



# Capacity building for social dialogue at sectoral and company level

Slovenia

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This report is available in electronic format only.

## Introduction

In 2005 the European Foundation for the Improvement of Living and Working Conditions and the Swedish Work Life Development Project successfully carried out a comparative project on social dialogue capacity building at national level.

In 2006, the Foundation decided to continue with the comparative project on social dialogue capacity building at sectoral and company level. The objective is to help the EU10 Member States, Bulgaria, Romania, Croatia and Turkey in bringing together social partners, government representatives and researchers to investigate organisational, financial and skills capacities to engage in sectoral and local level of social dialogue.

The report is based on analysis of relevant sources and on interviews with representatives of seven central social partner organisations (four trade union confederations and three representative employer associations) that are involved in social dialogue at sectoral and company level in Slovenia. Central organisations are those considered as peak national organisations for the 2005 project on national capacities for social dialogue.<sup>1</sup>

After a brief presentation of the national situation of industrial relations, the paper concentrates on organisational, skills and financial capacities of researched organisations. The paper also reports on the results of the national team group work at the workshop in Sofia in June 2006 that focused discussion on the strengths and weaknesses of the existing capacities and a foresight project for building organisational, skills and financial capacities for social dialogue in the future. The final version of the report is updated with some new facts and developments, which emerged in the second half of the year 2006, when the research was already finished.

## Industrial relations in Slovenia

### Social partners

There are seven trade union confederations in Slovenia: the Union of Free Trade Unions of Slovenia (*Zveza svobodnih sindikatov Slovenije*, ZSSS), the KNSS-Independence, Confederation of New Trade Unions of Slovenia (*KNSS-Neodvisnost, Konfederacija novih sindikatov Slovenije*, KNSS), the Confederation of Trade Unions of Slovenia Pergam (*Konfederacija sindikatov Slovenije Pergam*, Pergam), the Confederation of Trade Unions '90 of Slovenia (*Konfederacija sindikatov '90 Slovenije*, Konfederacija '90), the Union of Workers' Solidarity (*Zveza delavcev Solidarnost*, Solidarnost), the Slovene Union of Trade Unions Alternativa (*Slovenska zveza sindikatov Alternativa*, Alternativa) and the Confederation of Public Sector Trade Unions (*Konfederacija sindikatov javnega sektorja*, KSJS).

All seven trade union confederations are representative at national level and there exist also 24 trade unions that have representativeness at sectoral level, but it needs to be pointed out that the Confederation of Public Sector Trade Unions (KSJS) was founded in February 2006 by the representatives of five public sector trade unions and by the time of the research,<sup>2</sup> the confederation had not gained its representativeness yet<sup>3</sup>, so it was not included in the research as a central social partner organisation.

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<sup>1</sup> Signatories of the Social Agreement for 2003–2005 and members of the Economic and Social Council (the main tripartite cooperation body at the national level).

<sup>2</sup> from March till end of June 2006

<sup>3</sup> In order to gain its representativeness, the trade union must be active at least 6 months.

The Confederation of Public Sector Trade Unions is the second largest confederation in the country. The 81,000 member confederation includes about half of all Slovenia's public sector employees. Its members are from different trade unions: the Trade Union of Education, Science and Culture of Slovenia (*Sindikat vzgoje, izobraževanja, znanosti in kulture Slovenije*, SVIZ); the Trade Union of Health and Social Services of Slovenia (*Sindikat zdravstva in socialnega varstva Slovenije*, SZSVS); the Police Trade Union of Slovenia (*Policijski sindikat Slovenie*, PSS); the Nursing Workers' Trade Union of Slovenia (*Sindikat delavcev v zdravstveni negi Slovenije*, SDZNS); the Independent Trade Union of Workers at the University of Ljubljana (*Neodvisni sindikat delavcev Ljubljanske univerze*, NSDLU). The public sector trade unions do not have a representative member on the ESS, although they have always been invited to participate at its sessions.

On the employers' side, there are four representative employer associations covering different sectors: the Chamber of Commerce and Industry of Slovenia (*Gospodarska zbornica Slovenije*, GZS), the Association of Employers of Slovenia (*Združenje delodajalcev Slovenije*, ZDS), the Chamber of Craft of Slovenia (*Obrtna zbornica Slovenije*, OZS) and the Association of Employers for Craft Activities of Slovenia (*Združenje delodajalcev obrtnih dejavnosti Slovenije*, ZDODS). There are also two sub-sectoral associations, the Bank Association of Slovenia (*Združenje bank Slovenije*, ZBS) and the Slovenian Insurance Association<sup>4</sup> (*Slovensko zavarovalno združenje*, SZZ) and additionally the Chamber of the Republic of Slovenia for Private Security (*Zbornica RS za zasebno varovanje*).

### Legal framework

A short summary of the previous report on social dialogue 2005 shows that trade unions and employer associations have a long tradition in Slovenia<sup>5</sup>. However, the Slovenian system of industrial relations, established in the 1990s, was characterised by strong trade unions, centralised organisation of employers, a system of centralised collective bargaining and institutionalised tripartite communication (that presupposed openness of the government to the dialogue with social partners). Both, the analysts and all actors of social dialogue unanimously consider Slovene social dialogue in the 1990s as a successful and good basis for a successful transition to the market economy. (Kanjuo-Mrčela, 2005).

The legal framework of the industrial relations system in Slovenia is currently changing and a few very important legislative documents were introduced early in 2006 and will influence the social dialogue capacity building in Slovenia in the future.

The most important one is the adoption of a new Collective Agreements Act (CAA) that entered into force on 6 May 2006 having been in preparation for almost 10 years. The new legislation introduced some improvements such as the voluntary system of collective bargaining, based on autonomous employer organisations and trade unions with voluntary membership. Until then, chambers with obligatory membership had also concluded collective agreements. The Collective Agreements Act specifies the parties to collective agreements, the content, the procedure for conclusion, the obligatory written form of agreements, the validity and cessation of agreements, the peaceful resolution of collective labour disputes and the recording and publication of agreements. In special cases a degree of flexibility regarding the social and labour rights of employees at company level can be allowed in collective agreements at national and sectoral

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<sup>4</sup> Penko Natlačén, M., (2004): "Social dialogue and conflict resolution in Slovenia", European Foundation for the Improvement of Living and Working Conditions.

<sup>5</sup> Trade unions in Slovenia as a part of the Austrian trade union movement emerged in the late 19th century, at first as educational and "self-help" organisations and then as workers organisations fighting for better wages and working conditions (Skledar, 2002). The existing chambers of commerce and craft of Slovenia were established at the tradition of the Commercial and Craft Chamber of Kranjska (Trgovinska in obrtna zbornica za Kranjsko) that was established in 1851.

level in order to maintain the employment of workers. The law also provides for a three-year transitory period of time throughout which the employer associations with compulsory membership are allowed to conclude collective agreements.<sup>6</sup> The new Collective Agreements Act stipulates that only the signatories of the collective agreements are covered by the collective agreements, but it also envisages general validity. This means that a collective agreement covers all workers employed by the employer or employers – for whom a collective agreement is valid, if the collective agreement has been concluded by one or more representative trade unions.

In addition, the parliament in May 2006 passed a new law regarding the Slovene chambers of commerce, called the Chambers of Commerce Act, which has abolished mandatory membership and redefined the procedures for the formation and functioning of all chambers of commerce<sup>7</sup>. The Chamber of Commerce and Industry of Slovenia (GZS), the biggest employer association for period of years, already modified its statute by the end of 2006. The government believed that the new law could greatly increase the efficiency of chambers, allow better cooperation of companies in pursuing their interests and decrease the burden on the economy.

The introduced legislative changes will in the future ensure that collective agreements in Slovenia are only reached on a voluntary basis, so all social partners expect some changes in social dialogue capacity building.

### Collective bargaining

The General Collective Agreement for the Commercial Sector (SKPgd) that covered all private sector companies was cancelled by all employer associations in September 2005.<sup>8</sup> Employer associations withdrew from the existing SKPgd in order to accelerate collective bargaining according to the new legislation.

Due to the cancellation of SKPgd, social partners expect sectoral and company level collective agreements to gain in importance. But since some companies remained without any collective agreement, a new Collective Agreement on Pay, Holiday bonuses and the Reimbursement of work-related expenses was signed<sup>9</sup> (*Kolektivna pogodba o načinu usklajevanja plač, povračilu stroškov v zvezi z delom in regres za letni dopust*) in June 2006 by Chamber of Commerce and Industry of Slovenia, Chamber of Craft of Slovenia, Association of Employers of Slovenia and Association of Employers for Craft Activities of Slovenia, on the employers' side, and by Union of Free Trade Unions of Slovenia, Confederation of New Trade Unions of Slovenia – KNSS, Confederation of Trade Unions of Slovenia Pergam, Confederation of Trade Unions '90 of Slovenia, Alternative, Solidarity and Independent Trade Unions of Slovenia, on trade unions' side. This collective agreement on pay partly replaces the usual tripartite "Agreement on pay policy in the private sector". It was the first time that social partners concluded a general wage agreement without government support. Despite the voluntary system of collective agreements, which could lead to lower coverage rate, this agreement still provides full coverage.

<sup>6</sup> The representativeness of social partners is not a statutory requirement for collective bargaining, but parties who are representative would be seen as more serious partners in the bargaining procedures.

<sup>7</sup> Chamber of commerce is representative if it has members whose sales amounts to at least 10% of sales of the whole economy for the last fiscal year, and has members which represent at least 5% of companies that could be members of the chamber of commerce

<sup>8</sup> Its regulations were still in force until end of June 2006

<sup>9</sup> With the new agreement, the basic pay will increase by 2% starting in August 2006 and by another 2% in August 2007.

### Social dialogue scope, actors and levels

Social dialogue in Slovenia was introduced in 1989 with the fundamental Employment Relationships Act, which introduced collective bargaining as the method of determining mutual rights and obligations between employers and employees in industrial relations in Slovenia.

Social partners in Slovenia cooperate at the national level in the Economic and Social Council of Slovenia (Ekonomsko Socialni Svet, ESCS). ESCS was established in April 1994 by a tripartite agreement on wage policy in the private sector as a central body for tripartite cooperation in Slovenia and the first social agreement was signed in 1995. The consultative function of ESCS is realized through its activity in the preparation of labour legislation and other documents (such as social agreements and wage policy agreements) and giving opinions on working and draft documents that are relevant to the scope of ESCS work – industrial relations, conditions of work, labour legislation etc and broader issues affecting workers, employers and government policy. The ESCS has 15 members (five representing each of the three parties of social partners).

On the trade unions' side, members of ESCS are the following confederations: *the Union of Free Trade Unions of Slovenia* (ZSSS-2 members), *the Confederation of New Trade Unions of Slovenia – KNSS* (one member), *the Confederation of Trade Unions of Slovenia Pergam* (one member) and *the Confederation of Trade Unions '90 of Slovenia* (one member). On the employers' side, members of ESCS are the following representative associations: *the Chamber of Commerce and Industry of Slovenia* (GZS, 2 members), *the Association of Employers of Slovenia* (ZDS, two members) and *the Chamber of Crafts of Slovenia* (OZS, one member). On the government side, the following representatives are members of ESCS: *Minister for labour, family and social affairs*, *Minister for finances*, *Minister for economy*, *Representative of the Prime Minister's Cabinet* and *Director of the for Institute for macroeconomic analysis and development* (Kanjuo-Mrčela, 2005).

Although its opinions and decisions are not binding to the parliament, the ESCS has gained such importance that the parliament normally calls for its opinion.



Source: Kanjua-Mrčela, 2005

Some time ago, both employers and trade unions were of the opinion that a law needed to be adopted in order to strengthen the ESCS's position, since its importance had increased over time, but many other difficult questions regarding social dialogue need to be resolved first (Skledar, 2002).

Since January 2006 employer associations, trade union confederations and government have been negotiating a new Social Agreement for 2006–2009 that sets the general direction for economic and social development for the coming years. The draft standpoints of the new social agreement are based on the Social Agreement for 2003–2005, coalition government agreement and the Development Strategy of Slovenia. The biggest obstacle for reaching Social Agreement

for 2006–2009 used to be the flat tax, proposed by the governmental package of structural reforms<sup>10</sup>, but the tax reform has been realised and legislation passed in November 2006 by the parliament, so there is no flat tax any more. Now the problems in the social agreement negotiations are connected with proposed changes in labour legislation in order to introduce more flexibility.

Social dialogue at national level in Slovenia is very strong, but due to the changes in legislation also sectoral social dialogue is gaining more importance, since more sectoral agreements are concluded every year. The basic working conditions are determined by the Employment Relationships Act, while collective agreements determine higher level of labour rights and working conditions with respect to specifics of different sectors.

#### *Main actors of social dialogue*

Representative trade union confederations and employer associations, included in this report, have very long tradition, since they were present in the establishment of Social and Economic Council of Slovenia and are signatories of the Social Agreement for 2003–2005.

#### **Trade unions**

**The Union of Free Trade Unions of Slovenia (ZSSS)** is the largest trade union organisation. ZSSS is a reformed organisation, a successor of the Slovene section of the former Yugoslav trade union. Changes in the organisational structure in 1990s involved decentralisation of decision-making within the umbrella organisation that gave sectoral trade unions an independent role in the confederal organisation. ZSSS consists of 26 member unions that are organized at the sectoral, regional and professional principles. Approximately 60% of members of ZSSS are employed in industry (metal, chemical, food and textile), 30% in services (retail, hotels and restaurants) and 10% in the public sector.

**KNSS - Independence, Confederation of New Trade Unions of Slovenia (KNSS)** was in the mid-1990s the second largest union organisation, representing 10% of all trade union members, but changes since then mean that this trade union does not have that position any more. KNSS consists of 10 member unions that are organized on sectoral, regional and professional principles and most of them are in the industry sector.

**The Confederation of Trade Unions of Slovenia Pergam (Pergam)** started as a trade union with membership mainly in the pulp/paper and printing industries, but it increased the scope and number of members in other sectors (especially in the public sector). It was created following the secession from ZSSS. Pergam consists of 11 member unions that are organised on the sectoral, regional and professional principles.

**The Confederation of Trade Unions '90 of Slovenia (KS 90)** is the trade union that has majority of members in the coastal region. It was also created following the secession from ZSSS in 1991. Konfederacija '90 consists of 20 member unions that are organised on sectoral, regional and professional principles. Approximately half of members are employed in industry and the other half in services.

All four trade union confederations have representatives at the national level in the Economic and Social Council of Slovenia (ESCS).

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<sup>10</sup> The four biggest trade union confederations expressed a strong resistance to the flat tax, since it would decline the living standard of the majority of workers

**Employers' organisations**

**The Chamber of Commerce and Industry of Slovenia (GZS)** has the required membership. At the beginning of the period of socio-economic transition, GZS was the only organisation representing employers and enterprises and in this role had an important function that enabled social dialogue. In 2004 it had 64,000 members.

**The Association of Employers of Slovenia (ZDS)** was founded on 22 February 1994, following the advice of the ILO and the International Organisation of Employers (IOE). At the beginning of 1997, it had 1,618 member enterprises, which employed around 60% of the private sector labour force and represented 49% of overall company equity. In 2004 it had 1,200 members.

**The Chamber of Craft of Slovenia (OZS)** also has the required membership. It represents independent craft workers and small and medium enterprises. In 2004 it had almost 47,000 members. The majority of members are in transport, construction and personal services (such as hairdressers, dress-makers and cosmetics).

GZS and ZDS have two representatives each and OZS has one representative in the Economic and Social Council of Slovenia (ESCS). In the national report on social dialogue for 2005 also Association of Employers for Craft Activities of Slovenia (ZDODS) was included, but for the purpose of this report ZDODS is not included since it is not actively involved in the social dialogue at the sectoral and company level. ZDODS is also not formally represented in the ESCS, but is invited to participate at its sessions.

Table 1: *Employer associations*

	<b>No of sectoral Members</b>	<b>No of org*. 2005</b>	<b>No of representative** sectoral members</b>	<b>Main sector</b>
<b>Employer associations</b>				
GZS	26	65,854	26	Private services, industry
ZDS	11 (sections)	1,250	/	Private industry
OZS	29 (sections)	47,000	/	Private services, industry (craft)

\*enterprises as members of the sectoral employer organisations

\*\*independent members, signatories of sectoral collective agreements

The largest employer organisation is GZS, with more than 65,000 organisations and 26 sectoral members of which all are representative.<sup>11</sup> The second largest organisation is OZS with 29 section members, but none of them is independently active in the social dialogue.<sup>12</sup>

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<sup>11</sup> This was due to GZS's previously obligatory membership, but the new Law on Chambers of Commerce already changed the status of chambers into voluntary membership.

<sup>12</sup> The reason for non-representativeness of sections is in OZS's internal organisation.

Table 2: Number of member employer organisations in different sectors (no. of representative members)

Member employer organisations /	GZS	ZDS	OZS
<b>In different sectors</b>			
Industrial sector	12	6	/
Private sector	10	4	29
Public sector	/	/	/
Agricultural sector	1	1	/
Others, (trade, tourism, hotels and restaurants)	3	/	/

The sector most covered by sectoral employer organisations is the private service sector, with 43 member organisations. The second most important sector is industrial sector, covered by 18 sectoral (section) members. Other sectors (trade, tourism, hotels and restaurants) are covered by three and the agricultural sector is covered by two sectoral employer organisations.

With the future voluntary membership of chambers of commerce, ZDS expects the number of members to increase<sup>13</sup>. According to the new Law on Collective Agreements, collective bargaining is based on voluntary participation, so sections at ZDS will now also be able to conclude sectoral collective agreements.

Table 3: Number of enterprises, members of sectoral (section) employer organisations, in different sectors

Member employer organisations /	GZS	ZDS	OZS
Total number of members	65,854	1,250	47,000
<b>In different sectors</b>			
Industrial sector	10,302	n.d	/
Private sector	28,782	more than half	47,000
Public sector	/	/	/
Agricultural sector	898	n.d.	/
Others, (trade, tourism, hotels and restaurants)	25,872	/	/

The Chamber of Commerce and Industry of Slovenia (GZS) is the only employer association that has full data on its member enterprises. According to all employer associations, most member enterprises are in the private service sector. Data on member enterprises at ZDS is available only by size (450 large companies, 350 medium and 450 small companies) and not by sector.

<sup>13</sup> The new law will allow other employer associations to become more equal and competent

Table 4: *Trade Union Confederations*

	No. of sectoral trade unions	No. of worker members	No of representat. sectoral trade unions	Main representative sector
<b>Trade Union Confederations</b>				
ZSSS	22	302,915	22	Private industry, Private services, Public sector
Pergam	11	87,000	11	Private industry, Public sector
KS-90	20	40,000	6	Private industry, Private services
KNSS	10	34,000-37,000	6	Public sector

The largest confederation of trade unions, ZSSS, has 22 representative sectoral trade union members and the highest number of worker members. Pergam is the second largest trade union confederation with 11 representative sectoral members.

The latest data (Slovene Public Opinion Survey, 2003/4) shows that the union density is 44.3%, and that 44.4% of all trade union members are members of ZSSS, while 32% are members of autonomous sectoral trade unions (Kanjuro-Mrčela, 2005).

Table 5: *Number of sectoral trade unions in different sectors (no. of representative members)*

Trade union confederations / different sectors	ZSSS	Pergam	KS-90	KNSS	Total no. of members
Industrial sector	8	8	16 (4 reps)	3	32 (20 reps)
Private sector	6	/	/	1	7 (6 reps)
Public sector	5	3	4 (2 reps)	5	17 (15 reps)
Agricultural sector	/	/	/	1	1
Others, (please specify)	3	/	/	/	3 (3 reps)

According to trade union confederations, most sectoral trade unions are in the *industrial sector* (32 trade unions) that is also the most representative sector (20 representative sectoral trade unions). The second biggest sector is the *public sector* with 17 sectoral trade unions of which 15 are representative. Private sector is covered by 7 sectoral trade unions of which six are representative and other sectors (sports, retired members, education, health) are covered by three sectoral trade unions, all being representative.

Figures showing the number of workers who are members of sectoral trade unions are available only for ZSSS which has 185,978 members in industrial sector; 76,072 members in private service sector; 38,804 members in public sector and 62,061 members in other sectors (sports, retired members, education, health).

Table 6: *Number of workers, members of trade union confederations since 2000*

<b>Trade union confederations</b>	<b>ZSSS</b>	<b>Pergam</b>	<b>KS-90</b>	<b>KNSS</b>
No of workers since 2000	decreasing	increasing	decreasing	increasing
<b>In different sectors</b>				
Industrial sector	decreasing	increasing	decreasing	increasing
Private sector	increasing			flat
Public sector	flat	increasing	increasing	flat
Agricultural sector				
Others, (please specify)	increasing			

Two trade union confederations, ZSSS and KS-90 estimate that since 2000 the number of workers, members of sectoral trade unions, has been decreasing, especially in the industrial sector.<sup>14</sup> On the other side, KNSS and Pergam estimate that since 2000 the number of workers has been increasing, particularly in the industrial sector. Other trade union confederations estimate increase in the number of workers also in the public sector (Pergam, KS-90), in the service sector (ZSSS, KS-90) and in other sectors (sports, retired members, education, health, ZSSS).

Employer associations estimate that the number of enterprises since 2000 has been increasing (ZDS) or has been flat (GZS, OZS). ZDS provided new internet pages for its members with access to useful information on sectors, wage policy, taxation, etc. Membership at other employer associations has not changed since 2000 because of the obligatory membership, but some major changes are expected in the future, due to the new legislation, as mentioned before.

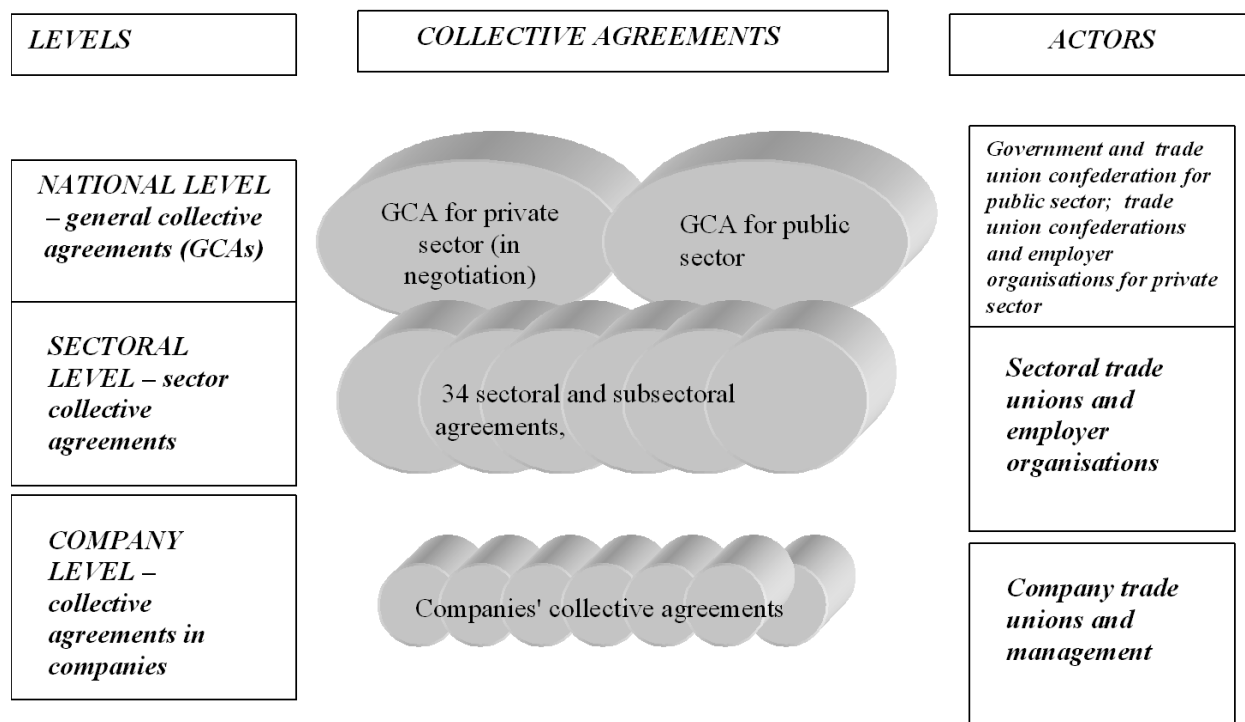
### *Collective bargaining*

Until recently, there have been three levels of collective agreements in Slovenia:

- a general binding agreement at the national level, concluded by trade unions and employer associations (only for the public sector at present)
- collective agreements, concluded at the branch level by employer associations and the representative sectoral trade unions
- voluntary collective agreements at the company level, concluded between trade unions and the employer (except for micro employers – up to 10 employees).

<sup>14</sup> One of the main reasons is decrease in the number of employment

Collective bargaining structure in Slovenia



Source: Kanjuro-Mrčela, 2005

In 2004, there were 27 collective agreements concluded for economic activities and eight collective agreements in the public sector (Penko Natlačen 2004). In 2005 overall, 22 sectoral agreements were concluded, amended or changed. Sectoral agreements for the timber industry and metal industry were cancelled. The newly-concluded sectoral collective agreements include the Collective Agreement for Construction (1 January 2005); the Collective Agreement for Forestry (1 January 2005); the Collective Agreement for Extraction and Processing of Non-metal Minerals (26 August 2005) the Collective Agreement for Electro-industry (9 November 2005) and the Collective Agreement for Metal Industry (9 November 2005) (Kanjuro-Mrčela, Kajič, 2005).

**And the collective bargaining structure under the new legislation?**

An important characteristic of collective agreements in Slovenia used to be that they applied to all employees, regardless of whether the workers were members of a trade union. With the new Collective Agreements Act they will apply only to parties that are signatories of collective agreements. At national level, collective agreements used to be concluded only by representative trade unions and employer associations and were valid for all employees and employers<sup>15</sup>. Now collective agreements will be on voluntary basis agreed among social partners. A shift towards partial decentralization of collective bargaining is currently in prospect. Since General Collective Agreement for the Commercial Sector (SKPgd) was cancelled, it is expected that the sectoral collective agreements will gain importance and become the cornerstones of the system.

<sup>15</sup> Membership in GZS and OZS used to be obligatory for all economic subjects, so collective agreements were binding all employers in a particular activity (Penko Natlačen, 2004).

Table 7: *Involvement of the main actors of social dialogue in Slovenia at different levels of collective bargaining\**

Organisation	National	Sectoral	Company
<b>Employer Associations</b>			
GZS	Y	Y	N
ZDS	Y	Y	N
OZS	Y	Y	N
<b>Trade Union Confederations</b>			
ZSSS	Y	Y	Y
KNSS	Y	Y	Y
Pergam	Y	Y	Y
Konfederacija '90	Y	Y	Y

\*There is no regional level of collective bargaining in Slovenia (Kanjuc-Mrčela, 2005)

All social partners participate in collective bargaining at national and sectoral level, while at company level only trade union confederations and sectoral trade unions are involved in collective bargaining. Employer associations reported that obstacles for not being actively involved at the level of companies are connected with the lack of personnel resources.

## Social dialogue at sectoral level

### Organisational capacities

All trade union confederations are involved at all levels of collective bargaining and all have representative sectoral trade union members that are signatories to sectoral collective agreements.

Employer associations are involved only at national and sectoral level of collective bargaining and only GZS has sectoral member organisations that have been able to conclude sectoral collective agreements. ZDS and OZS have been organised in sections that were not independent and could not be involved in collective bargaining.

Table 8: Number of employees at sectoral member organisations

No of employees	By offices of the sectoral org.	Men / women	In the industrial sector	In the service sector	In the public sector	In the agricultural sector	In other sectors
<b>Employer Associations</b>							
GZS	230						
ZDS	8*	1 + 7					
OZS	11	6 + 5	/	11	/	/	/
<b>Trade Union Confederations</b>							
ZSSS	40	18 + 22	23	10	6	/	1
KNSS	6*	5 + 1					
Pergam	8*	4 + 4					
Konfederacija '90	20*	10 + 10					

\*employees employed by central organisations for all sectors

## Capacity building for social dialogue at sectoral and company level

According to the Association of Free Trade Unions of Slovenia (ZSSS), Confederation Pergam and Confederation KS-90, sectoral trade unions have moderate lack of *personnel resources for running collective bargaining*. Only Confederation KNSS has enough personnel resources for collective bargaining<sup>16</sup>. Only one employer associations (ZDS) has a serious lack of personnel resources for running collective bargaining. GZS<sup>17</sup> and OZS have enough personnel resources. Regarding trade union confederations, only ZSSS has employees in different sectoral trade unions, most of them are employed in industrial trade unions and in private service sector trade unions. Other social partners have employees that are employed by trade union confederations and employer associations for all sectoral member organisations.

Table 9: *Organisational capacities of sectoral member organisations in different sectors to conclude sectoral collective agreements*

Org. capacities to conclude sectoral CA/ Sectoral trade unions	In the industrial sector	In the service sector	In the public sector	In the agricultural sector	In other sectors
<b>Employer Associations</b>					
GZS	Good	Good	/	Good	Good
ZDS	Poor	Poor	/	Poor	/
OZS	/	/	/	/	/
<b>Trade Union Confederations</b>					
ZSSS	Good	Moderate	Poor	/	/
KNSS	Good	/	Moderate	Good	/
Pergam	Moderate	/	Moderate	/	/
Konfederacija '90	Moderate	/	Moderate	/	/

\*Sections at ZDS and OZS are not involved in collective bargaining

Only one trade union confederation, KNSS, reports that its sectoral trade unions has sufficient *organisational capacities to conclude sectoral collective agreements* (industrial and agricultural sector). Other trade union confederations report moderate general organisational capacities of their sectoral members. Good organisational capacities in industrial sector<sup>18</sup> are due to the tradition of sectoral trade unions and length of their activity, especially in larger enterprises.<sup>19</sup> The public sector is more fragmented and difficult to organize, so capacities of public sector trade unions have been moderate.

The reasons for the moderate organisational capacities of sectoral trade unions are as follows: sectoral members lack of financial and personnel resources; organisational conditions are not good; knowledge is being centralised in trade union confederations, so sectoral members depend too much on them; level of social rights is decreasing, level of unemployment is high; trade union confederations have difficulties in motivating people to support negotiations for better working and living conditions.<sup>20</sup>

<sup>16</sup> KNSS is organized by regions and experts for collective bargaining are regional lawyers, working as subcontractors

<sup>17</sup> All sectoral members have representative, secretary and collective bargaining team.

<sup>18</sup> Industrial sector and public sector are more than other sectors covered by collective bargaining

<sup>19</sup> In the last three years, there were a few successfully organized strikes at sectoral level. The success is also partly due to the positive attitude of employers towards trade unions.

<sup>20</sup> ZSSS sees the organisational capacities of sectoral members as their capacity to organize and motivate people to go on strike but because of lower level of motivation of individual members, organisational capacities are poorer as they could be.

*Organisational capacities of sectoral employer organisations to conclude sectoral collective agreements* are good according to the Chamber of Commerce and Industry of Slovenia (GZS) but poor according to the Association of Employers of Slovenia (ZDS). GZS has good capacities because sectoral organisations have been developing these capacities since 1990. The evidence of collective agreements is well introduced and being regularly updated. Poor organisational capacities at ZDS are due to its lack of personnel resources, since only eight employees cover collective bargaining process (labour legislation, wage policy and tax policy).

### Skills capacities

Only one trade union confederation estimates it has enough *skilled personnel for running collective bargaining* (KNSS).<sup>21</sup> According to Pergam, KS-90 and ZSSS, sectoral trade unions have a moderate lack of skilled people for running collective bargaining. Confederation Pergam has employed three new experts for collective bargaining, mostly for public sector, but their activity is limited with membership fees and this is the main obstacle for lack of skilled people. The strongest sectoral trade union at ZSSS is the metalworker's trade union (SKEI), where members develop their own collective bargaining techniques and are financially sound. Other sectoral members do not have their own experts, so trade union confederations help them in negotiation process.

Sectoral employer organisations (sections at ZDS and OZS) lack *skilled people for running collective bargaining*. The ZDS representative pointed out that it would be necessary to employ at least 50 new people to cover collective bargaining process for all sectors, but financial resources are very poor. Only GZS has had enough skilled personnel for running collective bargaining and has organised special negotiation groups with experts that have experiences, knowledge and position.

All sectoral trade unions and sectoral employer organisations at GZS are *mandated to negotiate collective agreements*. Sections at OZS and ZDS have no mandate, since they are active only under the auspices of central employer organisations.

Table 10: *Number of sectoral collective agreements (CA) concluded by sectoral organisations in 2005*

	ZSSS	Pergam*	KS-90	KNSS	GZS	ZDS
<b>Number of all sectoral CA</b>	<b>5</b>	<b>/</b>	<b>2</b>	<b>4</b>	<b>5</b>	<b>6</b>
Industrial sector	5	/	2	3	4	4
Private sector					1	2
Public sector		/		1		
Agricultural sector						
Others, (please specify)						

\*In year 2004 Pergam concluded 7 sectoral CA and was not active in 2005 because collective bargaining is organized every two years.

Social partners in 2005 concluded 11 sectoral collective agreements, of which sectoral trade unions at ZSSS concluded five CA, while ZDS on the employer side concluded six CA, mainly in the industrial sector.

<sup>21</sup> This is due to expert groups of lawyers that cover specific issues.

According to all social partners, *more than 50 % of Slovenian enterprises are covered by sectoral collective agreements*. Only KS-90 reports that the share is between 20% and 50%.

Only one confederation of trade unions, Pergam, characterized the *sectoral collective negotiation processes* as quite good, because of good organisational capacities, its expertise and no competition in industrial sector. Other confederations of trade unions characterised sectoral collective negotiation processes as quite disappointing, since they expected more. Among the reasons, as already mentioned, moderate organisational capacities of sectoral trade unions and social economic reforms, where employers terminated some of the sectoral collective agreements (most important is Collective Agreement for the Retail Sector-CARS). All employer associations (except OZS) characterised the sectoral collective negotiation processes as good, since this is one of the most important activities of employer associations (GZS) and because of developed mutual relationship of respect and negotiation techniques (ZDS). There are also rules on the negotiation processes in most of the sectors.

*Experiences* of all confederations of trade unions *on sectoral collective negotiation processes* are however more encouraging in the industrial sector<sup>22</sup>. Negotiations in the service sector have evolved only recently, so there is no tradition and also no classical forms of work. Pergam estimated encouraging experiences also in the public sector. Only KNSS has no encouraging sectoral experiences.

Experiences of employer associations are encouraging mostly in all sectors, since the process of negotiations is good, but the results are sometimes not so good for all social partners.

Two trade union confederations (Pergam, KS-90) see the *future of sectoral collective bargaining in the next three years* as good and expect the number of sectoral collective agreements to increase.<sup>23</sup> KS-90 wants to retain general CA and system of bargaining as it existed until recently, with some radical changes to sectoral collective bargaining and centralisation. ZSSS sees the future of sectoral bargaining as remaining the same and KNSS expects the future of sectoral collective bargaining to decrease and sectors to be deteriorated, especially in case of manufacturing industry. Employer associations see a bright future for sectoral collective bargaining in the next three years and expect the number of sectoral collective agreements to increase (ZDS) or remain the same (GZS). ZDS is supporting decentralization of collective bargaining due to the specificity of different sectors (e.g. pharmacy has different structure of work). Some CA have been cancelled and not renegotiated, so GZS expects the number of sectoral CA to remain the same.

### Financial capacities

Sectoral trade unions at confederations ZSSS and KNSS have enough *financial resources for running collective bargaining*, because the biggest financial funds exists at sectoral level and are mostly reserved for financing strikes. The strongest is *industrial sector* (high number of members), while lack of financial resources has retail sector (represented only at national level) and public sector trade unions (not enough members and not strong)<sup>24</sup>. Pergam has enough financial resources for collective bargaining but not enough for offering legal or expert evaluation. On the employer side, only member organisations at GZS have enough financial resources for running collective bargaining, since financial plan is introduced far ahead on basis of scope of collective bargaining and financial sources are distributed according to the needs of sectoral members. Sections at ZDS and OZS have great lack of resources and there are no differences among them.

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<sup>22</sup> Negotiations in the industrial sector are more difficult, but because of the experiences and a system of collective bargaining, there is a mindset on trade unions and employers' side that agreements are good.

<sup>23</sup> This is also the main reason for Pergam to be organized only by sectors.

<sup>24</sup> But recently a new trade union, Confederation of Public Sector Trade Unions, was established, so it is expected that financial capacities of trade unions in public sector will improve.

Sectoral trade unions of ZSSS and KNSS confederations, that have enough financial resources for collective bargaining, also have enough *financial resources for giving legal and other assistance to their members*, especially trade unions in metal industry. Pergam and KS-90 reported that their sectoral trade unions have moderate lack of resources. In general, all members of trade union confederations have the right for legal and any other support. GZS and OZS also have sufficient financial resources to provide legal and other assistance to their members. Sectors at GZS have very good legal support for collective bargaining and for legal and economic questions at the Legal and Economic Department. OZS members have the right to consult with experts from the Counseling Centre, because sections do not provide such assistance. ZDS reported great lack of resources for legal or any other assistance, since there is only one person skilled for running collective bargaining at national level and four skilled persons at sectoral level. The level of demand from ZDS's members is higher than level of financial resources to provide legal and other assistance to all members.

The only *financial resource* of all sectoral trade unions is membership fee. On the employer side, GZS and ZDS have some other financial resources besides membership fee, like seminars, publications and international tenders and projects.

### Summary

Most sectoral trade unions have a moderate lack of personnel resources and skilled people for running collective bargaining and moderate organisational capacities to conclude sectoral collective agreements, while only one employer association (ZDS) reported to have great lack of personnel resources and skilled people for running collective bargaining and weak organisational capacities to conclude sectoral collective agreements. Most sectoral trade unions have enough financial resources for running collective bargaining and for giving legal or other assistance to their members, while most employer associations have great lack of resources for collective bargaining, but enough financial resources for giving legal or any other assistance to their members.

Trade union confederations are quite disappointed with sectoral collective negotiation processes, except in the industrial sector, since they expected more, while most employer associations characterised sectoral collective negotiation processes as successful. Half of trade union confederations and one employer association expect the number of sectoral collective agreements to increase in the future.

## Social dialogue at company level

### Organisational and skills capacities

Table 11: *The presence of shop stewards, trade unions and several trade unions at company level*

Central organisations	ZSSS	Pergam	KS-90	KNSS	GZS	ZDS
<b>How common is to have at company level:</b>						
Shop steward	Often (60-70%)	Often (100%)	Often (100%)	Often		
Trade union	Often (60-70%)	Often	Often (80%)	Often	20-50%	>50%
Several trade unions in one workplace	Often (40-50%)	Very seldom	Often	Often		

Trade union confederations report that it is *often common for companies to have shop steward, trade union*<sup>25</sup> and *several trade unions* in one work place (except Pergam). According to employer associations ZDS and GZS, more than 50% of large companies and 20–50% of medium-sized enterprises have trade union at company level while small enterprises have no company level trade union<sup>26</sup>. OZS's members are mostly micro companies.

Setting up a trade union in a company is regulated by the Employment Relationships Act (ERA, article 207-210) that contains provisions on activity and protection of shop stewards. The Act establishes the employees' right to have company's trade union and shop steward as its representative. Employer is by the law obligated to provide necessary conditions for activities of trade union(s). The number of shop stewards is defined by company collective agreement or agreed between employer and trade union. *no preconditions for setting up a trade union in a company* exist only the internal rules contained in the trade union's statute. But in order to represent employees on economic and social protection issues and to participate in a company's management board, trade unions must be representative. This is regulated by the Law on Representativeness of Trade Unions (LRTU) that stipulates the criteria for representativeness<sup>27</sup>.

Slovene companies are making only written employment contracts with their workers.

Table 12: *The presence of company level collective agreements (CA)*

Central organisations	ZSSS	Pergam	KS-90	KNSS	GZS	ZDS
<b>Companies / % with CA</b>						
More than 250 employees	30-40%	n.d.	50%	80%	80%	75%
50-249 employees	20%	n.d.	30%	80%	50%	20-50%
Less than 50 employees	5%	n.d.	5%	95%	<5%	10%

*\*Sectoral trade unions at Pergam are very independent and help trade unions at company level with collective bargaining, so the Pergam confederation has no specific data on collective agreements at company level, only that about .30 % of all companies are covered with them.*

Slovene companies, covered by *company level collective agreements*, are mostly large companies<sup>28</sup>. Trade union confederations KNSS and KS-90 estimate that more than 50% of large companies are covered with CA, while confederation ZSSS estimates that 30–40% of large companies are covered with company level CA. Half of trade union confederations report that small companies are covered with CA in less than 5% of cases. According to the employer associations, large company members are covered with company level collective agreements in 75–80% of cases, medium size companies in 20%–50% and small companies from 5% (GZS) to 10% (ZDS) of cases.

KNSS and ZSSS sectoral trade unions sometimes *participate in enterprise level collective bargaining*, while sectoral trade unions of Pergam and KS-90 are always or very often involved in company's collective bargaining. On the employer side, none of the employer associations is involved in company's level of collective bargaining. GZS estimates that its sectoral members are often indirectly involved at company level collective bargaining by offering expert support, information and data.

<sup>25</sup> ZSSS reports that small companies present the biggest obstacle for setting up a trade union, since employers often offer higher wages to employees if they are not members of trade unions.

<sup>26</sup> According to ZDS, about 97% of companies in Slovenia are small companies.

<sup>27</sup> Trade union is representative at the level of the company if the membership presents at least 15% of workers who are employed in the company.

<sup>28</sup> with more than 250 employees

ZSSS is the only trade union confederation that expects *collective bargaining at company level in next three years* to remain the same. Other trade union confederations expect bargaining at company level to increase in the next three years. The reasons are as follows: demand for more public and frequent negotiations (especially for financial participation); sectoral CA are not flexible enough and do not include any specific issues; number of demands from company trade unions for company collective bargaining is increasing. Employer associations expect company collective bargaining to increase (GZS) or remain the same (ZDS)<sup>29</sup>. GZS expects the increase because many sectoral collective agreements were recently terminated.

### Works councils

According to the Act on Worker Participation in Management (Zakon o sodelovanju delavcev pri upravljanju), works councils are set up in companies with more than 20 employees. Trade union confederations report that works councils are successful when the management board cooperates with the company trade union and when trade unions are represented also in works councils. In most Slovene companies shop stewards<sup>30</sup> are also members of work council.

Table 13: *The presence of company level works councils (WC) in companies*

Central organisations	ZSSS	Pergam	KS-90	KNSS	GZS	ZDS
<b>Companies / % with WC</b>						
More than 250 employees	50%	n.d.	n.d.	n.d.	n.d.	<75%
50-249 employees	30%	n.d.	n.d.	n.d.	n.d.	75%
Less than 50 employees	20%	n.d.	n.d.	n.d.	n.d.	/

ZSSS is the only social partner to have data on the *presence of works councils in companies*; in large companies works councils are present in 50% of cases, in medium size companies in 30% and in small companies works councils are present in 20 % of cases. Most trade union confederations expect the *number of work councils* to remain the same<sup>31</sup>, while all trade union confederations report that *in some cases there are tensions between company trade unions and works councils*. The main reason is that responsibilities of work councils are defined to loosen, so they want more influence<sup>32</sup>. On the employer side, GZS has no data about work councils at company level, but according to the new trends, it expects the number to increase. According to the ZDS, work councils are present in medium and large companies in about 75% of cases. ZDS expects the number of work councils to remain the same, because trade unions still have influence on work councils, but in most cases cooperation among them is good. GZS reports that in some cases there are tensions because trade unions are protecting rights of employees and works councils are involved in business decisions.

Half of trade union confederations (ZSSS, Pergam) estimate that *EU Directive on Information and Consultation at the Workplace* was implemented very easily<sup>33</sup>, while other trade union confederations (KS-90, KNSS) say that the EU directive was implemented with difficulty<sup>34</sup>. But all trade union confederations expect very little increase of information

<sup>29</sup> According to ZDS it is enough to have legislation and collective agreements at company level

<sup>30</sup> Elected by all employees in company

<sup>31</sup> According to trade union confederations, employers and government are supporting work councils in order to have control over collective bargaining

<sup>32</sup> Tensions also appear when work councils make arrangements with the management and trade unions are not informed, which is not in accordance with the collective agreements.

<sup>33</sup> According to the Law on European Work Councils and Worker Participation in Management Act

<sup>34</sup> Social partners do not communicate much regarding this issue and employers are not in favour of sharing the information and organising consultations with employees

and consultation at workplace. A high level of communication is a feature of the Slovene social dialogue system, so confederations are afraid that the EU directive will decrease the existing rights in order to conform with the European recommendations. On the employer side, GZS reports that EU directive has been *easily* implemented and is expected to increase information and consultation at the workplace quite a lot.

**Conflict resolution**

According to trade union confederations, the most *conflicts at work place* most commonly relate to wages (ZSSS, Pergam), working hours (KS-90) and dismissals (KNSS). The next most common conflicts centre on working conditions (ZSSS, KNSS), working hours (Pergam) and other issues (flexible forms of employment, KS-90). Employer associations estimate that the most common conflicts at the workplace are conflicts on dismissals and working hours followed by conflicts on wages.

According to all social partners *existing conflict resolution mechanism at workplace* should be more developed<sup>35</sup> and according to the Employment Relationships Act *arbitration is possible*. Arbitration is a non-obligatory procedure of resolving a dispute over interests, also defined in the Worker Participation in Management Act. It stipulates that a body of arbitration can be formed as a constant or ad hoc arbitration for resolving disputes between work council and employer. The decision of this arbitration is final and can be contested only by special legal action.<sup>36</sup>

Table 14: *The most common conflicts at the workplace (number 1 for the most topical and number 2 the second in importance)*

Central organisations	ZSSS	Pergam	KS-90	KNSS	GZS	ZDS
Conflicts on wages	1	1			2	2
Conflicts on working hours		2	1			1
Conflicts on working conditions	2			2		
Conflicts on dismissals				1	1	
Conflicts on equal opportunities						
Other issues? (flexible forms of employment)			2			

**Summary**

Slovene companies, covered by company level collective agreements, are mostly large companies. According to trade union confederations, companies often have shop steward, trade union and several trade unions in one work place, while employer associations report that mostly large companies have trade union at company level. There are no preconditions for setting up a trade union in a company, although this is regulated by the Employment Relationships Act. Most sectoral trade unions are often involved in company’s collective bargaining, while none of the employer associations is involved in this process at company level. Most trade union confederations and one employer association expect collective bargaining at company level to increase in next three years.

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<sup>35</sup> Introduced by Employment Relationships Act

<sup>36</sup> Penko Natlačén, M., (2004): “Social dialogue and conflict resolution in Slovenia”, European Foundation for the Improvement of Living and Working Conditions

Besides trade unions at company level, there are also works councils in more than 50% of large companies . Most trade union confederations and one employer association expect the number of works councils to remain the same in the future, while all trade union confederations and one employer association report that in some cases there are tensions between company trade unions and work councils.

All social partners estimate that most conflicts at the work place relate to working hours and dismissals. For trade union confederations, the most common conflicts are also conflicts on wages.

## **Conclusion**

Collective agreements in Slovenia have been until recently negotiated at all three levels of collective bargaining and each level has provided better working conditions and labour rights. All four trade union confederations are involved at all levels of collective bargaining, with sectoral trade union members that have been signatories to sectoral collective agreements. On the employer side, only sectoral member organisations at the Chamber of Commerce and Industry of Slovenia have been involved at sectoral collective bargaining. Member companies at the Chamber of Craft of Slovenia and the Association of Employers of Slovenia are organized in sections that are not independent, so employer associations are the signatories to sectoral collective agreements .

The majority of social partners expect the importance of the sectoral collective bargaining to increase in the future. Trade union confederations estimate that social dialogue at company level is also becoming more important and that company trade unions should develop more expertise on collective bargaining in order to improve their capacity for social dialogue building at company level. Trade union confederations that are not organised by sectors are more in favour of national collective agreements, while sectorally strong trade unions (ZSSS) support sectoral collective bargaining and centralisation. Most employer associations are in favor of a decentralised system and collective agreements only at national and company level. Social partners that support the general collective agreement see it as a necessary instrument for defining minimal standards, acceptable for all social partners and useful especially for parts of the economy that are not covered by sectoral collective agreements.

The Association of Employers of Slovenia has high expectations of the new legislation on voluntary based collective bargaining. It expects its sections to also become involved in the collective bargaining and hopes that the new law on voluntary membership in chambers of commerce will provide more equal opportunities for all employer associations.

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## Annex

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### Outcome of the workshop

#### Strengths and weaknesses at sectoral level

	Strengths	Weaknesses
<b>Organisational</b>	<ul style="list-style-type: none"> <li>■ high sectoral collective agreements coverage</li> <li>■ good knowledge of sectoral specificity</li> <li>■ upgrade of labour law (sectoral CA include all rights and obligations)</li> <li>■ continuous validity of CA (no need for prolongation)</li> </ul>	<ul style="list-style-type: none"> <li>■ lack of personnel</li> <li>■ no formal education of social partners</li> <li>■ lack of information</li> <li>■ continuous validity of CA (social partners have to withdraw in order to change CA)</li> </ul>
<b>Financial</b>	<ul style="list-style-type: none"> <li>■ financial resources at sectoral level of trade union confederations</li> </ul>	<ul style="list-style-type: none"> <li>■ lack of resources (employer associations, except GZS)</li> <li>■ lack of funds for new employees</li> </ul>
<b>Personnel</b>	<ul style="list-style-type: none"> <li>■ good knowledge of sectoral specificity of social partners</li> </ul>	<ul style="list-style-type: none"> <li>■ lack of skilled personnel</li> </ul>

*Strengths and weaknesses at company level*

	<b>Strengths</b>	<b>Weaknesses</b>
	<ul style="list-style-type: none"> <li>■ better than sectoral level</li> <li>■ company CA cover the same rights as at the sectoral level, usually at higher level</li> <li>■ CA cover all employees</li> <li>■ shop stewards are present at company level and paid by employers</li> </ul>	<ul style="list-style-type: none"> <li>■ CA cover mainly large companies</li> <li>■ better than sectoral level (weakness for employer associations)</li> </ul>

*National development plan at sectoral level*

Based on discussion on weaknesses of capacities for social dialogue at the Sofia workshop, national team proposed several developmental aims at sectoral and at company level that are explained below.

**What?**

Increase of efficiency of social partners' competences by enhancing cooperation at national and international level and by rising awareness on the importance of the social dialogue

**Why?**

To have an efficient social dialogue, supporting the sustainable development of the economy

**Who?**

Social partners and Government

**Where?**

At sectoral level

**How?**

By providing conditions and legal framework and by cooperation with international organisations.

**When?**

Start immediately, long-term process.

**Which Resources?**

National, international funds

*National development plan at company level***What?**

Enhance of social dialogue to make social partners (employers) more competitive and to make company trade unions and work councils more cooperative among each other

**Why?**

To make social dialogue more efficient

**Who?**

Trade unions (work councils) at company level and employers

**Where?**

At company level

**When?**

Continuously

**Which Resources?**

Employer associations and trade union confederations at sectoral and national level

*List of participants*

Social dialogue capacity building at sectoral and company level in Cyprus, Czech Republic, Hungary, Poland and Slovenia

27–28 June 2006

Sofia

Bulgaria

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Ms. Metka Štoka Debevc, Secretary, Ministry of Labour, Family and Social Affairs

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*Acknowledgements*

We are also grateful to the following representatives of three employer associations and four trade union confederations who were interviewed in March and April 2006 and provided us with needed information for the report on social dialogue capacities at sectoral and company level in Slovenia:

Mr. Samo Milič Hribar, Secretary General, Association of Employers of Slovenia

Mr. Viljem Pšeničny, Secretary General, Chamber of Craft of Slovenia

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