the reciprocity principle meets the terms for obtaining the right to cash benefit during unemployment, until such person keeps receiving the benefit.

(3) Irrespective of the provision of the first paragraph of this Article, unemployed persons also include a person which is involved in on-the-job training, the reason for which such person received unemployment insurance coverage, if he/she registers with the Employment Service to exercise his/her insurance rights and for the purpose of actively seeking other employment upon continuing his/her training. Such person is regarded as an unemployed person for the entire period for which the person receives cash benefit and upon the termination thereof until such person fulfils all the obligations borne by unemployed persons. An unemployed person is also a person who is enrolled in an education or training course during or after his/her unemployment cash benefit ceased until he/she actively seeks employment and fulfils all other obligations borne by unemployed persons.

(4) The terms from the first paragraph of this Article shall be met for the entire duration of records keeping in the register of unemployed persons.

#### **Article 9** **(Ability for work)**

(1) A person with the ability for work hereunder is an unemployed person between 15 and 65 years of age for which the full incapacity for work, pursuant to regulations governing pension and disability insurance, or unemployability pursuant to regulations governing vocational rehabilitation and employment of disabled persons, has not occurred.

(2) Regardless of the previous paragraph, a person with the ability for work also includes a person who despite established unemployability pursuant to regulations governing vocational rehabilitation and employment of disabled persons performed work through an employment or other relationship providing the basis for unemployment insurance coverage hereunder thus achieving the insurance density determined in Article 59 herein. Such person is regarded as a person with the ability for work for the whole period for which he/she receives the cash benefit and until the finality of a decision rendered in a new procedure assessing employability, if the unemployability of the person is again established by such decision. The introduction of these proceedings, regardless of the provisions of regulations governing vocational rehabilitation and employment of disabled persons, is proposed by the Employment Service if the person himself/herself fails to start the proceedings within 15 days upon registering with the Employment Service at the latest.

(3) Regardless of the provision of the first paragraph of Article 8 hereunder, a job-seeker who is temporarily incapable of work due to illness or injury pursuant to regulations governing health care and health insurance is considered an unemployed person. The obligations determined hereunder shall be suspended for this unemployed person for the entire duration of the temporary incapacity for work.

(4) If temporary incapacity for work referred to in the previous paragraph is established for the cash benefit recipient, the Employment Service at the request of such person provides him/her with the cash benefit from unemployment insurance for the same period that applies to wage compensation paid by employers to their employees during temporary absence from work due to illness or injury pursuant to regulations governing health care and health insurance. Upon expiration of this period, the compensation in the amount of the last paid cash benefit hereunder shall be paid chargeable to the health insurance. The request to exercise this right shall be submitted by the cash benefit recipient within 30 days from the occurrence of the illness or injury at the latest.

(5) An unemployed person who due to addiction issues, mental health issues, major social issues and other similar issues is incapable of work is considered temporarily unemployable. Temporary unemployability for the aforementioned reasons and the rights and obligations of this person are determined in the employment plan of the unemployed person based on the opinion on the existence of reasons for temporary unemployability and the proposal of possible measures prepared by special inter-institutional committees pursuant to provisions of Article 117 hereunder.

### **Article 10 (Registration with the Employment Service)**

Only a person who registers with the Employment Service is considered an unemployed person hereunder.

### **Article 11 (Active job-seeking)**

It is construed that an unemployed person actively seeks employment if the person:

- regularly follows advertised job vacancies or types of work and duly applies for job vacancies or types of work in line with the employment objectives determined in the employment plan,
- responds to the referrals of the Employment Service and other providers of measures hereunder,
- attends job interviews at the request of the employer, Employment Service or other provider of measures,
- contacts the Employment Service within 15 days from the expiration of the period for performing the most recently agreed activity determined in the employment plan referred to in Article 113 hereunder and
- carries out all other activities agreed in the employment plan.

### **Article 12 (Appropriate employment)**

(1) Appropriate employment hereunder shall be employment:

- concluded for an indefinite or definite period for full or part-time pursuant to the law governing employment relationships or that corresponds to the decision on established disability;

- at a workplace, no further than a three hour drive using public transport or transportation organised by the employer from the person's place of residence and back,

- which complies with the type and level of completed education of a person, if the person is a first time job seeker or again seeks employment after a break in employment of at least two years or complies with the type and level of required education (qualification) for performing work in the job position in which the person worked for the most part of the last 12 months prior to the unemployment, and is determined through employment objectives in the employment plan, for which work experience, additional knowledge, capabilities of a person and opportunities in the labour market are also considered.

(2) Irrespective of the previous paragraph, the appropriate employment for an unemployed person living alone with a child below 15 years of age within a common household includes employment at a workplace no further than a two hour drive with public transport or transportation organised by the employer from the person's place of residence and back.

### **Article 13 (Suitable employment)**

(1) Suitable employment hereunder shall be employment:

- concluded for an indefinite or definite period part-time for at least half of the working-time,

- at a workplace, no further than a three hour drive using public transport or transportation organised by the employer from the person's place of residence and back,

- which corresponds with the type and at most one level lower education of the person with regards to the appropriate employment and is determined through employment objectives in the employment plan in four months at the latest from entering the person in the register of unemployed persons.

(2) Irrespective of the previous paragraph, suitable employment for an unemployed person living alone with a child below 15 years of age within a common household is construed as employment at a workplace no further than a two hour drive with public transport or transportation organised by the employer from the person's place of residence and back.

(3) An unemployed person may be offered suitable employment after three months upon entering the person in the register of unemployed persons if there are no unemployed persons for which such employment is considered appropriate.

### **Article 14 (Other job-seeker)**

Other job-seekers who are not regarded as unemployed persons in compliance with provisions hereunder may register with the Employment Service to obtain labour market and employment information and assistance in seeking employment.

## **Section III: LABOUR MARKET GOVERNMENT MEASURES**

### **Article 15**

#### **(Types of labour market measures)**

(1) The types of labour market government measures include:

- two labour market services;
- active employment policy (hereinafter: “AEP”);
- unemployment insurance;
- guaranteeing rights arising from the compulsory and voluntary unemployment insurance.

(2) The providers of measures shall not demand payment from the beneficiaries for the implementation of the measures referred to in the previous paragraph.

### **1. Labour market services**

#### **Article 16**

##### **(Two types of labour market services)**

(1) There are two types of labour market services (hereinafter: “service”):

- lifelong career orientation and
- employment brokerage.

(2) The minister responsible for labour determines the norms and standards for performing services and the methodology for establishing the prices for services referred to in the previous paragraph.

#### **Article 17**

##### **(Allowance for activity and reimbursement of expenses)**

(1) With regard to seeking employment and participation in services, the allowance for activity and compensation for postal service costs and travel expenses for the total or partial reimbursement of incurred costs may be guaranteed.

(2) The allowance for activity and its amount depend on the duration of the person’s inclusion in the performance of services.

(3) The allowance for activity, its amount, payment method and reimbursement of expenses referred to in this Article is determined by the minister responsible for labour.

### **1.1 Lifelong career orientation**

#### **Article 18**

##### **(Lifelong career orientation)**

(1) Lifelong career orientation shall include activities enabling the identification of abilities, competencies and interests for making decisions in the field of employment, education, training and profession selection, and enable guidance through various paths of life in such a manner that an individual becomes aware of his/her abilities and competencies and uses them accordingly.



(2) The lifelong career orientation services shall be performed by providers of measures mentioned hereunder who can organise centres dealing with lifelong career orientation to perform these services.

(3) The lifelong career orientation activities shall include the following:

- providing labour market information;
- independent career guidance;
- basic career consultancy;
- in-depth career consultancy;
- study of career guidance skills.

(4) Activities intended for pupils, secondary-school students, university students and their parents may also be performed as lifelong career orientation services.

### **Article 19** **(Providing labour market information)**

(1) The provision of information on the labour market shall include various types of information on the opportunities regarding employment, education, training, financial aid and other labour market topics in Slovenia and other states of the EU, EEA and Swiss Confederation (public employment services network – EURES services).

(2) Provision of labour market information shall be performed as general provision of information and as provision of information regarding employment opportunities.

(3) General provision of information shall be carried out to familiarise persons with the labour market and entry into the labour market.

(4) General information on the labour market shall include:

- the labour market state and changes;
- elements, deadlines and terms for obtaining services and inclusion in the labour market measures;
- deadlines and conditions for obtaining cash benefits.

(5) Information referred to in the previous paragraph shall be provided to all persons free of charge. It may be forwarded in writing as information material, in person, by telephone or through the website.

(6) Provision of information on employment opportunities shall guarantee up-to-date information on the possibilities and opportunities to obtain employment, on training and other forms of assistance which allow individuals to be included in the labour market or find employment.

(7) Information on the employment opportunities shall be provided to unemployed persons and other job-seekers.

(8) The beneficiaries shall register with the Employment Service to obtain information on employment opportunities unless they wish to obtain information on employment opportunities outside of Slovenia.

**Article 20**  
**(Independent career guidance)**

(1) Independent career guidance shall include instruments with which an individual plans and manages his/her career in such a manner that these instruments provide him/her with guidance through key points which cannot be overlooked in this regard.

(2) Independent career guidance shall be assured to all persons.

**Article 21**  
**(Basic career consultancy)**

(1) Basic career consultancy shall include:

- individual consultancy and assistance in creating the employment plan;
- assistance in job-seeking which includes activities to obtain job-seeking skills.

(2) Basic career consultancy shall be intended to determine the employment objectives in the employment plan and shall be provided to unemployed persons and job-seekers, the employment of which is at risk.

**Article 22**  
**(In-depth career consultancy)**

(1) In-depth career consultancy besides consultancy referred to in the previous Article shall also include assessment of an individual's competencies and the formation of a career plan for individuals. It shall include assistance in:

- setting career objectives;
- assessment of interests, features, abilities and competencies;
- labour market research;
- familiarisation with the possibilities and opportunities in the surrounding environment;
- making decisions on his/her own career;
- preparing and implementing a career plan which includes employment, education and training.

(2) In-depth career consultancy shall be provided to unemployed persons and job-seekers, the employment of which is at risk, for which it is assumed that they might have difficulties in making decisions on their professional career or employment.

(3) The service shall be ensured on the basis of registration with the Employment Service and prepared employment plan.

(4) Within the framework of the in-depth career consultancy, health restricted employment consultancy shall be assured as assistance to unemployed disabled persons and other

unemployed persons with health restrictions in seeking appropriate or suitable employment or as assistance and consultancy in inclusion into an appropriate AEP measure.

(5) Health restriction employment consultancy shall be performed by practitioners of occupational medicine or other special line of medicine, selected pursuant to the law regulating vocational rehabilitation and employment of disabled persons.

**Article 23**  
**(Study of career guidance skills)**

(1) The study of career guidance skills shall include various formats, the purpose of which is to obtain skills to recognise a person's own interests and competencies, opportunities in the surroundings, the study of decision-making and implementing employment and career goals.

(2) The study of career guidance skills shall be provided to unemployed persons and job-seekers whose employment is at risk.

(3) The service shall be ensured on the basis of registration with the Employment Service and a prepared employment plan.

**Article 24**  
**(Lifelong career orientation services and the participants)**

(1) Lifelong career orientation services hereunder shall be provided for preventive purposes to pupils, secondary-school students, university students and their parents supporting the career orientation programme of schools and faculties.

(2) Lifelong career orientation services for pupils, secondary-school students, university students shall include activities enabling labour market insight:

- information material as written and computer information on professions, employment perspectives and other labour market characteristics;
- services which enable the youth insight into professions and labour market, such as employer visits, presentation of professions, seminars, career and employment fairs;
- career guidance instruments, such as print and electronic instruments for independent career planning and guidance;
- preventive team assessment of pupils and secondary-school students for which there is a higher probability of employment difficulties;
- individual career consultancy for pupils, secondary-school students and university students including the identification of interests, abilities and other personality features;
- group forms of studying career guidance skills, such as workshops for job-seeking skills, setting career goals and planning ways to achieve career goals.

**1.2 Employment brokerage**

**Article 25**  
**(Employment brokerage)**

(1) Employment brokerage shall be carried out to balance the demand against supply of workers on the labour market in Slovenia and in other states of the EU, EEA and the Swiss Confederation.

(2) Employment brokerage shall include activities of seeking suitable or appropriate employment for job-seekers, referral of job-seekers to employers and activities seeking appropriate or suitable workers for an employer.

(3) The service shall be carried out taking the education or profession, work experience and qualification of the job-seeker into account.

#### **Article 26 (Beneficiaries)**

Employment brokerage in the Republic of Slovenia is provided to unemployed persons and registered job-seekers and also to other job-seekers for states of the EU, EEA and Swiss Confederation.

#### **Article 27 (Rejection of the referral of workers to an employer)**

(1) The Employment Service and other providers hereunder shall not be obliged to refer workers to an employer who does not abide by the employment laws and fails to pay wages or contributions for social security to workers, dismissing them from employment contrary to the applicable regulations or in some other manner severely breaches the workers' labour rights, in response to such employer's advertised vacant job position or type of work and shall treat such employer as an employer with negative references.

(2) The Employment Service and other providers shall collect data on employers referred to in the previous paragraph from the Slovenian Labour Inspectorate and through official records of the Tax Administration of the Republic of Slovenia, as well as from workers employed by these employers.

### **2. Active employment policy**

#### **Article 28 (General provision)**

(1) The active employment policy (AEP) is a range of measures in the labour market intended to increase employment and decrease unemployment, to raise employability in the labour market, competitiveness and flexibility of workers.

(2) Unemployed persons and other job-seekers shall have the right and obligation in order to increase their employment opportunities to participate in the AEP measures in line with the basis for their implementation determined in Article 36 hereunder.

#### **Article 29 (AEP measures)**

(1) AEP measures shall include the following:

- training and education;
- replacement of a worker at a job position and job sharing;

- employment incentives;
- creation of new jobs;
- promotion of self-employment.

(2) Regardless of the previous paragraph, upon occurrence of major discrepancies in the labour market and in times of crisis, the ministry responsible for labour shall prepare additional AEP measures to maintain a greater number of job positions, prevent the transition into open unemployment, or training and education courses to promote employment at a new employer.

### **Article 30 (Education)**

(1) Education shall be carried out as informal and formal education. The purpose of informal education shall be to increase the employment opportunities of a worker by obtaining new skills and competencies to enter the labour market and the successful career development of a worker. The purpose of formal education shall be also to increase employment opportunities through obtaining a higher level of education.

(2) Informal education as training and development represents the form of adult education which may be carried out in various manners, also as on-the-job training.

(3) Training means obtaining new skills and competencies supported by registered training providers. A certificate demonstrating successfully completed training applies to the entire labour market.

(4) Development is an activity with which already existing knowledge, skills or competencies of an individual are broadened and consolidated.

(5) On-the-job training takes place at the employer with the majority of it being practical training. It may also be carried out as a work performance test.

(6) Formal education means participation in a state-approved programme to obtain a state-approved education.

(7) Unemployed, employed persons and employers as well as other job-seekers in compliance with the determination in the AEP measures performance plan and AEP measures catalogue in line with Article 36 hereunder participate in the education.

### **Article 31 (Replacement of a worker at a job position and job sharing)**

(1) Replacement of a worker at a job position and job sharing shall be intended for persons employed at the employer to obtain new skills and competencies and to increase competitiveness and flexibility of companies which provide training for their workers.

(2) Replacement of a worker at a job position shall be carried out as a subsidy supporting the complete replacement of an employee with an unemployed person. Job sharing shall be carried out as a subsidy for the partial replacement of an employee with an unemployed person.

(3) Unemployed persons and employers who provide training for their employees as well as other job-seekers in compliance with the determination in the AEP measures performance plan and AEP measures catalogue in line with Article 36 hereunder shall take part in the replacement of a worker at a job position and job sharing.

**Article 32**  
**(Employment incentives)**

(1) Employment incentives shall mainly be intended to increase the employment opportunities of the vulnerable groups of unemployed persons. Employment incentives shall be implemented in the form of employment subsidies.

(2) Job-seekers whose employment is at risk shall also be included in the employment incentives besides the vulnerable groups of unemployed persons.

**Article 33**  
**(Creation of new jobs)**

(1) Creation of new jobs shall be intended to promote work and social integration and development of qualifications and work skills of the vulnerable groups of unemployed persons. It shall be implemented as a subsidy for temporary employment and may be associated with the training. It shall be mainly implemented at non-profit employers or in the public sector.

(2) Vulnerable groups of unemployed persons shall take part in the creation of jobs.

**Article 34**  
**(Promotion of self-employment)**

(1) The promotion of self-employment shall be aimed at materialising the entrepreneurial idea and creating jobs in micro companies as determined in the act governing companies and at supporting the performance of any independent activities. It shall be carried out in the form of self-employment aid and self-employment subsidisation.

(2) Unemployed persons and job-seekers whose employment is at risk shall be involved in the promotion of self-employment.

**Article 35**  
**(Priority participation in AEP measures)**

(1) The priority participation in AEP measures shall be provided to persons receiving unemployed cash benefit or social security benefits, persons from vulnerable groups in the labour market and unemployed persons who have yet to participate in any AEP measure.

(2) The priority groups referred to in the previous paragraph within the AEP catalogue may expand for the purpose of integrating unemployed persons in individual AEP measures.

**Article 36**  
**(Basis for implementing AEP measures)**

(1) Guidelines for implementing AEP measures, the plan for implementing AEP measures and AEP measures catalogue shall represent the bases for implementing AEP measures.

(2) The guidelines for implementing the AEP measures (hereinafter: “AEP guidelines”) shall represent a strategic document which is adopted by the Government of the Republic of Slovenia upon prior consultation with other social partners for the planned period based on the programme of state development priorities and investments and on other strategic documents of the Republic of Slovenia. The guidelines shall primarily determine:

- the validity period;
- the purpose and goals of the AEP measures;
- the estimated volume and sources of funds by individual measures;
- the indicators for monitoring and assessment of the effectiveness of AEP measures;
- the strategic documents’ objectives of the Republic of Slovenia and EU which must be achieved through the implementation of AEP measures, covered in the guidelines, and their contribution to achieving these objectives.

(3) The plan for implementing AEP measures (hereinafter: “AEP plan”) is an implementing document prepared on the basis of the AEP guidelines for the budgetary period and is adopted by the Government of the Republic of Slovenia on the proposal of the minister responsible for labour. The ministry responsible for labour notifies the social partners of the plan during inter-ministerial coordination. The social partners may later submit their opinions regarding the plan. The AEP plan shall include, in even greater detail than in the AEP guidelines, mainly the following:

- the purpose and objectives of AEP measure implementation in the budgetary period;
- volume and sources of funds in compliance with the budget of the Republic of Slovenia;
- priority target groups for inclusion into AEP measures;
- the AEP measure providers;
- method of observing and assessing the AEP measures.

(4) The AEP measures catalogue (hereinafter: “AEP catalogue”) is an implementing document of the AEP plan. The ministry responsible for labour shall prepare the AEP plan and post it on its website. The catalogue shall include, in particular:

- the range of programmes intended to achieve the objectives listed within individual AEP measures during the budgetary period. The program includes individual activities for achieving these objectives;
- programme marking with regards to the financing method and state aid;
- purpose of the programmes;
- the validity period of the programmes;
- programme content and methods of implementing the programmes;
- the particularities of implementing individual programmes;
- programme target groups;

- the duration of target group inclusion into the programmes;
- eligible programme costs;
- the method of selecting the providers of individual programme activities;
- required documentation.

### **Article 37**

#### **(Cash benefits and costs during the inclusion in the AEP measures)**

(1) Persons, participating in the AEP measures, may be provided full or partial coverage of participation costs with the following cash benefits:

- activity allowance;
- commuting allowance;
- allowance for education expenses.

(2) The cash benefits referred to in the previous paragraph and their amount shall depend on the duration of the participation in the programme.

(3) Cash benefits from this Article, type of benefit and amount as well as the eligibility for reimbursements for the medical examination costs and the insurance costs for accidents at work, with regard to an individual AEP measure, shall be regulated in detail by an implementing regulation.

### **Article 38**

#### **(Selection of external providers of AEP programme activities)**

(1) AEP programme activities may be performed by external providers classified within the register of external providers of AEP programmes (hereinafter: “register of external providers”) and to which the AEP measure provider refers a person from the AEP programme target group.

(2) Disregarding the provision from the previous paragraph, the external providers of AEP programme activities which deal with the implementation of procedures for assessment and certification of national vocational qualifications (NVQs) are regarded as providers entered in the register of providers of procedures for assessment and certification of vocational qualifications which in compliance with the act regulating national vocational qualifications is kept by the National Examinations Centre.

### **Article 39**

#### **(Register of external providers)**

(1) The register of external providers shall be kept by the AEP measure provider.

(2) The register of external providers can be accessed through the website of the AEP measure provider.

(3) The register of external providers shall contain the following data:

- the name of the external provider;



- the registered office of the external provider;
- registered activity;
- number and date of the decision issuance on the entry in the register of external providers;
- responsible person of the external provider;
- date of entry or removal from the register of external providers;
- activities performed by the external provider.

**Article 40**  
**(Conditions for entry in the register of external providers)**

The selected external provider meeting the following conditions shall be entered in the register of external providers:

- is a legal person registered for an activity in the Republic of Slovenia or other state of the EU, EEA or Swiss Confederation which demonstrates interest to perform AEP programme activities;
- has the legal capacity to perform AEP programme activities for which it submits the entry proposal required by the laws regulating the performance of such activity;
- has the required financial resources to perform AEP programme activities for which it submits the entry proposal required by the laws regulating the performance of such activity;
- meets personnel (human resources), organisational, spatial and other conditions determined in the public call;
- bankruptcy, winding-up, compulsory settlement or liquidation proceedings have not been initiated;
- has settled all taxes and other mandatory duties in compliance with national laws;
- was not convicted by a final judgement for a criminal act related to its professional action;
- performs the activities from the area of this Act as one of its registered activities.

**Article 41**  
**(Registration procedure)**

(1) Entry in the register of external providers shall be carried out on the basis of an entry proposal submitted by an external provider at the AEP measure provider.

(2) The proposal for entry in the register of external providers shall be submitted on a specially prescribed form which is posted together with the call by the AEP measure provider on its website.

(3) Proposal for entry in the register of external providers shall include:

- a statement on meeting the conditions listed in Article 40 hereunder;
- the activity performance proposal;

- compliance of activities with the AEP programme;
- area of the activity performance;
- references demonstrating the performance of similar activities.

(4) If changes to the AEP programme or regulations occur after the entry of the external provider in the register of external providers and these changes affect the conditions from Article 40 hereunder, the call to demonstrate the fulfilment of the changed conditions is posted.

#### **Article 42** **(Decision-making in the procedure)**

(1) Upon receiving the formally completed proposal for entry in the register of external providers, the official who is responsible for making the decision in the procedure shall determine whether the external provider meets the conditions from Article 40 hereunder. If the provider fails to meet the required conditions, its application shall be rejected.

(2) If the external provider meets the required conditions, the official shall make an assessment whether the activity performance proposal complies with the AEP programme and whether the proposer holds the appropriate references.

(3) The provisions of the regulation governing the procedures implementing the budget of the Republic of Slovenia in the part that regulates the funds allocation procedure shall apply mutatis mutandis to decision-making in the registration procedure of external providers from Article 39 hereunder.

#### **Article 43** **(Entry in the register)**

(1) The entry of an external provider in the register of external providers shall be carried out based on the final decision on entry issued by the official responsible for the decision-making in this procedure.

(2) If the call for demonstrating the fulfilment of the changed conditions from the fourth paragraph of Article 41 hereunder is announced, the official responsible for the decision-making in this procedure shall issue a supplementary decision or decision on removal from the register of external providers.

(3) With the entry in the register, the external provider shall be acknowledged the capacity to carry out AEP programme activities in the Republic of Slovenia.

#### **Article 44** **(Contract conclusion)**

(1) A contract with external providers, entered in the register, shall be concluded based on the call to registered external providers to submit tenders to carry out individual programme activities.

(2) The call to tender for individual programme performance shall be forwarded to registered external providers entered in the register to perform programme activities in a certain area.

(3) The contract shall be concluded with one or more registered external providers which have submitted a bid with the lowest price for two years at most.

**Article 45**  
**(Removal from the register of external providers)**

(1) The removal from the register of external providers shall be carried out:

- at the external provider's request;
- if the external provider ceases to exist due to the activity cessation;
- if the external provider fails to submit the appropriate certificates upon the call to demonstrate the changed conditions;
- if the external provider fails to respond to the calls of the AEP measure providers related to the performance and reporting on the activities;
- if the programme is cancelled.

(2) The official responsible for the decision-making in the procedure shall issue a decision ex officio on the removal from the register in 30 days after he/she becomes aware of the reason for removal from the register or upon receiving the proposal for removal.

**Article 46**  
**(Application of regulations)**

Provisions of the law regulating public procurement apply to procedural issues not regulated in these Articles governing the selection of external providers of AEP programme activities.

**Article 47**  
**(Employer selection)**

(1) The selection of employers which will participate in the performance of AEP programmes shall be carried out through an invitation to tender pursuant to regulations governing the implementation of the budget of the Republic of Slovenia, if not otherwise determined hereunder.

(2) The public invitation procedure shall be headed by the expert committee appointed by the head of the AEP measure provider.

(3) The public invitation shall be posted on the website of the AEP measure provider and shall contain at least:

- the name and registered office of the client;
- the legal grounds for executing the public invitation;
- the subject of the public invitation;
- the purpose and objectives of the public invitation;
- conditions for the submission of tenders;
- the criteria for assessing the received bids;

- amount of funds available for the subject of the public tender;
- eligible costs of the employer;
- competencies and responsibilities of the employer;
- period of activity performance;
- period within which the bid must be submitted and until which the public invitation remains open;
- period within which the provider of measures shall inform the employers of the non-selection of their bid;
- instructions for preparing bids;
- contact persons which can be contacted by the tenderers for additional information;
- contract sample.

(4) Expert committees shall assess the submitted bids according to the order of their receipt until the consumption of available funds. The provider of AEP measures shall accept the tender of the employer who meets all required conditions and criteria and whose bid complies with the needs of unemployed persons in the area of its operation.

(5) The notice of selection within the period determined in the public tender together with the contract and summons to sign the latter shall be sent to the employer, the bid of which was accepted. If the employer fails to respond within eight days from receiving the invitation to sign the contract it is construed as the employer withdrawing its bid.

(6) The provider of AEP measures shall inform the employers, the bids of which were not accepted, with a letter within the period determined in the public invitation.

#### **Article 48 (Self-employment subsidy allocation)**

Self-employment subsidies shall be allocated based on the employment plan.

#### **Article 49 (Public work)**

Public work shall represent a special programme within the measure creating jobs.

#### **Article 50 (Purpose and period of inclusion in public work)**

(1) Public work shall be aimed at activating unemployed persons, their social integration, preservation or development of work abilities and at promoting the development of new jobs.

(2) An unemployed person may be included in a public work programme for one year at most, however due to certain conditions in the labour market this can be extended but only for one year at the same provider of public work. The target groups of unemployed persons, the inclusion of which in the public work programme can be extended, and the extension period shall be determined in the AEP catalogue.

**Article 51**  
**(Special features of the contract)**

(1) The employment contract for public work shall be concluded upon considering the special features regarding the payment amount for work, duration of the annual leave and reasons for its termination determined hereunder.

(2) During the inclusion the participant shall be entitled to annual leave lasting four weeks and in cases determined by the law regulating employment relationships also to four additional days of annual leave. The provisions of the law governing employment relationships apply to obtaining the right to annual leave and its utilisation.

(3) The public work participant may only be included in education and training programmes for a quarter of the working time at most.

(4) The performance of overtime work shall not be imposed on public work participants.

**Article 52**  
**(The salary amount and reimbursement of work-related expenses)**

(1) According to the employment contract concluded for public work, the participant shall be entitled to a salary demonstrated in a share of the minimum salary in line with the professional education or work qualification levels performed within the public work programme, i.e.:

- 80% of the minimum salary for Level I education or qualification;
- 85% of the minimum salary for Level II education or qualification;
- 90% of the minimum salary for Level III education or qualification;
- 95% of the minimum salary for Level IV education or qualification;
- 100% of the minimum salary for Level V education or qualification;
- 110% of the minimum salary for Level VI education or qualification;
- 120% of the minimum salary for Level VII education or qualification;

(2) The public work participant shall also be entitled to the reimbursement of expenses for meals during work and travel expenses.

**Article 53**  
**(Co-financing share)**

(1) The Employment service shall assure part of the funds for the salaries of public work participants principally in line with the following criteria:

- average unemployment rate in municipalities or regions,
- structure of unemployed persons.

(2) In addition to the portion of the funds for the salaries, the Employment Service shall also assure severance pay upon retirement, funds for meals during work and travelling to and from work.

(3) The client or contractor of public work shall assure the funds to cover the difference in the participants' salaries, holiday allowances and material expenses including the expenses for the area and required equipment for performing the public work programme. It also assures the payment of contributions for social security from the basis in the amount of the minimum pay for participants, the salary of which does not reach the level of the minimum salary in compliance with the law governing social insurance.

(4) The selection and co-financing of public work programmes shall be regulated in detail in the implementing regulation.

### **3. Unemployment insurance**

#### **Article 54 (Compulsory insurance)**

(1) The following persons shall have compulsory unemployment insurance:

- persons who entered into an employment relationship with the Republic of Slovenia;
- persons who upon termination of their employment relationship receive wage compensation during temporary absence from work from the Health Insurance Institute of the Republic of Slovenia according to regulations governing health insurance;
- elected or nominated holders of a public or other office in the legislative, executive or judicial bodies in the Republic of Slovenia or in local self-government, if such persons receive salaries for their post;
- citizens of the Republic of Slovenia, employed in the Republic of Slovenia by foreign and international organisations and institutes, foreign diplomatic missions and consulates, if not otherwise specified by an international agreement and persons employed by foreign employers for which the laws of the Republic of Slovenia apply in compliance with EU regulations;
- self-employed persons;
- managers in a partnership, single-member private limited liability company and institutes;
- home care assistant, beneficiary of partial payment for lost income in line with the regulations governing social security;
- persons who based on the professional performance of foster placement have compulsory insurance in line with the law governing the pursuit of foster care, if not insured on some other basis;
- beneficiaries of parental compensation whose employment relationship has been terminated during parental leave according to the law governing parental protection and family benefits;
- parents who leave the labour market due to the childcare of four or more children for the period of eligibility for the payment of contributions according to the regulations governing parental protection;
- recipients of the unemployment cash benefit.

(2) If the person meets the conditions for compulsory insurance coverage at the same time on various grounds determined hereunder, he/she shall take out compulsory insurance on the basis listed hereunder before other options.

**Article 55**  
**(Duration of the compulsory insurance)**

(1) Unemployment insurance shall last from the start of the legal relationship providing the basis for compulsory insurance to the termination of such relationship.

(2) Compulsory insurance of persons from the fifth and sixth indent of the first paragraph of Article 54 hereunder runs:

- from the date of entry in the register as a manager to the date of deletion from such register for partnerships, capital companies and institutes;

- from the entry in the records of entrepreneurs or other register prescribed for a certain activity or from the date of licence issuance for performing an independent activity until the date of removal from the register, return or dispossession of such licence or when the finality of the activity performance prohibition occurs.

- from the date of starting an independent activity until the performance cessation of such activity in other cases.

**Article 56**  
**(Termination of compulsory insurance)**

Compulsory insurance shall be terminated during:

- the suspension of the employment contract according to regulations governing employment relationships;

- the temporary termination of the legal relationship representing the basis for the compulsory insurance;

- detention, the serving of a prison sentence or issued precautionary, safety or preventive measure on the basis of which the insured persons from the fifth and sixth indent of the first paragraph of Article 54 hereunder cannot perform the activity or work for more than six months.

**Article 57**  
**(Voluntary conclusion of compulsory insurance)**

(1) The following persons may have compulsory insurance voluntarily:

- Slovenian citizens employed by an employer in a foreign country who upon returning to their homeland cannot exercise their unemployment rights on other grounds;

- spouses and unmarried partners of Slovenian citizens employed in a foreign country who were, when entering the voluntary insurance, employed or self-employed immediately prior to their departure abroad;

- persons during the employment contract suspension according to the regulations governing employment relationships;

- spouses or unmarried partners of diplomats and other public servants assigned to work abroad if one year before their departure they had registered with the Employment Service as unemployed for at least six months;

- spouses or unmarried partners of diplomats and other public servants assigned to work abroad if one year before departure abroad they had been included in the unemployment insurance for at least six months, if such persons have no compulsory insurance hereunder.

(2) Persons from the previous paragraph shall enter voluntary insurance for the unemployed by signing the contract on voluntary insurance and through insurance registration according to regulations governing the registration into compulsory social insurances.

(3) The voluntary insurance contract shall be concluded by the Employment Service upon establishing beforehand that the person can be acknowledged the status of being voluntarily insured based on the person's request to take out voluntary insurance.

(4) Inclusion in voluntary insurance lasts from the start of the legal relationship, representing the insurance basis, to the expiration of such relationship or withdrawal from it. The existence, duration and cessation of the legal relationship or insured person status is established by the Employment Service.

(5) The persons with voluntary insurance under the conditions hereunder are entitled the same rights as person with compulsory insurance.

#### **4. Rights from compulsory and voluntary insurance**

##### **Article 58**

##### **(Types of insurance rights)**

(1) The following rights are derived from compulsory and voluntary unemployment insurance:

- the right to unemployment cash benefit;

- the right to pay compulsory social insurance contributions;

- the right to pay pension and disability insurance contributions one year before meeting the minimum conditions for obtaining the right to old-age pension according to the regulations governing pension and disability insurance.

(2) Rights arising from paid contributions are exercised by the insured persons according to regulations governing the individual type of social insurance.

##### **Article 59**

##### **(Minimum period of insurance to acquire rights and payment of contributions)**

(1) Unemployment insurance rights may be obtained by an unemployed person who was insured for at least nine months in the last 24 months before the unemployment occurred.

(2) Insurance rights shall be obtained by the insured person exclusively based on the contribution payments, if not otherwise determined hereunder for a specific event.

(3) Disregarding the previous paragraph, a person who was insured based on an employment relationship shall also obtain unemployment rights, even though the employer as the person liable for payment of unemployment insurance contributions failed to pay the latter



and this irrespective of their recovery possibility. In these cases, the entire duration of the employment relationship shall be included in the insurance period of such insured person.

**Article 60**  
**(Duration of the unemployment cash benefit)**

An unemployed person may claim the unemployment cash benefit lasting:

- three months for the insurance period ranging from nine months to five years,
- six months for the insurance period ranging from five to fifteen years,
- nine months for the insurance period ranging from 15-25 years,
- twelve months for the insurance period exceeding 25 years,
- nineteen months for insured persons older than 50 years of age and with the insurance period exceeding 25 years,
- twenty-five months for insured persons older than 55 years of age and with the insurance period exceeding 25 years,

**Article 61**  
**(Cash benefit assessment basis)**

(1) The cash benefit assessment basis shall be the average monthly salary received by an insured person eight months prior to the month of unemployment.

(2) If an insured person during the period referred to in the previous paragraph was a recipient of salary compensation pursuant to regulations governing employment relationships, health insurance, pension and disability insurance or parental protection insurance, the cash benefit assessment basis shall include the average salary received in the last eight months. If the insured person received salary for a shorter period, the received cash benefit shall be taken into account for the missing months.

(3) The insured person who within the period referred to in the first paragraph of this Article worked for a shorter working time pursuant to regulations governing health insurance, pension and disability insurance or parental protection insurance, the cash benefit assessment basis shall include the received salary converted to full time work.

(4) The cash benefit assessment basis for the insured person who did not receive salary or salary compensation in the aforementioned period shall include the received salary for the last eight months or, if the insured person only received salary for a shorter period, his/her basic salary for the missing months increased by the seniority allowance which the person would have received if he/she had worked.

(5) The cash benefit assessment basis for the self-employed or persons who voluntarily entered compulsory insurance shall be the average basis from which contributions were paid for in the period referred to in the first paragraph of this Article or with voluntary insured persons for 11 months prior to the month the unemployment occurred.

**Article 62**  
**(Amount of cash benefit)**

(1) The cash benefit shall be paid in the amount of 80% of the assessment basis for the first three months. In the following months the cash benefit shall be reduced to 60% of the basis.

(2) The lowest cash benefit amount shall not be lower than 350 Euros.

(3) The highest cash benefit amount shall not exceed the aforementioned amount by more than threefold.

(4) If the insured person was employed in the last nine months part time for more than half the working time, which on average did not exceed 15 hours per week, or performed work to this extent on any other legal basis, the cash benefit amount shall be assessed proportionately to the duration of employment per month disregarding the provisions of the second paragraph of this Article on the lowest cash benefit.

(5) An insured person shall be entitled to cash benefit for days deemed working days subject to full-time of 40-working hours weekly and a five day working week, and for days off determined by law.

(6) The cash benefit assessed in line with the provisions of this Article shall be adjusted pursuant to the law regulating the adjustment of transfers to individuals and households in the Republic of Slovenia.

**Article 63**  
**(Reason for right denial)**

(1) Rights to unemployment cash benefit shall not be exercised by an insured person who became unemployed through his/her own fault or volition.

(2) Reasons referred to in the first paragraph of this Article include the termination of the employment contract:

- by written consensual agreement;

- due to ordinary termination submitted by the worker save for cases where the law regulating employment relationship specifies that the worker shall have the same rights equivalent to the employer terminating the employment contract for business reasons despite his/her ordinary termination;

- due to the employer's ordinary termination submitted to the worker on fault-based grounds (culpability);

- due to the employer's ordinary termination as a result of the worker not accepting the employer's proposal to conclude a new employment contract for appropriate work and for an indefinite period;

- due to the employer's extraordinary termination save for extraordinary termination for the failed probation period;

- due to the extraordinary termination by the employer-transferor because the worker rejected the transition and actual performance of work at the employer-transferee;

- due to the employer's ordinary termination for reasons which are explicitly determined as unsubstantiated for termination by the law regulating employment relationships with the worker not requesting arbitration or judicial protection to safeguard his/her rights;

- due to the employer's ordinary termination contrary to the provisions of the law regulating employment relationships which determine special protection of workers from termination with the worker not requesting arbitration or judicial protection to safeguard his/her rights;

- if an older worker determined as such by the law regulating employment relationships is not provided the right to unemployed cash benefit until he/she meets the minimum conditions for retirement (old-age) and he/she submitted written consent for termination of the employment contract for business reasons;

- due to the cessation of the position (office) or nomination of the holder of a public or other position in legislative, executive or judicial bodies in the Republic of Slovenia or in self-government bodies with the worker failing to enforce his/her right to return to work pursuant to regulations enabling this.

(3) Irrespective of provisions of the first and second indent of the previous paragraph, the following persons may enforce their right to the unemployment cash benefit:

- the insured person who terminates his employment contract through ordinary termination or signs an agreement on terminating the employment contract due to the relocation and employment of his/her spouse or person with which he/she has lived for at least one year unmarried in another area which is more than an hour and a half drive one way with public transport from the residence of the insured person;

- the insured person who terminates his employment contract through ordinary termination due to the fact that his/her rights from the employment contract have deteriorated for objective reasons upon the change in employer pursuant to the law governing employment relationships;

- one of the parents who resigns through ordinary termination or reaches an agreement on employment contract termination due to the childcare of four or more children and who exercised his/her right to payment of contributions for social insurance pursuant to regulations governing parent protection once this right ceases;

- the insured person who resigns by ordinary termination of the employment contract due to his/her employer failing to pay social security contributions for the worker for more than six months in the last twelve months.

(4) Insured persons who were not insured based on the employment relationship cannot exercise their right to the cash benefit if the de-registration from all types of social insurance is not a result of objective reasons. Objective reasons for the de-registration from the social insurance include a long lasting illness of the insured, insolvency, bankruptcy, natural disaster, substantial material damage to the assets of the insured, loss of commercial space or loss of a business partner to which business was mainly linked and other comparable objective reasons.

(5) Irrespective of the previous paragraph, insured persons who voluntarily entered the unemployment compulsory insurance shall not obtain the right to cash benefit if the de-

registration from all types of social insurance was not a result of the cessation of the legal relationship providing the basis for the insurance but resulted from voluntary withdrawal.

**Article 64**  
**(Suspension of the cash benefit right)**

(1) The right to cash benefit and the right to pay contributions until the retirement of the insured person shall be suspended if:

- the insured performs compulsory or voluntary military service, alternative civil service or training to perform tasks in the police reserve, is enlisted as a contracted reserve of the Slovenian Armed Forces to perform military service in peace or is called or assigned to perform protection, rescue and relief operations as a contractor of the Civil Protection Service;

- he/she is detained, serving a prison sentence, preventive or precautionary (safety) measure due to which he/she is unavailable to the Employment Service for up to six months;

- he/she receives parental benefit or parental allowance pursuant to the law governing parental protection and family benefits;

- he/she is incapable of work for health reasons for the period he/she is receiving the benefit chargeable to the compulsory health insurance funds;

- he/she is participating in the public work programme;

- he/she joins the vocational rehabilitation pursuant to the law governing pension and disability insurance;

- he/she does not live in the Republic of Slovenia unless otherwise determined by an international act;

- he/she performs tasks of a home care assistant for a period shorter than nine months if the cessation in performing these tasks is not a result of reasons which according to the law regulating social protection are equivalent to fault-based reasons for termination of an employment contract.

(2) The suspension period shall not be included in the duration of the right to which the insured person is entitled pursuant to provisions hereunder.

**Article 65**  
**(Cessation of the cash benefit right)**

(1) The entitlement to cash benefit shall cease:

- on the day the insured person concludes a full-time employment contract save for cases listed in Article 66 hereunder;

- on the day the insured person starts work based on some other legal relationship, representing the basis for unemployment compulsory insurance coverage;

- on the day the insured person is entered in the register as a self-employed person;

- on the day the insured person enters a corporate entity or institute in the register and as the sole partner assumes its management, or on the day he/she is employed by the latter;

- on the day the insured person reaches 65 years of age or obtains the status of a pensioner;
- on the day of decision finality with which his/her complete incapacity for work is established pursuant to regulations governing pension and disability insurance;
- as soon as the insured person provides incomplete or false information on facts from which the obtaining, assessing and paying of the cash benefit is derived;
- when six months of detention elapses and such detention continues or on the day the insured person starts serving a prison sentence exceeding six months;
- on the first day of the month in which the insured person failed to regularly inform the Employment Service of the basis for additional income payment, performed work, agreed payment and payment deadline for the performed work;
- on the day the reason from the third, fourth and tenth indent of the first paragraph of Article 129 hereunder occurs or on the day the first-instance body identifies a reason referred to in the fifth, eighth and ninth indent of the first paragraph of Article 129 hereunder;
- on the day the insured person de-registers from the register of unemployed persons.

(2) The Employment Service shall decide ex officio on the early cessation of the cash benefit.

(3) Besides instances determined in the law governing the general administrative procedure, the decision acknowledging the right to cash benefit shall be abrogated also if after the issuance of a decision it is established by a final judgement, judicial settlement or through mediation that the insured person's employment relationship was unlawfully terminated and the employer must reinstate the worker or the employment relationship undergoes restitution by the date determined by the court when the court, pursuant to the law regulating employment relationships, makes a decision itself on the termination of the employment contract.

(4) The provision of the previous paragraph abrogating the decision on acknowledging the cash benefit right shall also apply when the insured person in a labour dispute in which he/she requests the protection of his/her rights in compliance with the seventh and eighth indent of the second paragraph of Article 63 hereunder, withdraws the suit or concludes a judicial settlement or agreement not including the finding on the legality of the employment contract termination.

(5) Irrespective of the third paragraph of this Article, the decision on acknowledging the cash benefit shall not be abrogated if the insured person succeeded in a labour dispute against the employer which is in the procedure of liquidation or bankruptcy pursuant to the law governing insolvency procedures, or if after a year since the start of the procedure imposing compulsory execution of the judgement, the latter has yet to be executed.

### **Article 66** **(Retention of the right despite employment)**

(1) The insured person who seeks full-time employment and signs a part-time employment contract shall retain the right to be paid a proportionate part of the cash benefit and proportionate part of contributions for pension and disability insurance until the fulfilment of conditions for retirement for the difference to full-time employment.

(2) If the employment from the previous paragraph lasts for at least nine months, the insured person, for which the cash benefit ceased during employment as it was fully utilised, shall be entitled to again claim the cash benefit upon the termination of employment based on the insurance period achieved during this time.

(3) If the beneficiary of the contribution payment for pension and disability insurance until the fulfilment of conditions for retirement exercises the right mentioned in the previous paragraph, the right of contribution payments shall cease on the day of cash benefit enforcement. If such insured person fails to meet the conditions for retirement by the expiration of the cash benefit, he/she may exercise, pursuant to provisions hereunder, the remaining part of the unutilised right to payment of contributions for pension and disability insurance until retirement.

(4) The insured person may waive his/her rights determined in this Article. The waiver shall be in writing, while the cancellation of the waiver is possible until the issuance of the decision on acknowledging the new right.

### **Article 67**

#### **(Reduction of the cash benefit due to gaining income from work)**

(1) The cash benefit received by the insured person is reduced, who during cash benefit eligibility during unemployment performs work for which he/she receives or is eligible to receive income from work, which upon payment of taxes and mandatory contributions exceeds 200 Euros.

(2) Income from work is construed as any income from any type of contractual relationship based on which the insured person performs physical or intellectual work, including the provision of services and creation or performance of copyrighted work. Income from work is also construed as income for performed work or services of a procurator (proxy) or for the management and supervision of a business entity with legal personality.

(3) The cash benefit received by the insured person shall be reduced by 50% of the income from work which exceeds the amount mentioned in the previous paragraph of this Article. If an insured person is raising minors, the cash benefit for each child shall be increased by 10% of the full amount of cash benefit to which the person concerned would have been entitled if the income from work was not generated, however it shall not exceed the full cash benefit amount.

(4) Disregarding the provisions from the previous paragraphs, the reduction shall not be carried out if the cash benefit would have to be reduced by less than 20 Euros.

(5) If the basis for payment of the income from work already exists upon registering and enforcing the claim for cash benefit, the insured person shall inform the Employment Service of this upon registration, otherwise in three days upon occurrence. The insured person shall regularly inform the Employment Service on performed work, agreed payment and payment deadline for performed work. The cash benefit of the insured person shall be reduced in the month in which he/she received payment for work or in the next month upon received payment if the notification of received payment cannot be considered in the cash benefit account for the current month.

(6) Regardless of the provision of the previous paragraph, the reduction is performed on the basis of the agreed payment for performed work in the last instalment payment of the cash benefit to which the insured person is entitled.

(7) The Employment Service pays the insured person who received income from work a contribution for unemployment insurance from the basis prior to the reduction in cash benefit.

(8) The right to the cash benefit of an insured person who fails to act in compliance with the provisions of this Article shall cease and the insured person shall also return the unduly obtained cash benefit amounts.

#### **Article 68**

##### **(Right to payment of contributions for pension and disability insurance)**

An insured person who is a citizen of the Republic of Slovenia, member state of the EU, EEA or Swiss Confederation, and an insured person who is an alien with a permanent residence permit and who requires no more than one year to fulfil the minimum conditions for retirement (old-age) upon the expiration of the cash benefit, and is an unemployed person, are entitled to payments of contributions for pension and disability insurance.

#### **Article 69**

##### **(Insurance period utilisation principle)**

(1) Upon repeated enforcement of the right to cash benefit, the insurance period from which the right to cash benefit had been already assessed and the insurance period achieved based on receiving cash benefit shall not be included in the insurance period for cash benefit assessment.

(2) The provision of the previous paragraph shall not apply to insured persons who upon repeated enforcement of the right are older than 55 years of age and have accumulated an insurance period of more than 30 years.

#### **Article 70**

##### **(Remaining part of the unutilised right)**

(1) The insured person who due to the suspension or cessation had yet to utilise the right to cash benefit, shall be entitled to enforce the remaining unutilised part of the cash benefit after the expiry of reasons for suspension or in the event of repeated unemployment.

(2) The right to the remaining part of the cash benefit shall be acknowledged in an already determined amount harmonised with the provision of Article 62 hereunder and paid in a manner equivalent to the cash benefit.

(3) The provision of the first paragraph of this Article shall not apply in cases when the insured person's right ceases due to reasons determined in the seventh, tenth and eleventh indent of the first paragraph of Article 65 hereunder.

#### **Article 71**

##### **(Unutilised and new right)**

(1) The insured person who upon the cessation of the right to cash benefit or during its suspension achieved the insurance period of nine months or more, not taken into account in the right assessment, and meets the conditions of the previous paragraph, shall first utilise the remaining part of the unutilised right then the new right, assessed from the insurance period according to Article 69 hereunder.

(2) If the insured person wishes to immediately enforce the right assessed from the unconsidered insurance period, he/she may waive his/her right to the remaining part of the

cash benefit. The waiver must be in writing. Cancellation of the waiver shall be possible only until the issuance of the decision acknowledging a new right to the cash benefit.

(3) The provision of this Article shall not apply for the insured person from the second paragraph of Article 69 hereunder, for which the right to cash benefit upon each separate repeated employment lasting at least nine months in the last 24 months is assessed from the total achieved insurance period.

## **Section IV: PROVIDERS OF MEASURES**

### **Article 72 (Providers of measures)**

Measures from Article 15 hereunder shall be performed by the following providers:

- the Employment Service of the Republic of Slovenia;
- domestic or foreign legal entities with a registered office in the Republic of Slovenia which obtain concession according to the provisions hereunder;
- Slovene Human Resources Development and Scholarship Fund (hereinafter: “measure providers”).

### **1. Employment Service of the Republic of Slovenia**

#### **Article 73 (Employment Service organisation)**

(1) The Employment Service is a public institute organised in a unified manner across the entire area of the Republic of Slovenia.

(2) In order to assure the accessibility of services and provision of rights hereunder the Employment Service shall perform its activity at its registered office and through organisational units in line with its territorial organisation and in the manner defined by its Articles of Association.

(3) The central service which operates at its registered office shall coordinate the work of organisational units and shall be responsible for unified performance of services and other activities of the Employment Service based on regulations governing labour market regulation and in accordance with the contract concluded with the ministry responsible for labour.

(4) Supervision which hereunder falls within the competence of the Employment Service shall be carried out by a special internal organisational unit of the institute.

#### **Article 74 (Activity and tasks of the Employment Service)**

(1) The Employment Service shall perform measures from the first and second indent of the first paragraph of Article 15 hereunder as a public service and the measure from the third and fourth indent of the first paragraph of Article 15 as public authority.

(2) The Employment Service shall keep records prescribed hereunder as public authority. Based on the data from these records and data from received applications of vacant job



positions or types of work the institute shall maintain an information system for monitoring the tendencies on the labour market for statistical and research purposes and provide public information.

(3) In performing services and AEP measures the Employment Service cooperates with social work centres.

#### **Article 75 (Institute bodies)**

The Employment Service consists of the following bodies:

- the Employment Service council;
- the expert council;
- the director.

#### **Article 76 (Employment Service council)**

(1) The Employment Service is managed by its council composed of 13 members of which:

- six members are appointed by the Government of the Republic of Slovenia, of which three are appointed by the ministry responsible for labour, one by the ministry responsible for finance, one by the ministry responsible for education and one by the ministry responsible for higher education.

- three members are appointed by employer associations at the state-level;
- three members are appointed by trade unions, representative for the territory of a state;
- one member is elected by the Employment Service employees.

(2) The members of the Employment Service council have a four-year term in office.

(3) The Employment Service council elects a council president and vice-president for two years in the manner that group representatives from the first three indents of the first paragraph of this Article are alternated.

(4) The Employment Service Council commences operation once at least seven of its members are appointed.

#### **Article 77 (Council competencies)**

(1) The Employment Service council mainly:

- suggests elements for adopting the development policy of the labour market;
- proposes the extent and method of performing measures in the labour market, especially those intended for unemployed persons;
- monitors the work of the Employment Service and adopts decisions related thereto;

- adopts the Articles of Association of the Employment Service upon prior consent of the Government of the Republic of Slovenia;

- on the proposal of the director of the Employment Service and upon prior consent of the minister responsible for labour adopts the act on job structuring;

- adopts the business plan and business report and annual financial statement of the Employment Service;

- has other competencies determined in the Articles of Association of the Employment Services.

(2) The method of appointing or electing council members and the method of operation are determined in the Articles of Association.

(3) A member of the Employment Service council can be dismissed before the expiration of his/her term at the person's own request or by recalling a member.

### **Article 78 (Suspension of execution)**

A member of the Employment Service council, who is a representative of the founder from the ministry responsible for labour, has the right to veto a decision of the Council for which it believes is unlawful or not in compliance with the adopted labour market policy and informs the minister responsible for labour of the decision, who then decides whether to execute it.

### **Article 79 (Expert council)**

(1) The expert council is a professional collegiate body of the Employment Service, the composition and formation method of which is determined by the Articles of Association.

(2) The expert council:

- discusses and adopts the doctrine related to working with unemployed persons and employers;

- covers other issues in the field of expert work of the Employment Services;

- provides opinions and proposals regarding work organisation and conditions for activity development to the Employment Service council and director;

- discusses interdisciplinary issues vital for labour market development;

- on the Employment Service council's or director's initiative discusses other issues related to the labour market;

- performs other tasks determined by the Articles of Association.

### **Article 80 (Director of the Employment Service)**

(1) The director is the management body of the Employment Service, who shall have level VII education and 15 years of work experience, of which at least five were spent in management positions.

(2) The director shall organise and manage the work and operation of the Employment Service, represent the latter and shall be responsible for the legality of its operations.

(3) The director of the Employment Service shall be appointed and recalled by the Government of the Republic of Slovenia on the proposal of the minister responsible for labour. The director shall be appointed for a five-year term.

(4) The tasks and competencies of the director and additional conditions for his/her appointment shall be determined in the Articles of Association.

### **Article 81 (Employment Service employees)**

(1) The lifelong career orientation and employment brokerage hereunder is performed by public servants of the Employment Service with level VII education and passed professional examination.

(2) The professional examination programme and the method of its performance on the proposal of the Employment Service council by a general act are determined by the Employment Service.

(3) In providing services from the first paragraph of this Article, public servants shall act in line with the doctrine related to working with unemployed persons and employers.

### **Article 82 (Traineeship)**

(1) A person who starts work upon completing level VII education with the goal to become qualified for independent performance of work arising from the first paragraph of the previous Article, shall be employed as a trainee. The trainee concludes an employment contract for the duration of the traineeship but can also perform the traineeship as voluntary work.

(2) The traineeship shall last for eight months.

(3) Upon completing the professional examination the Employment Service shall enter into an employment contract with the trainee for a definite or indefinite period without advertisement publication.

(4) The provisions of the law governing employment relationships shall apply for the regulation of other rights and obligations of the trainee.

### **Article 83 (Articles of Association of the Employment Service)**

(1) The Articles of Association shall determine the organisation of the Employment Service, its bodies, their competencies, method of decision-making and other matters which are vital to the operation and performance of the Employment Service.

(2) The Articles of Association are adopted by the Employment Service council upon obtaining prior consent from the Government of the Republic of Slovenia and are published on the Official Gazette of the Republic of Slovenia

## **Article 84 (Reporting)**

(1) The Employment Service shall report quarterly on the consumption of funds to the ministry responsible for labour. The report shall include at least the following information:

- reporting period;
- description of performed activities;
- comparison of the planned and realised activities;
- financial realisation compared with the plan;
- description of the reasons for discrepancy;
- measures to eliminate the discrepancies;
- assessment of the achieved results;
- assessment of the effectiveness in reaching the planned objectives.

(2) The form and detailed content of the reports shall be determined in the contract mentioned in Article 139 hereunder.

## **2. Concessionaires**

### **Article 85 (Conditions for obtaining a concession)**

(1) The domestic or foreign legal entity with a registered office in the Republic of Slovenia may obtain a concession for performance of services from Article 16 hereunder.

(2) The concession from the previous paragraph shall be obtained by domestic or foreign legal entities with a registered office in the Republic of Slovenia, which possess appropriate personnel, commercial premises and equipment for the activity's performance and meets other conditions specified by the minister responsible for labour.

(3) The employees of the concessionaire performing services from Article 16 hereunder shall meet the same conditions as are met by the Employment Service's employees who perform such services.

### **Article 86 (Concession award)**

(1) The concession laid down in the previous paragraph shall be awarded by the ministry responsible for labour which carries out all the rights and obligations of the awarding authority on behalf of the state.

(2) The concession is awarded based on the public invitation to tender for a definite period of three years at most, provided that its duration may be extended at most by the period for which the concession contract was concluded, this under the conditions determined both in the implementing act mentioned in Article 101 hereunder and in the concession contract. The concession shall not be extended if the concessionaire during the performance of the

concession activity failed to abide by the regulations governing the field of labour law and social security.

**Article 87**  
**(Concession act)**

(1) The ministry responsible for labour through the concession act shall determine the type and range of services for which a public invitation to award a concession is advertised.

(2) The concession act shall determine the individual type of services representing the concession subject matter:

- territorial area of service performance;
- number of concessions which shall be awarded at an individual public tender for a certain territorial area performing individual types of services;
- range of concessions which shall be awarded at an individual public tender for a certain territorial area performing individual types of services;

**Article 88**  
**(Public invitation to tender)**

(1) The wording of the public tender notice shall include:

- the statement declaring that the concession shall be awarded pursuant to this Act and implementing regulations referred to in Article 101 hereunder;
- services subject to this concession;
- projected start of the performance of services and concession duration;
- territorial area for which the concession is tendered to perform a certain service;
- declaration of the number and range of concessions awarded in the public invitation to tender for an individual territorial area;
- service users to whom the concession is tendered;
- declaration that the employment relationships of employees of the concessionaire who perform the public service are regulated by collective agreements, laws and other acts applying to the employees of the Employment Service;
- types of certificates on the fulfilment of prescribed conditions and ability to perform services subject to this concession;
- deadline for tender applications;
- selection criteria among the bids;
- body which shall make the decision on the concession award and the body authorised for the conclusion of the concession contract;
- person responsible for providing information during the public tender notice;

- other data vital for making the decision on selecting the concessionaire and for the performance of services.

(2) The ministry responsible for labour shall enable, during the public tender notice, insight into the tender documentation to the tenderers and shall at their request provide the tender documentation to the latter.

(3) The tender documentation shall include all data enabling the tenderer to prepare a complete application.

#### **Article 89 (Concession Commission)**

(1) The ministry responsible for labour shall appoint a commission, consisting of at least three members (hereinafter: "Concession Commission") in order to prepare the call for tenders, review and assess of received tenders.

(2) At least one member of Concession Commission shall be employed at the ministry responsible for labour.

#### **Article 90 (Tenderer's rights)**

(1) Tenderer shall be allowed to supplement or amend the application until the expiry of the tender deadline.

(2) Up until the expiry of the tender deadline, tenderer shall not have the right to view the applications by other tenderers in the same tender.

(3) Tenders, received by the ministry responsible for labour after the expiry of the tender deadline, shall be considered too late.

(4) Until the expiry of the tender deadline tenderers shall be allowed to participate in the procedure only by submitting the tender in the way as laid down in the call for tenders and tender documentation.

#### **Article 91 (Examination of tenders)**

(1) Concession Commission shall open the received tenders within 30 days of the expiry of the tender deadline.

(2) Each tenderer shall have the right to be present during opening of the tenders.

(3) Concession Commission shall establish for each tender whether it was received in due time, whether the tenderer meets the prescribed conditions, whether it has been submitted for the territorial area of providing a certain type of service, laid down in the call for tenders, whether it is complete in accordance with the text of the call for tenders.

(4) The ministry responsible for labour shall issue an order to dismiss any tenders which were not received in due time or are not complete or submitted for the territorial area of providing a certain type of service, laid down in the call for tenders, or not submitted by the tenderer who meets the prescribed conditions.

(5) Not later than 60 days of the completion of the call for tenders the Concession Commission shall examine and assess complete tenders under the criteria, published in the call for tenders and on this basis prepare a proposal for awarding the concession.

**Article 92**  
**(Concession award decision)**

(1) The ministry responsible for labour shall issue a single concession award decision concerning all tenders for the territorial area of providing a certain type of service, awarding concession to the most advantageous tenderer or tenderers and define the duration of concession in accordance with the call for tenders and at the same time reject unsuccessful tenders. During the procedure of issuing the decision referred to in this paragraph, only the tenderers who submitted a tender for the territorial area of providing a certain type of service shall have the status of a party.

(2) The decision referred to in the preceding paragraph shall lay down the period of time within which the successful tenderer shall conclude the concession contract.

(3) At the request by the concessionaire the ministry responsible for labour may, due to objective reasons which are beyond the concessionaire's control, extend the period referred to in the preceding paragraph by means of a special decision.

(4) In case the concessionaire fails to submit evidence of compliance with all the conditions for the provisions of services, the ministry responsible for labour shall deprive the concession by a decision.

**Article 93**  
**(Legal protection)**

(1) There shall be no appeal against a concession award decision, however, an administrative dispute may be initiated.

(2) Only tenderers who were parties to the procedure of issuing concession award decision may be parties to administrative dispute.

**Article 94**  
**(Nullity of concession contract)**

(1) The concession contract shall be null in cases under general rules of the law of obligation, and also in the following cases:

- in case concession award decision has been finally abrogated and another concessionaire has been selected in the selection procedure for the same concession, or

- it has not been concluded in writing, which applies also to the amendments thereof.

(2) Nullity, referred to in the preceding paragraph, shall be established ex officio by the ministry responsible for labour.

**Article 95**  
**(Concession contract)**

By means of concession contract the awarding authority and concessionaire shall regulate the concession relationships between them and the conditions under which the concessionaire has to perform a public function, and in particular:

- type and the scope of service which is the subject of concession;
- commencement of the performance of concession;
- duration of the concession contract;
- the means, provided by the awarding authority to the concessionaire for performing the services which are the subject of the concession, and the way of financing;
- concessionaire's obligation to report to the awarding authority and the mode of reporting;
- concessionaire's obligations to users;
- contractual sanctions, applied in case of failure to perform concession or incorrect performing of concession;
- the mode of conducting financial operations by the concessionaire who performs also another activity or other activities;
- the method of financial, professional and administrative supervision by the awarding authority;
- the method of monitoring concession contract or concession relationship;
- termination of concession contract or extension thereof, if any;
- concessionaire's obligations in case of early termination of the contract;
- other provisions, relevant for the determination and performing of the service which is the subject of concession.

**Article 96**  
**(Reporting)**

(1) The concessionaire shall report on a quarterly basis on its work and the use of resources to the ministry responsible for labour. The report shall include in particular:

- reporting period;
- description of the activity;
- comparison of financial realisation according to the plan;
- description of the reasons for deviations;
- measures, aimed at the elimination of deviations;
- assessment of the achieved results;



- assessment of the efficiency of achieving the planned objectives.

(2) The form and detailed content of report shall be laid down in the concession contract.

**Article 97**  
**(Register of awarded concessions)**

(1) The ministry responsible for labour shall keep a register of awarded concessions, containing the following details:

- sequence number of the issued concession award decision;

- name and registered office of the concessionaire, names of responsible persons and legal status of the concessionaire;

- territorial area, scope and type of services the concession was awarded for;

- date of commencement of the performance of concession;

- duration of concession.

(2) The details, entered in the register, shall be in the public domain.

**Article 98**  
**(Termination of concession contract)**

(1) Save otherwise provided by this Act, the rules of obligation law shall apply mutatis mutandis to the termination of concession contract.

(2) Concessionaire shall not be allowed to withdraw from the concession contract due to breach by the awarding authority save in case when the awarding authority fails to meet its concession contract obligations and thus prevents the concessionaire from performing the concession contract.

(3) Concession relationship shall cease to exist in case the concessionaire is wound up, save when the concessionaire transfers the concession to its legal successor.

(4) According to the law, concession relationship shall terminate on the day when legal consequences of the commencement of bankruptcy proceedings, initiated against the concessionaire, come into effect.

**Article 99**  
**(Transfer of a concession to a legal successor)**

(1) In case the concessionaire is wound up, the awarding authority shall transfer the concession to the legal successor of the concessionaire by issuing a concession award decision to the new concessionaire and reversing the former decision. There shall be no appeal against the decision, however, an administrative dispute may be initiated

(2) Concession shall be transferred for the remaining duration of the concession under the same conditions as awarded to the original concessionaire.

(3) When the decision referred to in the first paragraph of this Article becomes final, the new concessionaire shall conclude a new concession contract with the awarding authority.

**Article 100**  
**(Withdrawal of concession)**

(1) The ministry responsible for labour shall withdraw concession by means of a decision in the following cases:

- the concessionaire fails to sign a concession contract within the period of time, laid down in the concession award decision and the awarding authority does not extend that period in accordance with this Act;

- the concessionaire fails to perform a public function in accordance with regulations and decision or concession contract;

- the concessionaire fails to respect the regulations, governing the area of labour law and social security;

- the concessionaire fails to comply with the decisions, issued within the supervision of performing the concession;

- the concessionaire does not perform concession activity for a period of one year;

- due to reduced needs for the performance of activities, which are the subject of the concession, the extent of performing the public function, which is the subject of the concession, in a certain territorial area has to be decreased and the concessionaire and the awarding authority fail to reach agreement on the appropriate amendment of the concession agreement or on termination of the contract.

(2) The ministry responsible for labour shall inform the concessionaire in writing about the reason for withdrawing the concession, laying down a reasonable deadline for the elimination of violations, unsound financial situation or consensual amendment or termination of the contract, and warn the concessionaire that otherwise a procedure of withdrawing the concession will be initiated.

(3) If the concessionaire fails to eliminate violations or unsound financial situation within that deadline or the contract is not amended or terminated by mutual agreement, the ministry responsible for labour shall issue a decision on withdrawal of the concession ex officio.

(4) There shall be no appeal against a concession withdrawal decision, however, an administrative dispute may be initiated.

**Article 101**  
**(Detailed arrangement)**

The minister responsible for labour shall lay down detailed arrangements for awarding the concession as well as other issues, concerning concession relationships, and in particular the following:

- duration of the concession for individual types of services which are the subject of the concession;

- conditions and restrictions, applicable to the extension of the concession;

- conditions that have to be met by the concessionaire and evidence, proving that;

- arrangements for paying the concessionaire for the services, performed on the basis of the concession;
- method of work of the Concession Commission;
- method of concluding a concession contract and its detailed contents;
- method of financial and other reporting to the awarding authority by the concessionaire;
- other issues of implementation of the provisions of this Act concerning concession in the field of employment.

### **3. Slovene Human Resources and Scholarship Fund**

#### **Article 102**

##### **(The purpose of operation and activities)**

(1) Slovene Human Resources and Scholarship Fund (hereinafter: "Fund") as the provider of measures under this Act shall carry out within the services referred to in Article 16 of this Act lifelong career orientation; and within the measures of active employment policy referred to in Article 29 of this Act replacement at the position of employment and job sharing and education and training.

(2) The Fund shall provide the service of lifelong career orientation and AEP measure training and education mainly to employed persons.

(3) The Fund shall perform the activities, referred to in the preceding paragraph in accordance with Article 139 of this Act.

### **Section V: FOUNDATIONS FOR THE IMPROVEMENT OF EMPLOYMENT OPPORTUNITIES**

#### **Article 103**

##### **(Purpose of the establishment, founders and participants)**

(1) In order to perform activities, aimed at the improvement of employment opportunities of the foundation participants and coordination of supply and demand on local and regional labour market or for individual activities employers' associations, chambers and trade unions may establish a foundation for the improvement of employment opportunities (hereinafter: "foundation").

(2) Foundation participants shall be employed persons.

#### **Article 104**

##### **(Application of regulations)**

Provisions of the act, regulating institutions, shall apply to the establishment, operations and termination of the foundation, save this Act provides otherwise for individual issues.

**Article 105**  
**(Start-up property)**

As a part of start-up property, founders shall be obliged to ensure contribution in cash, amounting to not less than EUR 50,000.

**Article 106**  
**(Source of funds)**

The following may be provided and used to finance foundation activities: founders' resources, public resources, contributions by economic associations and chambers, direct contributions by employers, resources, collected by donations and resources, arising from own activity.

**Article 107**  
**(Co-financing by the state)**

(1) For the purpose of implementing annual programme within realising the purpose of establishment, referred to in Article 103 of this Act, the foundation may obtain a part of funds from the state budget. The volume of co-financing funds shall be laid down in AEP plan.

(2) The call for co-financing of work programmes, referred to in the preceding paragraph, shall be prepared and published by the ministry responsible for labour. The criteria for co-financing shall be laid down in the call, particularly in accordance with the labour market needs, the capacity or own funds of the foundation and previous efficient performance of the foundation.

**Article 108**  
**(Reporting and supervision)**

(1) The foundation which receives funds on the basis of the call referred to in the preceding Article, shall report on quarterly basis on the use of these resources to the ministry responsible for labour. The report shall include at least the following information:

- reporting period;
- name of the foundation;
- contract value;
- description of the activities already carried out;
- comparison of financial realisation according to the plan;
- description of the reasons for deviations;
- measures, aimed at the elimination of deviations;
- assessment of the achieved results;
- assessment of the efficiency of achieving the planned objectives.

(2) The form and detailed content of report shall be laid down in the contract.

(3) The contract, referred to in the preceding paragraph, shall lay down also the method of supervising the use of resources, referred to in the first paragraph of this Article, by the ministry responsible for labour.

**Article 109**  
**(Management)**

(1) Management authority of the foundation shall be a programme council, consisting of five members.

(2) At least one member of the programme council shall be a representative of social partners, referred to in Article 103 of this Act, and one member shall be a representative of the institution or ministry responsible for labour if the foundation is active in the field of individual activities.

**Article 110**  
**(Register of foundations)**

(1) Pursuant to the issued consent to the founding instrument, the ministry responsible for labour shall enter the foundation in the register of foundations for improving employment opportunities (hereinafter: “register of foundations”) ex officio.

(2) The information, contained in the register, save the information on personal registration number (hereinafter: “PRN”) shall be in the public domain.

**Article 111**  
**(Content of the register of foundations)**

The following details shall be entered in the register of foundations:

- name and registered office of the founder or founders;
- name and registered office of the foundation;
- address of the registered office;
- start-up property;
- date and number of the founding instrument;
- name, PRN and address of permanent residence of persons, having powers of representation;
- winding-up of the foundation.

**Section VI: PROCEDURE FOR THE IMPLEMENTATION OF MEASURES**

**1. Procedure for claiming AEP services and measures**

**Article 112**  
**(General)**

Unemployed persons and other job-seekers may claim the services, laid down in this Act and AEP measures on the basis of registration at the Employment Service when that is provided by this Act.

### **Article 113 (Employment plan)**

(1) Employment plan is an agreement in writing between an unemployed person and Employment Service or another provider of measures, in which they shall jointly:

- define employment objectives;
- define the time schedule of the unemployed persons' activities, required for job seeking and participation in AEP measures in order to find a job for the unemployed person as soon as possible;
- define job seeking migration area.

(2) Employment plan shall be amended during each meeting with the employment adviser. The validity of the employment plan shall be limited to the period between two advisory meetings.

(3) Employment plan shall be drawn up also for registered job seekers whose employment is at risk.

(4) The first shortened employment plan for an unemployed person or job seeker, whose employment is at risk, shall be drawn up upon the registration. It shall define appropriate jobs for the person and the way of active seeking for a job and other obligations. It shall also include an assessment whether an in-depth employment plan should be drawn up immediately or later, in the period, provided by the doctrine of work referred to in Article 79 of this Act, however, not later than within four months of the registration.

(5) The person may reserve the right to a three-working-day period to sign the proposed employment plan. In case the agreement on the content of the employment plan is not reached, the person shall have the right to require a decision to be issued, which rules on the proposal that was not possible to reach agreement about, by applying the provisions of the act, governing general administrative procedure. The decision shall be issued by an authorised Employment Service employee or another provider of measures. The ministry responsible for labour shall decide on an appeal. An administrative dispute may be initiated against the decision, issued by the ministry.

(6) In case a person refuses to sign the employment plan, the content of which is based on the decision, final in the administrative procedure, such person shall be deleted from the register of unemployed persons as of the date of refusal.

(7) The minister responsible for labour shall define in detail drawing up and content of employment plan in an implementing regulation.

### **Article 114 (Participation in AEP measures)**

(1) Unemployed persons or job seekers, whose employment is at risk, shall have the right and obligation to the participation in AEP measures on the basis of the employment plan.

(2) Employment plan shall not be required for the participation in AEP measures where AEP catalogues provides this for an individual measure.

(3) Either the person or Employment Service shall propose participation in an AEP measure. In case agreement is not reached, the person may act in accordance with the provision of this Act Article 113 paragraph five.

(4) A referral form or contract shall be an instrument of participation. AEP catalogue shall specify the type of instrument for the participation in a programme.

(5) Participation in an AEP measure shall take into account particularly the following: situation on the labour market in a certain area and for a certain occupation, costs of participation, personal, occupational, work and other person's capabilities, his/her age, possibility of successful completion of the measure, person's wishes provided they are justified and it is reasonable to respect them with regard to employment opportunities in a certain environment and period, person's social or health impairment, available financial resources and realistic employment opportunities after the completion of the measure.

### **Article 115** **(Serving of invitations and referral forms)**

Invitations, referral forms for employment and other documents, sent in order to draw up an employment plan, invitations to provide a service or participation in an AEP measure, serving of which is subject of the deadline for response by the unemployed person, shall be served by regular serving, in accordance with the act, governing postal services. It shall be considered served on the fifth day of the day of sending the document by the sender.

### **Article 116** **(Special characteristics of participation in public works)**

(1) The unemployed person concerned shall start working on public works on the day of conclusion of an employment contract with the public works provider, unless a different date of the commencement of work is set out in the contract.

(2) 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 or self-employment;
- 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 or another provider of measures;
- 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 adopted 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.

## **2. Procedure of establishing temporary unemployability of unemployed persons**

### **Article 117 (General provisions)**

(1) An unemployed person who is presumed to have problems with addictions, mental health, major social problems or similar problems that might hinder his/her employment shall be referred to a special interinstitutional commission (hereinafter: "Commission") in order to resolve such circumstances.

(2) The proposal for such referral shall be submitted by an Employment Service professional.

(3) The Commission shall consist of at least three members: employment adviser, social worker and rehabilitation adviser, and in case an individual has specific problems, people from other fields of expertise may be involved. Members of the Commission shall be appointed by the head of the Employment Service labour office where the person concerned is registered together with the director of the competent centre for social work.

(4) The Commission shall assess the unemployed person's problems, submit an opinion concerning the reasons for temporary unemployability and propose measures and activities, aimed as the soonest possible improvement of the unemployed person's employment opportunities. If necessary, the Commission may, prior to preparing an opinion, obtain an opinion from the doctor, providing health-restriction employment consultancy.

(5) The competent social work centre and the unemployed person shall be informed about the opinion referred to in the preceding paragraph.

(6) When the Commission is of the opinion that prior to active participation of the unemployed person in the labour market help is necessary, aimed at the elimination of social problems or distress, the person shall be referred to the competent social work centre on the basis of the agreement in the employment plan. Notwithstanding the provisions of this Act, governing the cessation of the right to unemployment benefit during the period of unemployment, the person who is a recipient of the unemployment benefit at the time of such referral, shall maintain the right to unemployment benefit provided he/she concludes an agreement about active resolving of his/her problems in accordance with the employment plan and as long as such person complies with the activities, provided therein.

(7) The provisions of Article 113 of this Act shall apply to drawing up the employment plan referred to in the preceding paragraph and to the legal status of the unemployed person.

## **3. Procedure for exercising and protection of unemployment insurance rights**

### **Article 118 (Procedure)**



(1) Insured persons shall exercise unemployment insurance rights in accordance with this Act.

(2) Employment Service shall make a decision concerning the right to unemployment benefit. Application for exercising the right to unemployment benefit may be filed in writing on prescribed forms or electronically. Evidence on the fulfilment of the conditions for acquiring the right which cannot be obtained from official records, has to be enclosed to the application.

(3) The content and layout of the forms referred to in the preceding paragraph shall be laid down by the Employment Service and published on their website.

(4) No appeal against the decision concerning the right unemployment benefit shall stay the execution thereof.

(5) The ministry responsible for labour shall decide on an appeal against the Employment Service decisions.

(6) The insured person or another unemployed person may exercise judicial protection at the court, competent for social disputes within 30 days of serving the decision, issued at the second instance.

(7) Provisions of the second, fifth and sixth paragraph of this Article shall apply mutatis mutandis to the provisions concerning early termination of unemployment benefit or a decision, under which the decision, recognising the right to unemployment benefit is repealed under the provisions of this Act, which are issued ex officio.

#### **Article 119** **(Time limit for exercising the right)**

(1) The insured person shall be entitled to unemployment benefit as from the day, following the day of termination of legal relationship which was the basis for compulsory or voluntary unemployment insurance, provided the person concerned registers with the Employment Service and files an application claiming the right to unemployment benefit within 30 days of the termination of insurance. When the person concerned claims unemployment benefit after the expiration of this time limit, the total period of receiving unemployment benefit shall be reduced by the calendar days from the thirty-first day of the termination of compulsory or voluntary insurance to the date of filing the application.

2) In case employer deregistered a worker from compulsory insurance without informing the latter about the termination of employment, the time period referred to in the preceding paragraph shall commence on the day when the worker is informed about the termination of employment.

(3) The time limit referred to in the preceding paragraph shall be suspended during:

- illness provided that after the termination of employment the insured person is not a recipient of unemployment benefit during temporary absence from work under regulations, governing health insurance;

- entitlement to parental allowance;

- 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.

(4) In cases referred to in the preceding paragraph the insured person shall be obliged to register at the Employment Service and file an application claiming unemployment benefit within 30 days of the cessation of the reason for the suspension of the time limit. When the person concerned claims unemployment benefit after the expiration of this time limit, the total period of receiving unemployment benefit shall be reduced by the calendar days from the thirty-first day of the cessation of the reason for the suspension of the time limit to the date of filing the application.

(5) Notwithstanding paragraph one of this Article, the insured person, who commences employment within 30 days of the termination of insurance, shall acquire the right to unemployment benefit provided he/she registers at the Employment Service and files an application claiming the right prior to the commencement of new employment.

(6) The provisions of this Article concerning the time limit for registration and claiming unemployment benefit shall apply also to those insured persons whose right to unemployment benefit was suspended under the provisions of this Act. In such cases the time limit for registration shall commence on the day when the reason for the suspension of the right ceases to exist.

## **Section VII: RECORDS AND ENTRY OF THE PERSON IN RECORDS AND TERMINATION OF KEEPING THE PERSON IN RECORDS**

### **1. Records**

#### **Article 120**

##### **(Protection of personal data)**

Provisions of the act, governing personal data protection, shall apply to the processing of data, contained in records, while the provisions of the act, governing tax procedure shall apply to collecting, processing, storing, transmission and use of data which are considered to be tax secret.

#### **Article 121**

##### **(Purpose of record keeping)**

The records, laid down by this Act, shall be processed for the needs of making decisions about unemployment insurance rights, for providing services and participation in AEP measures, drawing up employment plan, carrying out supervision under this Act, and for monitoring, planning and conducting policy in the fields, regulated by this Act, and for scientific research and statistical purposes.

#### **Article 122**

##### **(Records)**

Records in the fields, regulated by this Act, are as follows:

- register of unemployed persons;
- register of temporarily unemployable persons;
- register of participants in AEP programmes;
- register of job seekers;
- register of employers with negative references;
- register of business entities who are recipients of public resources under the provisions of this Act.

**Article 123**  
**(Content of records)**

(1) The register of unemployed persons, register of temporarily unemployable persons, register of participants in AEP programmes and the register of job seekers shall contain the following personal data:

- name and surname;
- date of birth;
- sex;
- personal registration number (PRN);
- tax number;
- permanent or temporary residence address (for foreign countries also country code);
- citizenship;
- status (secondary school student, student, employed, self-employed, retired, farmer – if the person makes a statement about that);
- affiliation to the Roma ethnic community (if the person makes a statement about that);
- transaction account number;
- telephone number and email address where the person can be reached;
- education, vocational qualification or standard, skills, additional knowledge and work experience;
- ability to work and restrictions;
- insurance period;
- period of employment.

(2) In addition to joint data the records referred to in the preceding paragraph shall contain also the following data:

### 1. Register of unemployed persons:

- registration, record keeping and termination of record keeping;
- reason for the termination of record keeping;
- meeting of the obligations, arising from the status of an unemployed person under this Act (reporting, referrals, meeting of other obligations);
- unemployment benefit assessment basis;
- period and the amount of recognised right to unemployment benefit;
- taxable income from employment or other remuneration, affecting the amount of recognised right to unemployment benefit;
- type and amount of unemployment benefits and reimbursed costs that the unemployed person is entitled to under the provisions of this Act;
- the period of receiving cash social assistance at the social work centre;
- treatment by a doctor, providing employment consultancy (date of treatment, reason);
- type, duration and provider of the service, laid down in this Act;
- claims for the reimbursement of unduly received amounts and the manner of reimbursement thereof;
- complaints;
- commencement and completion of judicial proceedings where the person concerned is a party in relation to the implementation of the provisions of this Act (type of judicial proceedings, subject of dispute, reference number, notice of the outcome of the proceedings).

### 2. Register of temporarily unemployed persons:

- registration, record keeping and termination of record keeping;
- reason for the termination of record keeping;
- period of unemployability;
- date of consideration by the Commission;
- measures, proposed by the Commission.

### 3. Register of persons participating in active employment policy programmes:

- registration, record keeping and termination of record keeping;
- reason for the termination of record keeping;
- type, duration and provider of the service, laid down in this Act;
- affiliation to a certain target group;

- financial resources spent;
- performance in the programme completion;
- fulfilment of contractual obligations by the person concerned;
- claims for the reimbursement of unduly received amounts and the manner of reimbursement thereof;
- complaints;
- commencement and completion of judicial proceedings where the person concerned is a party in relation to the implementation of the provisions of this Act (type of judicial proceedings, subject of dispute, reference number, notice of the outcome of the proceedings).

#### 4. Register of job seekers:

- registration, record keeping and termination of record keeping;
- reason for the termination of record keeping;
- type, duration and provider of the service, laid down in this Act;
- type and amount of cash benefits and reimbursed costs that the job seeker is entitled to under the provisions of this Act;
- for job seekers whose employment is at risk, name and issuer of the document, proving that the employment of the person concerned is at risk (employer's business plan, redundancy programme, notice by the liquidator or official receiver about the period of time within which the need for the worker is planned to become redundant and other similar documents);
- for job seekers whose employment is at risk, date of issue of the document referred to in the previous indent;
- for job seekers whose employment is at risk, date of the expiry of fixed-term employment contract;
- for job seekers whose employment is at risk, date of the expiry of employment contract for an indefinite period of time.

#### (3) Register of employers with negative references shall contain the following data:

- registered name and office or name and address of the employer;
- registration number of the employer;
- date of registering the worker;
- type and period of infringing labour or tax legislation;
- the body which established infringement;
- type of act by which the infringement is established;
- date of the act by which the infringement is established;

- penalty, imposed to the employer by a final decision;
- information about the wages and compulsory social security contributions, paid by the employer (yes/no).

(4) Register of information concerning business entities, recipients of public resources under the provisions of this Act, shall contain the following information:

- registered name and office or name and address of the business entity;
- registration number of the business entity;
- tax number of the business entity;
- name and surname of the business entity's responsible person;
- legal basis for the payment of resources (call for tenders, contract, purchase order, other);
- the amount of paid resources and the purpose of payment;
- date the supervision was carried out;
- conclusions, made by the supervision;
- claims for the reimbursement of unduly received amounts and the manner of reimbursement thereof;
- date of reimbursing the claim;
- complaints;
- commencement and completion of judicial proceedings where the person concerned is a party in relation to the implementation of the provisions of this Act (type of judicial proceedings, subject of dispute, reference number, notice of the outcome of the proceedings);
- information about the wages and compulsory social security contributions, paid by the employer (yes/no).

(5) The persons who are kept in records under this Act shall be obliged to report to the Employment Service any change in the information which has an effect on meeting the conditions to be kept in the records or affects the termination of record keeping, not later than within three days of the occurrence of the change.

#### **Article 124** **(Obtaining data and linking of records)**

(1) Employment Service shall obtain the data it needs for exercising its competences, established by law, directly from the person the data refer to and from the records, kept by the following administrators: Tax Administration of the Republic of Slovenia, Health Insurance Institute of Slovenia, Pension and Disability Insurance Institute of Slovenia, social work centres, Labour Inspectorate of the Republic of Slovenia, Agency of the Republic of Slovenia for Public Legal Records and Related Services (AJPES), administrator of Central Population Register, Supreme Court of the Republic of Slovenia and from all administrators of all databases, established or processed on the basis of law.

(2) Employment Service may link the records, kept under this Act, with records kept by the administrators referred to in the preceding paragraph.

(3) In order to implement measures, providers of measures may obtain from the Employment Service the information whether a person is kept in the register of unemployed persons and other data, required for the purpose of implementing the measures, and personal data which are being processed shall be appropriate and their scope should correspond with the purpose of implementing the measures.

(4) The beneficiaries of the rights under this Act shall be obliged to inform the Employment Service and other providers of measures about all the facts, affecting the acquisition, suspension or forfeiture of rights, not later than within eight days of the occurrence of such fact.

### **Article 125 (Transmission of data)**

Employment Service may transmit to administrative and other state authorities, self-governing local community authorities and bearers of public authority personal data from the records, kept under this Act, for exercising the competence, laid down by law, provided the law lays down obtaining of personal data from the Employment Service and personal data which are being obtained.

### **Article 126 (Storage and archives)**

(1) Data shall be stored:

- in the register of unemployed persons: 50 years after the entry of data;
- in the register of temporarily unemployed persons: five years after the entry of data;
- in the register of persons participating in active employment policy programmes: five years after the entry of data;
- in the register of job seekers: five years after the entry of data;
- in the register of employers with negative references: five years after the entry of data;
- in the register of business entities who are recipients of public resources under the provisions of this Act: five years after the entry of data.

(2) After the expiry of the time limits referred to in the preceding paragraph, the data shall be dealt with in accordance with regulations, governing handling of documentary records archive or public archive material by public authorities.

## **2. Entry of a person in records and termination of keeping the person in records**

### **2.1 Entry of a person in the register of unemployed persons and of persons participating in active employment policy programmes, and termination of record keeping in the register of unemployed persons and of persons participating in active employment policy programmes**

### **Article 127**

#### **(Entry in the register of unemployed persons)**

(1) Job-seekers who would like to obtain the status of an employed person, shall register at the Employment Service in person or electronically by means of e-service system.

(2) In agreement with the ministry responsible for labour Employment Service shall issue a general act, laying down the conditions and way of electronic registration, format of electronic registration and organisation and functioning of information system of electronic registration in the register of unemployed persons.

(3) An alien may register as unemployed person provided he/she meets the conditions, laid down in Article 8 of this Act.

### **Article 128**

#### **(Entry in the register of persons participating in active employment policy programmes)**

Persons concerned shall be entered in the register of persons participating in active employment policy programmes on the basis of the contract on participation in the programme or referral.

### **Article 129**

#### **(Reasons for the termination of record keeping in the register of persons participating in active employment policy programmes)**

(1) Employment Service shall cease to keep the person concerned in the register of unemployed persons or in the register of persons participating in active employment policy programmes when:

- under the provisions of this Act the person is not unemployed anymore;
- he/she de-registers from the register of unemployed persons and of persons participating in active employment policy programmes;
- he/she refuses to enter an active employment policy programme or breaches an obligation arising from the contract on the entry in an active employment policy programme;
- he/she refuses to accept appropriate or suitable employment or during a job interview does not endeavour to get the job;
- he/she does not provide correct data regarding the eligibility for obtaining the status of the unemployed person or status of a participant in an active employment policy programme;
- the prescribed procedure establishes existence of a reason due to which the person is temporarily unemployable;
- he/she is in detention that lasts for more than six months or starts serving the sentence of imprisonment of six months or more;
- it is established by the competent authority that he/she has been or is engaged in occasional or regular illegal employment;
- he/she is not an active job seeker, save exempted from this obligation by the employment plan;



- he/she refuses to sign the employment plan in accordance with this Act Article 113 paragraph six.

(2) Notwithstanding the provision of the preceding paragraph, the person who got part-time employment during the period of receiving unemployment benefit and exercised the right under the provision of Article 66 of this Act, shall be kept in the register of unemployed persons for the period he/she is being paid unemployment benefit and actively seeks full-time employment.

(3) Participation in active employment policy programmes shall not be the reason for the termination of record keeping in the register of unemployed persons, save in cases when the person participates in an active employment policy programme which is implemented with the conclusion of employment contract. Notwithstanding the provision of the first paragraph of this Article, in this case the person shall be kept in the register of persons participating in active employment policy programmes.

(4) In addition to the reasons, laid down in the first paragraph of this Article, performance of the contract on participation or expiry of the programme the person concerned participated in, shall be the reason for the termination of record keeping in the register of unemployed persons.

### **Article 130**

#### **(Termination of record keeping in the register of unemployed persons or persons participating in active employment policy programmes)**

(2) Employment Service shall cease to keep the person concerned in the register of unemployed persons or in the register of persons participating in active employment policy programmes ex officio as of the date when it is established on the basis of data in official records, kept by authorised bodies and organisations and official records, kept by other administrators of records, that a reason for the termination of record keeping exists or when the person concerned deregisters from the register.

(2) Employment Service shall inform the person concerned about the termination of record keeping in the register of unemployed persons or in the register of persons participating in active employment policy programmes, and at the request by the person concerned issue a certificate.

(3) Notice of the termination of record keeping in the registers referred to in the preceding paragraph shall be served by regular serving, laid down in the act, governing postal services. It shall be considered served on the twentieth day of the day of sending the notice from the Employment Service.

(4) Provision of the act, governing general administrative procedure, shall apply to issuing and amendment of the certificate of registration and termination of record keeping in the register referred to in the second paragraph of this Article.

(5) When the reason for the termination of record keeping in the register of unemployed persons and in the register of persons participating in active employment policy programmes is one of the reasons referred to in Article 129 paragraph one indents three, four, five, eight and nine, Employment Service shall issue a decision on termination of record keeping in the register ex officio. When the said reason for the termination of record keeping in the register is established for a person who is registered in the register of unemployed persons and in the

register of persons participating in active employment policy programmes, one decision on the termination of record keeping in both registers shall be issued.

(6) A decision concerning the termination of record keeping in the register of unemployed persons and in the register of persons participating in active employment policy programmes shall be issued by the Employment Service, and the ministry responsible for labour shall decide on the appeal.

(7) The person concerned may initiate administrative dispute against the decision, issued at the second instance.

(8) In cases referred to in the fifth paragraph of this Article, 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 record keeping of the person concerned.

(9) When the person participates in an AEP programme, implementation of the programme shall be monitored to the expiry of the contract on the participation in the programme or to the completion of the procedure for the reimbursement of funds in spite of the termination of record keeping.

## **2.2 Entry of a person in the register of job seekers and termination of record keeping of the person in the register of job seekers**

### **Article 131**

#### **(Entry in the register of job seekers)**

(1) All persons who need the measures, provided to job seekers under this Act, may register in the register of job seekers either in person or electronically.

(2) In agreement with the ministry responsible for labour Employment Service shall issue a general act, laying down the conditions and way of electronic registration, format of electronic registration and organisation and functioning of information system of electronic registration in the register of job seekers.

### **Article 132**

#### **(Termination of record keeping in the register of job seekers)**

(1) Employment Service shall cease to keep the person concerned when:

- he/she deregisters from the register;
- he/she does not contact the Employment Service within six months of the registration.

(2) In the case referred to in the first indent of the preceding paragraph, the person shall cease to be kept in the register as of the date of deregistration, while in the case referred to in the second indent termination comes into effect ex officio at the expiry of the six-month period after the registration.

(3) Employment Service shall inform the person concerned about the termination of record keeping in the register of job seekers and at the request by the person concerned issue a certificate.

(4) Notice of the termination of record keeping in the register of job seekers shall be served by regular serving in accordance with the act, governing postal services. It shall be considered served on the twentieth day of the day of sending the notice from the Employment Service.

(5) Provisions of the act, governing general administrative procedure, shall apply to issuing and amendment of the certificate of registration and termination of record keeping in the register of job seekers.

**Article 133**  
**(Detailed arrangement)**

The way of registration and deregistration of unemployed persons and job seekers under this Act shall be regulated in more detail by the minister responsible for labour.

**Section VIII: FINANCING OF MEASURES ON LABOUR MARKET AND PROVIDERS AND REPAYMENT OF FUNDS**

**Article 134**  
**(Sources of financing rights arising from unemployment insurance)**

(1) The funds for the rights arising from unemployment insurance shall be provided under the principles of reciprocity and solidarity from the contributions by workers, employers and voluntarily insured persons and other persons liable pursuant to this Act.

(2) The insured person as well as the employer shall pay contributions for unemployment insurance.

(3) Contributions for unemployment insurance shall be paid at the rates, laid down by a special act.

(4) Contributions for unemployment insurance shall be paid to the budget of the Republic of Slovenia.

(5) In case contributions are not sufficient to cover the obligations for the rights, arising from unemployment insurance, the funds shall be provided from other budgetary sources.

(6) The act, regulating tax procedure and the act, regulating tax administration shall apply to the collection of contributions, rights and obligations of the person liable, data protection, powers of tax authorities, keeping of records of paid contributions for each insured person and other procedural issues.

**Article 135**  
**(Basis for the payment of contributions)**

(1) Contributions shall be determined according to the basis for the payment of contributions, which is the same as the basis for the payment of contributions applied for the payment of contributions for compulsory pension and disability insurance by insured persons referred in Article 54 of this Act.

(2) The basis for the payment of contributions by insured persons referred to in Article 57 of this Act who voluntarily participate in compulsory unemployment insurance is the same as the basis for the payment of contributions for compulsory pension and disability insurance,

however, when there is no such basis, the basis should be the average gross wage in the Republic of Slovenia in the penultimate month before the month the contributions are paid for.

### **Article 136**

#### **(Persons liable for the payment of insured person's contributions)**

Persons liable for the payment of insured person's contributions for unemployment insurance shall be as follows:

- insured persons referred to in this Act Article 54 paragraph one indents one, two, three, four, five, six, seven, nine and eleven ;
- the Republic of Slovenia for insured persons referred to in this Act Article 54 paragraph one indents eight and ten;
- insured persons referred to in Article 57 of this Act who participate voluntarily in the compulsory insurance.

### **Article 137**

#### **(Persons liable for the payment of the employer's contributions)**

Persons liable for the payment of the employer's contributions for unemployment insurance shall be as follows:

- employers for insured persons referred to in this Act Article 54 paragraph one indents one, three and four, save the employees at foreign employers to which legislation of the Republic of Slovenia applies in accordance with the EU regulations, who are themselves liable to pay the contributions;
- Health Insurance Institute of Slovenia for insured persons referred to in this Act Article 54 paragraph one indent two;
- insured persons referred to in this Act Article 54 paragraph one indents five and six and insured persons referred to in Article 57 of this Act;
- competent municipality for insured persons referred to in this Act Article 54 paragraph one indent seven;
- the Republic of Slovenia for insured persons referred to in this Act Article 54 paragraph one indents eight, nine and ten;
- Employment Service for insured persons referred to in this Act Article 54 paragraph one indent eleven.

### **Article 138**

#### **(Sources of financing other measures)**

Funds for other measures referred to in Article 15 of this Act may be provided from the following sources:

- budget of the Republic of Slovenia;
- local community budget;

- European structural funds;
- other European sources.

**Article 139**  
**(Method of financing providers of measures)**

Funds for the implementation of measures on labour market shall be provided to providers of measures on the basis of a contract with the ministry responsible for labour.

**Article 140**  
**(Repayment of unemployment benefit)**

(1) Employment Service shall have the right to claim repayment of unemployment benefit in the following cases:

- abrogation of the decision on the recognition of the right to unemployment benefit in accordance with the act, regulating general administrative procedure and this Act Article 65 paragraphs three and four;
- when unemployment benefit was paid after the occurrence of reasons which result in termination or suspension of unemployment benefit under this Act.

(2) Where the basis for the repayment of unemployment benefit is:

- abrogation of the decision pursuant to this Act Article 65 paragraph three, Employment Service shall have the right to claim from the employer to repay net amounts of the unemployment benefit, paid to the insured person up to re-employment at that employer or paid up to the date of termination of employment, laid down by the court;
- abrogation of the decision pursuant to this Act Article 65 paragraph four, Employment Service shall have the right to claim from the employer to repay net amounts of the unemployment benefit, paid to the insured person after termination of employment that the concluded court settlement or agreement refers to;
- reason referred to in the second indent of the previous paragraph, Employment Service shall have the right to claim net unemployment benefit, paid after the occurrence of reasons which result in termination or suspension of the right to unemployment benefit.

(3) Where, pursuant to the provisions of this Act, Employment Service is entitled to abrogate the decision on recognising the right to unemployment benefit, it shall decide on the repayment of unduly paid amounts in that same procedure.

(4) The insured person concerned or in the case referred to in this Act Article 65 paragraph three the employer concerned shall repay the unduly paid unemployment benefit referred to in the preceding paragraph within 30 days of the finality of the decision and after the expiry of that time period statutory interest for late payment shall apply.

(5) When net amounts of unemployment benefit have been repaid, tax administration, applying the act, regulating tax procedure, shall repay the Employment Service contributions, paid by the insured person or person liable for compulsory social insurances, arising from the repaid unemployment benefit and the income tax, prepaid for the repaid unemployment benefit.

**Article 141**  
**(Repayment of funds, paid in connection with AEP measures)**

(1) Providers of measures shall claim from the recipient of funds to repay the funds, paid in connection with AEP measures, when the funds were used ineligibly or when the recipient has breached the assumed contractual obligations.

(2) Repayment of the funds referred to in the preceding paragraph shall be claimed in accordance with the provisions of the contract which was the basis for the payment and provisions of the law, regulating contractual obligations.

(3) The person who participated in an AEP measure shall repay the funds, spent on the implementation of the measure, as laid down in the contract on the participation in the programme.

**Article 142**  
**(Agreement on the repayment of unduly received amounts)**

(1) The provider of measures and debtor referred to in Articles 140 and 141 of this Act may conclude an agreement concerning the method and period of repaying the unduly received unemployment benefit or funds, paid in connection with AEP.

(2) When concluding agreements with natural persons, the amount of the claim and the amount of the insured persons' income and his/her social position shall be taken into account in order to allow for the payment of debt in a way which does not jeopardise livelihood of the insured person and his/her family members. It may be agreed to defer the repayment for a period not longer than six months, or repayment in not more than 24 instalments.

(3) When concluding agreements with legal entities or self-employed persons, solvency or loss of earning capacity due to reasons, beyond debtor's control, shall be taken into account. It may be agreed to defer the repayment for a period not longer than six months, or repayment in not more than 12 instalments.

(4) A debtor may file a request for deferred repayment or repayment in instalment at the provider of the measure. On the basis of data in its records and records, kept by other bodies, that the provider can obtain, and supporting documents, submitted by the debtor, the provider of the measure shall act within 60 days of the receipt of the request and either accept the proposal and draw up an agreement concerning repayment or refuse debtor's request. There shall be no appeal against the agreement concerning repayment or refusal of the debtor's proposal.

**Article 143**  
**(Debt cancellation)**

(1) Debt shall be cancelled in accordance with the act, regulating public finance.

(2) Detailed criteria for the cancellation, partial cancellation, deferred repayment or payment in instalments shall be laid down in an implementing regulation by the minister responsible for labour in agreement with the minister responsible for finance.

## **Section IX: MONITORING, REPORTING AND EVALUATION OF MEASURES**

### **Article 144 (Monitoring)**

(1) The ministry responsible for labour shall monitor effectiveness and efficiency of measures by means of indicators, established at the level of the main programme and subprogrammes of the budget of the RS, AEP guidelines and in AEP plan, on the basis of the time schedule of the achievement of objectives. Contribution of individual AEP measures and programmes to the achievement of employment policy objectives, as laid down in long-term strategic documents of the Republic of Slovenia and the EU for the area of employment, is also established.

(2) Monitoring shall take place on the basis of regular and extraordinary reports by providers of measures under this Act, reports by providers of measures concerning granted state aid and on the basis of analysing the efficiency of individual measures in different periods of time.

(3) Detailed content and format of regular reports by providers shall be laid down by the ministry responsible for labour in contracts with the providers, and they shall be drawn up on quarterly basis and include in particular:

- data on the implementation according to the established indicators, with quantitative analysis of the performance of measures;
- data on engaged and paid funds by measures and programmes;
- data on deviations from the planned objectives and proposal for corrective measures.

(4) Providers shall draw up extraordinary reports when requested by the ministry responsible for labour which defines also the content and format of the report.

(5) Providers of measures draw up reports concerning granted state aids in accordance with the deadlines, content and format, laid down by regulations in the field of state aid.

### **Article 145 (Reporting)**

(1) The ministry responsible for labour shall inform the Government of the Republic of Slovenia and other social partners once a year about the report concerning the implementation of measures under this Act. The report shall include in particular:

- information about the implementation of measures in the previous year, including the analysis of efficiency and effectiveness of individual measures and their contribution to the achievement of objectives, laid down within the budget of the Republic of Slovenia, AEP guidelines and AEP plan.
- information about the measures, planned in the current year;
- information about the achievement of the objectives of European employment policy;
- summary of the evaluation of measures and programmes.

(2) Social partners within Economic and Social Council shall discuss the report referred to in the preceding paragraph and deliver their opinion.

#### **Article 146 (Evaluation)**

(1) The effectiveness and efficiency of measures under this Act shall be subject to preliminary, mid-term and final evaluation, conducted by the selected provider.

(2) Preliminary evaluation is the basis for establishing medium-term objectives of employment policy and for drawing up AEP guidelines. Evaluation shall include in particular:

- situation in the field of labour market;
- comparison of the situation with the objectives of European employment policy;
- analysis of structural disparities in the labour market;
- analysis and trends of the structure of the unemployed by social demographic background;
- proposal of possible measures and their potential contribution to the elimination of disparities in the labour market.

(3) With the help of mid-term evaluation the ministry responsible for labour shall establish the efficiency and effectiveness of measures and how they affect the time schedule of the set objectives, laid down in the budget of the Republic of Slovenia and AEP guidelines. Mid-term evaluation shall be carried out in the middle of the period of implementing employment policy and AEP guidelines.

(4) With the help of final evaluation the ministry responsible for labour shall establish the efficiency and effectiveness of measures, implemented in the preceding period of implementing AEP guidelines, how they affect the objectives, set for that period and the reasons for deviations from the set objectives. Ex-post evaluation shall include also drafting of recommendations for more efficient implementation of measures. Ex-post evaluation shall be carried out not later than within one year of the end of the period, laid down in AEP guidelines.

### **Section X: SUPERVISION**

#### **Article 147 (General provisions)**

(1) Supervision under this Act shall be carried out by the ministry responsible for labour and Employment Service.

(2) Supervision of the implementation of the provisions of this Act shall be exercised by the Labour Inspectorate of the Republic of Slovenia as an offence body.

#### **1. Supervision by the ministry responsible for labour**

#### **Article 148 (Types of supervision)**



Within the scope of its powers the ministry responsible for labour shall organise and carry out financial supervision and inspection.

## **1.1 Financial supervision**

### **Article 149 (Scope of supervision)**

(1) Financial supervision by the ministry responsible for labour shall consist of internal control of eligible use of funds from the budget of the Republic of Slovenia for the implementation of measures in the labour market under this Act in accordance with the regulations, governing public finance and use of earmarked EU funds and in accordance with the rules on state aid under the Treaty on European Union Article 106 paragraph two (OJ C No. 306 of 17.12.2007., p. 1).

(2) Details of carrying out supervision by the ministry responsible for labour of the use of funds referred to in the preceding paragraph at external providers and employers who participate in AEP measures, shall be laid down by a contract.

## **1.2 Inspection**

### **Article 150 (Provider of inspection)**

(1) Inspection of the implementation of this Act and regulations, issued on the basis thereof, by providers of measures under this Act shall be carried out by Employment Inspection Service within Labour Inspectorate.

(2) Inspection shall be carried out by employment inspectors (hereinafter: “inspectors”) who are employees with special powers and responsibilities.

(3) Provisions of the act, regulating inspection, shall apply to carrying out inspection under this Act, in so far as individual issues are not regulated differently by this Act.

### **Article 151 (Conditions for inspectors)**

(1) Inspectors shall have at least five years of work experience in the field of employment and exercising the rights arising from unemployment insurance.

(2) Every three years inspectors must pass periodic aptitude test.

### **Article 152 (Field of inspection)**

(1) Under this Act inspection of providers of measures shall include in particular inspection of the following:

- status issues;
- legality of operations;
- competent performance and quality of work.

(2) Within the supervision referred to in the preceding paragraph inspection at concessionaires shall establish and check also the following:

- validity and respect of the provisions of concession contract concerning the provision of services which are the subject of the concession;
- meeting of staff, spatial and other organisational conditions referred to in Article 85 of this Act.

(3) In addition to the supervision referred to in the first paragraph of this Article the inspection of employers who perform the activity of posting workers to user undertakings to work there, shall establish and check also the following:

- entry in the register or records referred to in Article 163 of this Act;
- meeting of staff, spatial and other organisational conditions referred to in this Act Article 164 paragraph one;
- meeting obligations of the employer referred to in Article 165 of this Act;
- meeting obligations of the user referred to in Article 166 of this Act.

### **Article 153 (Regular and extraordinary supervision)**

(1) Inspection shall be either regular or extraordinary.

(2) Regular inspection shall be carried out at each provider of measures under this Act at least once in the period of two years.

(3) Extraordinary inspection may be carried out at the request by the minister responsible for labour or an unemployed person or another person who had the status of a party to the procedure.

## **2. Supervision by the Employment Service of Slovenia**

### **Article 154 (Scope of supervision and reporting)**

(1) Under this Act Employment Service of Slovenia shall carry out supervision of the following:

- persons, registered in the Employment Service records;
- control of eligible use of AEP funds by external providers and persons and employers, participating in AEP measures.

(2) Once a year, Employment Service shall submit a report on the scope and content of exercised supervision to the minister responsible for labour.

### **Article 155 (Carrying out supervision)**

(1) Supervision referred to in the preceding Article paragraph one indent one shall be introduced by the competent organisational unit of the Employment Service ex officio and at

its own discretion. The provisions of the act, governing general administrative procedure shall apply to the procedure, save otherwise provided by this Act.

(2) The control referred to in the preceding Article paragraph one indent two shall be carried out in accordance with national legislation.

(3) Employment Service shall carry out supervision referred to in this Article by access to official records or on the spot.

## **2.1 Supervision of persons, registered in the Employment Service records**

### **Article 156 (Field of supervision)**

(1) Supervision of persons, registered in the Employment Service records, shall contain in particular establishment of the following:

- meeting the conditions for obtaining and keeping the status of an unemployed person and conditions for the registration in other Employment Service records;

- meeting of obligations, agreed by employment plan;

- meeting the obligations, contained in concluded contracts concerning participation in AEP programmes;

- timely and accurate reporting the changes of the information which affects the acquisition and forfeiture of rights under this Act;

- meeting the conditions for exercising and keeping the right to unemployment benefit;

- checking timely and accurate reporting of changes concerning other income that the unemployed person is receiving together with receiving unemployment benefit.

(2) For the purpose of carrying out supervision referred to in the preceding paragraph other providers of measures shall be obliged under this Act to submit to the Employment Service all the required information and allow the supervisor to carry out direct supervision in their premises.

### **Article 157 (Supervisor)**

(1) Tasks of individual types of the supervision of persons, registered in the Employment Service records, shall be carried out by the supervisor of the Supervision Service.

(2) Persons who carry out supervision, must have level VII/2 education in social science, at least two years of work experience in the field they supervise and they have passed professional examination for a supervisor. The programme of the professional examination and the way of taking it shall be regulated by the Employment Service in a general act at the proposal of the Employment Service Expert Council.

**Article 158**  
**(Data acquisition)**

In order to carry out supervision, the supervisor shall have the right to use relevant records and databases of the Employment Service and other state authorities, bearers of public authority and organisations in accordance with the law.

**Article 159**  
**(Detailed arrangement)**

Detailed arrangement of the supervision of persons, registered in the Employment Service records, shall be laid down in an implementing regulation by the minister responsible for labour.

**2.2 Control of eligible use of AEP funds**

**Article 160**  
**(Field of supervision)**

Employment Service shall control eligible use of AEP funds, allocated to external providers and persons and employers, participating in AEP measures.

**Article 161**  
**(Types of measures)**

In case irregularities, ineligible use of funds or infringement of assumed contractual obligations are established in the control procedure referred to in the preceding paragraph, Employment Service may:

- use a verbal warning and order measures, aimed at the elimination of irregularities and shortcomings within the period of time, laid by the Employment Service;
- issue a report on the basis of which appropriate measures are taken in accordance with national legislation and legislation in the field of implementing European cohesion policy.

**3. Supervision by Slovene Human Resources and Scholarship Fund**

**Article 162**  
**(Scope of supervision and reporting)**

(1) The Fund shall carry out supervision of eligible use of AEP funds by external providers and persons and employers, participating in AEP measures.

(2) Provision of Articles 160 and 161 of this Act shall apply mutatis mutandis to the supervision referred to in the preceding paragraph.

(3) Once a year, the Fund shall submit a report on the scope and content of exercised supervision to the minister responsible for labour.

**Section XI: POSTING WORKERS TO USER UNDERTAKINGS TO WORK THERE**

**Article 163**  
**(General)**

(1) The employer who posts workers to user undertakings to work there (hereinafter: “employer”) shall be every legal entity or natural person who concludes employment contracts with workers with the purpose of posting them to user undertakings where they temporarily work under the supervision of and in accordance with the instructions by user undertaking, and such employer is entered at the ministry responsible for labour in the register of domestic legal entities and natural persons who pursue the activity of posting workers to user undertakings to work there (hereinafter: “register”) or in the records of foreign legal entities and natural persons who pursue the activity of posting workers to user undertakings to work there (hereinafter: “records”).

(2) Worker, employed at the employer, is the worker who has concluded an employment contract with that employer in accordance with the act, governing employment relationships, and that employer posts him/her to user undertaking to temporarily work there under the supervision of and in accordance with the instructions by user undertaking (hereinafter: “worker”).

(3) User undertaking shall be every legal entity or natural person for which the worker temporarily works under its supervision and in accordance with its instructions (hereinafter: “user undertaking”).

(4) Posting is a period of time for which the worker is posted to user undertaking.

#### **Article 164** **(Conditions for the pursuit of the activity)**

(1) The employer may pursue the activity of posting workers to user undertakings to work there provided prior to the submission of the application for the pursuit of the activity:

- the employer did not infringe labour legislation in last two years;
- in last two years the employer settled all the obligations in the field of taxes and charges;
- the employer meets staff, spatial, organisational and other conditions, laid down in detail by the minister responsible for labour.

(2) The employer must comply with the conditions referred to in the preceding paragraph during the entire period of pursuing the activity of posting workers to user undertakings to work there.

#### **Article 165** **(Employer’s obligations)**

(1) The employer shall have the following obligations:

- during the employment ensure the worker all the rights, arising from employment that the worker is entitled to in accordance with regulations, governing employment relationships;
- without setting any limitations allow the worker to conclude employment contract with the user undertaking after the end of the term of posting.

(2) The employer shall not be allowed to require from the worker to work within other activities the employer is registered for and these workers must not carry out works, awarded to the employer on the basis of contracts, concluded under civil law regulations.

(3) The employer must not require payment or any other compensation for posting him/her to user undertaking or conclusion of employment contract with user undertaking.

**Article 166**  
**(Obligations of the user undertaking)**

(1) User undertaking shall be obliged to:

- during the term of temporary posting comply with the regulations governing employment relations;

- allow the worker to be informed about job vacancies or types of work in the user undertaking;

- ensure opportunities for conclusion of permanent employment contract at the user undertaking, equal to the opportunities, provided to workers employed in the user undertaking.

(2) User undertaking may accept workers only from the employer, entered in the register referred to in Article 168 or records referred to in Article 169 of this Act.

**Article 167**  
**(Pursuit of the activity)**

(1) Employers who are entered in the register or records shall be allowed to pursue the activity of posting workers to user undertakings to work there for the citizens of the Republic of Slovenia, citizens of the EU Member States, EEA Member States and citizens of Swiss Confederation and for persons who are not citizens of the Republic of Slovenia, EU Member States, EEA Member States or Swiss Confederation who have acquired permanent residence permit in the Republic of Slovenia, save otherwise provided by an international agreement, or a personal work permit valid for three years and persons under temporary protection or applicants for international protection.

(2) The way of cooperation between the employer and Employment Service shall be laid down in an implementing regulation by the minister responsible for labour.

**Article 168**  
**(Procedure of entry in the register)**

(1) Legal entity or natural person established in the territory of the Republic of Slovenia who would like to pursue the activity of posting workers to user undertakings to work there, shall address the application for the entry in the register to the ministry responsible for labour and the latter shall decide about the application in accordance with the general administrative procedure rules.

(2) Entry in the register shall be done on the day the decision, issued by the ministry responsible for labour, becomes final. Pursuit of the activity may commence as of the date of entry in the register.

**Article 169**  
**(Procedure of entry in the records)**

(1) Employer, established in another EU Members State, EEA Member State or Swiss Confederation who would like to pursue the activity of posting workers to user undertakings

to work there in the territory of the Republic of Slovenia, shall submit a proposal for the entry in the records to the ministry responsible for labour. A copy of a permission to pursue that activity, issued by the competent authority of the state where it is established, with a certified translation to Slovenian language shall be enclosed to the proposal.

(2) Pursuit of the activity may commence as of the date of entry in the records. The ministry responsible for labour shall issue a certificate on the entry in the records.

**Article 170**  
**(Content of the register and records)**

(1) The register shall include the following details about the employer:

- record code;
- registered name or name and registered office;
- details of the management body, representation and scope of powers;
- number of the decision concerning the entry in the register.

(2) The records shall include the following details about the employer:

- record code;
- registered name or name and registered office;
- details of the management body, representation and scope of powers;
- number of the certificate on the entry in the records.

**Article 171**  
**(Termination of the pursuit of the activity)**

(1) In case the employer ceases to pursue the activity of posting workers to user undertakings to work there, he shall inform the ministry responsible for labour without delay.

(2) In the case referred to in the preceding paragraph the employer shall finish the transactions he has started within 30 days of the termination of the activity and submit to the ministry responsible for labour a final report and hand over all the documentation referring to the entry in the register or records.

**Article 172**  
**(Deletion from the register or records)**

(1) The ministry responsible for labour shall delete the employer from the register or records ex officio or on the proposal of the Labour Inspectorate of the Republic of Slovenia or other competent bodies in the following cases:

- if the employer ceases to pursue the activity of posting workers to user undertakings to work there;
- if an employer who is a natural person dies or if an employer who is a legal person ceases to exist;

- if an employer is banned from pursuing the activity by a final decision;
- if the annual report of the employer 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 employer no longer meets the required conditions for pursuing the activity of posting workers to user undertakings to work there;
- if the employer failed to remedy deficiencies based on the findings of the ministry responsible for labour or other competent body within the set time-limit;
- if the employer commenced to pursue the activity before the decision on the entry in the register became final or before the entry in the records;
- when the employer breached the obligations, imposed by the regulations in the field of labour legislation.

(2) There shall be no appeal against the decision on the deletion from the register or records, issued by the ministry, responsible for labour, however, an administrative dispute may be initiated.

(3) In case of deletion from the register or records under the first paragraph of this Article the employer concerned may be re-entered in the register or records:

- in cases referred to in this Article paragraph one indents one and four – after the expiry of the period of one year of the date the decision on the deletion from the register or records became final;
- in the case referred to in this Article paragraph one indent three – after the expiry of the period of one year of the date the prohibition of the pursuit of activity expired;
- in cases referred to in this Article paragraph one indents five, six and seven – after the expiry of the period of two years of the date the decision on the deletion from the register or records became final;
- in cases referred to in this Article paragraph one indent eight – after the expiry of the period of five years of the date the decision on the deletion from the register or records became final.

### **Article 173** **(Detailed arrangement)**

Minister responsible for labour shall lay down in detail the procedure of entry in the register and records, duration of entry and other issues, connected with the implementation of the provisions of this Act concerning entry in the register or records.

### **Article 174** **(Obligation to report and transmit data)**

(1) Once a year, the employer shall submit a report on the scope of its operations in the way, laid down by the minister responsible for labour.



(2) The employer shall report on his work to the ministry responsible for labour as well as provide updated information on any changes regarding the compliance with staff, organisational, spatial and other requirements that may affect the pursuit of activity.

(3) At the request by the ministry responsible for labour the employer shall submit the required data or explanations at any time.

## **Section XII: PENAL PROVISIONS**

### **Article 175 (Failing to notify)**

(1) A fine of EUR 800 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 a notification of job vacancy or type of work (Article 7 paragraph one).

(2) Notwithstanding the preceding paragraph a fine of EUR 400 shall be imposed for a breach referred to in the preceding paragraph on a legal person, a sole proprietor or a person engaged in self-employed activities who employ up to ten employees.

(3) A fine of EUR 100 shall be imposed for a breach on the responsible person of a legal person and of a sole proprietor referred to in the first and the second paragraph of this Article in the event of a violation referred to in the first paragraph of this Article.

### **Article 176 (Pursuit of activities without concession)**

(1) A fine of EUR 10,000 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 pursuing the activities referred to in Article 16 of this Act without concession.

(2) Notwithstanding the preceding paragraph a fine of EUR 5,000 shall be imposed for a breach referred to in the preceding paragraph on a legal person, a sole proprietor or a person engaged in self-employed activities who employ up to ten employees.

(3) A fine of EUR 2,000 shall be imposed for a breach on the responsible person of a legal person and of a sole proprietor referred to in the first and the second paragraph of this Article in the event of a violation referred to in the first paragraph of this Article.

### **Article 177 (Breach of employer's obligations)**

(1) A fine of EUR 10,000 shall be imposed for a breach on a legal person, a sole proprietor or a person engaged in self-employed activities, pursuing the activity of posting workers to user undertakings to work there in the event of failing to ensure the worker during the employment all the rights, arising from employment (Article 165 paragraph one indent one), limiting the worker the possibility to conclude employment contract with the user undertaking after the end of the term of posting (Article 165 paragraph one indent two) or requiring from the worker to work within other activities the employer is registered for or these workers carry out works, awarded to the employer on the basis of contracts, concluded under civil law regulations (Article 165 paragraph two), or requiring payment or any other compensation for

posting the worker to user undertaking or conclusion of employment contract with user undertaking (article 165 paragraph three).

(2) Notwithstanding the preceding paragraph a fine of EUR 5,000 shall be imposed for a breach referred to in the preceding paragraph on a legal person, a sole proprietor or a person engaged in self-employed activities who employ up to ten employees.

(3) A fine of EUR 2,000 shall be imposed for a breach on the responsible person of a legal person and of a sole proprietor referred to in the first and the second paragraph of this Article in the event of a violation referred to in the first paragraph of this Article.

**Article 178**  
**(Breach of the obligations of user undertaking)**

(1) A fine of EUR 10,000 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 accepting a worker from the employer who pursues the activity of posting workers to user undertakings to work there but is not entered in the register or records (Article 166 paragraph two).

(2) Notwithstanding the preceding paragraph a fine of EUR 5,000 shall be imposed for a breach referred to in the preceding paragraph on a legal person, a sole proprietor or a person engaged in self-employed activities who employ up to ten employees.

(3) A fine of EUR 2,000 shall be imposed for a breach on the responsible person of a legal person and of a sole proprietor referred to in the first and the second paragraph of this Article in the event of a violation referred to in the first paragraph of this Article.

**Article 179**  
**(Pursuit of the activity of posting workers to user undertakings to work there without being entered in the register or records)**

(1) A fine of EUR 10,000 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 pursuing the activity of posting workers to user undertakings to work there without being entered in the register or records (Articles 168 and 169).

(2) Notwithstanding the preceding paragraph a fine of EUR 5,000 shall be imposed for a breach referred to in the preceding paragraph on a legal person, a sole proprietor or a person engaged in self-employed activities who employ up to ten employees.

(3) A fine of EUR 2,000 shall be imposed for a breach on the responsible person of a legal person and of a sole proprietor referred to in the first and the second paragraph of this Article in the event of a violation referred to in the first paragraph of this Article.

**Section XIII: TRANSITIONAL AND FINAL PROVISIONS**

**Article 180**  
**(Filed applications and acquired rights)**

(1) Provisions of the Employment and Insurance Against Unemployment Act (Official Gazette of the Republic of Slovenia, Nos.107/06 – official consolidated text, 114/06 – ZUTPG, 59/07 – ZŠtip and 51/10 – decision by the Constitutional Court) shall apply to

deciding about the applications for the recognition of rights, filed prior to the application of this Act.

(2) The insured person who had acquired unemployment insurance rights by the time this Act is applied, shall keep such rights in the extent and duration under the provisions of the Employment and Insurance Against Unemployment Act (Official Gazette of the Republic of Slovenia, Nos.107/06 – official consolidated text, 114/06 – ZUTPG, 59/07 – ZŠtip and 51/10 – decision by the Constitutional Court).

(3) Persons who voluntarily participate in compulsory unemployment insurance under the provisions of the Employment and Insurance Against Unemployment Act (Official Gazette of the Republic of Slovenia, Nos.107/06 – official consolidated text, 114/06 – ZUTPG, 59/07 – ZŠtip and 51/10 – decision by the Constitutional Court) shall keep the status of insured persons until the termination of legal relationship which was the basis for insurance, while the rights and obligations, arising from this status shall be exercised under the provisions of this Act.

(4) Notwithstanding the first paragraph of this Article, the ministry responsible for labour shall decide, as a second instance body, on the appeals, filed after the commencement of the application of this Act.

#### **Article 181** **(Basis for paying other contributions)**

Until they have been regulated in acts, governing compulsory social insurance, contributions for compulsory pension and disability insurance, health insurance and parental protection insurance in cases of acquiring additional income under Article 67 of this Act, shall be calculated and paid on the basis prior to the reduction of unemployment benefit.

#### **Article 182** **(Acquired Zois scholarships)**

The beneficiaries who had acquired Zois scholarship by 31 August 2007 shall be paid the scholarship according to the regulations, applicable to 31 August 2007 to the end of the education programmes they received Zois scholarship for.

#### **Article 183** **(Concluded concession contracts)**

Concession contracts, concluded for carrying out professional tasks of employment brokerage and professional tasks of work brokerage under the provisions of the Employment and Insurance Against Unemployment Act (Official Gazette of the Republic of Slovenia, Nos.107/06 – official consolidated text, 114/06 – ZUTPG, 59/07 – ZŠtip and 51/10 – decision by the Constitutional Court) shall remain to apply to the expiry or when the conditions under the Employment and Insurance Against Unemployment Act (Official Gazette of the Republic of Slovenia, Nos.107/06 – official consolidated text, 114/06 – ZUTPG, 59/07 – ZŠtip and 51/10 – decision by the Constitutional Court) are met, the validity shall be extended to the commencement of the implementation of the concession on the basis of the concession award decision under the provisions of this Act or to serving the concession award decision under the provisions of this Act.

**Article 184**  
**(Transformation of labour funds)**

(1) Labour funds, set up under the provisions of the Employment and Insurance Against Unemployment Act (Official Gazette of the Republic of Slovenia, Nos.107/06 – official consolidated text, 114/06 – ZUTPG, 59/07 – ZŠtip and 51/10 – decision by the Constitutional Court) shall be transformed into foundations under this Act within six months of the commencement of the application of this Act.

(2) Contracts on co-financing the activities of labour funds referred to in the preceding paragraph, concluded with the ministry responsible for labour prior to the application of this Act, shall remain valid until their expiry.

**Article 185**  
**(Filed applications and issuing new decisions on pursuing the activity of posting workers to user undertakings to work there)**

(1) The ministry responsible for labour shall decide on the applications for the entry in the register of temporary agencies or in special records in accordance with Rules on conditions for performing activities of employment agencies (Official Gazette of the Republic of Slovenia, No. 139/06), filed prior to the commencement of the application of this Act under the provisions of this Act after the expiry of the three-month period of the commencement of the application of this Act, within which applicants shall meet staff, organisational, spatial and other requirements, laid down in the implementing regulation referred to in this Act Article 164 paragraph one and submit appropriate supporting documents to the ministry responsible for labour. Evidence of compliance with the conditions referred to in this Act Article 164 paragraph one indents one and two shall be obtained ex officio by the ministry responsible for labour.

(2) Employers who are on the day this Act commences to be applied entered in the register of temporary agencies or in special records in accordance with Rules on conditions for performing activities of employment agencies (Official Gazette of the Republic of Slovenia, No. 139/06), shall, within three months of the commencement of the application of this Act, submit to the ministry responsible for labour evidence of compliance with the conditions referred to in Article 164 of this Act, which cannot be obtained ex officio.

(3) When the ministry responsible for labour establishes that the employer referred to in the preceding paragraph complies with the conditions referred to in Article 164 of this Act, the ministry shall enter the employer concerned in the register or records referred to in this Act Article 163 paragraph one and inform the employer thereof in writing. In case the employer does not comply with the conditions, the ministry responsible for labour shall issue a decision on non-entry of the employer in the register or records referred to in this Act Article 163 paragraph one.

**Article 186**  
**(Reconciliation of records)**

(1) Employment Service shall reconcile the records, kept pursuant to the Employment and Insurance Against Unemployment Act (Official Gazette of the Republic of Slovenia, Nos.107/06 – official consolidated text, 114/06 – ZUTPG, 59/07 – ZŠtip and 51/10 – decision by the Constitutional Court) or establish them in accordance with this Act within six months of the commencement of the application of this Act.

(2) Notwithstanding the provision of the preceding paragraph, Employment Service shall categorise persons, kept in the records of persons, registered at the Employment Service on the basis of other acts, within three years of the commencement of the application of this Act into records under this Act, while the register of scholarship holders shall be kept until all educational programmes have been completed or all the obligations of persons, kept in that register, are met.

**Article 187**  
**(Establishment of the Employment Service Council)**

Employment Service Council shall continue to act in the same composition until the first constitutional session of the new Employment Service Council which shall be established under the provisions of this Act within six months of the commencement of the application of this Act.

**Article 188**  
**(Harmonisation of the Employment Service statute)**

Employment Service shall harmonise the Statute of the Employment Service of Slovenia within six months of the commencement of the application of this Act.

**Article 189**  
**(Employment Service employees)**

(1) Employment Service public employees who met the conditions for providing services of lifelong career orientation and employment brokerage (hereinafter: “services”) and have level VI/2 education as at the day of the commencement of the application of this Act, have to acquire level VII of education, laid down in Article 81 of this Act, within five years of the commencement of the application of this Act. In the period to acquiring level VII of education, they may continue to provide services at the workplace which is classified in tariff class VII/1 under the act, regulating salary system in the public sector.

(2) Public employees referred to in the preceding paragraph who have level VI/1 education as at the day of the commencement of the application of this Act, have to acquire the required level of education, laid down in Article 81 of this Act, within five years of the commencement of the application of this Act. In the period to acquiring level VII of education, these public employees may continue to provide services at the workplace which is classified in tariff class VII/1 under the act, regulating salary system in the public sector. If these public employees have more than 15 years of service, they may continue to provide services also if not later than five years of the commencement of the application of this Act acquire level VI/2 education in tariff class VII/1 under the act, regulating salary system in the public sector.

(3) Public employees referred to in the first and second paragraph of this Article who are more than 50 years old and have more than 25 years of service on the day of the commencement of the application of this Act do not have to acquire a higher level of education in order to continue to provide the services.

**Article 190**  
**(Takeover of Employment Service employees)**

Until the commencement of the application of this Act Employment Service and the ministry responsible for labour shall conclude an agreement on the takeover of Employment Service employees who were deciding about the rights under the provisions of the

Employment and Insurance Against Unemployment Act (Official Gazette of the Republic of Slovenia, Nos.107/06 – official consolidated text, 114/06 – ZUTPG, 59/07 – ZŠtip and 51/10 – decision by the Constitutional Court) at the second instance.

**Article 191**  
**(Termination of the application of other regulations)**

(1) On the day of the entry into force of this Act the provision of the Foreign Affairs Act Article 51 paragraph one (Official Gazette of the Republic of Slovenia, Nos. 113/03 – official consolidated text, 20/06 – ZNOMCMO, 76/08 and 108/09), laying down that for the spouse of a diplomat working abroad the time of staying abroad shall be calculated in the insurance period provided he/she had been registered at the Employment Service until the departure, in the part, referring to spouses of diplomats who had been registered at the Employment Service for a period shorter than six months prior to the departure shall cease to apply.

(2) On the day of the entry into force of this Act the provision of the Decree on salaries and other remunerations of public servants working abroad Article 24 paragraph three (Official Gazette of the Republic of Slovenia, Nos.14/09, 16/09 – corr., 23/09, 51/10 and 67/10) in the part, referring to spouses of diplomats who had been registered at the Employment Service for a period shorter than six months prior to the departure and Article 24 paragraph four in the part, laying down the basis for the payment of contributions for voluntary unemployment insurance shall cease to apply.

**Article 192**  
**(Termination of validity of the act)**

(1) With the entry into force of this Act, the Employment and Insurance Against Unemployment Act (Official Gazette of the Republic of Slovenia, Nos.107/06 – official consolidated text, 114/06 – ZUTPG, 59/07 – ZŠtip and 51/10 – decision by the Constitutional Court), shall cease to have effect; however, it shall be applied to the commencement of the application of this Act.

(2) Notwithstanding the provisions of the preceding paragraph:

- Employment and Insurance Against Unemployment Act Chapter II Employment brokerage and work brokerage provisions 5, 6, 6a, 6b, 6c, 6č, 6d, 6e, 7 and 8 (Official Gazette of the Republic of Slovenia, Nos.107/06 – official consolidated text, 114/06 – ZUTPG, 59/07 – ZŠtip and 51/10 – decision by the Constitutional Court) shall continue to be applied to the brokerage of temporary and casual work to secondary school pupils and students to the commencement of the application of an act, regulating brokerage of temporary and casual work to secondary school pupils and students.

- Employment and Insurance Against Unemployment Act Article 53c (Official Gazette of the Republic of Slovenia, Nos.107/06 – official consolidated text, 114/06 – ZUTPG, 59/07 – ZŠtip and 51/10 – decision by the Constitutional Court), shall be applied until 31 December 2011;

- Programme Public Works for 2009 in 2010 and Programme Public Works for 2011 shall be implemented and completed under the provisions of the Employment and Insurance Against Unemployment Act (Official Gazette of the Republic of Slovenia, Nos.2010/2011 – official consolidated text, 107/06 – ZUTPG, 114/06 – ZŠtip and 59/07 – decision by the Constitutional Court);

- The provision of the Employment and Insurance Against Unemployment Act Article 48a (Official Gazette of the Republic of Slovenia, No. 107/06 – official consolidated text, 114/06 – ZUTPG, 59/07 – ZŠtip and 51/10 – decision by the Constitutional Court) shall continue to apply to employers who employed an unemployed person from one of the target groups referred to in the Employment and Insurance Against Unemployment Act Article 48a paragraph one (Official Gazette of the Republic of Slovenia, No. 107/06 – official consolidated text, 114/06 – ZUTPG, 59/07 – ZŠtip and 51/10 – decision by the Constitutional Court) until the termination of validity of the Employment and Insurance Against Unemployment Act (Official Gazette of the Republic of Slovenia, No. 107/06 – official consolidated text, 114/06 – ZUTPG, 59/07 – ZŠtip and 51/10 – decision by the Constitutional Court) until the expiry of the period for filing an application for the reimbursement of employer's contributions laid down in the Employment and Insurance Against Unemployment Act Article 48a paragraph two (Official Gazette of the Republic of Slovenia, No. 107/06 – official consolidated text, 114/06 – ZUTPG, 59/07 – ZŠtip and 51/10 – decision by the Constitutional Court).

**Article 193**  
**(Termination of validity of implementing regulations)**

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

- Rules concerning the implementation of active employment policy measures (Official Gazette of the Republic of Slovenia, Nos. 5/07, 85/08 and 25/09)
- Rules on registration and deregistration of a vacant position and about the content and the way of communicating to the Employment Service of Slovenia (Official Gazette of the Republic of Slovenia, Nos. 75/07 and 99/07);
- Rules on financing of public work (Official Gazette of the Republic of Slovenia, No. 81/09);
- Rules on the contents and the method of keeping official records in the field of employment (Official Gazette of the Republic of Slovenia, Nos. 56/07 and 10/09);
- Rules on particular conditions to fulfil the obligations of unemployed persons and the definition of desistance and diminution right to cash benefits under unemployment insurance (Official Gazette of the Republic of Slovenia, No. 56/07);
- Rules on conditions for performing activities of employment agencies (Official Gazette of the Republic of Slovenia, Nos. 139/06);
- Rules on awards in the field of employment (Official Gazette of the Republic of Slovenia, No. 5/99);
- Rules on the method and procedure for supervising the fulfilment of unemployed persons' obligations (Official Gazette of the Republic of Slovenia, No. 17/99);
- Rules on exercising supervision of the work of Employment Service of Slovenia and other entities in the field of employment (Official Gazette of the Republic of Slovenia, No. 17/99);
- Rules on the programme and method of taking a certification examination for supervision in the field of employment (Official Gazette of the Republic of Slovenia, No. 17/99 and 103/05);

- Rules on the implementation of active employment policy measures in labour funds (Official Gazette of the Republic of Slovenia, No. 61/05);

- Rules setting type and method of personal and other data exchange (Official Gazette of the Republic of Slovenia, No. 33/00);

- Rules on professional examinations (Official Gazette of the Republic of Slovenia, No. 22/99);

- Rules on voluntary unemployment insurance for insured persons who are temporarily employed abroad and their spouses (Official Gazette of the Republic of Slovenia, No. 15/97) shall apply until implementing regulations or general acts for exercising public authority under this Act enter into force, unless they contravene this Act.

(2) Notwithstanding the preceding paragraph:

- provisions of the Rules on conditions for performing activities of employment agencies (Official Gazette of the Republic of Slovenia, No. 139/06) which refer to brokerage of temporary and casual work to secondary school pupils and students shall be applied to the commencement of the application of an act, regulating brokerage of temporary and casual work to secondary school pupils and students;

- Rules on the implementation of active employment policy measures (Official Gazette of the Republic of Slovenia, Nos. 5/07, 85/08 and 25/09), except Chapter IV, regulating the procedure of selecting operational providers of AEP activities and procedures of granting subsidies and other forms of co-financing shall be applied until 31 December 2011;

- Rules on financing of public work (Official Gazette of the Republic of Slovenia, No. 81/09) shall continue to apply to the completion of Programme Public Works for 2009 in 2010 and Programme Public Works for 2011.

#### **Article 194**

##### **(Implementing regulations and general acts under this Act)**

(1) Implementing regulations and general acts for exercising public authority referred to in Article 7 paragraph three, Article 17 paragraph three and Article 37 paragraph three, Article 53 paragraph four, Article 85 paragraph two, Article 101, Article 113 paragraph seven, Article 127 paragraph two, Article 133, Article 143 paragraph two, Article 157 paragraph two, Articles 159 and 160, Article 167 paragraph two, Article 173 and Article 174 paragraph one must be issued until the commencement of the application of this Act, save the implementing regulation referred to in Article 16 paragraph two of this Act, which must be issued until 31 March 2011.

(2) Insurance basis code for the inclusion in voluntary unemployment insurance and insurance basis code for the inclusion in compulsory unemployment insurance for insured persons referred to in this Act Article 54 paragraph one indent six shall be defined until the commencement of the application of this Act.

#### **Article 195**

##### **(Entry into force and application)**

(1) This Act shall enter into force on the fifteenth day following its publication in the Official Gazette of the Republic of Slovenia, and it shall begin to apply on 1 January 2011.



(2) Notwithstanding the preceding paragraph the provisions of Article 16 paragraph one indent one and Articles 17, 18, 19, 20, 21, 22, 23, 24, 29, 36 and 37 of this Act shall begin to apply on 1 January 2012.

No.: 101-08/10-12/94

Ljubljana, 28 September 2010

EPA 1135-V

National Assembly of the Republic of Slovenia

Dr. Pavel Gantar, m.p.  
President