

Guiding Questions for Focus Area: Right to Work and Access to the Labour Market

1. **What are the legal provisions and policy frameworks in your country that recognise the right to work and access to the labour market by older persons?**

Employment Relationships Act stipulates in Article 25:

An employer who recruits new employees must publicly advertise vacancies or types of work (hereinafter: work). A public notice of a vacancy must contain the job requirements and the deadline for applications, which may not be shorter than three working days.

A notice placed by the Employment Service shall also be deemed to be a public notice pursuant to the preceding paragraph.

If an employer publishes a vacancy in the mass media, on websites or at publicly accessible business premises of the employer, the time limit for applications shall commence on the day following the last notice.

An employer who employs fixed-term workers, part-time workers or workers employed by an employer who provides work for a user undertaking and employs workers for an indefinite duration or full-time must inform the workers of vacancies or of a public notice of vacancies in due time and in a manner customary for the employer (for example on a notice board in the business premises of the employer or by using information technology).

2. **What are the challenges faced by older persons for the realization of their right to work and access to the labour market in your country?**

Older unemployed are a vulnerable target in the labour market. At the end of June 2019, almost 41.5% of all unemployed people were older than 50 (Source: ZRSZ). The average duration of unemployment in the age group over 50 is as high as 43.4 months, 65.2% of all older unemployed are long-term unemployed and 32.3% have only a primary school education or less. The total number of unemployed has been shrinking over the past two years, while the average unemployment rate has been below average; their position in the labour market is particularly disadvantageous because they are less attractive to employers, often less well educated, less up-to-date knowledge and skills, with health problems and less productivity. Because of all this, they are often unemployed for a longer time, making it difficult for them to re-enter the labour market.

It is very important for the public opinion and employers to start changing their attitudes towards older workers, to overcome the negative stereotypes and to emphasize the positive sides of older workers (eg experience, loyalty to the employer...) and the benefits of intergenerational teams.

Older unemployed people receive particular attention in the context of an active employment policy, as a special vulnerable group in the labour market. They can be included in most ALMP programs (employment subvention, on-the-job training, non-formal education and training, public works...). Between January and October 2019, 6,870 people aged 50 or over were included in Active Employment Policy measures, representing 29.7% of all people involved in the measures during that period.

3. **What data, statistics and research are available regarding older persons engaged in informal work, particularly older women, including conditions of their work and economic value?**

4. **What steps have been taken to ensure the access of older persons to the labour market including through physical accessibility, access to information about employment opportunities, training and the provision of appropriate workplace accommodations?**

For unemployed persons and persons in the process of losing their jobs, the key institution in the labour market is the Employment Service of Slovenia (ESS). The ESS provides high regional coverage of services, as it has 12 Regional Offices, within which 58 Labour Offices are organized. They provide information, lifelong career guidance services and job search assistance. In addition, there are also Career Centres and Career Corners within the ESS, which are open to anyone wishing to obtain additional information about employment or education and training opportunities in the local environment. The ESS also provides services to employers who are in the process of major redundancies and provides services to persons already during the notice period. ESS has also been strengthening e-services for its customers in recent years.

In 2016 policy paper on »Older people and labour market« was prepared with comprehensive list of possible measures addressing employment opportunities, training etc.

<http://www.utzo.si/wp-content/uploads/2018/05/Starej%C5%A1i-in-trg-dela-v-Sloveniji.pdf>

5. **What steps have been taken to ensure the availability of specialised services to assist and support older persons to identify and find employment?**

In addition to all other services mentioned above, the ESS also provides advocacy services for the most vulnerable groups in the labour market, which includes for example also participation of a personal job counsellor in job interviews, presentation of an individual person to employers etc.)

6. **What good practices are available in terms of ensuring the older persons' enjoyment of their right to work and their access to the labour market?**

Unemployed, which are difficult to employ due to certain restrictions, have less opportunities on the labour market, despite higher labour demand. Active employment policy programs are increasingly focused on the individual and his needs for improving employment opportunities. The Employment Service of Slovenia (ESS) through ALMP programs offers the employers the opportunity to pre-test an unemployed person at the workplace before the employment contract is signed (Work Test, for up to 30 days)¹. Another possibility is also On the Job Training, where employer trains an unemployed person for 1 to 3 months in a specific workplace with mentoring. Both measures can be followed by subsidized employment. Within the framework of the "Education and Training" measures, the ESS carries out various workshops, courses and trainings, in which unemployed persons can acquire knowledge, skills and competences for greater employability.

Several new measures are being implemented in recent years to support employment of older workers:

¹ Within a »Project Development of reforms strategies for social protection in Slovenia«, co-funded by EaSI (EC), an evaluation of an ALMP measures in Slovenia have been carried out and proving positive ALMP measures for older workers in Slovenia are financial incentives, subventions

Active till retirement. The programme was designed as a subsidy scheme to employers in 2017, supporting full time employment of persons, older than 58 years till retirement. The initiative continues in 2018-2020 backed-up with results of an ALMP measures analysis² which indicated that subsidies have a positive impact on older workers' employment.

Comprehensive Support for Companies for Active Aging of Employees, so called **ASI**, has the objective to delay retirement and increase the employability of older workers in the period 2016-2022. It aims to include 12,500 older workers (aged 45+) to participate in different training and motivational programmes. The programme also provides support to employers for more efficient management of the ageing workforce, improving motivation as well as skills upgrading of older employees and raising the awareness on the challenges of the ageing workforce. Numerous activities fall under the programme duration, including preparation of the best practice examples catalogue, illustrating different measures, tools and good practices in age management, awareness raising campaign for reducing negative stereotypes about older employees, drawing up an "*Elderly friendly company*" mark, capacity building workshops for HR managers and CEOs to build their competencies for effective human resource management, financial support for employers to prepare action plans and strategies for better management of older workers, financial support for upskilling and increasing the motivation of older workers and financial support for pilot projects developing innovative measures for prolongation of working life of older workers (e.g. development of new motivational programmes, knowledge management programmes, managing workplace diversity).

7. What protections are available to ensure older persons enjoy just and favourable conditions of work, including fair wages and equal remuneration for work of equal value, safe working conditions, both in the formal and informal sector?

Just and favourable conditions of work must be provided for all groups of workers, since employers must ensure that job seekers (hereinafter: candidates) being given access to employment or workers during their employment relationship and in connection with the termination of employment contracts are afforded equal treatment, irrespective of their nationality, race or ethnic origin, national or social background, gender, skin colour, state of health, disability, faith or beliefs, age, sexual orientation, family status, trade union membership, financial standing or other personal circumstances in accordance with this Act, the regulations governing the implementation of the principle of equal treatment and the regulations governing equal opportunities for women and men. (Article 6, Para 1 of Employment Relationships Act).

8. In your country, is age one of the prohibited grounds for discrimination in relation to work and access to the labour market, including in older age?

Age is one of prohibited grounds for discrimination in employment relationship (Article 6 of Employment Relationships Act).

9. What mechanisms are necessary, or already in place, for older persons to lodge complaints and seek redress for denial of their right to work and access to the labour market?

Regarding legislation regulating employment relationships (especially Employment relationships Act) there are no such mechanisms provided, while all complaints and other mechanisms are provided for employed older persons only.
