



EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR EMPLOYMENT, SOCIAL AFFAIRS AND INCLUSION

Labour Mobility
The Director

Brussels,
EMPL.D.5/JC/JP/lf (2021)1379444

Zveza Svobodnih sindikatov
Slovenije
Predsednica Lidija Jerkič, l.r.

KNSS-Neodvisnost
Predsednica Evelin Vesenjāk, l.r.

Konfederacija sindikatov Slovenije
Pergam
Predsednik Jakob Počivavšek, l.r.

Slovenska zveza sindikatov
Alternativa
Predsednik Zdenko Lorber, l.r.

Konfederacija sindikatov javnega
sektorja
Predsednik Branimir Štrukelj, l.r.

Slovenije Konfederacija sindikatov
90Slovenije
Predsednik Peter Majcen, l.r.

Subject: Reply to your email of 18 January 2021

Ref.: ARES(2021)457331 – 20.01.2021

Dear Madams, Dear Sirs,

Thank you for your letter dated on 18 January 2021, addressed inter alia to the European Commission.

The Commission notes your concerns regarding the state of social dialogue in Slovenia and your views on recent legislative changes proposed by the Slovenian Government and adopted by the National Parliament in response to the COVID-19 pandemic. We note in particular your concern about certain provisions in the seventh in a series of anti-coronavirus legislative packages that you assess as entailing lasting, systemic amendments to the Slovenian Employment Relationships Act.

Over the past months, several governments in the EU took emergency measures to address the health crisis caused by the outbreak of the Coronavirus and the subsequent economic crisis. The Commission fully supports governments' efforts in their fight against the pandemics. At the same time, the Commission has made clear from the outset that the response to this crisis must fully respect our fundamental principles and values as set out in the Treaties of the European Union. Exceptional measures must meet the requirements of legality, necessity and proportionality, and be non-discriminatory. The Commission is closely monitoring the impacts of measures taken in all Member States in particular on the rule of law, on fundamental rights and on EU law.

In relation to the seventh anti-corona package, the Commission shares your concern regarding the provision on the possibility of facilitating the termination of employment contracts of persons who fulfil the conditions for entitlement to an old-age pension. Such measures could run against the objectives of ensuring the long-term sustainability of public finances and increasing the employment rate and working life of older workers. It is important to recall that in its 2019 Country Specific Recommendations, the Council has called on Slovenia to “ensure the long-term sustainability and adequacy of the pension system, including by adjusting the statutory retirement age and restricting early retirement” and to “Increase the employability of low-skilled and older workers”.

At this stage, we also have reservations about the measure's purported positive impacts on employment opportunities for younger workers, as such correlation is not backed by empirical evidence or projections. In our view, Member States should encourage greater labour market participation of all groups, regardless of their age. We also understand that the provision is now subject of an assessment by the Slovenian Constitutional Court, initiated by two petitions to review its constitutionality.

In relation to social dialogue, the “Employment Guidelines” call on Member States to ensure the timely and meaningful involvement of the social partners in the design and implementation of employment, social and, where relevant, economic reforms and policies. A genuine social dialogue is vital to ensure effective, inclusive and sustainable reforms, even more so in the current context of combating the economic and social consequences of Covid-19. Such a complex crisis, with far-reaching consequences for all, calls for effective social dialogue and cooperation, bringing together governments and employers' and workers' organizations to undertake a comprehensive needs assessment covering all dimensions (health, social and economic) and design effective strategies and policies to mitigate the socioeconomic consequences of the crisis.

Notwithstanding the fact that it is for the Member States to set the legal and institutional framework for social dialogue at national level, Article 151 of the Treaty on the Functioning of the European Union commits the Union and the Member States to promote social dialogue at both European and national levels. The European Pillar for Social Rights endorsed by the European Parliament, Council and Commission clearly confirms this commitment.

We also believe that social partners have a crucial role to play in the successful implementation of the recovery and resilience facility and the national Recovery and Resilience Plans (RRP). The European Commission has called on all Member States which intend to submit the RRP to involve in the process of their preparation a wide range of relevant stakeholders, including social partners to ensure the national ownership

and a focus on relevant reforms and investments. Moreover, we underline that social partners are important in the implementation of many reforms and investments.

The Regulation on the establishment of the Recovery and Resilience Facility, which is the legal basis for the preparation of the RRP, stipulates that the consultation of stakeholders should be done in accordance with the national legal framework and that the national RRP should include “a summary of the consultation process, conducted in accordance with the national legal framework, of local and regional authorities, social partners, civil society organisations, youth organisations, and other relevant stakeholders, for the preparation and, where available, the implementation of the plan and how the inputs of the stakeholders are reflected in the plan”. Against this background, the Commission will take a very close look at the provided information on these consultations.

I would like to thank you for your cooperation on such important matters and let me assure you that the Commission is committed to defend social dialogue as a key pillar of our social market economy, even more in times when we need to bring social dimension into recovery.

Yours sincerely,

(Electronically signed)

Jordi CURELL