

Pursuant to the second indent of paragraph 1 of Article 107 and paragraph 1 of Article 91 of the Constitution of the Republic of Slovenia, I hereby issue the following

ORDER

on the promulgation of the Minimum Wage Act

I hereby promulgate the Minimum Wage Act adopted by the National Assembly of the Republic of Slovenia at its session of 11 February 2010.

No. 003-02-2/2010-11

Ljubljana, 19 February 2010

Dr Danilo Türk, m.p.
President of the Republic of Slovenia

MINIMUM WAGE ACT

I. GENERAL PROVISIONS

Article 1

(Content of the Act)

This Act shall lay down the right to the minimum wage and its amount; it shall also stipulate the conditions under which a provisional minimum wage may be paid, the method of determining its amount and its publication.

Article 2

(Definition of the right to the minimum wage)

(1) A worker employed full time by an employer in the Republic of Slovenia shall have the right to be paid at least the minimum wage determined according to this Act for work performed.

(2) The minimum wage shall be monthly pay for full-time work.

(3) A worker working part time shall be entitled to a proportionate share of the minimum wage.

Article 3

(Indicators used in determining the amount of the minimum wage)

The following shall be used in determining the minimum wage:

- a rise in consumer prices
- wage trends
- economic conditions or economic growth
- employment trends

Article 4

(Amount of the minimum wage)

The minimum wage for work performed from the first day of the month following the entry into force of this Act shall amount to EUR 734.15.

Article 5

(Regular adjustments to the minimum wage)

(1) Once a year, the minimum wage shall be adjusted at least to the rise in consumer prices. The official data from the Statistical Office of the Republic of Slovenia on the annual rise in consumer prices for the previous December-to-December period shall be used in calculating minimum wage adjustments.

(2) The amount of the minimum wage determined in accordance with the preceding paragraph shall apply to payment for work carried out as of 1 January of the current year.

Article 6

(Competence to determine the amount of the minimum wage and method of publication)

The amount of the minimum wage in accordance with Articles 3 and 5 of this Act shall be determined by the minister responsible for labour after prior consultation with the social partners; it shall be published in the *Uradni list Republike Slovenije* (Official Gazette of the Republic of Slovenia) not later than 31 January of the current year.

Article 7

(Supervision)

Supervision over the implementation of the provisions of this Act shall be exercised by the Labour Inspectorate of the Republic of Slovenia (hereinafter: Labour Inspectorate).

II. PENAL PROVISIONS

Article 8

(Penal provisions)

(1) A fine ranging between EUR 3,000 and 20,000 shall be imposed on an employer:

– for failing to pay a worker the wage in accordance with Articles 4 and 5 of this Act, except in the case of a gradual transition to the stipulated minimum wage based on an agreement concluded in accordance with Articles 9 and 10 of this Act;

– for failing to pay the wage in accordance with Articles 9 and 10 of this Act in the case of a gradual transition to the stipulated minimum wage based on a concluded agreement.

(2) Notwithstanding the preceding paragraph, a fine of EUR 1,500 to 8,000 shall be imposed on a smaller employer that employs ten or fewer workers and commits the offence referred to in the preceding paragraph.

(3) A fine of EUR 1,000 to 2,000 shall be imposed on the responsible person of the employer – legal person and on the responsible person of a state body or a self-governing local community for committing the offence referred to in the first paragraph of this Article.

III. TRANSITIONAL AND FINAL PROVISIONS

Article 9

(Conditions for a gradual transition to the stipulated minimum wage)

(1) If the payment of the minimum wage stipulated in accordance with this Act would result in a substantial loss and threaten the existence of a company or would cause a considerable number of employment contract terminations for business reasons, an employer may, in a transitional period not extending beyond 31 December 2011, make a gradual transition to the payment of the minimum wage stipulated in accordance with this Act.

(2) As stipulated in the act governing employment relationships, the employer referred to in the preceding paragraph shall consult with and conclude a written agreement on a gradual transition with a detailed timetable with the trade union at the employer, or in its absence with the workers' council or with workers on the workers' assembly, within two months after the entry into force of this Act.

(3) The employer shall inform the Labour Inspectorate of the intention to conclude an agreement and of a concluded agreement.

Article 10

(Method of transition to the stipulated minimum wage)

(1) If a written agreement is concluded in accordance with paragraph 2 of the preceding Article, the employer shall comply with the requirement that the payment may not be lower than the provisional minimum wage, amounting to:

– EUR 654.69 for work performed from the first day of the month following the entry into force of this Act;

– EUR 685.25 for work performed from 1 January 2011, increased by the 2010 rise in consumer prices according to data from the Statistical Office of the Republic of Slovenia.

(2) In the period of consultations in accordance with paragraph 2 of the preceding Article, but not later than two months after the entry into force of this Act, the employer shall pay provisional minimum wages amounting to the minimum amount stipulated in indent 1 of the preceding paragraph.

(3) The amount referred to in indent 2 of paragraph 1 of this Article shall be determined by the minister responsible for labour after prior consultation with the social partners; it shall be published in the *Uradni list Republike Slovenije* not later than 31 January 2011.

Article 11

(Cessation of validity)

As of the day of the entry into force of this Act, the Act Determining the Minimum Wage (*Uradni list RS*, No 114/06 and 36/08) shall cease to have effect, with the exception of Article 4, which shall apply until the regulation governing pensions and invalidity insurance is amended.

Article 12

(Validity)

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

No. 430-03/10-2/27

Ljubljana, 11 February 2010

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The National Assembly
of the Republic of Slovenia
Dr Pavel Gantar, m.p.
President

Na vrh