

MANDATORY HR INTERNAL ACTS FOR EMPLOYERS IN SLOVENIA

In practice, we find that employers in Slovenia do not always have all HR matters properly regulated, which may give rise to issues in the event of inspections by the competent authorities from an employment-law perspective. For this reason, we would like to draw your attention to the mandatory or recommended internal HR policies and acts for your company in Slovenia.

1. **Safety Statement with Risk Assessment**
2. **Workplace Health Promotion Plan**
3. **Internal Act on Determining Alcohol Intoxication and the Influence of Drugs and Other Prohibited Substances**
4. **Policy on the Prohibition of Sexual and Other Harassment and Workplace Bullying (Mobbing)**
5. **Right to Disconnect Policy**

The HR internal acts are obligatory for all contractual agreements based on Slovene labour law.

Details regarding each policy and internal act:

1. Safety Statement with Risk Assessment

The Safety Statement with Risk Assessment is a **mandatory internal act** that the employer must prepare and adopt after carrying out an occupational safety and health risk assessment. The legal basis is the **Health and Safety at Work Act (ZVZD-1)**, which requires the employer to **assess risks in writing** and, on that basis, prepare a **written statement** containing in particular:

- **a plan for implementing measures,**
- **procedures for action in the event of imminent danger, and**
- **a definition of the duties and responsibilities of the persons responsible.**

The Act does not prescribe a fixed period within which the statement must be renewed. Pursuant to the second paragraph of Article 17 of ZVZD-1, **the employer must amend and supplement it whenever the existing preventive measures are no longer sufficient or appropriate**, when the data or circumstances on which the assessment was based change, or when there are

opportunities to improve the risk assessment. An update is therefore required in particular when there are **changes to jobs, equipment, technology, premises, work organisation**, or when **new risks are identified**.

The employer is required to provide employees with a **pre-employment preventive medical examination** by an authorised physician, followed by **targeted periodic preventive medical examinations** at intervals determined by the employer based on the risk assessment and the recommendation of the authorised physician, usually every 3-5 years.

When preparing the statement, the employer **must take into account the professional assessment of the occupational health service provider**, which serves as the basis for determining employees' specific health requirements. However, that professional assessment **does not itself constitute the statement**, and the occupational health service provider **neither prepares the statement nor signs it as a signatory**. Responsibility for the content and adoption of the statement rests exclusively with the employer, who is its sole signatory.

In addition, the Employment Relationships Act (ZDR-1) provides for **finances for offences committed by employers that fail to ensure safe working conditions**, which also includes failure to prepare the required risk assessments. The statement is mandatory also for an employer with five or fewer employees.

2. Workplace Health Promotion Plan

The Workplace Health Promotion Plan is a mandatory written arrangement through which the employer plans activities and measures aimed at maintaining and improving employees' physical and mental health.

Article 6 of the Health and Safety at Work Act (ZVZD-1) defines workplace health promotion as systematic targeted activities and measures implemented by the employer in order to maintain and improve employees' health.

The first paragraph of Article 32 of ZVZD-1 requires the employer to demonstrate that workplace health promotion has been:

- planned,
- provided with the necessary resources, and
- provided with a method for monitoring its implementation.

A written plan is therefore the customary and legally most appropriate way of fulfilling this obligation.

The written plan should preferably specify: identified employee needs, objectives/goals, specific measures and activities, responsible persons, deadlines, required resources, and the method for monitoring and evaluating results.

The Act **does not prescribe a fixed period within which the plan must be renewed**. The employer must monitor its implementation and update it when employees' needs, risks or work organisation change, or when monitoring shows that the measures are no longer appropriate or effective.

It is advisable to review the plan at least once a year and, on that basis, determine specific activities for the following period; however, annual renewal is not an express statutory requirement.

The obligation applies to all employers regardless of their size or business activity. The scope and complexity of the plan may, however, be adapted to the number of employees, the business activity, the jobs concerned and the identified needs.

3. Internal Act on Determining Alcohol Intoxication and the Influence of Drugs and Other Prohibited Substances

The Internal Act on Determining Alcohol Intoxication and the Influence of Drugs and Other Prohibited Substances is a **mandatory internal arrangement** under which, in accordance with **Article 51 of ZVZD-1**, the employer lays down the prohibition on working or being present at the workplace under the influence of such substances, the procedure for determining such a condition, and the removal of an employee from the work process where a violation is established.

The Act does not require a separate stand-alone document entitled "Policy on Determining Alcohol Intoxication"; however, it expressly requires the **method and procedure** for determining such a condition to be laid down in the employer's internal act. The employer may therefore regulate this area by means of a **stand-alone policy, instructions, or another appropriate general act**.

The act must clearly define in particular: the grounds for initiating the procedure, the persons responsible, the method of testing, the contents of the written record, the procedure in the event of refusal to undergo testing, personal data protection, and removal of the employee from the work process.

The second paragraph of Article 51 of ZVZD-1 also specifically regulates **medicinal products that may affect psychophysical abilities**. The prohibition on working under the influence of such medicinal products applies to jobs for which, due to an increased risk of accidents, this is stipulated in the Safety Statement with Risk Assessment.

The Act **does not prescribe how often the internal act must be renewed**. The employer must review it and update it as necessary, in particular when legislation, working conditions, responsible persons, the testing method or external service provider changes, or when practice shows that a particular procedure is no longer appropriate.

The employer may prepare and adopt the act itself; however, given the interference with privacy, the processing of sensitive personal data and the potential employment-law consequences, a **professional and/or legal review of the act** is recommended. Employees must be informed of its contents in advance. The obligation applies to all employers regardless of their size.

4. Policy on the Prohibition of Sexual and Other Harassment and Workplace Bullying (Mobbing)

The Policy on the Prohibition of Sexual and Other Harassment and Workplace Bullying is an internal act by which the employer lays down measures to protect employees' dignity and the procedure for preventing and addressing prohibited conduct.

Article 7 of the Employment Relationships Act (ZDR-1) prohibits sexual and other harassment and workplace bullying.

Article 47 of ZDR-1 provides that the employer must:

- ensure a working environment in which employees are **not exposed to harassment or workplace bullying**;
- **adopt appropriate measures to protect employees**; and
- **inform employees in writing** of the measures adopted, in the manner customary with the employer.

ZDR-1 does not expressly require a separate stand-alone document entitled "Policy on the Prohibition of Sexual and Other Harassment and Workplace Bullying". However, **specific protective measures and written notification of employees are mandatory**.

A **stand-alone policy is therefore recommended** and represents the clearest way of fulfilling and

demonstrating compliance with the employer's obligations.

The policy generally includes:

definitions of prohibited conduct, preventive measures, the method and contents of a complaint, the person or body responsible for receiving complaints, the complaint-handling procedure, the conduct of a confidential and impartial process, protection of the complainant against retaliation, and possible measures where a violation is established.

The employer may also appoint a confidential adviser and define their powers.

The employer must review the policy and update it as necessary when legislation, the organisation or responsible persons change, or when practice shows that the existing measures are no longer appropriate or effective.

The employer may prepare and adopt the policy or another written arrangement of the measures itself. However, a **legal review is recommended** in order to ensure confidentiality, an impartial procedure, personal data protection and appropriate handling of potential employment-law consequences.

The obligation to ensure a safe working environment, adopt measures and provide written notification applies to all employers.

5. Right to Disconnect Policy

The right to disconnect means that an employee is not required to be available to the employer during rest periods and authorised absences from work.

Article 142a of the Employment Relationships Act (ZDR-1) provides that the employer must:

- ensure employees' right to disconnect;
- adopt appropriate measures for its implementation; and
- inform employees in writing of the measures adopted, in the customary manner.

The measures are to be determined first by a **collective agreement at sectoral level**. If that

collective agreement does not regulate the measures, they are to be determined by a collective agreement at a lower level or at employer level. The employer may **incorporate them into an existing general act or regulate them in a stand-alone policy**, while observing the applicable collective agreement and the **prescribed employee-participation procedure**.

The employer must review the measures and update them as necessary when there are changes to the collective agreement, working time, work organisation, working from home or the use of digital communication tools, or when the existing measures prove ineffective.

The measures may specify in particular:

time/periods during which an employee is not required to respond to work-related calls and emails, the use of automatic replies and scheduled sending of messages, managers' obligations, arrangements during annual leave, and justified exceptions related to on-call duty or standby duty.

The obligation to ensure the right to disconnect and to adopt the relevant measures applies to all employers.

We provide support in preparing all of the above policies and internal acts in accordance with the legislation in force.

Authors



Mateja Babič

E Mateja.Babic@wts-tax.si
T +386 40 509 499



Jerneja Štremfelj

E Jerneja.Stremfelj@wts-tax.si
T +386 31 408 134

About WTS Global

With representation in more than 100 countries, WTS Global has already achieved a leading position as a global tax practice offering a full range of tax services and strives to become the world's leading non-audit tax practice. WTS Global deliberately refrains from conducting annual audits in order to avoid conflicts of interest and to be a long-term trusted advisor to its international clients.

WTS Global's clients include multinational companies, medium-sized international companies, private clients, and family offices.

The companies that are members of WTS Global are carefully selected through rigorous quality reviews. They are strong local players in their home markets, united by the ambition to establish a truly global practice that develops the tax leaders of tomorrow and anticipates the new digital tax world.

WTS Global effectively combines high-level tax expertise from different cultures and environments, offering cutting-edge knowledge and skills in consulting, internal, regulatory, and digital services, along with the ability to think like experienced businesspeople in an ever-changing world.

www.wts.com

Imprint

WTS TAX d.o.o.
Žanova ulica 3 | 4000 Kranj
Slovenia
T +386 59 071 705
<http://www.wts-tax.si/>
office@wts-tax.si

Disclaimer: The above information is intended to provide general guidance on the subject. You should not rely on this general guidance as the basis for any transaction or business decision, but should seek advice from a qualified tax advisor based on the specific circumstances of the taxpayer. Although our articles are carefully reviewed, we accept no responsibility for any inaccuracies or omissions. For further information, please contact the authors.

To unsubscribe from Tax News, send us an email at office@wts-tax.si with the subject line UNSUBSCRIBE.