

ZDR-1D

Amendments and additions of Employment Relationships Act (Official Gazette of the Republic of Slovenia, No. 21/13 as amended and supplemented, hereinafter referred to as: ZDR-1)

What new additions does ZDR-1D introduce?

1. The employee can submit a proposal to conclude a new employment contract to improve employment or working conditions, and the employer has to justify its decision on the employee's proposal in writing within 30 days at the latest (Paragraph 5,6 and 7, Article 49 of ZDR-1).
2. In the provisions of the ZDR-1 governing the part-time employment contract, Article 65(a) (*Right to part-time work for the needs of reconciliation of professional and private life*) and Article 67(a) (*Right to part-time work for victims of domestic violence*) have been added:
 - Article 65(a) redefines a right to part-time work for the needs of reconciliation of professional and private life. The new Article provides that an employee who is caring for a child under eight years of age or providing care work¹ may, for the duration of the employment relationship, propose the conclusion of a fixed-term part-time employment contract for the purpose of reconciling work and private life. Under the new Article, the employer is obliged to justify its decision on the employee's proposal in writing within 15 days;
 - Article 67(a) redefines a right to part-time work for victims of domestic violence. An employee who is a victim of domestic violence may, during the duration of the employment relationship, propose to conclude a contract of employment for a shorter period of time for the duration of the protection, legal and other proceedings and the remedying of the consequences of domestic violence, in order to meet the needs of reconciliation of professional and private life. The

¹ Part-time work or time off work for care leave to attend to the major health care needs of a family member or a person with whom the employee lives in the same household, where the employee is not entitled to time off work under the health insurance rules, is regarded as care work.

Member of Adriala

Albania
Bosnia & Herzegovina
Bulgaria
Croatia
Kosovo
Montenegro
North Macedonia
Serbia
Slovenia



employer has to justify its decision on the employee's proposal in writing within 15 days at the latest.

3. The employee may propose the conclusion of an employment contract for work at home for reasons of reconciliation of work and private life, and the employer has to justify its decision in writing within 15 days at the latest (Paragraph 5, Article 68 of ZDR-1).
4. A new obligation to take into account the proportionality of the duration of probationary periods in fixed-term employment contracts, i.e., the duration of the probationary period is set in proportion to the duration of the contract and the nature of the work. It is also newly established that if a new successive fixed-term employment contract is concluded for the same work, it must not include probationary work (Paragraph 2, Article 125 of ZDR-1).
5. A new provision on the employer's subsidiary liability is introduced, which provides that if an employer who is a subcontractor and who provides a service in the context of a construction activity fails to provide an employee with a wage for the work performed in the context of the provision of that service, the contractor whose direct subcontractor is the employer bears joint and several liability in respect of the fulfilment of that obligation (Article 141a of ZDR-1).
6. An employee has the right to disconnect. The right to disconnect is a right that the employer has to ensure so that employee is not at the employer's disposal during the exercise of the right to rest or during periods of authorized absence from work in accordance with the law and the collective agreement or general act (Article 142a of ZDR-1). To this end, the employer has to take appropriate measures within one year of the entry into force of ZDR-1D.
7. The employee can propose a different working time arrangement due to the need to reconcile work and private life, and the employer has to justify its decision on the employee's proposal in writing within 15 days at the latest (Paragraph 3, Article 148 of ZDR-1).
8. An employee is entitled to five working days of care leave per calendar year in the case of care work. Employee is entitled to time off work in the case of significant

**Member of
Adriala**

Albania
Bosnia & Herzegovina
Bulgaria
Croatia
Kosovo
Montenegro
North Macedonia
Serbia
Slovenia



health care needs of a family member or a person with whom employee lives in the same household, where employee is not entitled to time off work in accordance with the health insurance rules (Article 167a of ZDR-1).

9. An employee who is a victim of domestic violence is entitled to five working days of paid absence from work per calendar year in the event of arranging protection, legal and other proceedings, and remedying the consequences of domestic violence (Article 168a of ZDR-1).

What new additions does the ZDR-1D introduce in the area of termination of the employment contract?

1. *Upgrade of the procedure for regular termination of an employment contract for wrongful reasons (Paragraph 4, 5 and 6, Article 85 of ZDR-1)*
 - A new obligation on the employer (in the case of a warning given before the termination of an employment contract) to give the employee, at the employee's written request, which may be made within three working days of receipt of the written warning, the opportunity to make a statement of the breaches within a reasonable period of time, which is not less than three working days and not more than 30 days, unless there are circumstances which would make it unreasonable to expect the employer to give the employee the opportunity to do so, is newly provided for.
 - The trade union may participate in the defense procedure, on the employee's behalf, or, if the employee is not a member of a trade union, the works council or the employee's confidant or another person authorized by the employee.
 - The decision to give a written warning before termination of employment contract, in which the employer includes any allegations made by the employee in respect of the alleged misconduct, has to be made within eight days of the employee's statement, expressed in writing, stating the reasons for the decision and has to be notified to the employee.

**Member of
Adriala**

Albania
Bosnia & Herzegovina
Bulgaria
Croatia
Kosovo
Montenegro
North Macedonia
Serbia
Slovenia



2. Supplementing unfounded grounds for termination of employment contract (Article 90 of ZDR-1)

- The reason of working from home or part-time work or work arranged in different working hours due to the needs of work-life balance or a proposal for such a method of work has been added to Article 90 of ZDR-1 as an unjustified reason for termination of employment contract.
- In addition, there is an obligation on the employer not to take any action that would otherwise be necessary to terminate the employment contract or to recruit a new employee if the termination of the employment relationship would result from the exercise of rights with the employer.

What new additions and amendments does the ZDR-1D introduce in the area of special protection of employees?

- Under Article 182 of ZDR-1, employees also have special protection in the case of care work, i.e., care work is regarded as part-time work or absence from work for the purpose of care leave due to the need for more substantial care for health reasons of a family member or a person with whom employee lives in the same household, where the employee is not entitled to time off work under the health insurance rules.
- Employees who are victims of domestic violence also have the right to special protection in the employment relationship. Employees enjoy special protection to participate more effectively in procedures that enhance their safety. In the event of a dispute concerning the application of special protection for domestic violence, the burden of proof lies with the employer. The employer has to make it easier for employees who are victims of domestic violence to reconcile their professional obligations with the obligations arising from the regulation of protection, legal and other procedures and the elimination of the consequences of domestic violence (Article 189a of the ZDR-1).
- The working time of children under 15 years of age doing light work during school holidays must not exceed six hours a day and 30 hours a week. Children doing

**Member of
Adriala**

Albania
Bosnia & Herzegovina
Bulgaria
Croatia
Kosovo
Montenegro
North Macedonia
Serbia
Slovenia



light work during school holidays have to be given at least two weeks' uninterrupted rest during the school holidays (Paragraph 1 and 4, Article 212 of ZDR-1).

What other amendments does ZDR-1D introduce?

We will present other amendments to ZDR-1D on an article-by-article basis.

1. Article 85 of ZDR-1: Employer's obligations before termination of employment contract

- The period of possible termination of employment contract is reduced, should the employee again breach contractual and other obligations under the employment relationship after having been warned in writing by the employer of the breach or non-compliance (the period within which the employee may not commit the breach again is changed from one year to six months), and the maximum period allowed where the period is fixed by a collective agreement at the level of the industry (from two years to 18 months) is reduced.

2. Article 111 of ZDR-1: extraordinary termination of employment contract (for reasons attributable to the employer)

- Two of the grounds for extraordinary termination of employment contract have been amended, namely that an employee may give extraordinary termination of employment contract (i) if the employer has failed to pay employee its salary or wage compensation for at least two months and (ii) if the employer has failed to pay employee its salary or wage compensation on two consecutive occasions or within a period of six months, within the time limits laid down by the law or the contractual agreement.

3. Article 113 of ZDR-1: Withholding effect of termination

- Withholding the effect of termination of employment contract for employee's representatives is amended. If the employee's representative claims that the

**Member of
Adriala**

Albania
Bosnia & Herzegovina
Bulgaria
Croatia
Kosovo
Montenegro
North Macedonia
Serbia
Slovenia



termination of employment contract is unlawful in legal proceedings, the suspension of the termination of the employment contract is extended until the decision in the dispute at first instance has been taken, or for a maximum period of six months.

- Increase in the salary allowance for the employee's representative during periods when the employer prohibits employee's representative from working (80 per cent of the average monthly full-time salary of the last three months/period of work in the last three months).
- It also introduces the possibility of setting up a special fund to reimburse the compensation paid to the employee for the period during which the employee is prohibited from working while the termination of the employment contract is suspended, once the court of first instance has established that the termination of the employment contract was lawful.

4. *Article 62 of ZDR-1: use of annual leave*

- The employee has a longer period to carry over annual leave. In cases where the employee has not taken all of the annual leave due to absence for reasons of sickness or injury, maternity leave or childcare leave, the carry-over period is extended until 31 March of the year following the year to which the annual leave may be carried over in accordance with Paragraph 3, Article 162 of ZDR-1.

* * * * *

As always, you can contact us via e-mail info@kbp.si or telephone +386 (0)1 2445500, or you can directly contact the lawyer you are generally in contact with.

Law firm KBP, o.p., d.o.o.

Ljubljana, 4 December 2023

All information contained herein is based on applicable law or obtained from publicly available data or other sources believed to be reliable. This document is for general information purposes only, may

Member of Adriala

Albania
Bosnia & Herzegovina
Bulgaria
Croatia
Kosovo
Montenegro
North Macedonia
Serbia
Slovenia





ODVETNIŠKA DRUŽBA
Kavčič-Bračun-Partnerji

Odvetniška družba Kavčič, Bračun in partnerji, o.p., d.o.o.

Trg republike 3, SI-1000 Ljubljana
t: +386 1 244 55 00, f: +386 1 244 55 01
e: info@kbp.si, www.kbp.si

be subject to change and may not be used instead of a legal opinion/advice. KBP does not guarantee the accuracy of the information and shall not be liable for any damages or costs in connection with the use of, or reliance on, the information contained herein.

Member of Adriala

Albania
Bosnia & Herzegovina
Bulgaria
Croatia
Kosovo
Montenegro
North Macedonia
Serbia
Slovenia

