



For who,
for Slovenia

Syndicate of soldiers of Slovenia
Ob parku 4
2310 Slovenska Bistrica

Member of



European Organisation
of Military Associations

No.: 2/2014-18
Date: 18. February 2014

Ms Muriel GUIN
EMPL.B.2: Labour Law
European Commission
1049 Brussels, Belgium

Subject: Violation of Working Time Directive, 2003/88/EC in Slovenia

Respected,

The Syndicate of soldiers of Slovenia, as a representative syndicate in the military professions of soldier, non-commissioned and officer and the defence activity that represents the employees of the Slovenian armed forces, turns to you because of behaviour of Slovenia to the employees of Slovenian armed forces.

We have a lot of problems with working time so called "readiness" at the working place or by the employer defined location. In Slovenia we had a public sector payment system reform in 2008. Before that reform we the employees in Slovenian armed forces had been paid one hour of readiness on the job with 60% of regular working hour. For Readiness at home, to be ready (on "stand by", but free at home, available via telephone) to come to work if there is a need and then start with work. For that we were paid with 10% of regular working hour. After the aforementioned payment reform in 2008 (1st August 2008), we have defined only one "permanent readiness" for the whole public sector (160.000 employees) with a collective agreement. This "permanent readiness" is paid with 20% of regular working hour. After August 2008 all employees of Slovenian armed forces (7.500 employees) are paid with this new permanent readiness and 20% of regular working hour for time when we are at the guard, field training and exercises, also abroad (Germany, Greece...). In the whole Slovenian public sector we in Slovenian armed forces are paid with permanent readiness in 95% of all permanent readiness's in the public sector.

In November 2012 we as a syndicate started a collective lawsuit in labour court for all employees of Slovenian armed forces and after three months the Ministry of defence tried to legalise this behaviour with a regulation act issued in February 2013. In this act it is regulated that because we have a readiness in job regulated with defence law, this readiness is in job paid with permanent readiness based on collective agreement for the whole public sector. This Ministry of defence regulation act is obviously in contradiction with law, which regulate payment system for public sector and collective agreement for public sector. We as syndicate also start a collective lawsuit in labour court against the illegal Ministry of defence regulation act in March 2013. During both court procedures we proposed a settlement agreement in social dialogue and in labour court with the solution that the employees in Slovenian armed forces be paid with 50% of regular working hour. The ministry of internal matters and public administration agreed with our proposal and they proposed an annex no. 7 to the public sector collective agreement on negotiation with all representative public sector syndicates in July 2013. After that we had negotiations about the proposed annex no. 7 several times.

During this time we lost both collective lawsuits in labour court on first level, we filed complaints against both decisions of the court and today we are waiting for the second level court decisions. The decisions are based on the fact that the readiness in job is not regulated with any legal act in Slovenia. In both collective lawsuits we mentioned cases C-151/02 JAEGER, C-303/98 SIMAP, C-398/01 PFEIFFER and C-14/04 DELLAS and the court didn't consider them. We are prepared to go to a Court of Justice of the European Union and we will go, during this time the Working Time Directive, 2003/88/EC will be obviously violated in Slovenia like today and in the past and this is not acceptable.

In the last week the minister of internal matters and public administration Dr. Gregor Virant stated that he will withdraw annex no. 7 from the negotiation table, because the syndicates are against the annex in majority. All other syndicates are against the annex because they are afraid that the employees which they represent will be paid according to this annex for the time when they are on duty (doctors, nurses...). Our opinion is that he will withdraw the proposed annex because we lost both lawsuits on the first level.

We are aware that everything described in this letter and the behaviour of the Slovenian government and politicians is against the Working Time Directive, 2003/88/EC and mentioned cases decisions of Court of Justice of the European Union. In Slovenia we don't have any legal way to achieve execution of Working Time Directive and justice for the time from August 2008 until today. We know that all that is described is in violation of the Working Time Directive and we can't do anything and because of that we are asking you to help us.

In the next three days I, the president of the Syndicate of soldier of Slovenia, will be present in Brussels (EUROMIL matters) and if there is any need for any detailed explanations I will be available via mobile phone, as we already spoke.

All employees of Slovenian armed forces will be very grateful for any of your help.

Best regards,

Gvido Novak
president



Sent by e-mail:

- addressee
- EUROMIL
- archives