POST-MEET
PROJECT

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GUIDE ON POSTING IN COSTRUCTION SECTOR

Introduction

Important notice and aims of the guide

This guide is meant to provide detailed guidance on the terms and conditions of employment and procedures applicable in case of posting in the construction sector.

Produced in the framework of the EU-funded Post-meet project (No. 101140103), it was published as part of a set of publications addressing: Bulgaria, Italy, Poland, Slovenia and Spain.

The Post-meet project aims to improve the availability of information on posting targeting workers and employers, in this way supporting compliance with legislation. It also supports partner organisations in improving their communication channels. You can find more information on the project on the website of the organisations hosting this guide.

This guide does not provide legally binding information, nor is it intended as an exhaustive source of information on posting. Its structure was elaborated bearing in mind information already available in public portals, most notably the Your Europe web-page on posting, the practical guide on posting of the European Commission, and the leaflet "Posted workers in the construction sector" elaborated by the European Labour Authority, all available in the 'Useful contacts and sources' section at the end of this document. The idea was to complement available official sources of information on this subject and to focus on country-level provisions concerning posting in construction.

The guide is thought to suit the standard situation whereby posted workers remain affiliated for social security purposes in the home country and are subject to the legislation of the host country for selected matters. As explained below, there are exceptions to this standard, for instance in case the posting has a long duration or if the worker is sent to replace another person. It is important to stress, also, that the host country legislation applies only insofar this is more favourable for the worker. Otherwise, the worker shall remain subject to the provisions of their home country.

While recommending seeking customised advice in case of need, we recall provisions indicated in this guide may be subject to developments following amendments in the relevant legal sources, as well as in national and European case law, which can especially affect the boundaries of national provisions applicable in cases of posting.

Presentation of the authors of the guide

The **Chambers of Craft and Small Business in Kamnik and Nova Gorica** are two of the 62 independent regional chambers operating under the Chamber of Craft and Small Business of Slovenia.

As partners in the tripartite social dialogue, the Chamber of Craft and Small Business of Slovenia, along with its 62 independent regional chambers, play a key role in representing the interests of SMEs. These collective mission and responsibility focus on advocating for SMEs while also striving to improve the overall business environment.

The Chambers are recognised by their members and the professional public as a business hub for exchanging best practices and networking. The professional sections/guilds, particularly those in the construction, transport, and metal industries, play a key role. Members receive essential legislative and professional information and advice from their organisations, covering areas such as tax and accounting, HRM and labour law, civil and commercial law, occupational health and safety, technical legislation, and more.

The Chambers also offer their members professional training, legislative informative seminars, as well as business and personal development training. Members can participate in national and international trade fairs and B2B meetings. The Chambers open up opportunities to enter foreign markets, provide assistance in finding optimal sources of financing, and carry out a wide range of other services, such as market research, HR development, drafting contracts and internal regulations, posting of workers, and more.

The Chambers brings together excellent experts and consultants who can respond to any member's challenge, regardless of its complexity. The approach to the challenges that members entrust to our professional services distinguishes us. The Chambers collaborate with partners domestically and internationally to fulfil the mission and tasks. These partners include ministries, business associations and chambers, colleges and universities, research institutes, and other institutions.

The Chambers of Craft and Small Business of Kamnik and Nova Gorica serve as an extended arm of their members, who are too small to establish business functions in their companies.

What is transnational posting of workers?

Under Directive 96/71/EC (as amended by Directive 2018/957/EU) and Regulation (EC) 883/2004, the notion of 'posting of workers' is used to define rules applicable in case of temporary mobility of workers in the framework of a provision of services in the European Union.

Requisites for posting are the existence and the prosecution of an employment relationship between an employer, to be usually established in an EU Member State (sending undertaking), and an employee therein habitually employed, who is sent to a company established in another EU Member State (host undertaking) to provide a service for a limited period. The two companies shall be linked by a contractual relation (for instance, subcontracting), by participation in the same group, or by a contract for the provision of temporary work, in case of posting by a temporary work agency.

As a rule, posted workers remain attached to the social security institutions of the sending country, but they have the right to the remuneration defined in legislation and collective agreements of the country where they temporarily work (referred to as the country of destination or the 'host country').

According to Directive 96/71/EC, as amended by Directive EU 2018/957, they are entitled to the application of the host country legislation under several matters, if more favourable, including:

- maximum work periods and minimum rest periods;
- minimum paid annual leave;
- remuneration, including overtime rates, and excluding supplementary occupational retirement pension schemes;
- the conditions of hiring-out of workers, in particular the supply of workers by temporary employment agencies;
- health, safety and hygiene at work;
- protective measures with regard to the terms and conditions of employment of pregnant women or women who have recently given birth, of children and of young people;
- equality of treatment between men and women and other provisions on non-discrimination;
- the conditions of workers' accommodation if provided by the employer to workers away from their regular place of work;
- allowances or reimbursement of expenditure to cover travel, board and lodging expenses for workers away from home for professional reasons.

For what concerns specifically supplementary occupational retirement pension schemes, in the light of Art. 6 of Council Directive 98/49/EC workers can still be covered by the host country provisions if they are not insured in the sending Member State.

According to Directive EU 2018/957, the requisite of 'limited duration' of posting shall be assessed on the basis of the actual circumstances, for instance in the light of the nature of the implemented activities, or of the assumption that the worker will resume activities in the sending country after the completion of the service abroad.

Anyhow, Directive EU 2018/957 introduced a specific limit to the application of the host country's labour legislation only for selected matters. If posting exceeds 12 months (so-called 'long-term posting'), posted workers are entitled to the full set of labour law applicable in the host country, net of procedures, formalities and conditions for the conclusion and termination of the employment contract (including non-competition clauses), and of supplementary occupational pension schemes. Upon a motivated notification to the authorities of the host country, the sending undertaking can postpone the application of long-term posting rules up to a maximum of 18 months from the beginning of posting.

In the event of posting, companies must submit a preliminary declaration before the beginning of work abroad to the authorities of the host country. In line with Directive 2014/67/EU, this declaration includes details necessary to identify the company and workers involved, the place of work, and other complementary information. Following the principle of freedom to provide services in the EU, this declaration is not subject to any formal authorisation.
On the Your Europe webpage on posting linked in the 'Useful sources and contacts' section, it is possible to find national websites on posting, usually available at least in English, and including information on working conditions, useful contacts and templates of the declaration.
Furthermore, to certify compliance with the minimum criteria necessary for maintaining affiliation in the sending country during works abroad as per Art. 12 of Regulation (EC) 883/2004, companies must ask for the release of the 'A1 form' to the social security authorities of the sending country, possibly before posting.

It is also possible to remain affiliated with the social security authorities of other non-EU countries in the presence of bilateral agreements with the relevant EU country of posting.

In other residual cases, for instance in case of posting from other non-EU country, in case of posting lasting more than the length of 24 months entailed by Art. 12 of Regulation (EC) 883/2004 or if posted workers are sent to replace other persons, workers shall be affiliated as a rule to social security authorities of the host country. Upon request, the competent authorities of the sending and of the host countries can agree on exceptions, such as keeping insurance in the sending country for more than 24 months, in the interest of concerned persons (Art. 16).

In terms of taxation of posted workers' remuneration, relevant information shall be sought in bilateral conventions to avoid double taxation. Usually, these agreements adopt the so-called 183-days rule, which maintains taxation in the sending country provided the period spent abroad does not exceed 183 days over a taxable year.

Which is the applicable minimum wage in Slovenia?

The minimum wage in Slovenia is regulated by the Minimum Wage Act (ZMinP)[1]. It is determined annually by the Labour Minister and published in the Official Gazette of the Republic of Slovenia by January 31st. The minimum wage for full-time work (40 hours per week) in 2025 is € 1.277,72. For part-time workers, the wage is proportional to the number of hours worked.

The minimum wage excludes bonuses mandated by law, other regulations, and collective agreements, as well as work performance and business performance bonuses (Art. 126 ZDR-1)[2].

If the basic salary specified in an employment contract, as defined by the Construction Collective Agreement (KPGD)[3], is below the minimum wage, the employer must first calculate the minimum wage supplement. Once the minimum wage supplement is added to meet the legal minimum wage requirement, other allowances, which are calculated based on the basic salary, shall be added.

Please, find below the minimum amounts of basic salaries, according to KPGD, applicable for each job category as of 1 January 2025:

Categories	**Name of the job category**	**Min. basic salaries in € for 174 hours**
I.	easy jobs	763,95
II.	less demanding jobs	847,93
III.	medium demanding jobs	939,81
IV.	demanding jobs – three-year vocational technical education	1.041,24
IV./2		1.104,41
V.	more demanding jobs – upper secondary technical education	1.230,72
V./2		1.307,29
VI.	very demanding jobs; higher professional school, or the 1st Bologna level	1.378,11
VI./2		1.596,31
VII.	highly demanding jobs	1.634,59
VII./2		1.837,47

[1] *Minimum Wage Act (ZMinP), Official Gazette of the Republic of Slovenia, no. 13/10 with all amendments, date of adoption: 11. 2.2010;https://pisrs.si/pregledPredpisa?id=ZAKO5861*

[2] *Employment Relationship Act (ZDR-1); Official Gazette of the Republic of Slovenia, no. 21/12, 70/13 – corr., 47/15-ZZSTD, 33/16– PZ-F, 52/16, 15/17 – decision of the Constitutional Court, 22/19 – ZPosS, 81/19 and 203/20 – ZIUPOPDVE, date of adoption: 5. 3. 2013; https://pisrs.si/pregledPredpisa?id=ZAKO5944*

[3] *Collective Agreement for Construction Industry (KPGD), Official Gazette of the Republic of Slovenia, no, 101/15 with all amandments, date of adoption: 23. 12. 2015; https://pisrs.si/pregledPredpisa?id=KOLP428*

VII./3		1.979,10
VIII.	the most demanding jobs	2.191,58

Which other elements of remuneration apply to posted workers?

There are no other fixed elements of remuneration, except for various allowances and holiday pay, as specified in the following questions.

In any case, posted workers are entitled to receive reimbursement of travel, board, and lodging costs to the place of posting in the host country, as per the rules of their home country.

Does remuneration include other allowances due under specific circumstances?

Following the provisions of the ZDR-1 (Art. 127-131, 137 and KPGD, the employee's wages include:

- Seniority allowance (Art. 129 ZDR-1, Art. 69-71 KPGD)
- Supplement for special working conditions based on the distribution of working hours, namely for (Art. 128 ZDR-1, Art. 67 KPGD):
    - night work
    - overtime work
    - work on Sunday
    - working on holidays and work-free days by law
    - shift work and split working hours
    - work on a remote construction site
- Reimbursement of work-related expenses (Art. 130 ZDR-1)
    - meal allowance (Art. 74 of the KPGD)
    - transport costs (to and from work) (Art. 73 KPGD)
    - daily allowance, when performing particular work and tasks on a business trip (Art. 75-76 KPGD)

(The law of the Republic of Slovenia regarding costs related to the performance of work applies only to travel undertaken by posted workers when traveling from the place to which they are posted to another location within the host country.)

- Other personal benefits
    - recourse for annual leave (Art. 131 ZDR-1, Art. 78 KPGD).
- Part of the salary for work performance and business performance (Art. 126, 127 ZDR-1), as agreed in a collective agreement or employment contract (Art. 61-64 KPGD).
- The KPGD specifies allowances for special working conditions arising from specific work burdens, adverse environmental influences, and work hazards that are not included in the basic salary. These allowances are calculated based on the time the employee works under these conditions and are provided for each specific difficult working condition (Art. 66 of the KPGD).

The amounts of allowances (Art. 6 of the KPGD), valid as of 1/1/2025:

Reimbursement of work-related expenses and special working conditions		
Allowance	**Amount**	**Description**
Seniority allowance	0.5% for each additional year of service with the employer	For details, see articles KPGD, Art. 69-71.
Meal allowance	6,80 €	If the employer does not provide the employee with meals during working hours.
	0,85 €	For each added hour of presence at work after 8 hours of presence.
Travel expenses	100%	The prices of the cheapest public transport or?
	0,19 €	For every full km, if there is no public transport option (at least 2 km distance from residence).
Daily allowance	mileage, daily allowance	In accordance with the current Regulation on the tax treatment of reimbursements of expenses and other income from the employment relationship.

Allowances for special working conditions	at least 3% of the basic salary for each difficult working condition, for the duration of this work	The basis for calculating the allowances is the employee's basic salary for full-time work, or the appropriate hourly rate.
Recourse for annual leave	1.440,00 €	The amount is determined for 2025. The employee is entitled to 1/12 th of the recourse for each month of employment in a calender year.

Allowance for work according to the distribution of working hours*	
Allowance	**Amount in % of the basic salary**
a) for night work in the shift between 10 p.m. and 7 a.m. the following day	40%
b) for work on Sunday	50%
c) for working on holidays and working days off according to law	50%
d) for work on January 1 and May 1	100%
e) for the time of work in the afternoon shift, when the work process is carried out in at least two shifts	10%
f) for part-time work in the event of an interruption of 2 hours or more (billed for hours of interruption)	10%
g) for overtime work	30%
h) for each hour of standby at home/ hourly rate of basic salary	10%

* Supplements under points b., c., and d. are mutually exclusive.

Supplements for working on a remote construction site*	
Allowance	**Amount per day**
If the construction site is up to 30 km away	0 €
If the construction site is 30 kilometers away	1,16 €
If the construction site is 40 kilometers away	2,31 €
If the construction site is 50 kilometers away	3,47 €
For every additional 10 kilometers added	1,16 €/ additional 10 km

* The worker can receive a maximum of € 18/day allowance and is entitled to it as long as s/he starts and finishes work on the construction site, in accordance with the construction site schedule.

Work performance and business performance		
Allowance	Criteria	Scope
Work performance - the basis for calculation is the worker's basic salary according to the employment contract - work performance norms are considered adequate if at least 90% of workers achieve them - criteria according to ZDR-1 are: economy, quality and scope of work performance.	for not achieving the expected work results, the employer can deduct a maximum of 10% of the employee's monthly basic salary, a maximum of 3 times a year.	Applies to jobs, classified up to V. tariff class. For jobs from the tariff class VI. upwards, the model of failure to achieve work performance is determined by the employer with an internal act.
Business performance is an integral part of the salary, if it is agreed in the general act of the employer or in the employment contract.	The basic criterion for payment is the employee's effective presence at work.	The payment is excluded from the basis for compensation of wages and other benefits from the employment relationship.

Are there sectoral funds in place intermediating holiday pay or other elements of remuneration?

There are no paritarian social funds in Slovenia, as there are in many EU countries. Since paritarian funds complement existing government mechanisms in vocational education, occupational safety and health, pension schemes, the paid leave system, and similar areas, both construction workers' trade unions and employers' organisations have been working towards their establishment for many years.

Where can I find updated and official information on applicable remuneration?

Official information on the minimum wage is available on the central government administration website, GOV.SI[4].
Collective agreements can be found on the OPSI website, Ministry of Labour, Family, Social Affairs and Equal Opportunities, page[5]. The Collective Agreement for the Construction Industry (KPGD) is also published on the PISRS website - Legal Information System of the Republic of Slovenia[6].

Employers and employees can obtain detailed and update official information on wages and other aspects of posting workers from the Chamber of Craft and Small Business of Kamnik[7] and the Chamber of Craft and Small Business of Nova Gorica[8]. These chambers are partners in the EU Post-Meet project, under which this guide was created.

Workers can also contact:

- The Construction Workers' Trade Union of Slovenia (SDGD)[9], which collectively represents (posted) workers in the construction industry,
- The non-governmental organisation *"Delavska svetovalnica"* (Workers' Consultancy)[10], which advocates for workers' rights and the Employment Service's Aliens Office (Info točka za tujce)[11].

All three consulting offices are located at the same address.

The contacts of the aforementioned competent institutions are listed in the chapter "Important addresses of the competent institutions in the Republic of Slovenia".

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[4] *Minimum wage: Portal of the State Administration - GOV.SI;https://www.gov.si/teme/minimalna-placa/*

[5] *Records of valid collective agreements: Ministry of Labour, Family, Social Affairs and Equal Opportunities;https://podatki.gov.si/dataset/evidenca-kolektivnih-pogodb*

[6] *PISRS – Legal Information System of the Republic of Slovenia; https://pisrs.si/pregledPredpisa?id=KOLP428*

[7] *Chamber of Craft and Small Business of Kamnik; https://ooz-kamnik.si/*

[8] *Chamber of Craft and Small Business of Nova Gorica; https://www.ooz-novagorica.si/*

[9] *Trade Union of Construction Workers of Slovenia (SDGD): https://sdgd.si/*

[10] *Workers' counseling office: https://delavskasvetovalnica.si/o-nas/*

[11] Employment Service of Slovenia: https://www.ess.gov.si/iskalci-zaposlitve/zaposlitev-tujih-drzavljanov/infotocka-za-tujce/

What are the maximum work periods and minimum rest periods workers are entitled to?

ZDR-1 regulates working time and minimum rest periods.

Working time

- **Effective Working Time:** Includes the time when the employee is available to the employer and fulfilling work obligations, plus a 30-minute daily break.
- **Full-Time Work:** Cannot exceed 40 hours per week, with a maximum of 56 hours per week. By law or collective agreement, full-time work can be defined as 36-40 hours per week, except for high-risk jobs.
- **KPGD Definition:** Full-time work is 36-40 hours per week. Employers must adopt an annual working schedule before the calendar or business year starts.
- **Uneven Distribution:** Full-time work is averaged over 12 months in cases of uneven or temporary redistribution (Art. 24 and 26 of the KPGD).

Daily break

- Full-time employees are entitled to a 30-minute break.
- Part-time employees working at least four hours a day get a proportional break.
- Workers under the age of 18 who work at least 4.5 hours a day are entitled to a 30-minute break.
- The daily break is part of the full working time and is paid.

Rest between working days

- Workers are entitled to at least 12 continuous hours of rest between consecutive working days.
- For unevenly distributed or temporarily rescheduled working hours, the rest period must be at least 11 uninterrupted hours within 24 hours.

Weekly rest

- Workers are entitled to at least 24 continuous hours of rest within seven consecutive days.
- If an employee must work on a weekly rest day due to objective, technical, or organisational reasons, a rest day must be provided on another day of the week (Art. 154-156 ZDR-1).

Holidays and Days Off

- Posted workers and their employers can agree to celebrate either the holidays of the host country, the worker's home country, or both.

How long is the minimum annual paid leave?

The rules governing annual leave are defined in ZDR-1 (Art. 159, Art. 164) and KPGD. An employee becomes entitled to annual leave upon entering a full-time or part-time employment relationship. For each month of employment, a worker is entitled to 1/12 of the annual leave and 1/12 of the holiday allowance (Art. 131 ZDR-1, Art. 78 KPGD).
For fixed-term or part-time employment, employees are entitled to a proportional amount of annual leave.

Annual leave determined by ZDR-1:

Annual Leave	**Amount**
Minimum annual leave according to ZDR-1	20 working days
Older workers (over 55)	+ 3 days
Disabled worker with at least 60% physical impairment	+ 3 days
Parents of children with physical and mental disabilities	+ 3 days
Parents of children under the age of 15	+ 1 day for each child
A worker who has not yet reached the age of 18	+ 7 days
Caring leave to care for a family member	+ 5 days

Extended annual leave beyond the statutory requirement is defined in the KPGD (Art. 38) for the following cases:

Annual Leave	**Amount**
Leave for continuous work experience at the last employer (also applies to legal ancestors and related persons)	-
For a working period from 1 to 10 years	1 day
For a working period from 11 to 25 years	2 days
For a working period of over 25 years	3 days
Parents of children under the age of 15	1 day for each child
A worker who has not yet reached the age of 18	7 days
Caring leave to care for a family member	5 days
Job category I. to VI. Job category VII. to VII.	1 day 2 days

According to the KPGD, the maximum duration of annual leave for a calendar year is limited to 32 days, unless more favourable conditions apply under the employer's internal legal act or in the employment contract.

In terms of occupational safety and health, who shall assess risks and take related measures?

Occupational health and safety at work (OSH) is governed by the Health and Safety at Work Act (ZVZD-1)[12], rules adopted on its basis, various other regulations, and Slovenian Standards (SIST), which specify safety requirements and best practices for equipment, processes, and protective measures.

The ZVZD-1 is the foundational law that establishes principles, employer and employee responsibilities, and the rights of workers to a safe and healthy workplace. The Act also transposes into Slovenian law the provisions of relevant EU directives and implements measures for removing administrative burdens from the field of health and safety.

The Act applies to every employer who employs at least one worker, to every person present in the work process, to the private sector and public services. The primary characteristic of the legislation in the Act is its emphasis on the prevention, reduction, and better management of health and safety risks at work.

According to the legislation, each employer must ensure health and safety at work through providing measures that implement the health and safety of workers, including:

- prevention, elimination and control of risks at work,
- training and information for employees,
- ensuring the provisions of medical examinations,
- appropriate organisation of work processes,
- providing needed material resources.

Regarding OSH in construction, the most crucial implementing regulation is the »Regulation on ensuring safety and health at work on temporary and mobile construction sites«[13]. This regulation outlines measures to ensure safety and health at work on construction sites, as well as in plants and/or auxiliary workshops on construction sites, in which construction materials, products, and elements are prepared and processed. This regulation also specifies measures to ensure OSH in the maintenance and cleaning of construction facilities.

[12] The Health and Safety at Work Act (ZVZD-1); *Official Gazette of the Republic of Slovenia, no. 43/11, date of adoption: 24. 5. 2011; https://pisrs.si/pregledPredpisa?id=ZAKO5537*

[13] *Regulation on ensuring safety and health at work on temporary and mobile construction sites; Official Gazette of the Republic of Slovenia, no. 83/05, date of adoption: 1. 9. 2005; https://pisrs.si/pregledPredpisa?id=URED3783*

To ensure OSH on construction sites, employers must adopt and implement measures in accordance with Art. 10 of the regulation and the minimum requirements from Annexe IV of the regulation and follow the coordinator's instructions for safety and health at work (appointed by an investor or project supervisor).

The ZVZD-1 also outlines the division of responsibilities in case of subcontracting.

Key Requirements are as follows:

1. **Employer Responsibility**: The main contractor (employer) is responsible for ensuring that all subcontractors comply with OSH regulations. This includes providing necessary safety information, training, and ensuring that subcontractors follow safety protocols.
2. **Risk Assessment**: Employers must conduct a risk assessment that includes the activities of subcontractors. This assessment should identify potential hazards and implement measures to mitigate them.

Coordination and Cooperation: Effective coordination and cooperation between the main contractor and subcontractors are essential to ensure a safe working environment. This includes regular communication and meetings to discuss safety issues.

In terms of key OSH roles at the company level, legislation entails internal and external experts.

Internal OSH Services
The employer is primarily responsible for OSH, supported by an internal service of safety specialists. Self-employed individuals without employees can assume this role themselves. The internal service, formed by the employer's staff, assists in executing safety tasks. Conditions for its formation are defined in Art. 28 of ZVZD-1.

The employer determines the type and number of safety practitioners based on:

- Work process organisation, nature, and extent
- Number of workers in risky processes
- Number of shifts
- Number of separate work units

Tasks of the internal service include:

- Advising on planning, selecting, purchasing, and maintaining work resources
- Advising on work equipment and environment
- Coordinating measures to prevent psychosocial risks

- Preparing safety statements
- Conducting hazard investigations and equipment inspections
- Performing internal safety control
- Drafting safe working conditions instructions
- Monitoring workplace accidents and preparing reports
- Providing safety training
- Cooperating with occupational physicians
- Notifying the labour inspectorate about the start of work 15 days before the start of work, when required by regulation
- Reporting immediately to the labour inspectorate any fatal injury, injury that causes the worker's inability to work, collective accident, dangerous phenomenon, or established occupational disease
- Keeping all records following the law
- Respecting the specific protection of the health of young workers (under the age of 18).

These tasks can be outsourced if the internal service cannot fulfil all statutory assignments.

When multiple employers are present at construction sites, a written agreement on safety measures must be concluded. Each employer designates a person responsible for ensuring the safety of their workers. Additionally, employers and contractors must jointly designate a worker to coordinate the implementation of the measures specified in the agreement.

Employers and workers or their representatives must keep each other informed on OSH issues, consult, and make joint decisions in accordance with the requirements of ZVZD- 1, as well as regulations on workers' participation in management. The employer must inform the workers about OSH by issuing written notices and instructions.

Occupational (External) OSH Services

According to Slovenian law (ZVZD-1, Art. 3), two tasks require a permit from the Minister of Labour: periodic hazard investigations (e.g., noise, vibrations) and periodic inspections/testing of work equipment. These tasks are technically demanding and usually beyond the employer's capabilities.

External safety services are established in accordance with the Rules on Permits for Performing Safety at Work-Related Tasks, Article[14].

Technical control services are carried out by external experts, recognised by the Ministry of Economic Development and Technology (Art. 3 of ZVZD-1). These experts handle tasks such as inspecting electrical equipment, lifting gear, and personal safety equipment. The external services must:

- Have qualified personnel and necessary equipment
- Ensure independence and confidentiality during the conformity assessment procedure
- Cover liability insurance for their work
- Meet conditions for proper performance.

Occupational physicians perform tasks outlined in Art. 33 of ZVZD-1. They need a permit from the Ministry of Health of Slovenia and can be public health institutions or licensed individuals.

Their tasks include:

- Creating background documents for safety statements
- Conducting preventive medical exams
- Informing employees about workplace risks
- Monitoring and analyzing occupational diseases
- Preparing reports for employers with improvement proposals
- Participating in vocational rehabilitation and first aid planning.

You can find more information at their association called "Združenje za medicino dela, prometa in športa - ZMDPS" (Association of Occupational, Traffic, and Sports Medicine of Slovenia)[15].

Are there specific requirements under OSH legislation concerning subcontracting? How do they affect subcontracting to a foreign company?

[14] *Register of permits for the performance of professional tasks in the field of OSH; https://www.gov.si/assets/ministrstva/MDDSZ/VZD-/vpisnik.pdf*

[15] *Association of Occupational, Traffic and Sports Medicine of Slovenia; https:77www.zmdps.si*

When subcontracting to a foreign company, the main contractor must ensure that the foreign subcontractor complies with Slovenian OSH regulations. This includes:

- **Compliance with Local Laws**: Foreign subcontractors must adhere to Slovenian OSH laws and standards, regardless of their country of origin.
- **Documentation and Training**: The main contractor must provide the necessary documentation and training to the foreign subcontractor to ensure they understand and comply with local safety requirements.
- **Monitoring and Enforcement**: The main contractor is responsible for monitoring the foreign subcontractor's compliance with OSH regulations and taking corrective actions if necessary.

These requirements ensure that all parties involved in the subcontracting process maintain a safe and healthy working environment.

Which are the requirements applicable according to OSH legislation in Slovenia in terms of training and medical surveillance?

In Slovenia, the responsibility in the context of occupational health and safety (OSH) surveillance is shared between state-official bodies and companies. While state-official bodies provide oversight and enforcement, companies are directly responsible for the day-to-day implementation of health surveillance measures.

Outlined below are the key requirements about training and medical surveillance as stipulated by Slovenian OSH legislation.

Training Requirements

In the field of training, employers have a legal duty to provide relevant safety training to their workers. This training encompasses general OSH principles, task-specific hazards, and emergency procedures. Regular refresher training is also required to ensure that workers maintain their OSH knowledge and skills.

Each worker must receive training for safe work in the event of:

- Entering an employment relationship.
- Being transferred to another job.
- The introduction of a new technology and new means of work.

- Any modification of the work process which may affect the level of safety at work.

In summary, the tasks in the field of OSH training are:

1. **Health and Safety Training**: Employers must provide employees with health and safety training relevant to their specific work tasks. This includes information on potential risks, safe practices, and emergency procedures.
2. **Regular Updates**: Training must be regularly updated to reflect any changes in work processes, the introduction of new equipment, or the identification of new hazards.
3. **Documentation**: Employers are required to maintain accurate records of all health and safety training provided to employees.

Medical Examination Requirements

The employer is obliged (ZVZD-1, Art. 33) to ensure that health measures related to occupational safety and health are carried out by an occupational **physician**.

The employer must also ensure that medical examinations of workers correspond to the risks to which the employee is exposed at work (ZVZD-1, Art. 36).

The regulation "*Rules on Preventive Medical Examinations of Workers*"[16] more precisely defines the types, scope, and content of preventive medical examinations for workers, as well as the manner and deadlines for conducting these examinations.

The basis for determining the type, scope, content, and deadlines of each preventive medical examination is the risk assessment, with special emphasis on the health requirements determined by the employer and, based on the professional assessment of an occupational physician and the results of measurements of burdens and hazards in the work environment.

The terms for periodic training and examinations of OSH may not exceed two years.

For the recognition of OSH training and medical examinations conducted abroad, compliance with Slovenian legislation is required. Foreign employers should verify the information on the recognition process at the Ministry of Labour, Family, Social Affairs, and Equal Opportunities.

[16] *Rules on Preventive Medical Examinations of Workers; The Official Gazzete of the Republic of Slovenia, no 87/02, with all amendments, dated 12 September, 2002; https://pisrs.si/pregledPredpisa?id=PRAV641*

Who are the main responsible persons to contact in case of problems in terms of occupational safety and health?

In case of any questions on OSH-related aspects, employers and employees can contact:

- the respective ministry - the Ministry of Labour, Family, Social Affairs and Equal Opportunities of the Republic of Slovenia (MDDSZ),
- the Labour Inspectorate of the Republic of Slovenia (IRSD), which supervises and advises[17],
- the Chamber of Occupational Safety and Health (ZVPD)[18] and
- the OSH service providers[16].

Workplace accidents[19] are a serious matter that requires immediate attention and reporting. Employers are legally obligated to report these incidents to the relevant authorities, following specific timelines and procedures:

- Minor accidents should be reported within eight days of the occurrence to the Health Insurance Institute of the Republic of Slovenia (ZZZS), Labour Inspectorate of the Republic of Slovenia (IRSD) and the National Institute of Public Health of the Republic of Slovenia (NIJZ).
- Serious accidents and occupational diseases must be reported immediately to ZZZS, IRSD, NIJZ.
- Fatal accidents should be reported immediately to the ZZZS, IRSD, NIJZ and Police of The Republic of Slovenia.

The contacts for the mentioned competent institutions:

ZZZS: Miklošičeva cesta 24, 1.000 Ljubljana; T: +386 1 3077 300, E-naslov: poskodbepridelu@zzzs.si; gp@zzzz.si; https://www.zzzs.si/en/

[17] *Labour Inspectorate of the Republic of Slovenia (IRSD);https://www.gov.si/drzavni-organi/organi-v-sestavi/inspektorat-za-delo/*

[18] *Chamber of Occupational Safety and Health; https://zbornica-vzd.si/*

[19] European Agency for Safety and Health at Work: Definitions of accidents and incidents: Accidents and incidents - OSHwiki | European Agency for Safety and Health at Work

IRSD: Štukljeva cesta 44, 1.000 Ljubljana; T: +386 1 2803 660; E-mail: gp.irsd@gov.si; https://www.gov.si/drzavni-organi/organi-v-sestavi/inspektorat-za-delo/o-inspektoratu/

NIJZ: Trubarjeva cesta 2, 1.000 Ljubljana; T: +386 1 2441 400; E-mail: info@nijz.si; https://nijz.si/en/

POLICE: Emergency call: 113; E-mail: gp.policija@policija.si

Dial 112 if you need emergency medical treatment, the police, the fire department or any other rescue units, or the police.

As a rule, insurance against accidents at work and occupational diseases remains in the sending country in case of posting, as entailed by Regulation 883/2004, Article[20].

Which provisions shall be observed concerning terms and conditions of employment of pregnant women, women who have recently given birth, children, or young people?

ZDR-1 includes provisions for protecting the rights of special categories of workers:

- Protection of women
- Pregnancy and parenting protection
- Protection of workers who are victims of domestic violence
- Protection of young workers (under the age of 18)
- Protection of disabled workers
- Protection of older workers

In the following section, we will focus on the protection of women, including protection during pregnancy and parenthood, as well as the safety of workers under the age of 18.

Protection of women

Slovenian legislation does not contain specific provisions on the protection of women.

[20] *Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems; Official Journal: OJ L 166, 30/4/2004, pp. 1–123*

Special protection for workers

Workers are entitled to special protection due to pregnancy, parenthood, and caregiving responsibilities. Employers must help reconcile professional and family obligations (ZDR-1, Art. 182–189).

During pregnancy and while breastfeeding, female workers are prohibited from performing hazardous tasks or working overtime. Employers must adjust working conditions or hours.

Employees with children under three or those caring for young or seriously ill children must give their consent for overtime or night work. This ensures that their personal and family responsibilities are respected and that they are not forced into work schedules that could be detrimental to their well-being.

A parent who lives alone with a child under the age of seven or a seriously ill child who requires special care shall also be exempt from performing overtime or night work, provided they give their consent.

KPGD (Art. 25) outlines the conditions for employees who claim the right to shorter working time due to parenthood. The distribution of working time for these employees is specified in their employment contract.

To facilitate a balance between professional and family responsibilities, employers must allow employees to work according to a suitable schedule, provided the working conditions permit.

Protection of young workers – those under the age of 18

Work is not allowed for children under 15. Additional protections apply to young workers, as follows.

An employee who has not yet reached the age of 18 shall not be required to (ZDR-1, Art. 190 – 194):

- perform work underground or underwater,
- engage in work that objectively exceeds his physical and psychological abilities,
- work involving harmful exposure to toxic or carcinogenic agents, or agents that may cause genetic damage, harm to an unborn child, or chronically affect human health in any other way,
- work involving harmful exposure to radiation,
- perform work involving a risk of accidents that a young person cannot recognise or avoid due to their insufficient attention to safety, lack of experience, or training,
- engage in work that involves a risk to health due to extreme cold, heat, noise, or vibrations,

- perform work involving risk factors or procedures that pose a hazard to the worker's safety, health, or development, as defined in more detail in an implementing regulation or risk assessment,
- work at night between 10 p.m. and 6 a.m. (except in cases of force majeure, when such work lasts for a definite period and must be carried out immediately, and if there are not enough adult workers to perform the work).

Working time, breaks, and rest periods for workers under the age of 18:

- working time shall not exceed eight hours per day and 40 hours per week,
- a worker under the age of 18 who works at least four and a half hours per day is entitled to a break of at least 30 minutes during the working time,
- a worker is entitled to a rest period of at least 12 consecutive hours between two working days and a weekly rest period of at least 48 straight hours,
- a worker under the age of 18 is entitled to an additional seven working days of annual leave.

What is meant by non-discrimination in Slovenia and where can I find more information?

In Slovenia, non-discrimination is regulated by the Constitution[21], the Employment Relationship Act (ZDR-1), and the Protection against Discrimination Act (ZVarD)[22].

ZDR-1 prohibits both direct and indirect discrimination against workers, ensuring equal treatment regardless of personal circumstances, including nationality, race, ethnic origin, sex, health condition, disability, religion, age, sexual orientation, marital status, trade union membership, financial status, or any other personal characteristic.

ZVarD (Art. 4) defines discrimination as any unjustified unequal treatment based on personal circumstances that obstructs or nullifies the equal recognition, enjoyment, or realisation of human rights and fundamental freedoms. Discrimination occurs when individuals or groups are treated less favorably than others in a comparable situation simply because they belong to a particular group or category.

[21] *Constitution of the Republic of Slovenia, Official Gazette of the Republic of Slovenia, no. 33/91, dated 23/12/1991, with all amendments;https://pisrs.si/pregledPredpisa?id=USTA1*

[22] *Act on protection against discrimination (ZVarD), Official Gazette of the Republic of Slovenia, no. 33/16, date of adoption: 21/4/2016; and the Act on Non-Governmental Organizations (ZNOrg), Official Gazette of the Republic of Slovenia, no. 21/18, date of adoption: 20/ 3/2018; https://pisrs.si/pregledPredpisa?id=ZAKO7273*

To determine if an action is discriminatory, it must be assessed whether the person was, is, or could be treated less favorably due to personal circumstance and whether a comparable situation exists where the person has been, is, or could be treated less favorably.

Discrimination can take various forms, including:

- direct and indirect discrimination (Art. 6 ZVarD),
- other forms of discrimination (Art. 7 ZVarD)
- harassment and sexual harassment (Art. 8 ZVarD),
- instructions for discrimination (Art. 9 ZVarD),
- incitement to discrimination (Art. 10 ZVarD),
- victimisation (Art. 11 ZVarD).

In Slovenia, the prohibition of discrimination is comprehensively regulated through various mechanisms.

Non-discrimination is primarily defined in the Constitution and supported by legal acts. Effective legal mechanisms for protecting against discrimination are well-established, with mediation being the most effective form of out-of-court protection. Judicial protection further upholds the prohibition of discrimination.

Two independent state bodies are dedicated to protecting human rights and ensuring non-discrimination:

- The Defender of the Principle of Equality, an independent state body that promotes equal treatment and provides protection against discrimination in both the public and private sectors[23],
- The Ombudsman, who supervises government conduct and any interference with human rights and fundamental freedoms[24].

The contacts of the aforementioned competent institutions are listed in the chapter "*Important addresses of the competent institutions in the Republic of Slovenia*".

[23]Defender of the principle of equality;https://zagovornik.si/

[24]Human rights ombudsmanhttps://www.varuh-rs.si/

Are posted temporary agency workers subject to different conditions than other posted workers?

Posted temporary agency workers are subject to the same fundamental legal conditions as other posted workers, but additional rules apply due to the triangular employment relationship between the worker, the agency, and the user (client).

When determining the rights of workers, the regulations applicable in the company (client – user of the services) to which the agency assigns the workers must be observed (ZDR-1, Article 210, paragraph 2, point 5; collective agreement; internal acts of the user of services).
The key conditions for the performance of agency work at the user are laid down in Articles 59 to 63 of the Employment Relationships Act (ZDR-1):

- The employment contract with the worker must be concluded in written form (for a fixed or indefinite period)
- The contract must state the name of the user and the location where the worker will perform the work
- A written contract must also be concluded between the agency and the user (client), which must include a job description, working conditions, duration of assignment, etc.

A worker who is temporarily assigned by the employer (agency) to perform work at the user must be granted the same working conditions as those applying to the user's own employees performing the same or similar work. These conditions include in particular:

- working time,
- equal pay for work, including all allowances, as received by a comparable worker at the user,
- rest and breaks,
- night work,
- overtime work,
- work on public holidays and Sundays,
- health and safety at work,
- maternity protection,
- access to shared facilities and services (e.g. canteens, transportation, parking),
- and other employment-related rights.

If agency workers are assigned from abroad (including from third countries), the following conditions must be met:

- The worker must hold a single permit for residence and work in Slovenia
- The worker must be in an employment relationship with the agency (not with the client)

- The provisions of the Employment, Self-employment and Work of Foreigners Act (ZZSDT) must be observed.

Important: Legislation explicitly prohibits:
- chain contracting through multiple agencies,
- use of agency workers to replace striking workers,
- discrimination against agency workers,
- assignment of workers without meeting all legal conditions.

Business Regulations for Work Agencies in Slovenia

The provision of workers through agencies is regulated by the Labour Market Regulation Act (ZUTD)[25] and the ZDR-1. These laws outline the conditions for performing the activities of a temporary work agency, including the requirement for a special permit. (ZUTD Art. 167 to 170). ZUTD also regulates the obligations of the employer who performs work through a temporary work agency (Art. 165), the obligations of the user company (Art. 166), and the termination of the agency's activities (Art. 171).

An agency can start performing activities of assigning workers from the date of entry into the "Register of legal or natural persons for performing the activity of providing the work of workers to the user" (register). Registration in the register must be completed by both domestic and foreign agencies to provide the work of workers to the user[26].

Which declaration duties are entailed in the case of posting?

Social Security Insurance - Obtaining an A1 Certificate

Foreign employers with headquarters or residence in an EU/EEA[27]/Switzerland must comply with Slovenian labour laws, including minimum working conditions and employment standards.

[25] *Labor Market Regulation Act (ZUTD); Official Gazzete of the Republic of Slovenia, no 80/10, 40/12 – ZUJF, 21/13, 63/13, 100/13, 32/14 – ZPDZC-1, 47/15 – ZZSDT, 55/17, 75/19, 11/20 – odl. US, 189/20 – ZFRO, 54/21, 172/21 – ZODPol-G, 54/22, 59/22 – odl. US, 109/23 in 62/24 – ZUOPUE; date of adoption: 28. 9. 2010; https://pisrs.si/pregledPredpisa?id=ZAKO5840*

[26] *Explanations for obtaining a permit or registration in the register of agencies for ensuring the work of workers; https://www.gov.si/teme/zagotavljanje-dela-delavcev-uporabniku/*

[27] *European Economic Area*

Employers must ensure that posted workers are covered by social insurance in their country of employment and register the commencement of services in Slovenia.

The A1 Certificate is an essential document for posted workers within the EU/EEA/ Switzerland. It confirms that the worker remains subject to the social security system of the country of employment during the posting period. It covers fundamental social security schemes, including health insurance, pension, disability insurance, and unemployment insurance.

Self-employed individuals temporarily working in another member state must also obtain an A1 Certificate to prove their affiliation with their national social security system.

The employer must apply for the A1 Certificate from the competent social security institution in the home country. This can often be done online through a dedicated business portal. Once the application is validated, the A1 Certificate is issued. The worker must keep this certificate throughout their assignment abroad.

Companies based outside the EU/EEA and Switzerland must obtain a social security certificate following the applicable international agreements concluded by the Republic of Slovenia. If no such agreement exists, the posted worker must remain included in the social security system of the country of employment and also be included in the social security system of the country where the work is performed, following the principle of "*loci laboris*"[28].

Registration of Services - A Statement Regarding the Provision of Services

Before providing services in Slovenia, a foreign employer or self-employed person is obliged to register with the Employment Service of Slovenia (ZRSZ) using an e-form[29]**.** The ZRSZ will issue a certificate confirming the initiation of service provision.

The records maintained by the ZRSZ based on the submitted "*Declaration of Referral*" include the following information (ZČmIS-1, Art. 24)[30]:

- name or title of the foreign employer or self-employed person,

[28] *The principle of "lex loci laboris" is a fundamental concept in labor law. It means "the law of the place where the work is performed." This principle is particularly important for posted workers, as it ensures they are protected under the labor laws of the host country.*

[29] *ZRSZ - Employment Agency of the Republic of Slovenia - online form - referral statement: https://www.ess.gov.si/delodajalci/dodatne-storitve/storitve-podjetij-iz-drzav-eu/#/eu-ch-egp -states*

[30] *Law on cross-border provision of services (ZČmIS-1); Official Gazette of the Republic of Slovenia, no 10/7, 119/21, 40/23 – ZčmIS-1, date of adoption: 17/2/2017; 22/ 3/2023; https://pisrs.si/pregledPredpisa?id=ZAKO8529*

- address of the foreign employer or self-employed person,
- details of the person responsible for contacts with authorities in the host country
- information on posted workers and their addresses of residence in Slovenia,
- the type of service provided during the posting,
- address or GPS coordinates of the construction site where services are provided,
- the estimated duration of the posting, including the start and end dates,
- information about the client to whom the service is provided.

Should unexpected circumstances occur, the cross border provision of services can be extended without entering long-term posting rules from 12 to 18 months upon submission of a reasoned notification to the ZRSZ (ZčmIS-1; Art. 16, Par. 5).

Mandatory on-site documentation related to the posting of workers

The foreign employer ensures that during the cross-border provision of services in the Republic of Slovenia, at the place of provision of the services, and the request of the IRSD[20] makes available (par. 8 of Art.16 ZČmIS-1):

- a copy of the contract between the customer in Slovenia and the company as the construction service provider (might also be a comparable act in the case of a referral to a related company),
- certificate of commencement of services, issued by ZRSZ,
- valid A1 certificate for each posted worker,
- employment legal documentation for all the posted workers:
    - copies of employment contracts or annexes to the contract from which the referral is evident,
    - copies of pay slips,
    - proof of payments to the worker's bank account for the work performed by each posted worker,

timesheets

At the request of the supervisory authority (IRSD), the foreign employer must provide translated documents into Slovene (ZČmIS-1, Art. 14, Par. 5). The IRSD can request this documentation from the foreign employer for 24 months after the completion of the service (ZČmIS-1, Art. 14, Par. 6).

At the construction site, we also recommend providing the following:

- an extract from the relevant business register as proof of registered construction activities in the home country
- certificate of legal establishment in the country of employment,

- certificate of obtained craft business permit in Slovenia (issued by OZS as the respective chamber for craft and SMEs)[31],
- certificate from the respective "*Register of works managers*" in accordance with GZ-1[32] [33]
- OSH documents, according to The Health and Safety at Work Act (ZVZD-1)
- certificate of registration with the Slovenian Tax Administration (FURS)[34].

Which sanctions apply in case of non-compliance with declaration duties or failure to comply with legislation on posting?

Fines for violations of regulations regarding the posting of workers are set out in the Act on Cross-Border Provision of Services (ZČmIS-1) and the Labour Relations Act (ZDR-1).

Fines under the Act on the Cross-Border Provision of Services (ZČmIS-1):

A fine between 6.000 and 60.000 € is imposed on a foreign employer who provides a cross-border service despite not meeting the conditions (Art. 14, Par. 1):

- holds a valid A1 certificate for the posted worker
- does not violate the provisions of labour law relating to the rights of posted workers
- In the last three years, the IRSD has not identified more than one violation related to obstructing or preventing entry into premises or hindering the smooth performance of inspection duties."
- The service is provided in the context of activities for which the foreign employer is registered in the country of employment, except in the case of the posting of the worker to a related company, and the service is carried out on the employer's own account and under the employer's management on the basis of a contract concluded with the client.

[31] *The procedures for obtaining a craft business permit and registration to the craft register are explained in Annex 1.*

[32] *Building Act (GZ-1), Official Gazette of the Republic of Slovenia, no. 199/21, date of adoption: 11/12/ 2021, with all amendments; https://pisrs.si/pregledPredpisa?id=ZAKO8244*

[33] *The procedure for registerinf work manager at respective chamber (IZS/OZS/GZS) is explained in Annex 2.*

[34] *Financial Administration of the Republic of Slovenia (FURS): Obtaining a tax number for a foreign legal entity and a responsible person of a foreign legal entity; https://www.fu.gov.si/poslovni_dogodki_podjetja/pridobitev_davcne_stevilke_za_tuje_podjetje*

The designated representative of the company may be subject to a fine ranging from 600 to 6.000 € for providing cross-border services without fulfilling the aforementioned required conditions.

Foreign employers may be subject to a fine ranging from 2.000 to 20.000 € if they (Art.16, Par. 8):

- fail to register the service provision before commencement,
- submit an incomplete registration,
- do not perform the service by the registered details,
- do not maintain the required documentation,
- fail to present documentation upon request by the competent supervisory authority,
- do not provide a translation upon the authority's request.

A fine ranging from 200 to 2.000 € may be imposed on the company's **designated representative** for non-compliance with Art. 16 of ZČmIS.

For foreign self-employed individuals, the fines for specified violations are half those for companies.

Fines under the Labour Relations Act (ZDR-1)

If violating the working conditions of posted workers:

- **an employer** may be fined between 3.000 to 20.000 € (Art. 217, Par. 1, Point 31),
- **small employers (employing 10 or fewer workers**) may receive a fine ranging from 1.500 to 8.000 € (Art. 217, Par. 2),
- **a designated representative of the company** may be fined between 450 to 2.000 (Art. 217, Par. 4),
- **A fine for a self-employed person** may range from 450 to 1.200 € (Art. 217, Par. 3).

Supervision of the Implementation of ZČmIS-1 and ZDR-1

The Labour Inspectorate of the Republic of Slovenia (IRSD) and the Financial Administration of the Republic of Slovenia (FURS) play key roles in ensuring compliance with labour and financial regulations.

IRSD: The Labor Inspectorate of the Republic of Slovenia (IRSD) ensures compliance with labor laws, including employment standards and workplace safety. It supervises the implementation of relevant regulations and takes enforcement actions when necessary.

FURS: The Financial Administration of the Republic of Slovenia (FURS) oversees tax compliance and social security contributions for both domestic and foreign employers. It ensures that financial obligations are met under labour laws and cross-border service provisions.

Fines under the ZZSDT[35] (valid only for third-country employers)

A fine ranging from 10.000 to 75.000 € shall be imposed for the offence of:

- a foreign employer who provides services in the Republic of Slovenia with workers who are not employed by the employer, or who provides services despite the prohibition on employing foreign workers.

A fine ranging from 3.000 to 30.000 € shall be imposed for the offence of:

- an employer or a contractor who allows a foreigner to perform work for which no consent has been given in the procedure for issuing or renewing a single permit or an EU Blue Card,
- an employer or contractor who fails to ensure minimum standards of accommodation or hygiene,
- a foreign employer, subject to registration, who fails to declare the commencement of the service provision in the Republic of Slovenia or whose workers provide services other than the supply of goods and services,
- an employer or contractor who fails to give the supervisory authorities access to all available evidence based on which documents permitting the employment, self-employment or work of a foreigner are issued,
- a foreign employer who, during the period of posting, fails to keep documentation relating to the posting of workers or does not submit it upon request of the supervisory authority.

A fine ranging from 1.000 to 10.000 € shall be imposed for the offence of:

- a service provider for whom the posted workers perform services other than the supply of goods and services.

A fine ranging from 500 to 5.000 € shall be imposed for the offence of:

- the designated representative of a foreign company, who provides services in the Republic of Slovenia with workers who are not employed by the employer, or who provides services despite the prohibition on employing foreigners.

A fine ranging from € 500 to 2.500 € shall be imposed for the offence of:

[35] *Employment, Self-employment and Work of Foreigners act – ZZSDT; Official Gazette of the Republic of Slovenia, no. 91/21 and 42/23, date of adoption: 16/6/2015; https://pisrs.si/pregledPredpisa?id=ZAKO6655*

- the designated representative of the company or the designated representative of the contractor who fails to ensure minimum standards of housing or hygiene,
- the designated representative of the foreign company who fails to keep documentation relating to the posting of workers or does not submit it upon request of the supervisory authority.

A fine ranging from 500 and 1.500 € shall be imposed for the offence of:

- an individual who fails to ensure minimum standards of housing or hygiene,
- a designated representative of a foreign employer who fails to declare the commencement of services in the Republic of Slovenia or whose workers provide services other than the supply of goods and services.

Which are the specific rules and procedures concerning posting of third-country nationals?

EU-based employers and construction services with posted workers

Employers (legal persons or self-employed individuals), established or residing in EU/EEA/ Swutzerland (EU-based employers) may provide construction services in Slovenia by posting workers of any nationality, provided that all conditions set out in Art. 14 to 16 of the Act on Cross-Border Provision of Services (ZČmIS-1) are met.

Before commencing, they must register the start of services with the Employment service of Slovenia (ZRSZ), and ensure that the rights of posted workers are fully respected, as detailed in this manual.

In addition, employers must also comply with the provisions of the Craft Act (ObrZ-1) regarding registration in the craft register (if performing a regulated activity), the Construction Act (GZ-1) regarding the registration of construction service providers and subcontracting requirements, and the Health and Safety at Work Act (ZVZD-1), all of which are also explained in this manual.

EU/EEA/Swiss nationals – residence, duration and workers' rights

Employees posted to Slovenia by an EU-based employer must obtain a residence permit under the provisions of the Aliens Act (ZTuj-2)[36] at the time of posting.

Posted workers who are nationals of an EU/EEA country or Switzerland are not required to register their residence in Slovenia for the first 90 days after entry. If they intend to stay longer, they must register their residence and obtain a certificate of residence for the purpose of employment. The application must be submitted at any administrative unit in Slovenia[39] no later than 90 days after entry.

Services with posted workers (EU nationals) may last up to 12 months. Under specific justified circumstances, the posting may be extended by up to 6 months upon submission of a reasoned notification to the ZRSZ. First 12 months and also during the extension, workers retain core set of employment rights. After 18 months, they become entitled to almost all employment rights - except those related to contract termination and mandatory participation in the supplementary occupational pension scheme.
(Justified circumstances may include unforeseen delays in the project, adverse weather conditions, late delivery of equipment, administrative barriers, or other objectively verifiable events that prevent the timely completion of the service provision.)

Posting third-country nationals – single permit for posting

When EU-based employers post third-country nationals to provide construction services in Slovenia, they must obtain a single permit for posted workers (a single permit for residence and work), in accordance with Art. 45 ZTuj-2[37]. This permit does not require the consent of the ZRSZ (ZZSDT, Art. 5, par. 2, point 18).

An application for a single permit may be submitted by the foreign national or their employer (based on the power of attorney). Application for the first permit is usually at the competent diplomatic and consular representation of the Republic of Slovenia abroad[38], or at any administrative unit in Slovenia, if the applicant already legally resides in Slovenia.

The single permit for third-country nationals is issued for the duration of the services specified in the secondment contract, or for a maximum period of one year, renewable.

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[36] *Aliens Act (Ztuj-2): Official Gazzete of the Republic of Slovenia, no 91/21 - Official consolidated text, 95/21 - Amended, 105/22 - ZZNŠPP, 48/23, 115/23, 62/24 - ZUOPUE and 96/24 - Decree of the Const. Court;* https://pisrs.si/pregledPredpisa?id=ZAKO5761

[37] *Application for the issue/renewal of a single permit: https://infotujci.si/wp-content/uploads/2022/04/*

[38] *Slovenia's representations abroad*

Third-country companies – posting restrictions

A third-country company cannot post workers to perform construction services in Slovenia unless it first establishes a local branch or subsidiary in Slovenia or another EU Member State. Even then, only certain categories of workers may be temporarily transferred:

- Managerial staff, for up to 3 years;
- Specialists with SOK 6/EQF 7 qualification;
- Workers for professional development/training, for up to 1 year.

They must have been employed by the home company for at least 9 months (managers/specialists) or 6 months (for training). Each transfer requires a single permit under Art. 45b-č, of the ZTuj-2.

Third-country cross-border services (non-construction)

Without a branch, third-country companies can still post workers for specific cross-border services (Art. 36, of the ZZSDT):

- Delivery & installation of machinery/equipment/devices;
- Training client's personnel;
- Dismantling;
- Regular maintenance agreed in purchase contracts;
- Warranty repairs at the supplier's expense.

Before starting, the service provision must be registered with ZRSZ (Art. 36, para. 3 and 4, of the ZZSDT), all other necessary formalities, as described in this manual, have to be arranged, and the rights of the posted workers must be ensured.

Services may last up to 14 consecutive days and a maximum of 90 days per calendar year. The same worker may return after an interruption of at least the same length as the previous posting (Art. 36 of the ZZSDT).

If delays or interruptions occur, the employer must inform ZRSZ within 3 days and may receive a new certificate (Art. 36, para. 6, of the ZZSDT).

Single permit procedure for posted workers – additional details

For posted workers, the foreign employer must obtain a single permit to reside and work (Art. 45 of the ZTuj-2). An application[41] for the first single permit may be submitted to the competent diplomatic and consular representation of the Republic of Slovenia abroad or any administrative unit in Slovenia.

The following evidence of compliance with the conditions for the grant of consent must accompany the application for a single permit:

- a photograph of the foreigner or a reference number from the electronic repository of pictures,
- a valid travel document (or a certified photocopy of a travel document), the validity of which is at least three months longer than the intended stay in Slovenia,
- proof of social security cover in the country from which the person is posted,
- proof of sufficient means of subsistence for the duration of the stay in the country, or other guarantees that they can maintain themself monthly, amounting to at least the basic amount of the minimum income in the Republic of Slovenia),
- a certificate from the criminal record of the foreigner's country of origin (always when the first single permit is issued, otherwise only on request),
- proof of registration of the foreign employer.

To obtain a single permit for a posted worker, the foreign employer posting workers in Slovenia must also obtain the consent of the ZRSZ. The administrative unit manages the procedure for obtaining the consent, and the employer must submit the following documents:

- a contract for the provision of services to the client in Slovenia
- proof that the posted workers have been employed for at least 9 months by the foreign employer (or its capital-related company established in a third country) that is posting workers to Slovenia.

The ZRSZ shall also verify ex officio information on final decisions or decisions on offences issued to employers or labour contractors, their responsible persons, or foreigners, which, by the provisions of the ZZSDT, affect decisions in the procedure for issuing or withdrawing consent to obtain a single permit.

Consent to issue a single permit for a worker posted for cross-border provision of services in Slovenia may be given once or multiple times in a calendar year.

However, as already mentioned, the total duration of service provision in a calendar year may not, as a rule, exceed 90 days (Art. 36, of the ZZSDT).

Consent for the extension of the single permit for a posted worker may be granted if the performance of the contract is extended by a maximum of one month and if the contractor and the client prove that the services could not be performed within the agreed time limit for

objective reasons: force majeure, delays in the performance of the works related to the works specified in the contract, etc. (Art. 22, par. 2, of the ZZSDT).

Short-term authorized representatives – important note

Foreigners working as authorised representatives in Slovenia (up to 90 days per year) must also declare the commencement of their work. They must be registered in the Slovenia Court Register as a representative of a legal person. The registration procedure can be carried out at a SPOT or a notary[39].

There are three types of consents for posted workers:
• Consent for the cross-border provision of services (Art. 21, 22 of the ZZSDT). • Consent for the transfer of employees within capital-related companies (Art. 21, 23 of the ZZSDT) • Consent for training of posted and Slovenian workers in affiliated companies (Art. 21, 24 of the ZZSDT).

Let us also mention an essential provision of the ZZSDT, which defines the conditions for accommodating foreigners during the cross-border provision of services in Slovenia.

Employers and labour contractors who provide accommodation to foreigners in the Republic of Slovenia must ensure that minimum housing and hygiene standards are met (Art. 10 of the ZZSDT). These standards are laid down in a by-law.[40]

The minimum housing standards include the furnishing, maintenance, heating, and lighting of the premises, as well as the maximum number of people allowed in a single room and the minimum square footage required for each room. The minimum hygiene standards specify the maximum number of occupants allowed in sanitary facilities, the separation of these facilities from other living areas, and the ventilation and lighting requirements for these facilities. The amount of rent for the accommodation shall be fixed by contract, and in the event of a dispute, it shall be determined by the competent court.

[39] List of SPOT points and notaries; https://spot.gov.si/en/about-spot/spot-points-and-notaries/

[40]] *Regulation on the establishment of minimum standards for the accommodation of foreigners employed or working in the Republic of Slovenia; Official Gazette of the Republic of Slovenia, no. 62/15, dated 12/8/2015; https://pisrs.si/pregledPredpisa?id=PRAV12538*

More information for foreigners is also available at the webpage INFOTUJCI.SI[41]

Are there joint liability clauses that affect contractors in the event of failure to pay posted workers?

Liability for payment to posted workers in the construction industry is governed by the Art. 18 of ZČmIS-1 and the Art.141.a of ZDR-1, which include provisions for the subsidiary liability of contractors.

If a foreign subcontractor in Slovenia fails to pay wages to a posted worker as required by law, the Slovenian contractor is subsidiarily responsible for ensuring that workers are paid.
A subcontractor is defined as a legal entity contracted to perform a service or part of a service for which the main contractor has an agreement with the client.

An employer can also be a legal or natural person providing workers (agency) to a user with headquarters or residence in Slovenia.
If a posted worker is not paid wages and other employment benefits, the user (another employer) is subsidiarily responsible for ensuring these obligations are met for the period during which the worker performed work for them.

Which information shall the employer give to posted workers before posting?

According to Slovenian legislation (ZDR-1, Art. 210), foreign employers must inform their employees in writing of their rights and obligations under the ZDR-1 and KPGD.

Additionally, due to the transposition of EU directive 2018/957 (amending directive 96/717EC), foreign employers must also provide the worker with the link to the web portal of the Republic of Slovenia, where all information on the posting of workers to Slovenia is published. The portal is part of the GOV.si website[42].

Employers must provide posted workers with the following information in writing before departure:

- Country/countries where the posted worker will provide services (host country)
- The estimated duration of work abroad
- The currency in which payment for the work performed will be made

[41] *INFOTUJCI.SI: Information for foreigners - citizens of third countries; https://infotujci.si/drzavljani-tretjih-drzav/;*
[42] *Online portal for posted workers: https://www.gov.si/teme/napotitev-delavcev-na-delo-v-tujino/*

- All remuneration (in cash or other form) related to work assignments
- Information on whether a return is guaranteed and under what conditions
- Payment according to the law applicable in the host country
- Any special allowances related to the referral
- Rules regarding the coverage of travel expenses and expenses for food and accommodation
- A link to the official national website on posted workers.

Employers must provide this information to at least those workers who are posted to another country for a period longer than four weeks.

Glossary

List of acronyms

EEA (EGP)	European Economic Area
EU	European Union
FURS	Financial Administration of the Republic of Slovenia
GOV.SI	A central website of the Republic of Slovenia for easy access to information on the organization and functioning of the state administration
GZ-1	Building Act
GZS	Chamber of Commerce and Industry of Slovenia
IRSD	Labor Inspectorate of Slovenia
IZS	Slovenian Chamber of Engineers
KPGD	Collective Agreement for the Construction Industry
MDDSZ	Ministry of Labor, Family, Social Affairs and Equal Opportunities
MF	Ministry of Finance
obrZ	Small Business Act
OSH	Occupational Safety and Health
OZS	Chamber of Craft and Small Business of Slovenia
OOZ Kamnik	Regional Chamber of Craft and Small Business of Kamnik
OOZ Nova Gorica	Regional Chamber of Craft and Small Business of Nova Gorica
PISRS	Legally- the information system of the Republic of Slovenia
RS	Republic of Slovenia
ZČmIS-1	Law on cross-border provision of services
SDGD	Construction Workers' Union
VAT (DDV)	Value added tax
ZAID	Architectural and Engineering Activities Act
ZAPS	Chamber of Architecture and Space
ZDR-1	Law on labour relations
ZMinP	Law on minimum wages
ZPPK	The Act, Regulating the Procedure for Recognition of Professional Qualifications
ZRSZ	Employment Service of Slovenia
ZVarD	Law on Protection Against Discrimination
ZZSDT	Law on Employment, Self-employment and Work of Foreigners
ZZZS	Health Insurance Institute of Slovenia
ZTuj-2	Law on Foreigners
ZVZD	Chamber of Occupational Safety and Health
ZVZD-1	Law on Occupational Safety and Health

Craft License	obrtno dovoljenje
Single residence and work permit	enotno dovoljenje za prebivanje in delo
Works manager	odgovorni vodja del

Useful Sources and Contacts

Competent Institutions in the Republic of Slovenia

In the Post-meet project, No. 101140103 – ESF-2023-POW-UDW, which is co-financed by the EU, the following chambers, representing craft and SMEs are involved:

Chamber of Craft and Small Business of Kamnik
Address: Tomšičeva ulica 11, 1240 Kamnik
T: (01) 8319 810, e-mail: ooz.kamnik@ozs.si
Website: http://www.ooz-kamnik.si

Chamber of Craft and Small Business of Nova Gorica
Address: Ulica Gradnikove brigade 6, 5000 Nova Gorica
T: +386 (05) 3306 600, e-mail: ooz.novagorica@ozs.si
Website: http://www.ooz-novagorica.si

Ministries and Bodies Within Ministries

Ministry of Labor, Family, Social Affairs and Equal Opportunities (MDDSZ)
MDDSZ prepares regulations in the field of employment, OSH , and posting of workers from and to Slovenia. MDDSZ also supervises the implementation of regulations within the framework of the Labour Inspectorate (IRSD).

Address: Štukljeva cesta 44, 1000 Ljubljana
T: +386 (01) 3697 700, e-mail address:gp.mddsz@gov.si
Website:https://www.gov.si/drzavni-organi/ministrstva/ministrstvo-za-delo-druzino-socialne-zadeve-in-enake-moznosti/

Labour Inspectorate of the Republic of Slovenia (IRSD)
The IRSD, part of the MDDSZ, oversees the enforcement of laws, regulations, collective agreements, and general acts in areas such as workplace safety, labour relations, minimum wage, employment, foreign labour, worker participation in management, and strikes. They also provide consulting within their areas of expertise.

Address: Štukljeva cesta 44, 1000 Ljubljana
T: +386 (01) 2803 660, e-mail address:gp.irsd@gov.si
Website: https://www.gov.si/drzavni-organi/organi-v-sestavi/inspektorat-za-delo/o-inspektoratu/

Ministry of the Interior (MNZ)

The fundamental mission of the MNZ is to ensure security in the country, namely by acting in the areas of public security and police, administrative internal affairs, migration and naturalisation of foreigners. The Ministry of the Interior is responsible for issues of entry and residence of workers sent to work in the Republic of Slovenia, in accordance with ZTuj-2.

Address: Štefanova ulica 2, 1501 Ljubljana
T: +386 (01) 4284 000, e-mail address: gp.mnz@gov.si
Website: https://www.gov.si/drzavni-organi/ministrstva/ministrstvo-za-notranje-zadeve/o-ministrstva/

Social Insurance Providers

The Employment Agency of the Republic of Slovenia (ZRSZ)
ZRSZ accepts applications from employers to provide services with workers posted to Slovenia and is competent to issue consent for the single residence and work permits for foreign citizens.

Address: Rožna dolina, cesta IX 6, 1000 Ljubljana
T: +386 (01) 4790 900, e-mail address: gpzrsz@ess.gov.si
Website: www.ess.gov.si

Health Insurance Institute of Slovenia (ZZZS)
ZZZS is the holder and provider of compulsory health insurance in the Republic of Slovenia, and in the case of posting of workers, it is the competent authority for the implementation of the provisions in the field of health care and the determination of the legislation that applies in the case of posting of workers. At the request of the employer, the ZZZS issues an A1 certificate for workers to be posted from Slovenia, which proves that they are included in the Slovenian social security system.

Address: Miklošičeva cesta 24, 1000 Ljubljana
T: +386 (01) 3077 300, e-mail: gp@zzzs.si
Website: https://www.zzzs.si/

Civil Service Tasks

Administrative Units

Administrative units are established to perform tasks of state administration, which are carried out in 58 locations. The areas of administrative units are determined in a manner that ensures the rational and efficient performance of administrative tasks. In connection with the travel and employment of foreign workers in Slovenia, administrative units regulate the procedures for obtaining the single residence and work permits, as well as registration of temporary residence.

Website: https://www.gov.si/drzavni-organi/upravne-enote/

Representative Offices Abroad

Representations of Slovenia abroad perform the activities specified in the Vienna Convention on Diplomatic Relations, the Vienna Convention on the Representation of States in their Relations with International Organisations of a Universal Character and the Vienna Convention on Consular Relations.

If you are looking for information on how representative offices abroad can help you, read the section Help from Slovenian representative offices abroad; https://www.gov.si/teme/pomoc-slovenskih-predstavnistev-v-tujini/
.***Representative offices of Slovenia abroad:***

- *embassies: https://www.gov.si/predstavnistva/#e2677*
- *permanent representative offices at international organisations: https://www.gov.si/predstavnistva/#e139057*
- *consulates headed by a professional consular official: https://www.gov.si/predstavnistva/#e2678*

Representations by country: https://www.gov.si/drzave/

Other Competent Institutions

Advocate of the Principle of Equality of the Republic of Slovenia
Advocate of the Principle of Equality of the Republic of Slovenia (Zagovornik načela enakosti) is an independent state body established to promote equal treatment and ensure protection against discrimination.
Address: Železniška cesta 16, 1000 Ljubljana
T: +386 (01) 4735 531, free number 080 81 80, e-mail address: gp@zagovornik-rs.si
Website: https://zagovornik.si/

Human Rights Ombudsman of the Republic of Slovenia
The Human Rights Ombudsman (Varuh človekovih pravic) supervises the conduct of all branches of power in Slovenia and their possible interference with the human rights and fundamental freedoms of individuals.
Address: Dunajska 56, 1000 Ljubljana
T: +386 (01) 4750 050, free number 080 15 30, e-mail address: info@varuh-rs.si,
Website: https://www.varuh-rs.si/

Representative chambers (Employers' organisations)

Chamber of Craft and Small Business of Slovenia (OZS)
OZS is an umbrella organisation that, along with 62 regional Chambers (OOZ), forms a business hub to support SMEs. Its key tasks include monitoring legislation, addressing issues related to crafts and entrepreneurship, and representing its members' interests before local, regional, and state authorities, as well as within EU institutions. The organisation offers numerous services and training programs to its members, aiming to accelerate the development of SMEs.

Address: Celovška cesta 71, 1000 Ljubljana
T: +386 (01) 5830 500, e-mail: info@ozs.si
Website: https://www.ozs.si, where links to all 62 OOZ are also accessible

***Chamber of Craft and Small Business of Kamnik**
Address: Tomšičeva ulica 11, 1240 Kamnik
T: (01) 8319 810, e-mail: ooz.kamnik@ozs.si
Website: http://www.ooz-kamnik.si

***Chamber of Craft and Small Business of Nova Gorica**
Address: Ulica Gradnikove brigade 6, 5000 Nova Gorica
T: +386 (05) 3306 600, e-mail: ooz.novagorica@ozs.si
Website: http://www.ooz-novagorica.si

**Both regional chambers are partners in the Post-Meet project. The Chamber of Craft and Small Business system includes the umbrella organisation (OZS) and 62 regional chambers.*

GZS - Chamber of Construction and Building Materials Industry of Slovenia (GZS ZGIGM)
GZS ZGIGM unites members due to the common interest of appearing and exerting influence in areas that are important for members from the construction industry and from the production of construction materials, in relation to the state, the trade union, bodies and institutions of the European Union and other partners in the adoption and implementation of economic policy, legislation and conditions for the operation of the economic system.

Address: Dimičeva ulica 13, 1504 Ljubljana
T: +386 (01) 5898 242, e-mail: zgigm@gzs.si
Website: https://www.gzs.si/zbornica_gradbenistva_in_industrije_gradbenega_materiala

Professional Chambers

Chamber of Occupational Safety and Health (ZVZD)
ZVZD contributes its share to greater promotion and implementation of an appropriate level of occupational safety and health in companies, public institutions and other organisations and institutions.

Address: Miklošičeva cesta 38, 1000 Ljubljana
T: +386 (01) 4303 256, e-mail: info@zbornica-vzd.si
Website: https://zbornica-vzd.si/

Slovenian Chamber of Engineers (IZS)

IZS is an independent professional chamber of licensed engineers. The chamber performs tasks and activities in accordance with the law and the statute, ensuring professionalism and protecting the public interest in the area of spatial planning and building construction, as well as the protection of third parties.

Address: Jarška cesta 10b, 1000 Ljubljana
T: +386 (01) 5473 333, e-mail address: izs@izs.si
Website: https://www.izs.si/

Chamber of Architecture and Space of Slovenia (ZAPS)

ZAPS is a professional association of authorised architects, authorised landscape architects and authorised spatial planners and performs the tasks defined by law to ensure professionalism and protection of the public interest in the field of spatial planning and construction of buildings and the protection of third parties.

Address: Vegova ulica 8, 1000 Ljubljana
T: +386 (01) 2420 670, e-mail: zaps@zaps.si
Website: https://zaps.si/

Trade Unions and Representatives of Construction Workers

SDGD – Trade Union of Construction Workers of Slovenia

The Construction Workers' Trade Union of Slovenia is a voluntary organisation established by workers to express their needs and interests collectively. It focuses on addressing their economic, material, and social conditions, as well as protecting workers' rights.

Address: Dalmatinova ulica 4, 1000 Ljubljana
T: +386 (01) 4341 220, e-mail: oskar.komac@sindikat-zsss.si; marko.tanasic@sindikat-zsss.si
Website: https://sdgd.si/

Workers' Consultancy organization (Delavska svetovalnica)

The Workers' Consultancy organisation is a non-profit organisation dedicated to the advocacy, protection, promotion, and development of the labour, social, and status rights of workers and other vulnerable groups, paying special attention to respecting the rights of posted workers.

Address: Dalmatinova ulica 4, 1000 Ljubljana
T: +386 (01) 4341 293, free number 080 1434,

email address: info@delavskasvetovalnica.si
Website: https://delavskasvetovalnica.si/

Annexes

Annexe 1: The procedure for obtaining a Craft business permit for occasional craft activities in Slovenia

According to Slovenian regulations[43] [44], adequate professional qualifications are required to carry out craft activities. Therefore, foreign legal entities, performing short-term provisions of craft services in Slovenia, must obtain a craft license (*obrtno dovoljenje*) and register in the Craft Register (*vpis v obrtni register*) at the Chamber of Craft and Small Business of Slovenia (OZS)[45] using the prescribed form[46]. A craft license is valid for one year and must be extended if needed[47].

Annexe 2: Conditions for managing work on construction sites for contractors - entry in the relevant directory based on GZ-1

The Building Act (GZ-1)[35] regulates the conditions for construction facilities and other issues related to construction. In Art. 20, the law defines the cross-border provision of construction services by foreign providers.

Foreign providers based in EU member states, European Economic Area (EEA), Switzerland or with headquarters in a country, with which a relevant international agreement has been concluded (contracting countries), may perform construction activities in Slovenia permanently and temporarily or cross-border in all legal status forms, if they meet the requirements for legal activity in the country of headquarters.

[43] *Small Business Act (ObrZ), Official Gazette of the RS no. 40/04, dated August 12, 1994, with all amendments; https://pisrs.si/pregledPredpisa?id=ZAKO355*

[44] *Ordinance on craft activities, Official Gazette of the Republic of Slovenia, no. 63/13; https://pisrs.si/pregledPredpisa?id=URED6436*

[45] Chamber fo Craft and Small Business of Slovenia; Obrtno-podjetniška zbornica Slovenije (OZS); https://www.ozs.si/javna-pooblastila

[46] *Application for the issuance of a permit for the temporary performance of a craft activity; https://www.ozs.si/datoteke/ozs/staro/Media/Dokumenti/ZA%20CLANE/OD%20-%20licence%20-%20dvolilnice/Vloge%20in%20obrazci/OD/vloga%20za%20isdajo%20permits%20o%20for%C4%8Dasnem%20doing%20OD.pdf*

[47] *Application for the extension of a permit for the temporary performance of a craft activity*

Foreign providers of construction services from third countries may permanently or temporarily perform construction activities under the conditions of the previous paragraph if the condition of material reciprocity is met.

This requirement is met if Slovenian construction service providers can perform activities in the foreign provider's country under conditions like those that foreign providers face in Slovenia. Additionally, the conditions for Slovenian providers of construction services should not be significantly more complex than those prescribed by Slovenian law for foreign construction service providers.

If the provider has business units in several countries, the country's legal order with the stricter regulations is the one with the most stringent regulations, taken into account when determining material reciprocity.

In any case, if construction services providers from the EU and third countries want to offer services in the Slovenian market, they must:

- have adequate liability insurance for damage,
- ensure the cooperation of the works manager with appropriate qualifications according to the complexity of the construction project,
- arrange the registration of the works manager at the respective chamber.

Liability insurance

Proof of liability insurance concluded in the Republic of Slovenia or another country is considered a concluded liability insurance.

Liability insurance is adequate if it includes liability for damage caused to the investor or a third party in connection with the performance of the construction company and must cover damage due to the negligence, damage, or neglect of duty of the contractor and his employees, whereby the amount of the annual insurance sum must not be lower than 50.000 € (16 Art. GZ-1)

The participation of construction professionals in managing construction sites – works manager

Building Act GZ-1 and the Act on Architectural and Engineering Activity - ZAID[48], which apply to specific categories of workers in construction, also apply to posted workers. Professionals in the fields of design, supervision, and construction management determine the conditions for performing these professions.

Foreign bidders must ensure the cooperation of the works manager, depending on the type of structure of works, who can manage the construction site[49] and arrange its status (entry in the register) with one of the competent chambers:

- **Slovenian Chamber of Engineers (IZS)[50]** conducts the recognition of the professional qualification for construction management, professional examination for a work manager, engineers and employees with higher technical education, and maintains the register of works managers on the "Vz, Vm and Vnp" levels*.
  Contact information: IZS, Jarška c. 10 b, 1000 Ljubljana; website: https://www.izs.si/; email address:izs@izs.si; phone: +386 (0)1/5473 340

- **Chamber of Craft and Small Business of Slovenia (OZS)**[56] maintains the register of works managers for master craftsman. The master craftsman exams are conducted by the OZS, and are at the level of secondary vocational education. Successful candidates receive a title in a specific field of construction, such as Master Mason or Master Roofer, etc. They can be certified as the works managers on the »Mc« level and can arrange the status at OZS register of works managers*.

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[48]Architectural and Engineering Activity Act (ZAID), Official Gazette of the Republic of Slovenia, no. 61/17, dated 24 October 2017 and 133/22 – decision of the Constitutional Court; https://pisrs.si/pregledPredpisa?id=ZAKO7342

[49]*Par. 4 of Art. 20 GZ-1 stipulates that "the foreign bidder must ensure the cooperation of the individual who manages the construction".*
The second paragraph of Art. 19 of GZ-1 stipulates that construction can be managed by: authorized experts, work managers, masters in the field of construction and construction foremen.
The recognition of the work manager professional qualification for foreigners who would like to act as a construction manager in the Republic of Slovenia is regulated by Art. 21, 22 and 23, where the public authority of the IZS is also given to carry out the process of recognizing the work manager professional qualification.
GZ-1 does not regulate the recognition of professional qualifications for masters in the field of construction and construction foreman for foreigners who would like to act as a construction manager in the Republic of Slovenia. Therefore, the law does not explicitly authorize the OZS and the GZS to recognize professional qualifications obtained abroad. In these cases, contractors contact OZS and GZS, where they will explain to contractors the process of recognizing professional qualifications for masters in the field of construction and construction foreman. The procedures for the recognition of these categories are conducted in accordance with the Act on the Procedure for the Recognition of Professional Qualifications for Performing Regulated Professions (ZPPPK)

[50]*The Slovenian Chamber of Engineers: The process of recognizing the professional qualification of works manager: procedure and role; EU citizens - IZS; https://www.izs.si/poklicne-kvalifikacije/drzavljani-eu/*

- Contact information: OZS, Celovška 71, 1000 Ljubljana; website: https://www.ozs.si/; email address:svetovanje@ozs.si; phone: +386 (0)1 5830 500

- **Chamber of Commerce of Slovenia (GZS)**[51] maintains the register of works managers for Construction Foreman. The construction foreman exams are conducted by the GZS and are at the secondary vocational education level. They can be certified as the works managers on the »Cf« level and can arrange their status in the GZS register of works managers*.
  Contact information: GZS, Dimičeva 13, 1000 Ljubljana; website: https://www.gzs.si/; email address: info@gzs.si; phone: +386 (0)1 5898 000

- To perform tasks according to the provisions of ZAID**Napaka! Zaznamek ni definiran.**, foreign providers arrange the details at the competent **Chamber of Architecture and Spatial Planning of Slovenia (ZAPS)**[52]**.** These are licensed architects, licensed landscape architects, and licensed spatial planners.
  Contact information: ZAPS, Vegova 8, 1000 Ljubljana; website: https://www.zaps.si/; email address: zaps@zaps.si; phone: +386 (0)1 2420 670

For detailed explanations of the procedures for the recognition of professional qualifications, see the official website of the Republic of Slovenia, GOV.SI, and the Act on the Procedure for the Recognition of Professional Qualifications for the Pursuit of Regulated Professions (ZPPPK)[65].

***Classification of the professions of the Works managers, according to their education level**

Vz – Works Manager – first cycle study programs (Professional Bachelor's)
Vm – Works Manager – higher technical education (Academic Bachelor's)
Vnp – Works Manager – upper secondary technical education
Me & Fe – Works Manager – Master craftsman exam and Foreman exam

To help you understand the levels of education, you can find a diagram of the Slovenian school system in Annexe 3.

Work carried out by Works Managers certified in individual professional fields	Vz	Vm	Vnp	Me&Fe
Management of the whole or a major part of construction of COMPLEX structures	X			
Management of the whole or a major part of construction of LESS COMPLEX structures	X	X		
Management of the whole or a major part of construction in COMPLEX and LESS COMPLEX structures	X	X	X	

[51] *Chamber of Commerce and Industry of Slovenia - GZS; https://gzs.si/*
[52] *Chamber of Architecture and Space of Slovenia - ZAPS; https://zaps.si/*

Management of UNCOMPLEX structures and INDIVIDUAL construction works (e.g. masonry and facades, electrical installations, installation of heating, climatization and ventilation, timber and roofing, etc.)	X	X	X	X

Note: Works management and liability insurance are not required by law for final construction works that do not significantly impact the building's characteristics (such as painting, wall and floor cladding, and other final construction services).

Regarding the procedures for the recognition of professional qualifications, detailed explanations are given on the official website of the Republic of Slovenia GOV.SI[53] and in the Act on the Procedure for the Recognition of Professional Qualifications for Performing Regulated Professions (ZPPPK)[54].

[53] *Mutual recognition of professional qualifications; https://www.gov.si/teme/vzajemno-priznavanje-poklicnih-kvalificacij/*

[54] *Act on the Procedure for the Recognition of Professional Qualifications for Performing Regulated Professions (ZPPPK); Official Gazette of the Republic of Slovenia, No. 39/16; dated 19/5/2016, with all amendments; https://pisrs.si/pregledPredpisa?id=ZAKO7077*