

National Action Plan of the Republic of Slovenia on Business and Human Rights

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The aim of the National Action Plan and the commitment to implementing the UN Guiding Principles on Business and Human Rights

The National Action Plan of the Republic of Slovenia on Business and Human Rights (hereinafter: Action Plan) is intended to ensure that the UN Guiding Principles on Business and Human Rights¹ (hereinafter: UN Guiding Principles) are implemented, to promote respect for human rights in business operations at the national, regional and international levels, and to contribute to policy harmonisation in this field. This Action Plan forms part of the measures aimed at implementing the European Union's commitments as defined in the EU Action Plan on Human Rights and Democracy (2015–2019)² and the Council Conclusions on Business and Human Rights³ of June 2016.

This Action Plan defines the expectations of the Government of the Republic of Slovenia about respect for human rights by economic operators. Economic operators established under Slovenian law or operating in Slovenia are obliged to respect and to protect human rights. This Action Plan also defines Slovenia's activities to protect human rights in business operations by means of regulations and the corresponding implementing measures, through awareness raising among all stakeholders⁴ of the obligation to respect human rights in business operations, and by providing access to assistance in cases of violations.

This Action Plan is intended to vertically align Slovenia's strategies, laws, and procedures with the UN Guiding Principles. The objective is also to ensure horizontal harmonisation, i.e. that ministries and agencies regulating business practices have appropriate qualifications and equipment, that they are aware of Slovenia's human rights obligations, and that human rights are respected in practice.⁵

¹ Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework; United Nations; 2011; available at: https://www.ohchr.org/documents/publications/GuidingprinciplesBusinesshr_eN.pdf.

² EU Action Plan on Human Rights and Democracy (2015–2019), 'Keeping human rights at the heart of the EU agenda', European Commission, 2015, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52015JC0016&from=SL>.

³ Council Conclusions on Business and Human Rights, Council of the European Union, 20 June 2016, available at <http://data.consilium.europa.eu/doc/document/ST-10254-2016-INIT/en/pdf>.

⁴ This Action Plan uses the masculine form, but its terms are neutral and apply to women and men equally.

⁵ Horizontal harmonisation also concerns actors responsible for corporate law and regulations on securities, investments, export credits and insurance, trade, and employment relationships.

Both the preparation and implementation of the Action Plan provide an opportunity for a systemic review and synergistic cooperation in the field of human rights protection in the business sector, as well as for awareness raising among economic operators and other stakeholders of the human rights issue.

The Republic of Slovenia adopted this Action Plan to enhance activities aimed at ensuring respect for human rights in business operations along the entire value chain, and to further develop cooperation between the state, enterprises, business associations, trade unions, non-governmental organisations (hereinafter: NGOs) and other stakeholders. This Action Plan outlines a set of measures and recommendations to ensure the implementation of the UN Guiding Principles; however, it creates no new legal obligations.

This Action Plan commits the Republic of Slovenia to achieving the objectives of the UN Guiding Principles and of other important international mechanisms concerning business and human rights protection and promotion, e.g. the OECD Guidelines for Multinational Enterprises,⁶ the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy,⁷ and social responsibility guidelines (e.g. ISO 26000,⁸ GRI Standards⁹).

⁶ The OECD Guidelines form part of the OECD Declaration and Decisions on International Investment and Multinational Enterprises. OECD Declaration and Decisions on International Investment and Multinational Enterprises, adopted in 1976, revised in 1979, 1984, 1991, 2000 and 2011, available at <http://www.oecd.org/investment/investment-policy/oecddeclarationoninternationalinvestmentandmultinationalenterprises.htm>.

⁷ Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, ILO, 1977, revised in 2000, 2006 and 2017, available at <https://www.ilo.org/empent/areas/mne-declaration/lang--en/index.htm>.

⁸ International Standards of Social Responsibility.

⁹ GRI Sustainability Reporting Standards.

Action Plan preparation process

Human rights protection in the business sector involves a wide range of topics, which concern several ministries, so an inter-ministerial expert subcommission was established in May 2014 within the Inter-ministerial Human Rights Commission for the preparation of this Action Plan.¹⁰ The subcommission was tasked with preparing the Action Plan, and coordinating the preparation work in accordance with the UN Guiding Principles and the EU Action Plan on Human Rights and Democracy (Action 25c).

Three rounds of consultations were held for the preparation of the Action Plan, i.e. in December 2013, the Ministry of Foreign Affairs and the Chamber of Commerce and Industry of Slovenia held a national forum on business and human rights for various stakeholders; consultations were held with the business sector in March 2017, and in April 2017 with trade unions and NGOs.

This Action Plan was prepared on the basis of the contributions from the ministries and other subcommission members covering their areas of competence, and on the basis of recommendations reached during consultations with the business sector and business associations and trade unions and NGOs, as well as recommendations made by experts in the field. The draft Action Plan was first subjected to public discussion, and then discussed by the Government.

Chapters V and VI follow the principles contained in the UN Guiding Principles.

Slovenia's priorities

The preparation of the Action Plan revealed that the most common human rights violations in business involve discrimination, various forms of abuse in the workplace, and negative environmental impacts. Preventing discrimination involves dedicating

¹⁰ The Government of the Republic of Slovenia established the Inter-ministerial Human Rights Commission to coordinate cooperation between ministries and to monitor and report on the implementation of international obligations on human rights protection. The members of the subcommission include: the Ministry of Labour, Family, Social Affairs and Equal Opportunities, Ministry of Finance, Ministry of Economic Development and Technology, Ministry of Public Administration, Ministry of the Environment and Spatial Planning, Ministry of the Interior (National Coordinator for Combating Trafficking in Human Beings, Inspection Council, Police), Ministry of Justice, Ministry of Health, Ministry of Foreign Affairs (coordinator), the Prime Minister's Office, the Officer for National Minorities, the national NGO umbrella network CNVOS, the Slovenian Rectors' Conference, and the Human Rights Ombudsman.

special attention to gender equality, women's empowerment, and the rights of children, the disabled, the elderly, lesbian and gay people, and other minorities. A particular emphasis was placed on the risks of precarious work and trafficking in human beings for the purposes of labour exploitation or forced labour.

It was established that enterprises can to a great extent ensure respect for human rights by implementing the existing regulations; however, it is important to encourage enterprises to use mechanisms for the timely detection of potential human rights violations, their prevention or elimination, or mitigation of adverse human rights impacts.

These findings were the basis for including the following priorities in this Action Plan:

- Prevention of discrimination and inequality, and promotion of equal opportunities;
- Promotion and protection of fundamental workers' rights, also in transnational businesses and along the entire production chain;
- Prevention of, and fight against, trafficking in human beings;
- Environmental protection, nature conservation, sustainable development;
- Human rights due diligence.

The state's expectations of business enterprises

Respect for human rights is Slovenia's guiding principle. Based on the Universal Declaration of Human Rights,¹¹ the Constitution of the Republic of Slovenia (hereinafter: Constitution) provides firm guarantees of human rights and fundamental freedoms. Economic operators must comply with the Constitution¹² and the relevant

¹¹ Universal Declaration of Human Rights; United Nations; 1948; available at: https://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf.

¹² Constitution of the Republic of Slovenia (Official Gazette of the Republic of Slovenia Nos. 33/91-I, 42/97 – UZS68, 66/00 – UZ80, 24/03 – UZ3a, 47, 68, 69/04 – UZ14, 69/04 – UZ43, 69/04 – UZ50, 68/06 – UZ121,140,143, 47/13 – UZ148, 47/13 – UZ90,97,99, and 75/16 – UZ70a).

laws that require them to respect and protect human rights, and impose appropriate sanctions for non-compliance. The obligations of enterprises registered or operating in Slovenia are clearly defined in Chapter II of the Constitution and the relevant legislation. Concrete obligations concerning human rights protection in business operations are governed by the pertinent legislation.

Several new legal provisions proactively ensure the strengthening of respect for human rights in business, which involves non-financial reporting on the environmental and social impacts of major business enterprises, measures to promote equality, and taking into account environmental, social and labour law aspects in public procurement.

Enterprises must respect and protect internationally recognised human rights as defined in the Universal Declaration of Human Rights and fundamental rights, as stipulated in the ILO Declaration on Fundamental Principles and Rights at Work.¹³

The Government also supports voluntary measures to foster business culture and ethics based on the values of social responsibility and the principles of sustainable development. The 2030 Agenda for Sustainable Development¹⁴ calls on the business sector to voluntarily support sustainable development. Priorities concerning industrial and business development for the period covered by the new financial perspective 2014–2020,¹⁵ which were defined in the Slovenian Industrial Policy, recognise the need for a greater emphasis on integrating the social responsibility concept into business operations in order to ensure long-term business development in accordance with sustainable development principles. Strategic guidelines involve developing measures to promote social responsibility in accordance with the UN Guiding Principles.

Furthermore, enterprises are encouraged to act in compliance with the UN Guiding Principles, the OECD Guidelines for Multinational Enterprises, and the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, and to report according to ISO 26000 and GRI standards.

With this Action Plan, the Government commits to encouraging the development and promotion of human rights due diligence in business, and puts forward the

¹³ ILO Declaration on Fundamental Principles and Rights at Work; International Labour Organization; 1998, revised in 2010; available at: <http://www.ilo.org/declaration/thedeclaration/textdeclaration/lang--en/index.htm>.

¹⁴ 2030 Agenda for Sustainable Development; United Nations; 2015; available at: <https://sustainabledevelopment.un.org/post2015/transformingourworld>.

¹⁵ Priorities concerning industrial and business development for the period covered by the new financial perspective 2014–2020; Slovenian Industrial Policy (SIP); Government of the Republic of Slovenia; 2013.

recommendation and the expectation that economic operators will set up a mechanism for human rights due diligence.

The State's duty to protect human rights

Principle 1

States must protect against human rights abuse within their territory and/or jurisdiction by third parties, including business enterprises.

This requires taking appropriate steps to prevent, investigate, punish and redress such abuse through effective policies, legislation, regulations and adjudication.

A third of the constitutional provisions focuses on human rights and fundamental freedoms, which may be implemented directly on the basis of the Constitution. Special laws further define the general principle of equality and individual constitutional provisions, in order to effectively ensure the implementation of human rights. Human rights are also guaranteed by, or implemented through, certain legal provisions in different areas of legal regulation, particularly in criminal, procedural, labour and electoral legislation, in protective laws to protect the human rights of individuals with particular needs or of members of vulnerable social groups, as well as in many other laws. In order to guarantee genuine equality, the Constitution, the general act prohibiting discrimination, and the special act on gender equality explicitly stipulate the basis for implementing special measures or positive discrimination in cases when derogations from the equal treatment principle are justified by lawful ends, and the means to attain this goal are both adequate and necessary.

The relevant human rights authorities in Slovenia include judicial bodies, state administration bodies, and other bearers of public authority. In addition to ordinary and extraordinary legal remedies that an individual may resort to at the national level in cases of violations of human rights and fundamental freedoms, the European Court of Human Rights monitors the implementation of the European Convention on Human Rights at the regional level. In cases of violations of the rights under the European Convention on Human Rights, Slovenian citizens also have access to this Court. Institutions specialised in human rights protection and promotion include: the Human

Rights Ombudsman, the Advocate of the Principle of Equality, coordinators for equal opportunities for women and men, the Commission for Petitions, Human Rights and Equal Opportunities,¹⁶ the Office of the Republic of Slovenia for National Minorities, and numerous working bodies established by the Government or operating within ministries.

Slovenia is a party to almost all major and supplementary regional and universal international legal instruments on human rights. Slovenia also respects the objectives and principles of the UN Charter,¹⁷ the Universal Declaration of Human Rights, and other international obligations that the country has assumed by succession or by concluding major international universal and regional human rights instruments. As a member of the International Labour Organization, Slovenia is committed to protecting human rights and labour rights in compliance with the conventions that the country has ratified. In accordance with the OECD Declaration on International Investment and Multinational Enterprises and the OECD Guidelines for Multinational Enterprises, Slovenia is committed to the principles and standards of responsible business. A member state of the Council of Europe and the European Union, Slovenia is also bound by the adopted conventions of the Council of Europe, the EU acquis, and the case law of the European Court of Human Rights and the Court of Justice of the European Union.

To ensure that human rights protection is additionally regulated and promoted, Slovenia will take the following measures:

- In accordance with its international commitments and national legislation, Slovenia will strive for the effective implementation of policies and measures against discrimination in access to work and in the workplace, as well as policies and measures ensuring respect for labour rights, combating corruption, preventing and combating trafficking in human beings for the purpose of forced labour exploitation, protecting the environment, and promoting sustainable development;
- Slovenia will effectively implement recommendations arising from the Universal Periodic Review of the UN Human Rights Council;
- Slovenia will promote fruitful cooperation with the business sector, trade unions, education institutions, NGOs, and the broader civil society in promoting human rights in business.

¹⁶ The Commission for Petitions, Human Rights and Equal Opportunities is a working body of the National Assembly of the Republic of Slovenia.

¹⁷ Charter of the United Nations; United Nations; 1945; available at: <http://www.un.org/en/sections/un-charter/un-charter-full-text/>.

Principle 2

States should set out clearly the expectation that all business enterprises domiciled in their territory and/or jurisdiction respect human rights throughout their operations.

The commitment to respecting and protecting human rights is built into Slovenia's foundations. The Constitution stipulates citizen, political, social, and economic rights, as well as the rights to a healthy living environment and to drinking water. Article 74 of the Constitution states that commercial activities may not be pursued in a manner contrary to the public interest. In accordance with the constitutional right to a healthy living environment, the conditions and manner in which economic and other activities are pursued are established by law (Constitution, Article 72). Slovenia strives to ensure that enterprises registered in Slovenia respect human rights on Slovenian territory and abroad, and to monitor respect for human rights by economic operators.

Specific expectations concerning human rights protection in business are defined in the relevant legislation governing employment relationships, health protection, environmental protection, and prohibition of discrimination in the workplace. Respect for human rights in the business sector is also required by the laws governing corporate liability for damages, ownership relations, consumer protection, the fight against corruption, and privacy protection.

Slovenia has recently included several proactive provisions in national legislation to foster respect for human rights in business. An example is the Act Amending the Companies Act of April 2017,¹⁸ which introduces non-financial reporting on the environmental and social impacts of major enterprises and measures to promote equality. The Public Procurement Act,¹⁹ which entered into force in April 2016, provides for solutions to make public procurement simpler, more flexible and more efficient, and places a greater emphasis on some aspects of social and environmental policies. Such amendments introduce principles relating to the environment and social integration, as well as ensuring respect for rights arising from the legislation in force, thus promoting, in the context of public procurement, the social and environmental responsibility of enterprises and helping them to consolidate their standing in the market.

¹⁸ Act Amending the Companies Act (Official Gazette of the Republic of Slovenia No. 15/17 of 31 March 2017).

¹⁹ Public Procurement Act (Official Gazette of the Republic of Slovenia Nos. 91/15 and 14/18).

Economic operators must comply with the Constitution and the laws of the Republic of Slovenia, as well as generally recognised standards and principles and the rules of international human rights law. Article 8 of the Constitution stipulates that treaties ratified by Slovenia have direct application. Slovenia will seek to monitor respect for human rights by economic operators both on Slovenian territory and abroad.

In Slovenia, economic operators are expected to proactively ensure human rights protection throughout their business operations in accordance with the UN Guiding Principles, the OECD Guidelines for Multinational Enterprises, and the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy. Guidance is also provided by the UN Global Compact and ISO 26000 and GRI standards.

In this context, the Government of the Republic of Slovenia expects economic operators to set up a human rights due diligence mechanism to facilitate the identification, prevention and mitigation of adverse human rights impacts, as well as to report on their mitigation measures. Human rights due diligence includes assessing actual and potential human rights impacts, integrating and acting upon the findings, tracking responses, and communicating how impacts are addressed. The Government encourages enterprises operating abroad to report on their global operations, particularly on their operations in official development assistance recipients.²⁰ Enterprises provide human rights due diligence reports as part of their financial or sustainability reports.

The Government of the Republic of Slovenia will strive for the development and implementation of human rights due diligence in business, and will maintain dialogue with stakeholders concerning the implementation of human rights due diligence in practice. This Action Plan provides further information on human rights due diligence in the annex 'Guidelines on the implementation of human rights due diligence in business'.

Principle 3

In meeting their duty to protect, States should:

²⁰ The list of development assistance recipients is prepared by the OECD Development Assistance Committee, of which Slovenia is a member.

- a) Enforce laws that are aimed at, or have the effect of, requiring business enterprises to respect human rights, and periodically to assess the adequacy of such laws and address any gaps;***
- b) Ensure that other laws and policies governing the creation and ongoing operation of business enterprises, such as corporate law, do not constrain but enable business respect for human rights;***
- c) Provide effective guidance to business enterprises on how to respect human rights throughout their operations;***
- d) Encourage, and where appropriate require, business enterprises to communicate how they address their human rights impacts.***

Principle 3a

- a) Enforce laws that are aimed at, or have the effect of, requiring business enterprises to respect human rights, and periodically to assess the adequacy of such laws and address any gaps.***

The numerous guidelines and activities of the Government of the Republic of Slovenia prove its commitment to ensuring respect for human rights in business.

Precarious work: Precarious work has negative effects on both individuals and society, so the Ministry of Labour, Family, Social Affairs and Equal Opportunities of the Republic of Slovenia has introduced systemic activities to complement the Employment Relationship Act.²¹ In this context, the Ministry prepared a document entitled 'For Decent Work'²² (2016), defining measures aimed at reducing labour market segmentation, ensuring greater legal and social security for persons in atypical employment relationships, and encouraging employers to provide for permanent employment. The Employment Relationship Act contains several provisions to that effect, including a provision in accordance with EU regulations (Council Directive concerning the framework agreement on fixed-term work)²³ and the ILO Convention

²¹ Employment Relationship Act (Official Gazette of the Republic of Slovenia Nos. 21/13, 78/13 – amended, 47/15 – ZZSDT, 33/16 – PZ-F, 52/16, and 15/17 – Constitutional Court Decision).

²² For Decent Work, Ministry of Labour, Family, Social Affairs and Equal Opportunities of the Republic of Slovenia, 2016.

²³ Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP (Official Journal L 175 , 10/07/1999, p. 43).

concerning Part-Time Work No. 175,²⁴ which stipulates that both a fixed-term and a part-time employment contract must provide for full legal and social security benefits. As regards legal, economic and social security, the law stipulates that agency workers have the same status as workers employed directly with the final employer. Furthermore, the law limits the provision of workers to other employers, imposing several conditions concerning the agency, the worker, and the final employer.

Workplace mobbing: In accordance with the Employment Relationship Act, the employer is obliged to provide a working environment in which no worker is subject to sexual or other harassment or mobbing, either verbal, non-verbal or physical, by the employer, superiors or co-workers. To this end, the employer is obliged to adopt measures to protect workers from sexual and other harassment or mobbing in the workplace. The Employment Relationship Act stipulates fines for violations of these obligations by the employer. The labour inspector may institute offence proceedings, or take other measures in accordance with the Labour Inspection Act²⁵ and the Inspection Act,²⁶ ordering consistent implementation of regulations within the remit of the Labour Inspectorate of the Republic of Slovenia. In the event of workplace mobbing, the worker has the right to judicial protection and damages. The state also carries out projects and activities to prevent mobbing and to improve the working environment.

Equal opportunities for women and men: Slovenian legislation prohibits direct and indirect discrimination and provides for the obligation to ensure equal treatment regardless of gender. It also envisages positive, protective and other measures on gender equality. These include the obligation of the employer – except in justified cases – not to limit access to vacancies based on gender, not to request information from candidates or condition employment on family or marital status, pregnancy or family planning. The employer must also provide equal pay for the same work and for work of the same value to workers regardless of gender. If an employer is found to be in violation, the Labour Inspectorate of the Republic of Slovenia may institute offence proceedings based on the criminal provisions of the Employment Relationship Act and the Protection against Discrimination Act²⁷ or take measures based on the provisions of the Labour Inspection Act and the Inspection Act.

²⁴ ILO Part-Time Work Convention No. 175 (Official Gazette of the Republic of Slovenia – International Treaties, No. 4/2001 of 16 February 2001).

²⁵ Labour Inspection Act (Official Gazette of the Republic of Slovenia Nos. 19/14 and 55/17).

²⁶ Inspection Act (Official Gazette of the Republic of Slovenia Nos. 43/07 – official consolidated text, and 40/14).

²⁷ Protection Against Discrimination Act (Official Gazette of the Republic of Slovenia Nos. 33/16 and 21/18 – ZNOrg).

Work and employment of persons with disabilities: Protection of persons with disabilities against discrimination is provided for by legislation, which also envisages positive, protective and other measures for such persons. Limitations at work due to reduced or limited capacity to work put a disabled person at a disadvantage when entering the labour market. Due to the limitations, adequate adjustments to the workplace and the working environment are required for such persons. Therefore, Slovenia is striving to guarantee measures to improve the employability of persons with disabilities by providing various programmes and training. In this context, it is essential to inform employers of the possibility of adequately adjusting the working environment and the workplace, as well as to encourage persons with disabilities to seek employment. In accordance with the European Disability Strategy 2010–2020²⁸ and the World Programme of Action for Youth,²⁹ special attention is devoted to measures for the effective development of employment possibilities and opportunities for young people with disabilities.

Health and safety at work: Slovenian legislation governing health and safety at work is part of EU law and follows the conventions of the International Labour Organisation. The legislation has already been upgraded with employers' obligation to plan and implement workplace health promotion. The workplace health promotion programmes in Slovenia are complemented with measures to ensure the health and safety of workers and other persons involved in the work process.

In accordance with the Health and Safety at Work Act,³⁰ the employer is obliged to ensure health and safety at work, draft and adopt a written safety statement with a risk assessment, adopt measures to prevent, eliminate and address cases of violence, mobbing, harassment and other forms of psychosocial risk at work, to plan and implement workplace health promotion, and plan workplace health promotion in a safety statement with a risk assessment. The Health and Safety at Work Act envisages sanctions for employers violating obligations under the law. In March 2015, the Ministry of Health adopted the Workplace Health Promotion Guidelines,³¹ which set out the basic principles for planning and implementing workplace health promotion. All employers have to adapt these basic principles to their own organisation and circumstances.

²⁸ European Disability Strategy 2010–2020: A Renewed Commitment to a Barrier-Free Europe; European Commission; 2010; available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52010DC0636&from=SL>.

²⁹ The World Programme of Action for Youth to the Year 2000 and Beyond; UN; 1995, revised in 2017; available at: <https://www.un.org/esa/socdev/unyin/documents/wpay2010.pdf>.

³⁰ Health and Safety at Work Act (Official Gazette of the Republic of Slovenia No. 43/11 of 3 June 2011).

³¹ Workplace Health Promotion Guidelines; Ministry of Health; 2015.

Consumer rights: In Slovenia, consumer rights are regulated in accordance with EU directives that harmonise the rules deriving from contractual and extra-contractual relations between consumers and providers of goods and services on the market.³² In addition, consumer rights form part of numerous vertical sector-specific regulations, with particular emphasis on the following sectors: financial services, which essentially require transparency and information; safety products (food and non-food products) and services, which require observance of the precautionary principle; services of general economic interest (water, telecommunications, energy), whereby access of consumers to such services must be ensured. Consumer protection also extends to environmental protection, which is focused on the consumers' right to a healthy environment, and on sustainable consumption.

Human trafficking for forced labour exploitation: Slovenia joined active efforts to combat human trafficking in 2002 by appointing a national coordinator for this field and by establishing the Interdepartmental Working Group on Combating Trafficking in Human Beings. In April 2017, the Slovenian Government adopted the 2017–2018 Action Plan for Combating Trafficking in Human Beings,³³ which includes awareness-raising activities for the business sector and efforts for more effective action aimed at detecting and investigating criminal offences of trafficking in human beings for the purposes of forced labour or labour exploitation.

Planned measures:

Precarious work: To provide quality jobs offering employees an adequate level of legal, economic and social security and, consequently, to further reduce segmentation in the labour market, Slovenia is planning to implement four sets of measures envisaged in the document titled For Decent Work:

- Increasing the effectiveness of supervision of the use of atypical forms of work by improving the legal basis for supervision and legal scope – if required, also through increased material and human resources to ensure the proper functioning of the relevant inspection services – and by imposing sanctions that are proportional to the envisaged pecuniary advantages;
- Raising the level of information provided to both employees and employers outside the existing institutional frameworks;

³² Consumer Protection Act (Official Gazette of the Republic of Slovenia No. 98/04 – official consolidated text, No. 114/06 – ZUE, Nos. 126/07, 86/09, 78/11, 38/14, 19/15, 55/17 – ZKoliT and No. 31/18), Consumer Protection against Unfair Commercial Practices Act (Official Gazette of the Republic of Slovenia No. 53/07 of 15 June 2007).

³³ 2017–2018 Action Plan for Combating Trafficking in Human Beings; Government of the Republic of Slovenia; 2017.

- Eliminating the causes for the use of atypical forms of work (including unification of bases and social security contribution rates for all work-related income for all forms of employment);
- Adapting social security schemes in such a way that they guarantee the highest possible social security also to people in atypical employment.

Concrete measures will be adopted in accordance with the established legislative procedure and in cooperation with social partners.

Workplace mobbing: As part of the Operational Programme for the Implementation of the EU Cohesion Policy, the Labour Inspectorate of the Republic of Slovenia³⁴ will carry out the six-year project (launch in 2017) titled Eliminating Workplace Conflicts. The project is aimed at enhancing the consultative and mediation activities of the Labour Inspectorate by promoting the use of the institute of mediation of labour inspectors in disputes arising between employees and employers and by raising employers' awareness regarding the provision of decent work for employees, the importance of regulated labour relationships and guaranteeing a safe and healthy working environment. The purpose of the project is to help reduce the burden on labour inspectors, prevent new labour disputes, and accelerate the resolution of existing ones, thus improving the working environment and the functioning of the labour market, which will benefit both employers and employees.

Equal opportunities for women and men: The Resolution on the National Programme for Equal Opportunities for Women and Men for the 2015–2020 period³⁵ sets out the following objectives for combating gender-based discrimination at work: better information on the rights and supervision of the implementation of provisions prohibiting discrimination in employment and at work and on the prohibition of sexual or other harassment and mobbing in the workplace. Two measures have been planned to achieve this objective:

- Activities for improved information and raising awareness of rights relating to the prohibition of discrimination, sexual or other harassment and mobbing in the workplace;
- Enhanced inspection of the implementation of provisions regulating the prohibition of discrimination in employment and at work, and over the implementation of provisions on the protection of workers' dignity. The Labour

³⁴ Operational Programme for the Implementation of the EU Cohesion Policy 2014–2020; Government of the Republic of Slovenia; 2014.

³⁵ Resolution on the National Programme for Equal Opportunities for Women and Men (Official Gazette of the Republic of Slovenia No. 84/15 of 6 November 2015).

Inspectorate of the Republic of Slovenia provides expert assistance to employees and employers on issues concerning the provision of equal opportunities for workers and job applicants.³⁶ Employers and employees are also informed of this issue at workshops provided within the project Eliminating Workplace Conflicts (Raising awareness of the possibility of mediation in disputes between employees and employers and consulting for employers) by people engaged in the project throughout Slovenia.

Work and employment of persons with disabilities: The priorities regarding the work and employment of persons with disabilities include:

- Providing a support system for employers hiring persons with disabilities: fostering reserved public contracts; combining employment and education programmes and temporary employment; raising awareness and providing information to employers; providing free expert consulting for employers and persons with disabilities during the training and employment of such persons; fostering workplace adaptations and supported employment and guaranteeing support for persons with disabilities who have received a decision on supported employment;
- Improving the employability of employed persons with disabilities; fostering the career development of employed disabled persons and providing adequate technical devices, including the adaptation of workplaces, to all disabled persons;
- Fostering the training and employment of disabled persons in state administration bodies; drafting a programme encouraging employers to preserve jobs and hire disabled persons who have lost their jobs in the procedure for the termination of an employment contract;
- Providing an expert support network for employment rehabilitation; improving the ratio between the number of unemployed disabled persons and rehabilitation advisers in regional offices of the Employment Service; providing a network of employment rehabilitation service providers; reducing waiting lists for such services; providing additional education and training for all professional workers; including disabled people's organisations/NGOs in the support services system within the scope of supported employment.

³⁶ Within the meaning of Article 4 of the Labour Inspection Act.

Health and safety at work: In compliance with the Resolution on the National Health Care Plan 2016-2025 'Together for a Healthy Society'³⁷ and to guarantee a safe and positive working environment, the Ministry of Health is planning to evaluate the current implementation of occupational, transport and sport medicine, and its funding and placement in the health-care system. On this basis, the Ministry will introduce relevant adaptations, including an occupational diseases surveillance system. The Ministry will set up a mechanism for exchanging good practices and experience in workplace health promotion. Special attention will be devoted to the revised regulation of the field of occupational diseases.

In the next decade, the Ministry of Health will provide expert support for health promotion in schools, the working environment and local communities. It will raise awareness of the importance of health and a healthy lifestyle, empowering individuals and all key institutions that could help improve the health of the population and reduce inequalities in health through their activities. The Ministry will ensure the evaluation of health promotion programmes carried out in these environments, particularly those implemented by NGOs. Particular attention will be devoted to capacity building for work with vulnerable groups and to enhancing partnerships with local communities, NGOs, work organisations, education institutions and social security structures.

The Ministry of Labour, Family, Social Affairs and Equal Opportunities has drafted the Resolution on the National Programme of Health and Safety at Work 2018-2027³⁸ to create and maintain a working environment which will preserve workers' health throughout the entire period of their employment, so that they will be able to work longer, and the work performed will be to their personal satisfaction.

The Ministry will continue its awareness-raising efforts for both employers and employees on health and safety at work by organising seminars and workshops, and through other relevant activities. As part of the project Eliminating Workplace Conflicts (Raising awareness of the possibility of mediation in disputes between employees and employers and consulting for employers), the Labour Inspectorate of the Republic of Slovenia will undertake awareness-raising activities and provide training (particularly) for employers on obligations and responsibilities concerning the provision of health and safety at work by means of workshops, lectures, conferences and seminars organised throughout Slovenia. The project is aimed at raising employers' awareness of their obligations concerning the provision of health and safety at work, and of their duty to

³⁷ Resolution on the National Health Care Plan 2016-2025 'Together for a Healthy Society' (Official Gazette of the Republic of Slovenia No. 25/16 of 6 April 2016).

³⁸ Resolution on the National Programme of Health and Safety at Work 2018-2027 (Official Gazette of the Republic of Slovenia No. 23/18 of 6 April 2018).

prevent conflicts in the working environment that result from inadequate practices and their negative effects on workers' health.

Consumer rights: To support a more effective cross-border implementation of consumer rights, the Ministry of Economic Development and Technology has set up the European Consumer Centre, which provides advice and individual assistance to consumers in resolving complaints against traders from other EU member states, in Norway, or Iceland, and organises various activities to raise awareness of consumer rights.

Human trafficking for forced labour exploitation: Slovenia will carry out preventive measures and enhance the capacities to detect and prosecute offenders and perpetrators of criminal offences relating to trafficking in human beings for the purposes of forced labour or labour exploitation.

The National Coordinator for Combating Trafficking in Human Beings, in cooperation with other relevant agencies and interested partners from the private sector, will carry out activities to raise the awareness of companies and employers of forced labour, with a view to reducing the demand for services provided by victims of human trafficking. Key operators of the Slovenian economy, particularly industries at increased risk, will be informed about the upgrades and promotion of the web manual titled Preventing the Risk of Hidden Forced Labour,³⁹ a tool for detecting and managing the risk of a company's potential links with forced labour or exploitation. The manual will also be promoted in the context of corporate social responsibility.

In detecting and investigating criminal offences of human trafficking, the Police will focus on suspected criminal offences against employment and social security. In this regard, the Police, in cooperation with relevant state bodies, will plan and carry out activities to identify potential victims of forced labour. The planning and implementation of such activities will be coordinated with activities of state bodies responsible for preventing illegal work and employment (Financial Administration of the Republic of Slovenia and Labour Inspectorate of the Republic of Slovenia) in all industries.

In cooperation with other relevant state bodies, the Police will take a proactive approach, and enhance field activities to identify potential victims of human trafficking (forced labour, forced begging, etc.).

³⁹ Preventing the Risk of Hidden Forced Labour; Government of the Republic of Slovenia; 2016.

Principle 3(c)

***In meeting their duty to protect, States should:
Provide effective guidance to business enterprises on how to
respect human rights throughout their operations.***

Principle 3(d)

***In meeting their duty to protect, States should:
Encourage, and where appropriate require, business enterprises
to communicate how they address their human rights impacts.***

Environment: The Slovenian Constitution enshrines the right to a healthy living environment,⁴⁰ and laws are in place that impose the requirements for, and methods of, implementing economic and other activities that protect human rights while also ensuring adequate protection and preservation of the environment. The Environmental Protection Act⁴¹ defines the basic principles which, on the one hand, ensure the protection of human rights and, on the other, limit human intervention in the environment and nature in order to protect and preserve them for future generations.

To ensure both environmental protection and a quality working environment in the long term, it is essential that Slovenia strategically aims to become a green economy. The latter is linked with several concepts (green growth, circular economy, industrial symbiosis, effective use of resources, sustainable development). In October 2015, the Slovenian Government adopted the Framework Programme for the Transition to a Green Economy,⁴² which sets out the groundwork for a faster and more focused transition to a green economy, while at the same time providing the basis for launching the process, including a flexible framework for upgrading and planning further activities in the dialogue with stakeholders.

The environmental regulation providing consumers with reliable information on the environmental quality of products or their ecological footprint also includes

⁴⁰ Slovenian Constitution, Article 72.

⁴¹ Environmental Protection Act (Official Gazette of the Republic of Slovenia No. 39/06 – official consolidated text, 49/06 – ZMetD, 66/06 – Constitutional Court Decision, 33/07 – ZPNačrt, 57/08 – ZFO-1A, 70/08, 108/09 – ZPNačrt-A, 48/12, 57/12, 92/13, 56/15, 102/15, 30/16, 61/17 – GZ and 21/18 – ZNOrg).

⁴² Framework Programme for the Transition to a Green Economy; Government of the Republic of Slovenia; 2015.

environmental labelling, by means of which organisations voluntarily decide to harmonise their work with predetermined processes or measurable objectives set by verifiers. Environmental labelling includes the product lifecycle approach, ensuring that products are manufactured, used and disposed of in a sustainable and environmentally friendly manner. Slovenia will promote environmental labelling, particularly based on verified and independent criteria, as part of drafting policies and measures for restructuring and the transition to a circular economy.

Slovenia also applies economic instruments of environmental policy, e.g. environmental tax, to reduce the environmental burden according to the 'polluter pays' principle. The environmental tax includes the fields of energy, transport, pollution and the use of resources.

Non-financial reporting: Slovenia has adopted a new legal regulation aimed at increasing the transparency of certain companies and at improving the adequacy, convergence and comparability of non-financial information, increasing the transparency and consequently the diversity in their administrative, management and supervisory bodies, increasing corporate responsibility and efficiency and thereby the effectiveness of the single market, and at improving corporate management.

In accordance with Directive 2014/95/EU,⁴³ which requires that certain large companies disclose relevant non-financial information to provide investors and other interested parties with a more complete picture of the development, efficiency, status and environmental and social impacts of their activities, Slovenia incorporated the obligation of non-financial reporting for large companies into its legal system in April 2017.⁴⁴ In addition, to create a transparent, effective and clear management system which fosters the trust of investors, employees and the general public in the corporate management system, Slovenia has extended the list of companies which are required to include non-financial statements in their annual reports.⁴⁵

OECD Guidelines: In accordance with the OECD Declaration on International Investment and Multinational Enterprises and the OECD Guidelines for Multinational Enterprises, Slovenia is committed to the principles and standards of responsible

⁴³ Directive 2014/95/EU of the European Parliament and of the Council of 22 October 2014 amending Directive 2013/34/EU as regards disclosure of non-financial and diversity information by certain large companies and groups (OJ L No. 330 of 15 November 2014, p. 1), as amended.

⁴⁴ Act Amending the Companies Act, Article 11 (Official Gazette of the Republic of Slovenia No. 15/17 of 31 March 2017).

⁴⁵ Act Amending the Companies Act, Article 24 (Official Gazette of the Republic of Slovenia No. 15/17).

business conduct. To promote responsible business conduct, the Slovenian National Contact Point for the OECD Guidelines for Multinational Enterprises, which was set up within the Ministry of Economic Development and Technology, has been entrusted with the following tasks: active promotion of the OECD Guidelines for Multinational Enterprises; informing enterprises and the general public of the content of the OECD Guidelines for Multinational Enterprises; conducting mediation and conciliatory proceedings on the basis of filed complaints on violations of the Guidelines; monitoring the work of domestic and foreign multinational enterprises in Slovenia; cooperation with key institutions on promoting the principles of social responsibility of enterprises; annual reporting to the OECD Investment Committee, and regular consultations within the OECD.

The Ministry of Economic Development and Technology provides technical support to the Slovenian National Contact Point for the OECD Guidelines for Multinational Enterprises, including funds for its work and promotional activities, and the necessary human resources.

Human Rights Due Diligence With this Action Plan, the Slovenian Government recommends that business enterprises based in Slovenia practice human rights due diligence throughout the business process in order to guarantee human rights in business in accordance with the UN Guiding Principles. It also recommends they include due diligence reports in their annual reports or in sustainability reports, if available. The Guidelines on Corporate Human Rights Due Diligence are included as an annex to the Action Plan to help draft due diligence reports.

Planned measures:

Environment: In accordance with the Framework Programme for the Transition to a Green Economy⁴⁶, the Slovenian Government will focus on further activities for developing and interconnecting green economy policies. The focus will be placed on the following areas: sustainable management of resources; green growth of the economy, promoting green jobs and providing training for people on the labour market for the requirements of green economy; fostering demand for green products and services; green public procurement and green budget reform; sustainable urban development; public sector activities that may serve as models; education and training for the green economy; and green practice in agriculture.

⁴⁶ Framework Programme for the Transition to a Green Economy – OPZG including the relevant implementation action plan in the Activity plan of ministries and government services (NAMVS) 2015–2016.

Non-financial reporting: In accordance with the Act Amending the Companies Act,⁴⁷ which transposed Directive 2014/95/EU into the Slovenian legal order, large companies which are public-interest entities exceeding the average number of 500 employees must include a non-financial statement in the management report, containing information on their environmental and social impacts. Published as part of the annual report (or as a separate report), the statement must contain information at least on environmental, social and human resources issues, respect for human rights, and matters relating to the fight against corruption and bribery. The obligation to report also applies to large companies with the number of employees at the consolidated basis exceeding 500, which have to prepare consolidated annual plans.

In addition, all companies subject to audit have to outline the policy of representation diversity in their management or supervisory bodies (diversity based on gender, age, education). The diversity of skills and positions of members of management or supervisory bodies improves the understanding of business operations and openness to innovative ideas, prevents similarity of views, etc. The above provision is aimed at indirectly contributing, through such diversity, to the more successful management of companies. The monitoring and supervision of implementation of the above-mentioned legal provisions will be entrusted to the Ministry of Economic Development and Technology.

As part of drafting policies and measures for restructuring and the transition to a circular economy, the Ministry of the Environment and Spatial Planning, in cooperation with other relevant ministries, will actively promote the use of voluntary environmental labelling instruments at the EU level, such as Ecolabel and EMAS.⁴⁸ To this end, targeted expert support and assistance will be offered to companies and organisations through financial incentives and more widely by promoting sustainable production and consumption.

OECD Guidelines: The Ministry of Economic Development and Technology will be implementing activities to inform companies and the general public of the OECD Guidelines for Multinational Enterprises, which were translated into the Slovene language in 2016.

Human Rights Due Diligence: The Slovenian Government will strive to develop and foster human rights due diligence in business operations, and promote its

⁴⁷ Act Amending the Companies Act, Article 11.

⁴⁸ The Eco-Management and Audit Scheme – EMAS is aimed at evaluating and improving the effects of environmental management in organisations and at informing the public of such effects.

recommendations for business enterprises, with a particular focus on those owned or co-owned by the state.

When monitoring the implementation of the Action Plan, the Slovenian Government will continue the dialogue with the business sector, trade unions, NGOs and other partners on the implementation of human rights due diligence in practice, including the designing of mechanisms and tools for this purpose.

To support the implementation of human rights due diligence, the Government will examine the possibilities of carrying out projects aimed at informing enterprises of the content and methodology of due diligence plans, including by providing counselling for its drafting.

Principle 4

States should take additional steps to protect against human rights abuses by business enterprises that are owned or controlled by the State, or that receive substantial support and services from State agencies such as export credit agencies and official investment insurance or guarantee agencies, including, where appropriate, by requiring human rights due diligence.

As an OECD member country, Slovenia is bound by OECD recommendations requiring that decisions on officially supported export credits are based on the common principles for addressing environmental and social requirements for the export of capital, goods and services to certain locations.⁴⁹ These recommendations are aimed at promoting policy coherence of OECD member countries for officially supported export credits relating to the environment, climate change, social and human rights, obligations to respect relevant international agreements and conventions and to contribute to sustainable development.

The Slovene Export and Development Bank – SID Bank⁵⁰ is based on the principle of balanced and sustainable development with respect to economic, environmental and

⁴⁹ OECD Common Approaches for Officially Supported Export Credits and Environmental and Social Due Diligence.

⁵⁰ The SID Bank specialises in public mandate for promotional and development tasks and services in international trade, economic and development cooperation, commercial operations, innovation, research and educational activities, ecology and energy, infrastructure building and other areas important for Slovenia's development.

social development. As regards financial incentives, it takes into account a comprehensive, long-term and ethical views, and demands their application in all financial operations, services and activities. The SID Bank is guided by the concept of responsible lending, and also implements the OECD policy on sustainable lending for export credit guarantees.⁵¹

Principle 5

States should exercise adequate oversight in order to meet their international human rights obligations when they contract with, or legislate for, business enterprises to provide services that may impact upon the enjoyment of human rights.

Development cooperation is one of the methods used by Slovenia to ensure respect for human rights in international business.

The Slovenian development cooperation is aimed at enhancing human rights in developing countries, whereby good governance and strengthening the rule of law, including respect for human rights and equal opportunities, are classified as horizontal or multi-sectoral fields of activity. Slovenia is drafting a new normative and strategic framework for development cooperation with a view to enhancing the responsible inclusion of enterprises and their development impacts, as well as to increasing support for private sector development in developing countries. When devising orientations within the new development cooperation strategy at the bilateral level, Slovenia will take into account the provisions of aid effectiveness, a human rights based approach and other internationally recognised standards and guidelines for cooperation with the private sector, including the UN Guiding Principles on Business and Human Rights and the United Nations Global Compact. The criteria for funding or co-funding development cooperation programmes or projects now also include proven corporate social responsibility, respect for a human rights based approach, strengthening gender equality and women's empowerment. The Ministry of Foreign Affairs will devote particular attention to the implementation of policy coherence for development in Slovenia, thus ensuring that policies and legislation adopted by Slovenia are not to the detriment of developing countries.

⁵¹ The SID Bank Compliance Department monitors (potential) reports/violations committed by either employees or stakeholders of the SID Bank. It regularly presents the conclusions of investigations, including proposed measures, to the SID Bank management and its supervisory board.

Principle 6

States should promote respect for human rights by business enterprises with which they conduct commercial transactions.

The State may enter into business relations with economic operators also through public procurement activities. Public procurement is thus an important tool for pursuing and achieving the objectives of secondary policies, such as environmental, social and sustainable policies. In this vein, the Public Procurement Act, which entered into force on 1 April 2016 and follows the EU law in this field,⁵² puts special emphasis on the various aspects of social and environmental policies.

As one of the fundamental principles of public procurement, the Act includes the horizontal social clause, which requires economic operators, when implementing public contracts, to observe obligations under EU environmental, social and labour law, regulations in force in Member States, collective agreements and international law.

In accordance with the Act, a public contracting authority also promotes human rights and the social responsibility of economic operators by defining particular reasons for exclusion and terms of cooperation, the social criteria for a call for applications as part of the public procurement procedure, as well as various contractual terms and requirements vital for the implementation phase. In the amended Public Procurement Act (ZJN-3A),⁵³ which took effect on 1 November 2018, the former social clause that had to be contained in all public contracts was supplemented by a resolutive condition, which is fulfilled when the contracting authority is informed that the court, by a final decision, determines violations of labour, environmental or social law on the part of the contractor or any of the subcontractors, or when the contracting authority is informed that, during the implementation of the contract, the competent state authority determined, on the part of the contractor or any of the subcontractors, at least two violations related to wages, working hours, rest periods, work on the basis of civil-law contracts despite evident elements of employment relationship or illegal employment for which, by a final decision or multiple final decisions, a fine for a minor offence has

⁵² Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L No. 94 of 28 March 2014, p. 65), as amended, and Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L No. 94 of 28 March 2014, p. 243), as amended.

⁵³ Act Amending the Public Procurement Act (Official Gazette of the Republic of Slovenia No. 14/18 of 2 March 2018).

been imposed. In addition to the extended list of minor offences related to labour law in the framework of one of the mandatory conditions for exclusion, the amended Public Procurement Act ZJN-3A, for 82 labour-intensive services representing supporting activities for contracting authorities and for which the validity of the public contract is least a year, foresees mandatory periodic semi-annual verification of mandatory reasons for exclusion, and also stipulates the consequences if violations are found. With regard to the above-mentioned services, the Act also specifically stipulates that the contracting authority must take into consideration the principles of socially responsible public procurement by including measures related to social aspects. Social inclusion is also promoted by the possibility of reserved contracts, whereby the contracting authority may reserve the right of participation in public procurement procedures for certain economic operators, e.g. sheltered workshops, job centres and social enterprises employing disadvantaged workers. In public procurement, special attention is also devoted to the subcontracting chain, the transparency of which must be ensured by the main contractor.

In addition to social aspects, the Public Procurement Act also enables better integration of environmental aspects into public procurement procedures, while an incentive for so-called green public procurement is provided in the amended Decree on green public procurement,⁵⁴ which entered into force on 1 January 2018. In Slovenia, green public procurement has been mandatory since 2011; on the basis of the new Decree, which stipulates in what cases green public procurement is mandatory, which environmental aspects must be taken into consideration by contracting authorities when publishing calls for applications, and which objectives must be achieved by the contracting authority with regard to every public contract, it is to be expected that green public procurement will be simplified and that the requirements will be adapted to the circumstances of each particular case, which will enable varied practices and innovativeness. In order to achieve the goals set in the amended Decree, examples of environmental requirements and criteria have been included, serving as recommendations and helping contracting authorities determine how to attain the goals set by the Decree.

Taking into account the nature of service-intensive activities and the practices related to their implementation, particularly the heightened risk of failure to respect the social rights of employees, two sets of guidelines are in preparation in cooperation with professional interest groups, namely:

- Guidelines on the public procurement of security services; and

⁵⁴ Decree on green public procurement (Official Gazette of the Republic of Slovenia No. 51/17 of 19 September 2017).

- Guidelines on the public procurement of cleaning services.

These guidelines are intended to provide guidance to contracting authorities on how to measure and include quality into public procurement procedures by simultaneously taking social aspects into consideration.

The State also promotes respect for human rights in business operations through development cooperation. The new Act on International Development Cooperation and Humanitarian Aid of the Republic of Slovenia⁵⁵ foresees a broader list of contractors, to include legal entities of public and private law, and sole traders.⁵⁶

Planned measures:

In order to achieve the objectives defined in the UN Guiding Principles on Business and Human Rights Nos. 4, 5 and 6, the Government of the Republic of Slovenia will implement the following activities:

The Slovene export and development bank, SID Bank, will continue to observe the principles according to which it has operated, including the principle of balanced and sustainable development (economic, environmental and social development), and follow good practices in the implementation of these principles in comparable institutions in the EU. Slovenia will promote the achievement of the goals set by labour, social and environmental policies, also through the instrument of public procurement, and strive for accelerated and effective implementation of regulatory provisions. To this aim, Slovenia will implement awareness-raising activities and training in the inclusion of social and environmental aspects in public procurement procedures, and will continue to provide a single point of contact, the so-called Helpdesk, which will offer professional assistance to contracting authorities and economic operators participating or interested in public procurement procedures. The single point of contact has already been

⁵⁵ Act on International Development Cooperation and Humanitarian Aid of the Republic of Slovenia (Official Gazette of the Republic of Slovenia No. 30/18 of 26 April 2018).

⁵⁶ *Example:* In the public call for applications for the implementation of development and humanitarian assistance projects in the countries of the Western Balkans, Eastern Europe, Sub-Saharan Africa and the Middle East in the 2017–2019 period, applicants must adopt a human rights based approach. In all phases (planning, implementation and reporting), projects must involve human rights based approaches, and applicants must describe in detail how the projects observe this approach. When reporting, they must explain which activities will have a positive impact on respect for human rights in the long term – also after the project is completed.

established and has been functional at the Public Procurement Directorate at the Ministry of Public Administration of the Republic of Slovenia since 15 September 2016.

Slovenia will continue to update its structures in the field of green public procurement, and keep adapting them to technological advances and the situation in the market.

Among the criteria for funding or co-funding development cooperation programmes or projects, Slovenia will take account of the following considerations: respect for corporate social responsibility, respect for human rights based approaches, strengthening gender equality and women's empowerment. Furthermore, reporting on the observance of the human rights based approach is also the duty of the implementing institutions with which the Ministry of Foreign Affairs concludes direct contracts in the sphere of international development assistance.

Principle 7

Because the risk of gross human rights abuses is heightened in conflict-affected areas, States should help ensure that business enterprises operating in those contexts are not involved with such abuses.

For the time being, in conflict-affected areas, Slovenia provides humanitarian aid only in the form of donations to international organisations. However, Slovenia appeals to all actors involved in conflicts, including economic operators, to respect humanitarian principles and international humanitarian law.

Principle 8

States should ensure that governmental departments, agencies and other State-based institutions that shape business practices are aware of and observe the State's human rights obligations when fulfilling their respective mandates, including by providing them with relevant information, training and support.

In December 2013, to promote the UN Guiding Principles on Business and Human Rights, the Ministry for Foreign Affairs of the Republic of Slovenia, in partnership with the Slovenian Chamber of Commerce and Industry, organised the National Forum on

Business and Human Rights for representatives of relevant ministries, the National Assembly, business sphere, trade unions, NGOs and academia. One of the Forum's conclusions was that Slovenia needs a national plan for the promotion of human rights in business, which must be drawn up in cooperation with multiple stakeholders.

In the sphere of gender equality, the Ministry of Labour, Family, Social Affairs and Equal Opportunities of the Republic of Slovenia provides training for public employees, particularly equal opportunities coordinators, related to procedures for gender mainstreaming into sectoral policies. The same approach is undertaken by the Ministry with regard to integrating gender equality into local-level policies and measures; the Ministry has, inter alia, drawn up guidelines for drafting action plans for equal opportunities for women and men in local communities.

Planned activities/orientations:

The promotion of the National Action Plan will be carried out both within the ministries and among other stakeholders, whereby the governmental sector will cooperate with the business sector, trade unions, NGOs and other stakeholders. Attention will also be devoted to information and awareness-raising activities about the UN Guidelines and the National Action Plan designed for the Slovenian diplomatic network.

The Ministry of Labour, Family, Social Affairs and Equal Opportunities of the Republic of Slovenia will continue to provide regular training for equal opportunities coordinators at the ministries and in local communities on the topic of gender equality.

Principle 9

States should maintain adequate domestic policy space to meet their human rights obligations when pursuing business-related policy objectives with other States or business enterprises, for instance through investment treaties or contracts.

Common trade policy falls within the exclusive competence of the European Union, a member of which is also Slovenia, and this is why Slovenia does not conclude preferential trade agreements with other countries. The latest trade agreements contain sustainable development provisions, which require that the signatories respect workers' rights by acceding to particular ILO conventions, to protect the environment and to observe the provisions contained in the OECD Guidelines for multinational

enterprises. The European Union also observes the so-called human rights, democracy and rule of law clause,⁵⁷ which can also be an integral part of trade agreements.

Through official development assistance (ODA), Slovenia proactively promotes economic and social rights in partner countries. Slovenia also channels ODA through the Centre for International Cooperation and Development and the United Nations Industrial Development Organisation. In accordance with legal and strategic orientations, the cooperation focuses on non-profit activities, the construction of public infrastructure and support for the development of the private sector. Support for partner countries in the development of their business environment, migration management, inclusion into value chains (fair trade), vocational training, women's empowerment in the labour market and developing their entrepreneurial skills are all forms of ensuring economic and social human rights, which Slovenia supports through its ODA. In the framework of development cooperation, migrations is an important cross-cutting issue, and in dealing with this issue, it is vital to engage the cooperation of all shareholders – state bodies, non-governmental sector and businesses – in order to ensure the necessary integration and employment of migrants.

Channelling development cooperation towards ensuring human rights is also indirectly reflected in the fight against trafficking in human beings (Slovenia cooperates with NGOs), the fight against corruption, endeavours to achieve responsible management of public finance (Slovenia mainly participates through the Centre of Excellence in Finance) and providing assistance to partner countries in ensuring the right to a clean environment and safe drinking water.

Planned activities/orientations:

The Ministry of Foreign Affairs of the Republic of Slovenia will continue to raise the awareness of the Slovenian business community, underlining the need to operate in accordance with the 2030 Agenda for Sustainable Development, also by organising targeted workshops. In the framework of the interministerial working body for development cooperation, dialogue will be held on the impact of Slovenia's economic policy on developing countries and the strategic orientation of development cooperation, including guaranteeing human rights.

⁵⁷ Adopted in the framework of the 2009 Common Position.

Principle 10

States, when acting as members of multilateral institutions that deal with business-related issues, should:

(a) Seek to ensure that those institutions neither restrain the ability of their member States to meet their duty to protect nor hinder business enterprises from respecting human rights;

(b) Encourage those institutions, within their respective mandates and capacities, to promote business respect for human rights and, where requested, to help States meet their duty to protect against human rights abuse by business enterprises, including through technical assistance, capacity-building and awareness-raising;

(c) Draw on these Guiding Principles to promote shared understanding and advance international cooperation in the management of business and human rights challenges.

Within multilateral institutions of which it is a member Slovenia strives for the promotion of sustainable development, corporate social responsibility and respect for human rights.

Basic orientations:

Within the UN, Slovenia will continue to support the work of the Working Group on Business and Human Rights, and strive for the promotion and implementation of the UN Guiding Principles on Business and Human Rights. It will thus continue to actively participate in the annual UN Forum on Business and Human Rights, which is an important platform for exchanging good practices and raising awareness of the implementation of the UN Guiding Principles on Business and Human Rights.

Within the European Union, Slovenia supports the EU approach to environmental and social issues, and will continue to promote the development of micro, small and medium-sized enterprises as major drivers of sustainable development. In addition, it will encourage the exchange of experience and good practices in business and human rights.

Through its activities in the World Bank Group committees, Slovenia will support the effective implementation of the Environmental and Social Framework, including the environmental and social policies, which are integral parts of it. The framework consists of ten Environmental and Social Standards that need to be taken into consideration by

institutions when they are designing projects. Among other things, these Standards foresee the support of the World Bank Group for the fulfilment of human rights. The EDS10 constituency of the World Group Bank, of which Slovenia is a part, is in favour of including human rights, and advocates an independent inspection panel as an effective protection mechanism, which – on the basis of appeals – would determine whether an investment project infringes on human rights with regard to the mandatory standards.

The promotion of sustainable development, particularly conservation and protection of biodiversity, the fight against climate change and respect for human rights are fundamental elements of the European Investment Bank's lending policy. The core document, the EIB Statement on Environmental and Social Standards,⁵⁸ determines the framework of the environmental protection policy, and lays the foundations for prosperity. Policies, principles and standards at the operative level are defined in the Environmental and Social Handbook.⁵⁹

As an EIB shareholder, Slovenia will continue to support the key elements of its lending policy, which are aimed at ensuring sustainable development, including respect for human rights.

Slovenia fully supports the operations of the Council of Europe Development Bank, where all projects must meet the requirement of respecting the political and social goals of the Council of Europe; if violations of human rights are found, Slovenia would thus insist that loans for such projects not be granted. When addressing the strategies and projects of the European Bank for Reconstruction and Development, in which Slovenian representatives participate on the board of directors, Slovenia will continue to cooperate actively in accordance with the EBRD's fundamental principles relating to respect for human rights.

Within the International Monetary Fund, Slovenia will continue to support operations and activities that contribute to the creation of an economic and institutional environment conducive to respect for human rights, particularly social and economic rights.

⁵⁸ *The EIB Statement on Environmental and Social Principles and Standards*; European Investment Bank; 2009; available at: http://www.eib.org/attachments/strategies/eib_statement_esps_en.pdf.

⁵⁹ *Environmental and Social Handbook*; European Investment Bank; 2013; available at: http://www.eib.org/attachments/strategies/environmental_and_social_practices_handbook_en.pdf.

To promote and protect human rights and fundamental freedoms and to enhance legal security, the amended Human Rights Ombudsman Act⁶⁰ establishes the Centre for Human Rights, the foreseen task of which is also to "provide general information on the types and forms of appeals to international bodies due to violations of human rights and fundamental freedoms". This includes informing individuals of the international mechanisms available for the protection of human rights and fundamental freedoms, such as the European Court of Human Rights, the UN Committee against Torture, the UN Committee on the Rights of the Child, the UN Human Rights Committee, the UN Committee on the Elimination of Discrimination against Women and other mechanisms operating in the framework of international or regional organisations. The Centre for Human Rights and the Ombudsman will cooperate more closely with international organisations in the fields of enforcing, promoting and developing human rights and fundamental freedoms, including in the framework of the Global Alliance for National Human Rights Institutions (GANHRI), the European Network of National Human Rights Institutions (ENNHRI), the United Nations (Human Rights Council), the Council of Europe, the Organisation for Security and Co-operation in Europe (OSCE) and the European Union.

The Council of Human Rights, the establishment of which also arises from the amended Human Rights Ombudsman Act, promotes quality cooperation in the framework of international multilateral mechanisms, as its tasks include dealing with reports of the Republic of Slovenia submitted to international organisations in the sphere of human rights, and participating in the drafting of independent reports of the Human Rights Ombudsman on meeting the Republic of Slovenia's international obligations regarding human rights.

⁶⁰ Act Amending the Human Rights Ombudsman Act (Official Gazette of the Republic of Slovenia No. 54/2017 of 29 September 2017).

Access to assistance

Principle 25

As part of their duty to protect against business-related human rights abuse, States must take appropriate steps to ensure, through judicial, administrative, legislative or other appropriate means, that when such abuses occur within their territory and/or jurisdiction those affected have access to effective remedy.

Principle 26

States should take appropriate steps to ensure the effectiveness of domestic judicial mechanisms when addressing business-related human rights abuses, including considering ways to reduce legal, practical and other relevant barriers that could lead to a denial of access to remedy.

In Slovenia, human rights and fundamental freedoms are exercised directly on the basis of the Constitution. The Constitution of the Republic of Slovenia guarantees judicial protection of human rights and fundamental freedoms, and the right to obtain redress for violations of such rights and freedoms (Article 15 of the Constitution). Furthermore, the Constitution stipulates that everyone has the right to have any decision regarding his rights, duties, and any charges brought against him made without undue delay by an independent and impartial court constituted by law (Article 23).

Slovenia's regulatory framework ensures access to legal remedies in cases of human rights violations, and, inter alia, provides for free legal aid for the socially underprivileged. A number of amendments are in preparation which are intended to increase the legal predictability of court decision making, improve the situation of injured parties, particularly of vulnerable groups of victims, and apply the principle of

proportionality to a greater extent when punishing perpetrators of criminal offences involving violations of fundamental workers' rights.

Regarding basic procedural rules, a comprehensive update of the regulations governing judicial protection sought by private parties in the event of human rights violations was carried out in 2017.⁶¹ One of the objectives of the amended regulations is to enable more effective protection of individuals' rights (also in the event of human rights violations), primarily through the institutions enabling the unification of case law and thus greater legal predictability of court decision making, leading to enhanced judicial protection and trust in the law.

In the sphere of criminal law, procedural issues are regulated by the Criminal Procedure Act,⁶² which also regulates the rights of injured parties in criminal proceedings. The primary objective of criminal procedures is the public law aspect, and refers to the prosecution of perpetrators of criminal offences (and consequently to sanctioning and general and special prevention); at the legal level, the role of the injured party is mostly subordinated to that of the public prosecutor, and also depends on the nature of a particular criminal offence. However, during a criminal procedure, the injured party has a number of procedural rights.

The Criminal Code⁶³ specifies the basic institutes of substantive criminal law, and defines criminal offences, including those constituting violations or infringements of human rights. With regard to respect for human rights in the business sector, the Code contains an important provision stipulating that criminal liability is to be imposed on a legal person for criminal offences which the perpetrator commits in his name, on his behalf or in his favour. However, the criminal liability of legal persons does not exclude the liability of natural persons as perpetrators, instigators or aides in the same criminal offence. The amended Criminal Code,⁶⁴ which entered into force on 2 July 2017, stipulates that no direct intent needs to be determined in the event of the criminal

⁶¹ In 2017, a major amendment to the Contentious Civil Procedure Act was adopted (Act Amending the Contentious Civil Procedure Act (Official Gazette of the Republic of Slovenia No. 10/17 of 27 February 2017)).

⁶² Criminal Procedure Act (Official Gazette of the Republic of Slovenia No. 32/12 – official consolidated text, 47/13, 87/14, 8/16 – Constitutional Court Decision, 64/16 – Constitutional Court Decision, 65/16 – Constitutional Court Decision and 66/17 – Authentic Interpretation of the Criminal Procedure Act 153,154 – Authentic Interpretation of the Criminal Procedure Act 153,154).

⁶³ Criminal Code (Official Gazette of the Republic of Slovenia No. 50/12 – official consolidated text, 6/16 corr., 54/15, 38/16 and 27/17).

⁶⁴ Act Amending the Criminal Code Act (Official Gazette of the Republic of Slovenia No. 27/2017 of 2 June 2017).

offence of violation of fundamental workers' rights, and that conditional intent suffices; the foreseen penalties are also higher.

As regards access to judicial protection for the socially underprivileged, it is important to mention the institution of free legal aid as defined in the Free Legal Aid Act.⁶⁵

Judicial verification and judicial protection with regard to administrative acts and actions undertaken by the public administration are guaranteed by the Administrative Dispute Act.⁶⁶ Judicial control over administrative acts and actions undertaken by the public administration exercised by independent courts guarantees the rule of law and is carried out in order to limit arbitrary actions by state authorities (ensuring the principle of the separation of powers).

The right to trial without undue delay, judicial protection of this right and the right to just satisfaction if the right is violated are envisaged by the Protection of Right to Trial without Undue Delay Act⁶⁷. Parties to legal proceedings, participants in proceedings according to the act regulating non-contentious civil procedure, and injured parties in criminal proceedings have the right to have any decision regarding their rights, duties and any charges brought against them made by an independent court without undue delay. The Act provides for the following legal remedies related to the procedure and operation of the court:

- Appeal with a motion to expedite the case (so-called supervisory appeal);
- Motion to set a deadline (so-called motion for a deadline); and
- Claim for just satisfaction.

Workers in an employment relationship are guaranteed direct legal protection in the event of a request to determine the grounds for the illegal termination of an employment contract, other modes of termination of employment contract or decisions regarding the disciplinary responsibility of workers. In addition, workers may bring monetary claims arising from the employment relationship before the competent labour court.⁶⁸ In the event of bullying or discrimination, workers have the right to judicial

⁶⁵ Free Legal Aid Act (Official Gazette of the Republic of Slovenia No. 96/04 – official consolidated text, 23/08, 15/14, 8/16 – Constitutional Court Decision and 19/15).

⁶⁶ Administrative Dispute Act (Official Gazette of the Republic of Slovenia No. 105/06, 107/09 – Constitutional Court Decision, 62/98, 98/11 – Constitutional Court Decision, 109/12 and 10/17 – Act Amending the Contentious Civil Procedure Act).

⁶⁷ Protection of Right to Trial without Undue Delay Act (Official Gazette of the Republic of Slovenia No. 67/12 – official consolidated text).

⁶⁸ Articles 200, 201 and 202 of the Employment Relationship Act.

protection, which is enforced before the competent labour court; workers can also appeal to the Labour Inspectorate of the Republic of Slovenia. If a labour inspector, on the basis of a report or inspection, determines a violation of the prohibition of bullying, appropriate measures or sanctions may be imposed on the employer.⁶⁹

Owing to the amendments to procedural rules and the introduction of mechanisms enabling the unification of case law and thus greater legal predictability of court decision making leading to enhanced judicial protection and trust in the law, the entry into force of the Act Amending the Contentious Civil Procedure Act⁷⁰ ensures more efficient legal protection of individuals.

An important instrument with regard to violations of the fundamental rights of employees, which in most cases are committed by employers, is the Act Amending the Criminal Code, containing an amendment to Article 196 of the Criminal Code defining the criminal offence of the violation of fundamental workers' rights. In accordance with these amendments, the prosecution of perpetrators of such criminal offences will be made easier to a certain extent; at the same time, the amended definition of the criminal offence takes into account the principle of proportionality, as the sanctions foreseen better reflect the scope and intensity of violations.

Planned measures:

With regard to the injured parties in criminal proceedings, relevant amendments to the Criminal Procedure Act need to be proposed, which will transpose into the Slovenian legal order the provisions of Directive 2012/29/EU⁷¹ of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, as the National Assembly of the Republic of Slovenia, in a second vote following the veto of the National Council of the Republic of Slovenia, failed to vote in favour of the proposed Act Amending the Criminal Procedure Act, which, inter alia, contained the necessary amendments arising from the aforementioned Directive.

⁶⁹ Ibid.

⁷⁰ Act Amending the Contentious Civil Procedure Act (Official Gazette of the Republic of Slovenia No. 10/17 of 27 February 2017).

⁷¹ Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA (OJ L 315 of 14 November 2012, p. 57 and OJ L 287 of 31 October 2015, p. 87–87).

The purpose of the Class Actions Act⁷² is to improve access to judicial protection and ensure the exercise of the rights violated for individuals in cases of collective injury, to deter potential violators from illegal actions and to prevent the overload of particular courts due to an excessive number of independent actions in the event of collective injury. The proposal for an act defines the scope and procedure of a class action and collective settlement as a special mechanism for consensual dispute settlement in the event of collective injury, introduces proxy class action, which can be filed by persons governed by private law, the purpose of which is not to generate profit, and – as an additional form of protection – a collective action for injunctive relief, and determines the register of class actions, costs of the proceedings and funding of the class action.

Principle 27

States should provide effective and appropriate non-judicial grievance mechanisms, alongside judicial mechanisms, as part of a comprehensive State-based system for the remedy of business-related human rights abuse.

Human Rights Ombudsman: According to the Principles relating to the Status of National Institutions (the Paris Principles), Slovenia's Human Rights Ombudsman has been accredited with B-status. In order to provide the legal basis for A-status, the Ministry of Justice and the Human Rights Ombudsman prepared the Act Amending the Human Rights Ombudsman Act,⁷³ which was adopted by the National Assembly of the Republic of Slovenia in September 2017. To promote and protect human rights and fundamental freedoms and to enhance legal security, the Act establishes the Council of Human Rights as the Ombudsman's consultative body, and the Centre for Human Rights. The Council started its work in June 2018, and it may provide views on development policies on human rights and fundamental freedoms, and, on the initiative of the Ombudsman, address wider issues concerning the promotion, protection and monitoring of human rights and fundamental freedoms. The Council is composed both of representatives of the non-governmental sector and professional associations, and of the Government, and this is why it contributes to the quality and legitimacy of the dialogue and of the proposed solutions when dealing with particular human rights issues. The Centre for Human Rights, which will start its work in January 2019, will provide information, education, training, analyses and reports in particular fields of

⁷² The Class Actions Act was adopted in September 2017 (Official Gazette of the Republic of Slovenia No. 55/17 of 6 October 2017) and took effect in April 2018.

⁷³ Act Amending the Human Rights Ombudsman Act (Official Gazette of the Republic of Slovenia No. 54/2017 of 29 September 2017).

human rights and fundamental freedoms promotion and protection, as well as organising consultations related to the enforcement, promotion and protection of human rights and fundamental freedoms. With regard to initiatives under Article 26 of the Human Rights Ombudsman Act⁷⁴, the Ombudsman's broader mandate does not include initiatives in the private sector; however, the proposed amendments to the Act will enable a general consideration of issues concerning the human rights situation in the business sector.

Advocate of the Principle of Equality: The Protection against Discrimination Act, which entered into force in May 2016, established the Advocate of the Principle of Equality, an independent state institution for protection against discrimination. The Advocate is responsible for, among other things, making recommendations to state institutions, local community institutions, bearers of public authority, employers, and business and other entities concerning individuals' situations due to personal circumstances, in order to prevent and eliminate discrimination and to introduce special and other measures for the elimination of discrimination. The Advocate may also carry out inspections, and provide independent assistance to persons discriminated against when exercising their rights concerning protection against discrimination in the form of counselling and legal assistance in administrative and judicial proceedings regarding discrimination.

OECD National Contact Point: Out-of-court dispute settlements are also possible through the OECD National Contact Point, which was established at the Ministry of Economic Development and Technology. In accordance with its task description, the National Contact Point can, through mediation and the conciliation procedure, help businesses and stakeholders to resolve issues concerning violations of the OECD Guidelines for Multinational Enterprises.

Alternative settlement of legal disputes: All Slovenian courts (local, district, labour, higher, and higher labour and social courts) enable alternative settlements of legal disputes, or more precisely, mediation. This improves access to appropriate legal protection, enables a fair, fast and amicable settlement of disputes, reduces the costs incurred by courts and parties, saves time, and increases the number of voluntary in-court and out-of-court settlements, namely in all disputes arising from business and employment relations, and family and other civil matters concerning claims which parties may dispose of freely and which they can settle. Only social disputes are expressly excluded. The alternative settlement of disputes does not involve a trial, but one or several neutral third parties facilitate the settlement of a dispute. Local, district, labour, higher, and higher labour and social courts adopted programmes of alternative

⁷⁴ Human Rights Ombudsman Act (Official Gazette of the Republic of Slovenia No. 69/17 – official consolidated text).

dispute settlement, which is organised directly by the court; these programmes enable parties to refer their disputes to mediation.

Planned measures:

Human Rights Ombudsman: With the Act Amending the Human Rights Ombudsman Act, Slovenia expanded the mandate of the Human Rights Ombudsman, thus enabling an upgrade of the Ombudsman's current scope of activities and ensuring comprehensive provision of informal human rights protection both when dealing with particular cases and initiatives, and in addressing systemic irregularities, while at the same time strengthening the Ombudsman's research and educational activities. In this context, a more prominent role is foreseen for the Ombudsman in the sphere of business and human rights as well.

Advocate of the Principle of Equality: In accordance with the Protection Against Discrimination Act, Slovenia has established the Advocate of the Principle of Equality, which is tasked, inter alia, with offering recommendations to employers, economic operators and other entities on preventing and eliminating discrimination, conducting inspections and providing independent assistance in the form of counselling and legal advice to parties engaged in other administrative and court procedures related to discrimination. The Advocate's mandate also includes the prevention of discrimination and addressing reports and initiatives in the private sector.

OECD National Contact Point: To raise awareness of the OECD Guidelines and National Contact Point, the Ministry of Economic Development and Technology of the Republic of Slovenia will carry out activities for multinational enterprises that promote the OECD Guidelines. The Republic of Slovenia will strive to improve the functioning of the Slovenian National Contact Point in accordance with the OECD Guidelines.

Alternative settlement of legal disputes: In accordance with the provisions of the Act on Alternative Dispute Resolution in Judicial Matters,⁷⁵ the courts carry out programmes of court-related mediation. To promote court-related mediation, the Ministry of Justice of the Republic of Slovenia has prepared a set of activities in order to increase the visibility of mediation as a means of settling legal disputes, and to additionally inform parties to court proceedings of all the advantages offered by this method of resolving disputes.

⁷⁵ Act on Alternative Dispute Resolution in Judicial Matters (Official Gazette of the Republic of Slovenia, Nos. 97/09 and 40/12 – Fiscal Balance Act).

Principle 28

States should consider ways to facilitate access to effective non-State-based grievance mechanisms dealing with business-related human rights harms.

Principle 30

Industry, multi-stakeholder and other collaborative initiatives that are based on respect for human rights-related standards should ensure that effective grievance mechanisms are available.

Principle 31

In order to ensure their effectiveness, non-judicial grievance mechanisms, both State-based and non-State-based, should be: legitimate, accessible, predictable, equitable, transparent, rights-compatible and a source of continuous learning.

Operational-level mechanisms should also be based on engagement and dialogue: consulting the stakeholder groups for whose use they are intended on their design and performance, and focusing on dialogue as the means to address and resolve grievances.

The State grants access to judicial mechanisms and is developing new non-judicial mechanisms in order to facilitate access to effective appeal mechanisms related to violations of human rights in business. In so doing, the State strives to improve the effectiveness, accessibility, predictability and transparency of procedures. Slovenia will continue its efforts to establish cooperation with non-governmental organisations, businesses, trade unions and academia, to encourage enterprises to strive for continuous development and to apply the relevant appeal mechanisms to address the alleged or potential violations of human rights in business processes, also through human rights due diligence.

VII Implementation of the National Action Plan

The implementation of the National Action Plan of the Republic of Slovenia on Business and Human Rights is monitored by the Ministry of Foreign Affairs of the Republic of Slovenia in cooperation with other ministries and government offices; the Ministry may invite representatives of the Government, Human Rights Ombudsman, business sphere, trade unions, NGOs and academia to cooperate. The review of the fulfilment of commitments with further proposals is conducted in multi-stakeholder form. Furthermore, the Ministry promotes and steers activities aimed at developing mechanisms and tools for conducting human rights due diligence.

To ensure the implementation of the National Action Plan, a periodic review is conducted every two years, coordinated by the Ministry of Foreign Affairs of the Republic of Slovenia, with the participation of other stakeholders. The Ministry reports to the Government of the Republic of Slovenia on the review findings.

ANNEX I

Guidelines on Corporate Human Rights Due Diligence⁷⁶

I. Human Rights Due Diligence

The UN Guiding Principles on Business and Human Rights define human rights due diligence as a process carried out by business enterprises to identify, prevent and mitigate adverse impacts on human rights, as well as to report on methods to reduce such impacts⁷⁷. Due diligence includes an evaluation of actual and potential negative impacts on human rights; the adaptation of practices according to these findings; monitoring responses and becoming acquainted with learning how a company endeavours to reduce possible adverse impacts. The range of this process may vary according to the size of the business enterprise, the existence of risks to human rights and the environment, and the circumstances of business operations.

The due diligence process is a method for ensuring diligent conduct of business enterprises in relation to human rights and the environment. Due diligence should include an evaluation of the actual and potential impacts on human rights, the elimination of violations, and reporting on measures taken in order to prevent or address negative impacts on human rights.

Human rights due diligence is a permanent internal process, and has to be carried out by a responsible company to an extent appropriate to its size, sector, nature and geographical area in order to ensure respect for human rights. In addition, it is recommended that an enterprise also carry out human rights due diligence with its contractual partners, and uses its influence to contribute to the acceptance of, and respect for, human rights.

Human rights due diligence falls into the context of other careful assessments within the framework of the enterprise's risk management. Among the aspects of human

⁷⁶ Prepared by: Aleš Kranjc Kušlan, Ekvilib Institute in cooperation with the Human Rights Department at the Ministry of Foreign Affairs.

References: UN Guiding Principles on Business and Human Rights (2011), Due Diligence for Human Rights: A Risk-based Approach, Harvard University, 2009 in UN Global Compact: A Structured Process to Prioritise Supply Chain Human Rights Risks, 2015.

⁷⁷ Principles Nos. 17 to 24 of the UN Guiding Principles on Business and Human Rights.

rights that business enterprises are obliged to respect are all human rights,⁷⁸ including guaranteeing non-discrimination and the equal treatment of all persons, gender equality, the protection of fundamental workers' rights, the prohibition of forced labour and labour exploitation, freedom of association, and the right to collective negotiations. Protection of human rights is also directly and indirectly connected to environmental protection and preservation.

For analytical purposes, those human rights have to be identified which are most likely to be violated; the choice should not be limited only to the most media-exposed rights or to those which are in the focus of major stakeholders. An analysis also has to be made from the viewpoint of those stakeholders whose human rights could be violated, and not just from the viewpoint of the impact of human rights violations on the enterprise's operations.

II. Human Rights Due Diligence in Practice

The implementation of human rights due diligence can be summarised in five steps, which include adopting the commitment to respect human rights throughout business operations, setting up a structure for due diligence in all internal and external relations, a priority analysis, due diligence implementation through mechanisms for detecting, and responding to, violations and monitoring of, and reporting on, due diligence and respect for human rights.

1. Commitment to respect human rights

The management must explicitly commit to respect human rights in their business operations, clearly position this commitment among the enterprise's values and include it in ethical codes and other relevant internal documents, which will enable the operative implementation of this commitment. It is necessary to clearly define human rights and why it is important that an enterprise ensures respect for them. It is also necessary to provide for adequate resources for the implementation of due diligence.

⁷⁸ The generally accepted key internationally recognised human rights are listed in the International Human Rights Charter (consisting of the Universal Declaration of Human Rights and its main codification instruments: the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights); in addition, there are principles regarding fundamental rights in eight key conventions of the International Labour Organization (ILO), which are presented in the ILO Declaration on Fundamental Principles and Rights at Work.

Human rights are a significant element of corporate social responsibility and as such have to be incorporated into risk management and management reviews.

2. Setting up a structure for due diligence

One of the first tasks is to appoint an internal process custodian with the relevant knowledge of human rights. Also, the enterprise must decide whether due diligence is to be carried out by its own internal resources or with the aid of external experts, or by combining both approaches. In practice, all three options are used; in choosing its approach, the enterprise may consider the practices normally applied in its own risk management.

3. Identification of relevant facts

The identification of relevant facts is necessary for business activities, operations and relations. An enterprise should identify the relevant facts through the entire value chain – not only within its business process but also on the outside, i.e. in relation to its contractual partners. In terms of respect for human rights, this means that the enterprise has to review its procurement, production and sales processes, as well as the way it treats its employees at the enterprise's headquarters and in subsidiary companies also outside the home country. In addition, a review and identification of relevant facts are recommended also for the enterprise's contractual partners. At this stage, potential and actual risks should be identified, alongside groups that might be subject to human rights violations in business processes. A priority list of the potentially most critical human rights should be made, and a practical connection between them and business operations along the entire value chain should be established.

In the analysis of the priorities, it should be considered that an enterprise may directly disrespect or violate human rights, or it may contribute or (indirectly) cause disrespect or a violation of human rights. In any case, all relevant stakeholders should be included in the analysis, since the enterprise or organisation cannot carry out this analysis efficiently by itself.

4. The implementation stage of human rights risk management

At the implementation stage, an enterprise establishes means and processes for preventing or minimising risks of disrespect of human rights.

This means that an enterprise should establish:

- a mechanism for detecting disrespect of human rights,
- a response protocol if the enterprise detects a failure to respect human rights,

- a mechanism for mitigating, or compensating for, damage caused to an individual as result of disrespect for human rights (damages and reimbursement),
- a mechanism whereby the enterprise promotes respect for human rights also by its contractual partners.

5. Monitoring of, and reporting on, due diligence and respect for human rights

One of the basic principles of corporate social responsibility is transparency; therefore, it must be ensured that the enterprise report regularly comprehensively and clearly to stakeholders on its observance of human rights.

The simplest way for an enterprise to report observance of human rights is in its annual report, or a special sustainability report, or a corporate social responsibility report, in which it also reports on other non-financial aspects of business operations.

In planning the scope and structure of the report, the enterprise can draw from some international standards and initiatives that include human rights and have developed basic indicators for monitoring them, inter alia:

- EU directive on non-financial reporting for public-interest companies with more than 500 employees (transposed to Slovenian legal order with the Act Amending the Companies Act),
- GRI guidelines on reporting on sustainability in business operations,
- ISO 26000 – social responsibility guidelines for enterprises,
- SA 8000 Certificate,
- Principles of the United Nations Global Compact.

By joining some of the Slovenian initiatives and by acquiring certificates, enterprises can fully or partially comply with requirements concerning human rights. Some of the relevant certificates are: Family-friendly company, Socially responsible company, EFQM excellence model, Golden Thread, Most respectable employer, HORUS – Slovenian award for social responsibility, Leader in social responsibility and sustainable development; alongside other means in support of this field.

Annex II

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