

SLOVENIA

Justification and Characteristics of Entities Competent to Resolve Labor and Social Security Disputes

(2004)

1. What legal and/or judicial entities or authorities in your country have jurisdiction over labour and social security disputes?

In Slovenia specialized labour and social courts have jurisdiction over labour and social security disputes. Specialized courts were established in 1974.

2. If your country has labour and social security courts, are they separated or part of the general judicial system?

Labour and social courts are part of general judicial system of Slovenia. The highest court in labour and social security disputes is Supreme Court of the Republic of Slovenia.

3. If your country has a system of labour and social security courts, what are the structural characteristics of that system? What are the advantages and disadvantages in your country's systems for resolving the disputes?

Slovenia (2 mio. pop.) has on the first instance one Labour and Social Court in Ljubljana which decide all social security disputes as social court and individual and collective labour disputes for its territory and three more labour courts of first instance. For all labour (individual and collective) and social security disputes is one appellate court the Supreme Labour and Social Court.

There are three separate procedures: for individual (between employees and employers) labour disputes, for collective (collective agreements, joint labour law) labour disputes and for social security disputes, which are all based on civil procedure with some modifications which made procedure quicker and more accessible.

On the first instance cases are heard by a panel consisting of one professional judge and two lay judges, one from the representatives of the employees and one from the representatives of the employers. In collective labour disputes panel consists of five judges - one professional judge and four lay judges, two from each side. Each member of the panel has an equal vote.

The Superior Labour and Social Court is second instance court for all appeals in individual and collective labour disputes and social security disputes on issues of law and issues of facts. Appeal may be lodged against all decisions of courts of first instance. It is one court with jurisdiction for whole country. Court decides in a panel of three professional judges.

In certain cases and only regarding issues of substantive law and in cases of the most severe breaches of procedure, decisions reached by Superior Labour and Social Court can be reviewed by the Supreme Court in a panel of five professional judges. Supreme Court has separate department for labour and social security disputes. In the last instance in all disputes (criminal, civil, commercial, administrative, labour and social security) in Slovenia decides Supreme Court .

4. Are there any movements in your country to modify your country's systems for resolution in labour and social security disputes?

Slovenia has a new Act on procedural law for labour and social security disputes which will enter into force on 1st of January 2005. It will enforce changes in preparations for the hearings regarding speeding procedure. The new act forbids annulling judgments of courts of first instance on the second instance, instead of annulling judgments appeal court should have hearing in open court and decide dispute finally . We expect the new law will speed proceedings and solve backlogs.

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