



Striving for an inclusive labour market in Slovenia

Positive actions and reasonable accommodation to facilitate hiring and employment of persons with disabilities involving employers and employer initiatives

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Positive actions and reasonable accommodation to facilitate hiring and employment of persons with disabilities involving employers and employer initiatives

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Table of contents

1	Executive summary	6
1.1	Support and incentives directed at employers to promote the employment of persons with disabilities, including guides on good practice, websites and advice services	6
1.2	Support and partnerships available to employers to assist them in making reasonable accommodations	7
1.3	Illustrative examples of good employer practice for providing reasonable accommodations for persons with disabilities	8
1.4	Recommendations	8
2	Support and incentives directed at employers to promote the employment of persons with disabilities, including guides on good practice, websites and advice services	9
2.1	Employment quotas	9
2.2	Tax relief / reduced social security contributions / wage subsidies for employers employing persons with disabilities	11
2.3	Reasonable accommodation	13
2.4	Other relevant actions targeted at employers	14
2.5	Examples of good practice	15
2.6	Good practice guides, websites and advice services directed at employers	16
3	Support and partnerships available to employers to assist them in making reasonable accommodations	18
3.1	Support available to employers for making reasonable accommodation .	18
3.2	Partnerships to assist employers to make reasonable accommodations.	20
4	Illustrative examples of good employer practice for providing reasonable accommodations for persons with disabilities	23
4.1	Good practice guides for employers regarding reasonable accommodation	23
4.2	Any other sources of information regarding good practice for employers regarding reasonable accommodation.....	23
4.3	Examples of individual reasonable accommodations which reveal good practice	23
5	Recommendations and guidance regarding good practice and reasonable accommodation.....	24
5.1	Recommendations regarding good practice and reasonable accommodation in recruitment and hiring	24
5.2	Recommendations regarding good practice and reasonable accommodation in initial employment	24
5.3	Recommendations regarding good practice and reasonable accommodation in promotion and career development	24
5.4	Recommendations regarding good practice and reasonable accommodation in retention, i.e. enabling people to stay in work if they develop an impairment or their impairment changes	24
	Annex 1: Additional information	25

1 Executive summary

1.1 Support and incentives directed at employers to promote the employment of persons with disabilities, including guides on good practice, websites and advice services

The Vocational Rehabilitation and Employment of Disabled Persons Act (2007 and as amended subsequently)¹ defines support and incentives directed at employers to promote the employment of persons with disabilities. The types of support and incentives that are mentioned in the legislation are as follows: wage subsidies for persons with disabilities; payment of the costs of accommodation in the workplace and other resources that are needed for persons with disabilities; payment of the cost of services in supported employment; exemption from pension and disability insurance contributions for employees with disabilities; rewards for exceeding the quota; annual awards for employers for good practice in the employment of persons with disabilities, and other incentives in the field of employment, including preservation of jobs for persons with disabilities and other development incentives.

There are no guides that focus on reasonable accommodation (see Annex 1). Two guides for employers refer to adapted workplaces in ordinary environments and in employment centres. Both describe the legislation and the benefits to the employer, and provide examples of good practice. A handbook entitled 'Employment of Persons with Disabilities on the Farm' is a guide for farmers and other potential employers.² It was published by the Regional Development Agency of the Ljubljana Urban Region. A handbook entitled *Promoting the employment of people with disabilities* focuses on encouraging employers to hire persons with disabilities in the open labour market. It was produced and published by the Association of Vocational Rehabilitation Providers of the Republic of Slovenia.³

There is very limited evidence and research analysing the strengths and weaknesses of the existing instruments and measures in legislation that are directed at employers (see Annex 1). The Eurofound report (2021) is telling.⁴ It shows that when respondents in Slovenia were asked how they perceived the role of different actors regarding the integration of persons with disabilities into the open labour market, they answered that trade unions, employer organisations, NGOs and civil society organisations have very little involvement in action on integration in that regard (p. 11). In comparison with the situation in other EU27 countries, NGOs in Slovenia have the most limited role

¹ Vocational Rehabilitation and Employment of Disabled Persons Act 2004, *Official Gazette of the Republic of Slovenia*, Nos. 16/2007, 87/2011, 96/2012, 98/2014, [18/21](http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO3841), <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO3841>.

² Svetina, P. (2018), 'Employment of Persons with Disabilities on the Farm: A Handbook' (*Zaposlovanje invalidov na kmetiji: priročnik*), Regional Development Agency of the Ljubljana Urban Region (*Regionalna razvojna agencija Ljubljanske urbane regije, RRA LUR*), http://ps-griffin.si/wp-content/uploads/2019/12/e-prirocnik_Zaposlovanje-invalidov-na-kmetiji.pdf.

³ Association of Vocational Rehabilitation Providers in the Republic of Slovenia (2019), *Spodbujajmo zaposlovanje invalidov: priročnik (Promoting the employment of people with disabilities: a handbook)*, Ljubljana, https://za-vse.eu/wp-content/uploads/2020/10/Prirocnik-Spodbujajmo-zaposlovanje-invalidov_web.pdf.

⁴ Eurofound (2021), *Disability and labour market integration: Policy trends and support in EU Member States*, Publications Office of the European Union, Luxembourg, https://www.eurofound.europa.eu/sites/default/files/ef_publication/field_ef_document/ef20013en.pdf.

regarding integration of persons with disabilities into the open labour market (p. 12). At the level of job creation, the report shows that persons with disabilities in Slovenia get very little support, and that at the organisation and institutional level, support for organisations employing persons with disabilities is almost entirely absent (pp. 16-17).

1.2 Support and partnerships available to employers to assist them in making reasonable accommodations

The concept of 'reasonable accommodation' as a framework to implement adaptations to ordinary workplace environments for persons with disabilities does not exist in Slovenia. The concept of accommodated (adjusted) workplaces in the ordinary environment, as described by the Vocational Rehabilitation and Employment of Disabled Persons Act (2007 and subsequently),⁵ defines support to employers as outlined above. The *Alternative report on the implementation of the provisions of the Convention on the Rights of Persons with Disabilities in the Republic of Slovenia*,⁶ prepared by the National Council of Disability Organizations of Slovenia (*Nacionalni svet invalidskih organizacij Slovenije, NSIOS*) in December 2017, addressed the issue of reasonable accommodation and made recommendations, but the legal situation has not changed since then (see more in Annex 1).

The Association of Employers of Slovenia organised a conference on 17 February 2022 on 'How to obtain funds for adapted and accommodated workplaces for persons with disabilities and examples of good practice'.⁷ The conference was organised as part of the POLET project, which is funded by the European Social Fund and led by the Association of Employers of Slovenia.

Cooperation between the employment centre Papilot and Farma Prestranek in the 'Disability can be an opportunity' project took place between 2019 and 2021, funded by the European Agricultural Fund for Rural Development.⁸ The project was led by Papilot in Koper in cooperation with a partner farm, Farma Prestranek, in a rural area.

There is some evidence that it is effective for Association of Employers to work together with Government institutions (Association of Vocational Rehabilitation Providers; Pension and Disability Institute; Ministry of Labour, Family, Social Affairs and Equal Opportunities division on disability protection, Employment Service of Slovenia) to create more accommodated workplaces. There is no research on weaknesses.

⁵ Vocational Rehabilitation and Employment of Disabled Persons Act 2004, *Official Gazette of the Republic of Slovenia*, Nos. 16/2007, 87/2011, 96/2012, 98/2014, [18/21](#), <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO3841>.

⁶ National Council of Disabled Persons' Organizations of Slovenia (*Nacionalni svet invalidskih organizacij Slovenije, NSIOS*) (2017), *Alternative Report on the Implementation of the Provisions of the Convention on the Rights of Persons with Disabilities in the Republic of Slovenia (2008-2017)*, https://tbinternet.ohchr.org/Treaties/CRPD/Shared%20Documents/SVN/INT_CRPD_CSS_SVN_30_283_E.pdf.

⁷ Association of Employers of Slovenia (*Združenje delodajalcev Slovenije, ZDS*), 'Vabljeni na posvet 'Kako do sredstev za prilagoditev delovnih mest, in primeri dobre prakse'' ('Invitation to the conference on 'How to obtain funds for adapted and accommodated workplaces for persons with disabilities and examples of good practice''), 1 February 2022, <https://www.zds.si/sl/o-zds/novice/posvet-kako-do-sredstev-za-prilagoditev-delovnih-mest-in-primeri-dobre-prakse/>.

⁸ See 'Rezultati projekta oviranost je lahko priložnost' ('Results of the Disability can be an Opportunity' project'), 2021, <https://zelenisvet.com/oviranost-je-lahko-priloznost/>.

1.3 Illustrative examples of good employer practice for providing reasonable accommodations for persons with disabilities

There are no guides on reasonable accommodation except the two that are mentioned above.

The new 'Action Programme for Persons with Disabilities 2022-2030'⁹ mentions awareness-raising and publicity programmes for employers. It states that 'employers should be informed of the possibility of adapting workplaces and working environments' (p. 11). It also mentions measures to achieve this – for example, 'ensuring a support system for employers of persons with disabilities' – and it talks about providing free professional advisory services to employers and persons with disabilities in relation to training and employment. Further, it talks about 'encouraging the adaptation of workplaces and supported employment and ensuring support services for persons with disabilities' (p. 11). Reasonable accommodation is not mentioned.

1.4 Recommendations

Recruitment and Hiring

Employers who offer jobs in an ordinary environment, and not primarily employers who are part of the Association of Vocational Rehabilitation Providers of the Republic of Slovenia, should be encouraged to hire persons with disabilities in accommodated workplaces in the open labour market.

Initial employment

It is recommended to advocate for reasonable accommodation without lengthy disability classification procedures involving vocational rehabilitation, vocational rehabilitation commissions and the Pension and Disability Institute, which must currently certify that an individual has the right to an accommodated workplace.

Promotion and Career Development

It is recommended to follow the assessment of the Advocate of the Principle of Equality of the Republic of Slovenia, who wrote an opinion at the author's request for the purpose of completing this report and to make changes. The Advocate wrote: 'From a systemic point of view, the institution of the requirement of reasonable accommodation on the grounds of disability in general, and in particular with regard to the requirement of reasonable accommodation of the workplace and employment procedures, is insufficiently regulated. This applies both to the legal norm of the CRPD and to non-discriminatory EU law (Directive 2000/78/EC).'¹⁰

⁹ Government of the Republic of Slovenia (2021), 'Action Programme for Persons with Disabilities 2022-2030', https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.gov.si%2Fassets%2Fministrstva%2FMDDSZ%2FInvalidi%2FAPI-2022-2030%2FAction_programme_for_Persons_with_Disabilities_2022_2030.docx&wdOrigin=BROWS ELINK.

¹⁰ Advocate of the Principle of Equality of the Republic of Slovenia ([Zagovornik načela enakosti](#)), 'Response of the Advocate of the Principle of Equality to the inquiry on the issue of 'reasonable accommodation' in the workplace', e-communication, 6 May 2022.

2 Support and incentives directed at employers to promote the employment of persons with disabilities, including guides on good practice, websites and advice services

2.1 Employment quotas

The main legal provisions for the quota system are the Vocational Rehabilitation and Employment of Disabled Persons Act (2007 and subsequently)¹¹ and the Decree establishing the employment quota for persons with disabilities (2014).¹² Those eligible for employment under the quota system are persons with disabilities as defined by the aforementioned legislation or other legislation.¹³ The person has to have the status of 'disabled' (*invalid*) – a person who has long-term physical or mental impairment or illness and therefore has a significantly lower chance of being employed, keeping a job or making progress in the workplace. The type of disability is defined by the register of disability insurance. The quota includes people with disabilities who have an employment contract for at least 20 hours a week and are registered as 'disabled' by an employer at the Health Insurance Institute of Slovenia (*Zavod za zdravstveno zavarovanje Slovenije, ZZZS*) and approved by the Pension and Disability Institute.

Any employer with at least 20 employees who is registered in the Republic of Slovenia is obliged to meet the quota, with the exception of foreign diplomatic and consular missions, disability companies and employment centres. The quota is determined according to the registered field of main activity of the employer and amounts to between 2 % and a maximum of 6 % of the total number of employees. An employer can fulfil the quota in three different ways:

- by employing a 'disabled person' as determined by the Vocational Rehabilitation and Employment of Disabled Persons Act¹⁴ and the Decree establishing the employment quota for persons with disabilities (2014);¹⁵
- by concluding a business cooperation agreement with a disability company or employment centre and submitting a request for the fulfilment of the approved

¹¹ Vocational Rehabilitation and Employment of Disabled Persons Act 2004, *Official Gazette of the Republic of Slovenia*, Nos. 16/2007, 87/2011, 96/2012, 98/2014, [18/21](#), <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO3841>.

¹² Decree establishing the employment quota for persons with disabilities, *Official Gazette of the Republic of Slovenia*, No. 21/2014, <http://www.pisrs.si/Pis.web/pregledPredpisa?id=URED6489>.

¹³ Slovenia's fragmented disability legislation means that there are seven different pieces of legislation that define who can get the status of 'disabled person'. See Article 3, instructions for completing the insurance application form for 'disabled persons' (*Navodilo za izpolnjevanje obrazca prijave v zavarovanje za invalide*) *Official Gazette*, Nos. [10/05](#), [43/05](#), [53/12](#), <http://www.pisrs.si/Pis.web/pregledPredpisa?id=NAVO744>. In addition, there are around 70 pieces of existing legislation that define disability protection in Slovenia: Association of Vocational Rehabilitation Providers in the Republic of Slovenia (2019), *Spodbujajmo zaposlovanje invalidov: priročnik* (Promoting the employment of people with disabilities: a handbook), Ljubljana, p. 18, https://za-vse.eu/wp-content/uploads/2020/10/Prirocnik-Spodbujajmo-zaposlovanje-invalidov_web.pdf.

¹⁴ Vocational Rehabilitation and Employment of Disabled Persons Act 2004, *Official Gazette of the Republic of Slovenia*, Nos. 16/2007, 87/2011, 96/2012, 98/2014, [18/21](#), <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO3841>.

¹⁵ Decree establishing the employment quota for persons with disabilities, *Official Gazette of the Republic of Slovenia*, No. 21/2014, <http://www.pisrs.si/Pis.web/pregledPredpisa?id=URED6489>.

replacement quota. Each year, the request for the replacement quota must be resubmitted. The substitute for meeting the quota means that the employer has the right to enter into a cooperation agreement with a disability company or with an employment centre to pay for their services and products. These two forms of employment of persons with disabilities are considered as separate employment, since in a disability company the majority of employees must have disability status (a written order of disability) and in the employment centres all must have such status. The cooperation contract must cover the cost of work to the amount of at least 15 minimum wage payments per year for each person with disabilities who is not employed in the company that is obliged to employ persons with disabilities;

- by paying a contribution for non-compliance with the quota. At the end of the month, the employer must pay a contribution for the previous month to the Fund to promote the employment of people with disabilities, to the amount of 70 % of the minimum wage¹⁶ for each person with disability who should be employed to meet the prescribed quota.

There exist some financial incentives to encourage employers to comply with the quota: rewards for exceeding the quota; exemption from the payment of pension and disability insurance contributions for employees; wage subsidies for the workers with disabilities; payment of support services; payment of the costs of adapted workplaces and resources for the work of persons with disabilities.

The quota is enforced by the Vocational Rehabilitation and Employment of Disabled Persons Act.¹⁷ The misdemeanour of non-payment of quota obligations is defined in Article 92 – for example, if an employer fails to fulfil the obligation to pay the contribution for non-compliance with the quota; or if the employer tries to avoid fulfilling the quota or paying obligations due to non-fulfilment of the quota or provides incorrect information. The penalty is between EUR 400 and EUR 41 700.¹⁸

Funds obtained through payment for non-compliance with the quota shall be used by the Fund for the promotion of employment of people with disabilities for subsidies for the salaries of persons with disabilities and for the financing of other incentives in the area of employment of persons with disabilities.

There is a lack of research in this area. The Public Scholarship, Development, Disability and Maintenance Fund of the Republic of Slovenia¹⁹ provided some figures on request to complete this report, as there are no research or reports available on its website.²⁰ In 2020, there were 5 515 companies in Slovenia that were obliged to fulfil the quota. Of those, 2 689 fulfilled the quota, while 2 826 (51.24 %) did not. In 2021, 4 873 companies were obliged to fulfil the quota. Of those, 2 314 companies fulfilled the quota; among them were 568 companies that fulfilled the quota by replacement

¹⁶ The minimum wage in 2022 is EUR 1 074.43 gross, and 70 % is EUR 752.10 gross; see: <https://www.gov.si/teme/minimalna-placa/>.

¹⁷ Vocational Rehabilitation and Employment of Disabled Persons Act 2004, *Official Gazette of the Republic of Slovenia*, Nos. 16/2007, 87/2011, 96/2012, 98/2014, [18/21](#), <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO3841>.

¹⁸ Public Scholarship, Development, Disability, and Maintenance Fund of the Republic of Slovenia; see: [Nadomestna izpolnitev kvote | Javni štipendijski, razvojni, invalidski in preživninski sklad RS \(srips-rs.si\)](#).

¹⁹ See website at: <https://www.srips-rs.si>.

²⁰ E-mail communication with Sabina Mrlak, soj sklad, soj@sklad-kadri.si, 21 April 2022.

(24.5 %). This means that only 1 746 companies fulfilled the quota by employing persons with disabilities, and 2 559 companies did not fulfil the quota at all, which amounted to 52.51 % of all companies that are obliged to comply with the quota system.

Data from 2017 show that Slovenia has 195 756 companies, 141 disability companies and 61 employment centres,²¹ but only about 4 % of all companies are required to comply with the quota system, which amounts to between 5 475 and 5 550 companies. In 2019, 60 % of these companies met the quota (3 162 companies out of 5 475) and 40 % (2 314 companies) did not meet the quota.

Companies that do not fulfil the quota have to pay 70 % of the minimum wage/month to the Public Scholarship, Development, Disability and Maintenance Fund of the Republic of Slovenia. In 2019, the fund received EUR 25 031 390 from companies that did not meet the quota.²²

2.2 Tax relief / reduced social security contributions / wage subsidies for employers employing persons with disabilities

The financial incentives to encourage employers to comply with the quota are: rewards for exceeding the quota (see Section 2.4.); exemption from the payment of pension and disability insurance contributions for employees with disabilities; wage subsidies for the workers with disabilities; payment of the costs of adapted workplaces, and resources for the work of persons with disabilities.

Exemption from the payment of pension and disability insurance contributions for employees with disabilities

This right belongs to the employer who exceeds the quota and to the employer who is not liable for the quota but has employees with disabilities. The exemption applies to any person with disability whose employment exceeds the quota for the employer. Exemption from the payment of pension and disability insurance contributions also applies to those persons with disabilities who are self-employed. The right to exemption from the payment of contributions for mandatory pension and disability insurance is decided by the disability fund, and appeals are decided by the Ministry of Labour, Family, Social Affairs and Equal Opportunities.

Wage subsidies for the workers with disabilities

The right to a wage subsidy is an incentive for the employment of persons with disabilities, to which persons with disabilities, those in protected employment (in employment centres), supported employment or in a disability company may be entitled. The wage subsidy is meant to compensate for lower work results of a person due to disability. A person with disability who has been trained in a specific job with an employer may apply for recognition of the right to a wage subsidy when concluding an employment contract with the employer for the same or a similar job. Persons with

²¹ Association of Vocational Rehabilitation Providers in the Republic of Slovenia (2019), *Spodbujajmo zaposlovanje invalidov: priročnik* (Promoting the employment of people with disabilities: a handbook), Ljubljana, https://za-vse.eu/wp-content/uploads/2020/10/Prirocnik-Spodbujajmo-zaposlovanje-invalidov_web.pdf.

²² 'Zaposlovanje invalidov – strošek ali civilizacijska?' ('Employment of the disabled – a cost or a civilisation norm?'), MQ Portal, <https://www.mqportal.si/zaposlovanje-invalidov-strosek-ali-civilizacijska-norma>.

disabilities who are employed without prior training by the employer are able to be referred by the employer for an assessment of performance after three months of employment, if the employer considers that their employment results are lower than expected.

The basis for calculating the wage subsidy is the minimum wage. The amount of the disability wage subsidy depends on the form of employment and the achievement of work results. The monthly payment of the subsidy depends on the number of hours the person actually works and the monthly workload, which is documented in the monthly report. Assessment of the achievement of work results is done by the employment centres. Persons with disabilities are entitled to the following percentages of wage subsidy according to the form of employment and the achievement of work results: a.) in protected employment, from 40 % to 70 % of the minimum wage (this workplace exists only in employment centres and disability companies); b.) in supported employment, from 10 % to 30 % of the minimum wage (this can be an ordinary workplace environment); c.) in a disability company, from 10 % to 30 % of the minimum wage.

Persons with disabilities can apply for the wage subsidy, but quite complex documentation is needed: a decision on disability (disability written order); the assessment of the achievement of work results; a decision on employability (whether the person is able to be employed at all); an employment contract; an individualised support plan in the case of employment in supported employment; a supplementary expert opinion from the Pension and Disability Insurance Institute when the person is so called 'work disabled' (*delovni invalid*), which means that his/her disability happened in the workplace.

The person with disabilities applies for the wage subsidy to the disability fund (*invalidski sklad*), which is part of the²³ Public Scholarship, Development, Disability and Maintenance Fund of the Republic of Slovenia.²⁴

Payment for the job adjustment costs and resources for the workplace for the persons with disabilities (see more information in Sections 2.3. and 3.1.)

The employer claims the funds from the Public Scholarship, Development, Disability and Maintenance Fund of the Republic of Slovenia.²⁵

²³ See Public Scholarship, Development, Disability and Maintenance Fund of the Republic of Slovenia (*Javni študentski, razvojni, invalidski in preživninski sklad RS*), 'Spodbujanje zaposlovanja invalidov' ('Promoting the employment of people with disabilities'), <https://www.srips-rs.si/zaposlovanje-invalidov>.

²⁴ See Public Scholarship, Development, Disability and Maintenance Fund of the Republic of Slovenia, 'Employment of people with disabilities', <https://srips-rs.si/en/employment-people-disabilities>.

²⁵ See Public Scholarship, Development, Disability and Maintenance Fund of the Republic of Slovenia, 'Employment of people with disabilities', <https://srips-rs.si/en/employment-people-disabilities>.

Other benefits for employers

The Vocational Rehabilitation and Employment of Disabled Persons Act²⁶ stipulates (Article 74) that disability companies and employment centres are exempt from paying pension and disability insurance for their workers. Employment centres are exempt from contributions for all employees. In addition, disability companies are exempt from contributions for those employees who have disabilities. Disability companies that employ persons with disabilities as at least 50 % of their staff are exempt from paying contributions for all their employees. The legislation defines that the employers shall be exempt from paying contributions for compulsory pension and disability insurance on the basis of a decision by the fund for persons with disabilities (part of the Public Scholarship, Development, Disability and Maintenance Fund) where persons with disabilities are employed above the prescribed quota and where their disability is not the result of an injury at work or an occupational disease with the same employer.

2.3 Reasonable accommodation

Reasonable accommodation relating to employment is not included in the anti-discrimination legislation in Slovenia. The failure to provide reasonable accommodation is not defined as discrimination by an employer because the legislation on the Equalisation of Opportunities for Persons with Disabilities Act,²⁷ which deals with discrimination against persons with disabilities, does not cover employment issues at all.

The *Alternative report on the implementation of the provisions of the Convention on the Rights of Persons with Disabilities in the Republic of Slovenia*,²⁸ prepared by the National Council of Disability Organizations of Slovenia (NSIOS) in December 2017, addressed the insufficient use of the concept of reasonable accommodation, which is summarised in Annex 1. The situation has not changed since then. The report mentions that the phrase 'reasonable accommodation' is incorrectly translated from the United Nations Convention on the Rights of Persons with Disabilities (UN CRPD) and that it is insufficiently regulated. Further, it says that the anti-discrimination legislation does not define reasonable accommodation as a legal norm and that the legislation regulates a requirement for reasonable accommodation only in relation to particular rights (the right to information, for example) and not in relation to employment.

The Vocational Rehabilitation and Employment of Disabled Persons Act²⁹ (Article 72) defines the legitimate costs of adjusting the workplace and means of work. An

²⁶ Vocational Rehabilitation and Employment of Disabled Persons Act 2004, *Official Gazette of the Republic of Slovenia*, Nos. 16/2007, 87/2011, 96/2012, 98/2014, [18/21](#), <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO3841>.

²⁷ Equalisation of Opportunities for Persons with Disabilities Act (*Zakon o izenačevanju možnosti invalidov, ZIMI*), *Official Gazette of the Republic of Slovenia*, No. [94/10](#), [50/14](#), [32/17](#), <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO4342>.

²⁸ NSIOS (2017), *Alternative Report on the Implementation of the Provisions of the Convention on the Rights of Persons with Disabilities in the Republic of Slovenia (2008-2017)*, https://tbinternet.ohchr.org/Treaties/CRPD/Shared%20Documents/SVN/INT_CRPD_CSS_SVN_30_283_E.pdf.

²⁹ Vocational Rehabilitation and Employment of Disabled Persons Act 2004, *Official Gazette of the Republic of Slovenia*, Nos. 16/2007, 87/2011, 96/2012, 98/2014, [18/21](#), <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO3841>, <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO3841>.

employer can apply to the Public Scholarship, Development, Disability and Maintenance Fund³⁰ for the funds. The fund gets money from different sources, including the Pension and Disability Insurance Institute,³¹ which funds accommodated workplaces (see Section 3.1). A reasonable accommodation duty is not explicitly defined (see Annex 1).

2.4 Other relevant actions targeted at employers

Since 2017, the Ministry of Labour, Family, Social Affairs and Equal Opportunities has held an annual public competition for a good practice award in the field of employment of persons with disabilities.³² The recipients of the annual award are given a 'Disabled people-friendly company' (*Invalidom prijazno podjetje*) certificate and have the right to use the promotional logo. In running the competition, the Ministry appoints a committee (for a period of four years) that has eight members nominated by: the Economic and Social Council (one member representing representative employers' associations and one member representing representative trade unions); the Employment Service of Slovenia; the Pension and Disability Insurance Institute of Slovenia; the Development Centre of the University Rehabilitation Institute of the Republic of Slovenia – Soča; the Association of Vocational Rehabilitation Providers of Slovenia; the National Council of Disability Organizations of Slovenia (which has one representative); and a representative of the Ministry.

The criteria for the award are: (a) number and share of employees with disabilities (creation of new jobs and maintenance of existing jobs for persons with disabilities, equal pay for persons with disabilities, equal opportunities for career development, investment in education and retraining); (b) physical and psychosocial accessibility (architectural accessibility of the employer's facilities, workplace adaptations, provision of adapted transport, flexibility in providing jobs for persons with disabilities, attitude of the working environment towards persons with disabilities, etc.); (c) promoting the vocational and employment rehabilitation of persons with disabilities and programmes for maintaining employment and returning persons with disabilities to work; (d) wider social impact (cooperation with disability organisations, professional promotion of the processes for integrating persons with disabilities into the working environment, awareness and promotion of employment opportunities for persons with disabilities and inclusion); (e) innovation in ensuring equal employment opportunities, providing other appropriate work and maintaining the employment of persons with disabilities (innovative processes for adapting work processes, projects with high added value in the field of employment of persons with disabilities, etc.).³³ The last competition was

³⁰ See Public Scholarship, Development, Disability, and Maintenance Fund of the Republic of Slovenia, 'Employment of people with disabilities', <https://srrips-rs.si/en/employment-people-disabilities>.

³¹ Pension and Disability Insurance Institute of the Republic of Slovenia (*Zavod za pokojninsko in invalidsko zavarovanje Slovenije, ZPIZ*) (2022), *Letna poročila 2021 (Annual Report 2021)*, Ljubljana, <https://www.zpiz.si/content2019/2letna-poročila019>.

³² Rules on annual awards for good practice in employing persons with disabilities (*Pravilnik o letnih nagradah za dobro prakso na področju zaposlovanja invalidov*), *Official Gazette of the Republic of Slovenia*, No. 18/17, <http://www.pisrs.si/Pis.web/pregledPredpisa?id=PRAV13084> (see also correction in *Official Gazette*, No. 23/17, <https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/2017-21-1260?sop=2017-21-1260>).

³³ Association of Vocational Rehabilitation Providers in the Republic of Slovenia (*Združenje izvajalcev zaposlitvene rehabilitacije v Republiki Sloveniji, ZIZRS*), '*Invalidom prijazno podjetje*' ('Disabled friendly company'), <http://www.reha-slo.org/invalidom-prijazno-podjetje/>.

held in 2021, with three companies receiving awards for 2020: Bohinj ECO Hotel, Sustainable Hospitality Development management company d.o.o.; TRUST disability company for finishing and craft construction work d.o.o. (disability company); and N&N trade and service company d.o.o. (disability company).³⁴ In 2019, four employers received the award: the Archive of the Republic of Slovenia, the car repair shop Marko Pozdrec s. p., DOMEL, Electric motors and household appliances, d. o. o.; PRO ČIS-TEAM d. o. o. (disability company) and BODIKA Institute – Institute for Food Processing and Tourism (employment centre).³⁵

2.5 Examples of good practice

The 2019 handbook produced as part of the ZaVse/4ALL project (funded by the European Social Fund) to encourage employers to hire persons with disabilities in the open labour market describes four examples of good practice (see also Section 2.6). The manual focuses on three men and one woman who were employed prior to becoming disabled, went through the different phases necessary to obtain a protected workplace in an ordinary environment and finally re-entered employment. The examples given highlight the procedures for how a persons can obtain a protected workplace in an ordinary environment.

The woman in the example is 45 years old and an engineer in the textile industry with a college degree. Prior to her disability, she had 13.5 years of full-time work experience. She had been unemployed since 2015, and in 2016 she was granted the status of a disabled person in category II³⁶ by the Pension and Disability Institute. The same institute issued a written order that she could undergo a vocational rehabilitation programme in which she would be trained as an economic technician and in 2017, the institute issued a written order that she could obtain the right to a new job after the vocational rehabilitation, after a vocational rehabilitation plan was prepared for her. The job was described as follows: light physical work, mostly sitting; not moving loads heavier than 5 kilos, no long walking or standing tasks, shorter working hours, 4 hours/day and 20 hours/week. In 2018, she was trained for five months in an ordinary workplace, after which the Pension and Disability Institute issued an opinion stating that the workplace was suitable for her. The work tasks that she was asked to perform included: issuing invoices, using a special computer application, reserving freight, receiving and sending mail and working with the accounting department. She also received the following adjustments: the vocational rehabilitation provider supervised her work and offered psychosocial support; support from the mentor in the area of planning and organising work; she was given the opportunity to perform simpler administrative tasks and repetitive work tasks were divided into smaller groups;

³⁴ See ZIZRS, '*Nagrade za dobro prakso pri zaposlovanju invalidov za leto 2020*' ('Awards for good practice in the employment of people with disabilities for 2020'), <http://www.reha-slo.org/invalidom-prijazno-podjetje/nagrade-v-letu-2021/>.

³⁵ See ZIZRS, '*Nagrade za dobro prakso pri zaposlovanju invalidov za leto 2019*' ('Awards for good practice in the employment of people with disabilities for 2020'), <http://www.reha-slo.org/invalidom-prijazno-podjetje/nagrade-v-letu-2020/>.

³⁶ The legislation defines three categories of disability:

Category I: when the person is unable to perform for-profit organised work or the person is unable to perform his or her profession;

Category II: when the work ability is lower than among non-disabled workers for 50 % or more;

Category III: when the person is unable to work in a full-time employment but can work part time for at least four hours per day; or when the work ability is lower for less than 50 % or when the person can still work in the profession full time but not at the same workplace as before.

learning and adaptation to the work process was gradual; new work tasks were assigned to her over a longer period of time; she was able to adjust her work pace to a certain extent; she was taught self-control techniques and supervised by a mentor; she had the right to take more breaks; due to problems with walking and motor skills, the employer adjusted the work environment; shelves were adjusted to a height that she could reach without strain, no lifting heavy loads; due to problems with fine motor skills, she uses a screen instead of a computer mouse; her employer provided her with a portable drawer where she could store the most important documents and put them on the table.

The Pension and Disability Insurance Institute issued a written order for supported employment, and she received employment in 2018. Starting in 2019, the employer received benefits such as a wage subsidy (30 % of the minimum wage) and a support service – the vocational rehabilitation support team – for the employer as well as for the worker (the team notices problems at work early and helps her with some difficult situations). It was planned that she and the employer could receive 12 to 20 hours of support services/month, but so far there has been no need for these services. The employee's primary need is for psychosocial support, in part due to her health situation and in part due to the psychosocial environment in which she lives. Support for the employer is related to advice on adaptations of the work process.

2.6 Good practice guides, websites and advice services directed at employers

The Government and public agencies have not published any good practice guidance focused on reasonable accommodation. The below example is produced by NGOs and a private company.

Funded by the European Social Fund, the ZaVse/4ALL project produced a handbook in 2019 to encourage employers to hire persons with disabilities in the open labour market.³⁷ The ZaVse/4ALL project was directed by the Association of Vocational Rehabilitation Providers of the Republic of Slovenia and the project partners were two NGOs: Slovene Philanthropy and the Association Vozim. The handbook is aimed at raising awareness among employers about the employment and integration of persons with disabilities in the labour market. It describes what an employer has to do in order to meet the quota and set up an adapted workplace, and it contains information about employment centres, etc. It answers employers' questions about the requirements for employing persons with disabilities in an ordinary work environment and lists all the important legislation that employers need to know before hiring persons with disabilities, focusing on incentives for employers.

In 2021, the same project, ZaVse/4ALL, made an awareness-raising video on 'Accommodated workplaces for people with disabilities' (8.43 minutes), which highlighted some practical examples of successfully accommodated workplaces in the ordinary environment: see [ZaVse/4ALL / Prilagoditve delovnih mest za invalide - YouTube](#).

³⁷ Association of Vocational Rehabilitation Providers in the Republic of Slovenia (2019), *Spodbujajmo zaposlovanje invalidov: priročnik (Encouraging the employment of people with disabilities: a handbook)*, Ljubljana, https://za-vse.eu/wp-content/uploads/2020/10/Prirocnik-Spodbujajmo-zaposlovanje-invalidov_web.pdf.

A handbook entitled 'Employment of People with Disabilities on the Farm'³⁸ is a guide for farmers and other potential employers on why it is worthwhile to employ persons with disabilities on the farm and how they can do so by establishing employment centres. The handbook includes information about promotion, the legal obligations imposed on employers and incentives for employers. It describes how the employment centre provides jobs for person with disabilities who perform between 30 % and 70 % of the expected work output and who have been issued a written certificate of employability in employment centres by the Employment Service of the Republic of Slovenia. The guide describes the legislation, in particular the Vocational Rehabilitation and Employment of Disabled Persons Act, which defines employment centres, the incentives and the eligibility of employees with disabilities working in these centres. The project is run by local action groups for the development of rural areas in Dolenjska and Bela Krajina, Turjak and Kolpa, Suha Krajina, Temenice and Krka and the action group 'For the City and the Village'.

The handbook also describes a good practice example of an employment centre, GRUNT, which employs eight workers with disabilities in a rural setting where the workers are involved in local food production. The employment centre receives various incentives from the state: subsidies for the salaries of persons with disabilities and an exemption from paying pension and disability insurance contributions for workers with disabilities. The manual emphasises that these incentives, as well as the good quality of the homemade local food, constitute an important advantage over other businesses. The innovative aspect of the employment centre is that it qualifies persons with disabilities to work on a farm, combining the employment of persons with disabilities and farm activity in a local setting. Another added value is that different knowledge and skills from the field of social pedagogy, regarding how to work with persons with disabilities, are combined with agricultural skills. A further added value has been the creation of new jobs in the rural areas where there are no jobs for persons with disabilities. The project was financed by LEADER – European Agricultural Fund for Rural Development. The handbook was written by Peter Svetina, who was one of the creators of the employment centre GRUNT and is now the Ombudsman of the Republic of Slovenia.

³⁸ Svetina, P. (2018), 'Employment of Persons with Disabilities on the Farm: A Handbook', RRA LUR, http://ps-griffin.si/wp-content/uploads/2019/12/e-prirocnik_Zaposlovanje-invalidov-na-kmetiji.pdf.

3 Support and partnerships available to employers to assist them in making reasonable accommodations

3.1 Support available to employers for making reasonable accommodation

Again, reasonable accommodation is not defined as a framework for enabling employers to receive support. The framework involves the provision of an accommodated / adapted workplace.

On the basis of an individual plan for the person with disabilities produced during the assessment process in an employment centre, which shows that the person can be employed only in an adapted workplace due to disability, or that he or she needs adapted work resources to perform work tasks, the employer may request the Fund for the Promotion of Employment of Disabled People (*Sklad za spodbujanje zaposlovanja invalidov*)³⁹ to agree with the adaptation of the workplace. Eligible costs for the adjustments are to be added to the costs that would have been necessary if the employer had employed workers who were not disabled. The application must be accompanied by proof of disability – a decision from the Employment Service that the person with disability is employable in supported or protected employment. In addition, the application requires specified estimates of the costs of appropriate adjustment from two different suppliers. The application may be submitted by an employer who concludes an employment contract with an unemployed person with disability for at least 12 months, or for a person with disability who is already employed, if there is no other person liable to pay the costs of adaptation. The person has to be employed for at least 20 hours/week. In some cases, providers of vocational rehabilitation may also request payment of adjustment costs during the employment rehabilitation period if they can show that vocational rehabilitation would be impossible without appropriate adjustments (this has to be evident from the rehabilitation plan). The Fund for the Promotion of Employment of Disabled People and a representative of the ministry responsible for disability protection (Ministry of Labour, Family, Social Affairs and Equal Opportunities) assess the applications; sometimes they invite the occupational rehabilitation provider who prepared the adjustment plan. An individual workplace adjustment plan for a person with disability, which has to show that a person with disability can be employed only in a workplace adapted to his or her requirements, or that he or she needs adapted resources for work, is prepared by an occupational rehabilitation service provider (Article 15).

An employer who has concluded a contract for supported employment with a person with disability and prepared a plan for the support services required by that person may submit an application to the Fund for the Promotion of Employment of Disabled People (which is part of the Public Scholarship, Development, Disability and Maintenance Fund of the Republic of Slovenia) for the payment of the costs for workplace accommodations (Article 73). The support services are paid up to an amount equal to 30 hours per month according to the price list adopted by the minister responsible for disability protection. To access these services, the employer has to send to the fund a monthly request on the prescribed form for the payment of support services provided

³⁹ Public Scholarship, Development, Disability, and Maintenance Fund of the Republic of Slovenia, '*Spodbujanje zaposlovanja invalidov*' ('Promoting the employment of people with disabilities'), <https://www.srips-rs.si/zaposlovanje-invalidov>; '*Vzpodbude*' ('Incentives'), <https://www.srips-rs.si/prilagoditev-delovnega-mesta>.

to the person with disability in the previous month, together with a report on the services provided.

Eight documents are required for the employer to claim the financial support for an accommodated workplace:⁴⁰ (1) Disability written order;⁴¹ (2) Written order on the employability of the person with disabilities stating that she/he is able to work in supported or protected employment or proof that the decision has not been issued; (3) Employment contract concluded between the applicant (employer) and the person with disability; (4) Individual plan for adjusting the workplace and resources for work, which must also show that the person with disability can be employed only in a job adapted to his or her requirements due to disability or that he/she needs adjusted resources for work; (5) Proof that the person with disability is insured and additional documentation when the applicant is a vocational rehabilitation provider; (6) Rehabilitation plan, in the event that the applicant is a vocational rehabilitation provider, from which it must also be evident that the implementation of employment rehabilitation would be impossible without proper adjustment of the workplace and means of work; (7) Two estimates for each individual job adjustment; (8) Written statement that there is no other person liable to pay for the adjustment, if the applicant is an employer.

The Fund for the Promotion of Employment of Disabled People (which is part of the Public Scholarship, Development, Disability and Maintenance Fund of the Republic of Slovenia) obtains funds from: payments by employers for non-compliance with the prescribed quota; funds from the Pension and Disability Insurance Institute of Slovenia, intended to promote the employment of unemployed work-disabled persons; the budget of the Republic of Slovenia from fines paid for misdemeanours committed and confiscated property; funds from the budget of the Republic of Slovenia intended for subsidising the salaries of persons with disabilities and other sources. Funds for the work of the Fund are provided in the budget of the Republic of Slovenia. The Republic of Slovenia also provides funds to cover the expenses when other revenues of the Fund are insufficient to cover the Fund's liabilities.

The Pension and Disability Insurance Institute of the Republic of Slovenia (2022) mentions adaptation and accommodation of workplaces for persons with disabilities in its annual report for 2021.⁴² The report shows that much more money was spent on vocational rehabilitation of persons with disabilities (almost 100 % of the planned budget), and for the expenses of the institutions for vocational training of persons with disabilities (84 % of the planned budget) than for accommodated workplaces, where more than half of the planned budget was not spent (p. 60). The report shows that expenditure relating to the vocational rehabilitation of workers with disabilities amounted to EUR 581 290 (79.7 % of the budget in this area) and that expenditure on services for training persons with disabilities amounted to EUR 101 442 (13.9 % of the budget in this area). The rest (6.4 % of the budget), amounting to EUR 46 875 in total,

⁴⁰ Application form for recognition of the right to payment of the costs of adjustment of the workplace and means of work (*Vloga za priznanje pravice do plačila stroškov prilagoditve delovnega mesta in sredstev za delo*), https://www.sripsrs.si/storage/app/media/INVALIDI/Obrazci%20in%20vloge/vloga_priznanje%20pa vice%20do%20prilagoditve%20delovnega%20mesta.pdf.

⁴¹ A written order is a formal document that confirms that the person is defined as 'disabled' and in which category of disability she or he is placed.

⁴² ZPIZ, (2022), *Letna poročila 2021 (Annual Report 2021)*, Ljubljana, <https://www.zpiz.si/content2019/2letna-poroila019>.

was spent on adaptations and accommodation of workplaces and on co-financing programmes for work-disabled persons (p. 74).⁴³ Compared with 2020, expenditure in the aforementioned areas was lower by 9.4 %, or EUR 76 000. The costs of vocational rehabilitation for workers with disabilities were lower by EUR 45 000 (7.2 %); the costs of services for training persons with disabilities were lower by EUR 33 000 (24.4 %); and the costs of co-financing programmes for workers with disabilities were lower by EUR 4 000 (28.4 %), while the costs for adaptations and accommodation of the workplace were higher by EUR 6 000 (18.8 %) (p. 74). The cost of adaptation and accommodation of the workplace appears to be quite low, but there is no analysis of the reasons for that. There is also no evidence as to why the expected budget was not spent on the accommodated jobs.

The report also mentions that 11 contracts were signed for workplace adaptation and the accommodation of work equipment in 2021 to keep persons with disabilities in the job. The contracts were concluded with 10 different employers. The total amount of the concluded contracts was EUR 31 868. The highest contract amount was EUR 12 163 and the lowest was EUR 151 (pp. 93-94).

No further evidence is available.

Some limited information on this topic might be found in the country reports of the European Equality Law Network⁴⁴ ('Country report: Non-discrimination'), in Section 2.6 of each report on reasonable accommodation. However, further research would be needed in order to provide all the requested information.

3.2 Partnerships to assist employers to make reasonable accommodations

The European Equality Law Network does not provide any information on reasonable accommodation for Slovenia. The official Government websites provide information stating that an employer can apply for funds for an accommodated workplace and means of labour to the Public Scholarship, Development, Disability and Maintenance Fund of the Republic of Slovenia. It does not include information about a legal obligation on employers to offer reasonable accommodation because employment is not part of anti-discrimination law.

Partnerships relating to accommodate workplaces and protected employment are implicitly mentioned in the context of various projects, mostly those financed by the European Social Fund and the European Agricultural Fund for Rural Development. Among the actors mentioned in the media when reporting on best practices in the field of employment of persons with disabilities, those who appear most frequently are:

- the Association of Employers of Slovenia,⁴⁵ which usually provides information to different employers on how to apply for the funds to employ persons with disabilities;
- the Pension and Disability Insurance Institute of Slovenia (which funds the accommodated workplaces);

⁴³ ZPIZ, (2022), *Letna poročila 2021 (Annual Report 2021)*, Ljubljana, <https://www.zpiz.si/content2019/2letna-poročila019>.

⁴⁴ See: <https://www.equalitylaw.eu/>.

⁴⁵ Association of Employers of Slovenia, (*Združenje delodajalcev Slovenije, ZDS*), <https://www.zds.si/en/>.

- various employment centres across Slovenia;
- individual companies, most often those that have received a ‘good employer’ award in the past (nevertheless, no evidence of employment of persons with disabilities can be found on any of their websites, nor any data on reasonable accommodation);
- University Rehabilitation Institute – Soča (a strong stakeholder in all matters on disability; also received the ‘best employer’ award in the past, but no mention of reasonable accommodation on their website);
- Employment Service of Slovenia.

Two examples of partnerships

The Association of Employers of Slovenia organised a conference on 17 February 2022 entitled ‘How to obtain funds for adapted and accommodated workplaces for persons with disabilities and examples of good practice’.⁴⁶ The conference was organised as part of the POLET project, which is funded by the ESF and led by the Association of Employers of Slovenia. The association cooperates and receives assistance from the Pension and Disability Insurance Institute, which partially or completely covers the costs of reasonable accommodation and working resources if this is necessary to maintain the employment of a worker with disability. The content of the conference included: how to obtain funds from the Pension and Disability Insurance Institute for adapted workplaces, working resources and training of the persons with disabilities; the presentation of an example of good practice in the company UNIOR d.d.⁴⁷ (which got an award for good practice in employment of persons with disabilities in 2017 and is a large company for machine equipment and tourism with factories in different Eastern European countries); a presentation of a case of good practice in the University Rehabilitation Centre – Soča; absenteeism in Slovenia and measures to control it. The following questions were addressed: in which cases does the Pension and Disability Insurance Institute partially or completely bear the costs of adapting the premises and working resources; who can claim the costs and how; what costs and to what amount will be covered by the Insurance Institute; examples of good practice; how to act in a case of suspicion of abuse of sick leave by a worker with disabilities; how companies have adjusted and accommodated workplaces to their employees’ needs and how to obtain funding from the Insurance Institute.

Cooperation between Papilot and Farma Prestranek in the ‘Disability can be an Opportunity’ project took place between 2019 and 2021, funded by the European Agricultural Fund for Rural Development.⁴⁸ The project was led by Papilot, an employment centre from Koper, in cooperation with the partner, Farma Prestranek, a farm in a rural area. The project focused on the employment of persons with disabilities and involved a combination of activities in the fields of agriculture, tourism and education. During the project, professionals were trained to be able to work with

⁴⁶ ZDS, ‘Vabljeni na posvet ‘Kako do sredstev za prilagoditev delovnih mest, in primeri dobre prakse’ (‘Invitation to the conference on ‘How to obtain funds for adapted and accommodated workplaces for persons with disabilities and examples of good practice’), 1 February 2022, <https://www.zds.si/sl/o-zds/novice/posvet-kako-do-sredstev-za-prilagoditev-delovnih-mest-in-primeri-dobre-prakse/>.

⁴⁷ UNIOR d.d., <http://www.unior.si/sl/skupina/o-unior-d-d>. No information on the employment of persons with disabilities can be found on the website.

⁴⁸ See ‘Rezultati projekta oviranost je lahko priložnost’ (‘Results of the Disability can be an Opportunity’ project), 2021, available at: <https://zelenisvet.com/oviranost-je-lahko-priloznost/>.

persons with disabilities. One of the purposes of the project was to develop adapted jobs for persons with disabilities on farms. They were also linked to another European Social Fund project on 'Transition of young people to the labour market', which involved young people in the project. The project was advertised on farms interested in creating adapted jobs for persons with disabilities.

4 Illustrative examples of good employer practice for providing reasonable accommodations for persons with disabilities

4.1 Good practice guides for employers regarding reasonable accommodation

There are no other guides other than those that have already been mentioned.

4.2 Any other sources of information regarding good practice for employers regarding reasonable accommodation

No evidence was found.

4.3 Examples of individual reasonable accommodations which reveal good practice

No evidence was found.

5 Recommendations and guidance regarding good practice and reasonable accommodation

5.1 Recommendations regarding good practice and reasonable accommodation in recruitment and hiring

Employers should advocate for not having to rely on the lengthy and time-consuming process and decision making of vocational rehabilitation experts when hiring persons with disabilities and when they want to be eligible for incentives for accommodated workplaces.

5.2 Recommendations regarding good practice and reasonable accommodation in initial employment

Employers should not depend on the medically based disability status of the individual with impairments (Category I, II or III) in receiving incentives for an accommodated workplace.

5.3 Recommendations regarding good practice and reasonable accommodation in promotion and career development

Reasonable accommodation should not be conditioned by the medically determined disability status, and persons with disabilities should not be required to go through a vocational rehabilitation process but should be able to enter directly into regular employment, with incentives to assist employers and individualised support.

5.4 Recommendations regarding good practice and reasonable accommodation in retention, i.e. enabling people to stay in work if they develop an impairment or their impairment changes

Reasonable accommodation should not be conditioned by the medically determined disability status, and persons with disabilities should not be required to go through a vocational rehabilitation process but should be able to enter directly into regular employment, with incentives to assist employers and individualised support.

Annex 1: Additional information

The *Alternative report on the implementation of the provisions of the Convention on the Rights of Persons with Disabilities in the Republic of Slovenia*,⁴⁹ prepared by the National Council of Disability Organizations of Slovenia (NSIOS) in December 2017, addressed the issue of reasonable accommodation. The situation has not changed since then. The report mentions:

1) The notion of 'reasonable accommodation' is incorrectly translated from the UNCRPD as 'appropriate accommodation'. The same terminology is used in ZIMI (with the exception of the provision in Article 14, which is correct). The Slovenian translation obviously narrows, and partly misses, the meaning of the term 'reasonable', for example, in all official language versions of the UN CRPD (English: 'reasonable accommodation'; French: '*aménagement raisonnable*'; Spanish: '*ajustes razonables*'), and which is, *inter alia*, included in the correct official translation of Article 5 of the European Council's Directive 78/2000/EC. The term 'appropriate accommodation' unnecessarily places emphasis on the wrong part of the proportionality test or provides a steer toward a proportionality test that is too mild. It sharpens the question of the appropriateness of the measures in terms of the actual link between the measure (accommodation) and the needs of the person with disability concerned (i.e. that the latter are not missed) instead of defining the essential part of the proportionality test in the narrower sense, which requires weighing when the required measure may be disproportionately burdensome for the obligated party. It is also worrying that, with the exception of the content of the CRPD (and demanding legal interpretation), there is no clear norm that the refusal to provide for a reasonable accommodation constitutes unacceptable discrimination. The obligation is substantively incorrectly or inadequately regulated in certain key areas – for example, employment and work.

2) Insufficient regulation of reasonable accommodation. Despite the CRPD, ZIMI⁵⁰ and other laws (e.g. ZPIZ-2,⁵¹ ZZRZI⁵² and ZVarD),⁵³ there has been a legal vacuum. ZIMI does not clearly protect all persons with disabilities (especially those who do not have a recognised disability status), does not bind all the taxpayers (e.g. private individuals) and is not applied in all key legal relationships; among other issues, it is improperly and insufficiently regulated in the field of employment and work. This implies a clear breach of obligations under the ICFI (Article 1(1) and Article 5(2) and (3), in relation to Article 4(2); see also other items in the CRPD, where this duty is specifically highlighted).

⁴⁹ NSIOS (2017), *Alternative Report on the Implementation of the Provisions of the Convention on the Rights of Persons with Disabilities in the Republic of Slovenia (2008-2017)*, https://tbinternet.ohchr.org/Treaties/CRPD/Shared%20Documents/SVN/INT_CRPD_CSS_SVN_30283_E.pdf.

⁵⁰ Equalisation of Opportunities for Persons with Disabilities Act (*Zakon o izenačevanju možnosti invalidov*, ZIMI), *Official Gazette of the Republic of Slovenia*, Nos. 94/10, 50/14, 32/17, <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO4342>.

⁵¹ Pension and Disability Insurance Act (*Zakon o pokojninskem in invalidskem zavarovanju*), No. 48/2022, <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO6280>.

⁵² Vocational Rehabilitation and Employment of Disabled Persons Act 2004, *Official Gazette of the Republic of Slovenia*, Nos. 16/2007, 87/2011, 96/2012, 98/2014, 18/21, <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO3841>.

⁵³ Protection Against Discrimination Act (*Zakon o varstvu pred diskriminacijo*), *Official Gazette of the Republic of Slovenia*, Nos. 33/16, 21/18, <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO7273>.

3) ZIMI regulates a requirement for reasonable accommodation, but it is unclear in many parts, and it is not a legal norm in itself, but only a definition. It regulates a requirement for reasonable accommodation only in relation to particular rights. Reasonable accommodations are not sufficiently clearly stated even in respect of employment relations, not even those in the narrower sense. The requirement to ensure reasonable accommodations must, ad hoc, protect all persons who wish to work, i.e. in connection with work and training for work, but it does not. Therefore, it should protect not only persons who are candidates for or already employed (or are being trained for work), but must also protect those in more flexible forms of employment (including private entrepreneurs, copyright contract and other work contracts), in relation to all the designated persons and institutions (employer in the formal sense, business partner...) in both the public and private sectors. Denial of reasonable accommodations is not explicitly defined as discrimination in legislation. This greatly impedes legal protection; for example, the use of a shared burden of proof. There are almost no examples of the use of reasonable accommodation in case law.

The report from 2018 recommended: 'The state is recommended to ensure a clear and full effect of the requirement of reasonable accommodation for all the designated persons and institutions, including in the private sector, in all areas of the enjoyment of rights. It should define its denial as a form of discrimination and effectively sanction it and ensure the effectiveness of action against discrimination *ex officio* (human rights protection bodies, inspectorates, infringement prevention offices, law enforcement authorities ...). The state is recommended to prepare a comprehensive plan to eliminate the risks of discrimination based on disability.'

The Human Rights Ombudsman's 'Annual Report for 2019' talks about similar problems related to discrimination against persons with disabilities in the labour market, concluding that: 'Insufficiently clear legislation causes many problems, so we reiterate that under international law, the obligation to provide reasonable accommodation extends to all areas of social life, as it aims comprehensively to eliminate discrimination and the consequences of various forms of disability, as set out in the Convention.'⁵⁴

The Advocate of the Principle of Equality of the Republic of Slovenia wrote an opinion at the request of the author for the purpose of completing this report. The Advocate stated: 'From a systemic point of view, the institution of the requirement of reasonable accommodation on the grounds of disability in general, and in particular with regard to the requirement of reasonable accommodation of the workplace and employment procedures, is insufficiently regulated. This applies both to the legal norm of the CRPD and to non-discriminatory EU law (Directive 2000/78/EC).'⁵⁵

⁵⁴ Human Rights Ombudsman, 'Annual Report for 2019', <https://www.varuh-rs.si/en/publications-events/publications-documents/annual-reports/annual-report-1997/1-findings-and-assessments-on-the-respecting-of-human-rights-in-slovenia/a-obravnavane-ranljive-skupine/24-brezposelni/>.

⁵⁵ Advocate of the Principle of Equality of the Republic of Slovenia ([Zagovornik načela enakosti](#)), 'Response of the Advocate of the Principle of Equality to the inquiry on the issue of 'reasonable accommodation' in the workplace', e-communication, 6 May 2022.

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