

24. Slovenia

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Slovenia has a strong compulsory social insurance system (pension and disability insurance, health insurance, parental insurance and unemployment insurance). The main applicable regulations are the Pension and Disability Insurance Act (ZPIZ-2); the Health Care and Health Insurance Act (ZZVZZ), the Parental Protection and Family Benefits Act (ZSDP-1) and the Labour Market Regulation Act (ZUTD). As a rule, coverage depends on the type of contract (employment or civil law) under which the work is performed. Self-employed people are also fully included in the compulsory social insurance system.

Box 1 Summary of the table

Third-country nationals who perform work in Slovenia on the basis of an employment contract (regardless of the form of migration) are included in Slovenia's compulsory social insurance system. The only exception are posted workers, who are, as a rule, insured in the country of origin. Third-country nationals who perform work on the basis of civil law contracts are, according to the general rules, included only in compulsory pension insurance and disability insurance (for disability and death resulting from an accident at work or occupational disease). A third-country national who performs an independent gainful activity in Slovenia as a sole proprietor or performs independent professional activity (self-employed) is compulsorily included in all four forms of social insurance. Conditions for social assistance are not fulfilled because a permanent residence permit and permanent residence are required. Third-country nationals are entitled to family benefits under the same conditions as Slovenian nationals, however, if they are temporarily living in Slovenia with their child.

Table 1.24 Overview of the relationship between form of migration and entitlement to a particular social security service

Third-country-national categories	Social security categories					
	Health insurance	Pension contributions	Unemployment insurance	Basic security (social assistance)	Insurance against accidents at work	Child benefits
Posted workers	No	No	No	No	No	Yes
Intra-corporate transfers	No	No	No	No	No	Yes
Seasonal workers	Yes (employment contract) Not if civil law contract	Yes	Yes (employment contract) Not if civil law contract	No	Yes (employment contract) Not if civil law contract	Yes
Temporary agency workers	Yes	Yes	Yes	No	Yes	Yes
High-level professionals	Yes	Yes	Yes	No	Yes	Yes
Self-employed	Yes	Yes	Yes	No	Yes	Yes

Source: Author's analysis, 2022.

Box 2 Changes during the Covid-19 pandemic

Some changes were made in unemployment insurance benefits. In both waves of the pandemic, unemployment insurance benefits were granted to all domestic and foreign workers who lost their jobs because their employment contract was terminated for business reasons or because their fixed-term employment contract expired, even if they did not meet the other legal conditions for obtaining unemployment insurance benefits (for example, a certain period of inclusion in the insurance system). Finally, in February 2021 a special solidarity allowance of €150 was granted to all domestic and foreign workers who lost their jobs.

Description of the Slovenian system

1. Overview of social security rights of short-term third-country-national migrant workers

Third-country nationals who perform work in Slovenia on the basis of an employment contract are included in the entire Slovenian compulsory social insurance system (pension and disability insurance, health insurance, parental insurance and unemployment insurance). Third-country nationals have the same rights and obligations as domestic workers in the compulsory social insurance system. All workers (including third-country nationals) are thus insured against the risks of old age, disability, illness and injury outside work; injuries at work and occupational diseases, parenthood, and unemployment (general employment law contract regime).

Other third-country nationals who perform work on the basis of civil law contracts (either on the basis of a single permit, when possible,¹ or on the basis of a seasonal work permit) are, according to the general rules, included in compulsory pension insurance and disability insurance (for disability and death resulting from an accident at work or occupational disease) in Slovenia.² They are not included in other compulsory social insurance (general civil law contract regime). A third-country national who pursues independent gainful activity in Slovenia as a sole proprietor or performs an independent professional activity is compulsorily included in all four forms of social insurance (regime for self-employed).

Regarding consideration of periods of insurance and acquired rights of a third-country national in their country of origin the bilateral social security agreements concluded between Slovenia and these countries (such as Bosnia and Herzegovina (BiH), Serbia and North Macedonia) are applicable.³

Third-country nationals are entitled also to family benefits under the same conditions as Slovenian nationals (childbirth allowance, child allowance, large-family allowance) if they are temporarily living in Slovenia with the child. Nevertheless, only third-country nationals who have a permanent residence permit and permanent residence in the Republic of Slovenia are entitled to cash social assistance and other cash benefits from the social assistance system.⁴ Therefore, third-country nationals who perform work on the basis of a single residence and work permit, the work permit for workers from BiH and Serbia, or a work permit for seasonal work cannot obtain cash social assistance benefits.

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1. Seasonal work, training, individual services.
 2. The qualifying period for pensions is calculated depending on earnings.
 3. For a list of these agreements, see, for example: <https://zavezanec.zzss.si/wps/portal/portali/azap/prijava-odjava-sprememba-obvez-soc-zavarovanj/napotitev-na-delo-v-tujino> (31.08.2021).
 4. See the Social Assistance Payments Act (*Zakon o socialno varstvenih prejemkih, ZSVarPre*). The condition for obtaining a permanent residence permit is a five-year stay in Slovenia on the basis of a temporary permit.

2. Differences in social security rights of different categories of short-term third-country-national migrant workers

(i) **Third-country-national seasonal workers**

There are no special rules for third-country-national seasonal workers. Social security rights depend on whether the work is performed on the basis of an employment or a civil law contract (see supra, Q1).

(ii) **Third-country-national posted workers**

As a rule, posted workers remain covered by the social security of the employer's country of registered office.⁵ This also explicitly follows from the bilateral agreements on social insurance that Slovenia has concluded with territorially close countries that are non-EU members, for example, with BiH, Serbia, Montenegro, and North Macedonia.⁶ Given that only shorter periods of posting from third countries are permitted under the ZZSDT, workers will be included in the social insurance of the country of the employer's registered office for the entire period of being posted to Slovenia.⁷ According to bilateral agreements, posted workers will be – during their stay in Slovenia – entitled to emergency medical services (as well as to medical services related to injuries at work and occupational diseases) according to Slovenian legislation, at the expense of the insurance carrier from the employer's country of residence.

(iii) **Third-country-national temporary agency workers**

There are no special rules for third-country-national temporary agency workers under the principle of equal treatment (see supra, Q1).

3. Conditions for obtaining different social security rights

The rights related to inclusion in the compulsory social insurance system on the basis of an employment contract shall begin to be exercised (as a rule) on the day of commencement of work agreed in the employment contract (see answer to Q1). For social assistance and children benefits see supra, Q1. Regarding unemployment insurance benefits, an unemployed person is entitled to benefits for a period of three months, provided that they have been registered in the insurance system

5. A condition for issuing a single permit for a posted worker is, among other things, that they are socially insured in the country from which they were posted. This social insurance must also include health insurance that covers at least emergency health services in the territory of Slovenia. Otherwise, the third-country national must have appropriate health insurance in Slovenia (Art. 45 Ztuj-2).

6. Moreover, such bilateral agreements are concluded with some other non-EU countries (USA, Canada, Argentina and so on).

7. The agreements mentioned stipulate (Art. 8) in relation to posted workers that the legislation of the country where the employer is established (and not the legislation of the country where they work) applies to them as regards social insurance for up to 24 months of work (with a possible extension for another 24 months).

for at least 10 months (if under 30, they are entitled to benefits for 2 months if registered from 6 to 10 months).

4. Portability of benefits between host country and country of origin

Regarding consideration of periods of insurance and acquired rights of a third-country national in their country of origin the bilateral social security agreements concluded between Slovenia and these countries (for example, BiH, Serbia and North Macedonia) are applicable.

5. Social security rights of short-term third-country-national migrant workers during the Covid-19 pandemic

The situation of third-country-national workers was also addressed in the so-called 'anti-coronavirus legislative packages' enacted to mitigate the effects of the Covid-19 pandemic. For the content of the enacted legislative measures see Box 3: Changes during Covid-19 above.

6. Overview of enforcement and monitoring

As a rule, inspections shall be carried out by the Social Affairs Inspection Service within the Labour Inspectorate of the Republic of Slovenia.