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Date: 28 February 2023

Ms Corinne Vargha,
Director of the International Labour Standards Department, ILO
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Dear Ms Corinne Vargha,

As the complainant party we - the Association of Free Trade Unions of Slovenia (ZSSS) - are sending to you our final report on the result of the conciliation procedure with the Government of Republic Slovenia in the representation submitted by us under article 24 of the ILO Constitution, alleging non-observance by the state of Slovenia of the Occupational Safety and Health Convention, 1981 (No. 155) because Slovenia had no legislation on non-asbestos occupational diseases notification.

The Officers of the Governing Body of the ILO set up a tripartite committee to examine the representation on March 25th, 2022. In April 2022 the Government of Slovenia decided to instead engage in an ILO conciliation procedure with ZSSS as the complainant party. That entailed a temporary suspension of the examination of the merits of the representation for a maximum period of six months. ILO set the deadline for the conclusion of the conciliation on January 4th, 2023. ZSSS in December 2022 agreed with the Slovenian government's proposal to have this deadline extended until February 28th, 2023.

We let you know that within the extended deadline on February 24th, 2023, the new Slovenian *Rules on Occupational Diseases* (hereafter referred to as Rules) was published in Official Gazette of Republic Slovenia, No. 25/2023. The title in Slovenian is *Pravilnik o poklicnih boleznih*. The new Rules set out legally binding procedure on notification of non-asbestos occupational diseases. The procedure for notification of asbestos related occupational diseases is, namely, already since 1997 determined in a separate piece of legislation ([Rules on conditions for designation of disease because of exposure to asbestos and measures for designation of height of indemnity](#), Official Gazette RS, No. 61/2007 and 92/2008).

See the publication of the new Rules on the pages 1377 to 1391 of the Official Gazette RS, No. 25/2023 at this link: https://www.uradni-list.si/_pdf/2023/Ur/u2023025.pdf

The new Rules entered into force on February 25th, 2023, but shall apply from May 1st 2023 on. There is, therefore, a *vacatio legis* period till May 1st, 2023.

The Rules on Occupational Diseases provide among other things:

1. the list of occupational diseases,
2. define work in which occupational diseases occur,

3. the conditions under which diseases are considered occupational,
4. the procedure for identifying, certifying, and notifying occupational diseases.

These are the key provisions of the new Rules on occupational diseases:

1. The new Rules were issued by Mr. Danijel Bešič Loredan, minister for health in accordance with Article 68 of the [Pension and Disability Insurance Act \(ZPIZ-2\)](#);
2. The Slovenian list of occupational diseases in Annex 1 of the Rules is the same as in the [COMMISSION RECOMMENDATION \(EU\) 2022/2337 of 28 November 2022 concerning the European schedule of occupational diseases](#). See the Slovenian version at [this link!](#)
3. The list shall be updated at least once in five years if not sooner by the [Extended College of Occupational Medicine, Transport and Sport](#) which is the Slovenian highest professional body in this particular medical field, tasked with formulating professional doctrine. When updating the Extended College shall have to among other things consider proposals for additions to the list by any other stakeholder (among others also representative social partners organisations).
4. The criteria for diagnosis shall be the same as in the publication [European Commission. Information notices on occupational diseases: a guide to diagnosis. Luxembourg: Office for Official Publications of the European Communities, 2009](#). See the Slovenian version at [this link!](#) These shall be completed by additional national criteria, formulated by Clinical Institute of Occupational, Transport and Sports Medicine (KIMPDŠ). The EU publication, its translation and the criteria shall be published by the Minister for Health at the [central website of the authorities of the State administration](#).
5. The diagnostics shall be carried out by an expert body - the Interdisciplinary Expert Group, acting in a panel of three members. Two of those shall be physicians licensed in the field of occupational, transport and sports medicine and one physician licensed in some other field of medicine. The Minister for Health shall appoint the Interdisciplinary Expert Group within 30 days of coming in force of the Rules.
6. The seat of the Interdisciplinary Expert Group shall be located at the location of KIMPDŠ: Univerzitetni klinični center Ljubljana, Klinični inštitut za medicino dela, prometa in športa, Grablovičeva ulica 42, 1000 Ljubljana, Slovenia; T: +386 1 522 43 34; E: kimdps@kclj.si; URL: www.kimdps.si;
7. Mentioned in the Rules is the duty of different OSH, trade union and medical experts to alert the worker that his/her disease might be work related.
8. The procedure starts with an application for certification of an occupational disease (see application form in Annex 2 of the Rules), which the applicant (who suspects that his/her disease is work related) shall submit to the Interdisciplinary Expert Group at KIMPDŠ. It is assumed that the applicant has already been diagnosed with his/her illness. The task of the Interdisciplinary Expert Group shall be to find out whether the already diagnosed illness also meets the criteria for occupational disease.
9. Applicant's chosen physician may/should help the applicant with completing the application form and supplementing it with a medical certificate of already established diagnosis and any other necessary medical documentation.
10. The Interdisciplinary Expert Group may carry out additional tests and obtain current or any previous employer's risk assessment for the applicant's workplace. It shall within 60 days of receiving the complete application issue its decision on the form, prescribed in Annex 3 of the Rules. The decision might be:

- a. the existence of an occupational disease is confirmed,
 - b. the existence of an occupational disease is suspected (in case that some but not all diagnosis criteria are met),
 - c. no occupational disease has been diagnosed.
11. Neither applicant nor his/her employer have the right of appeal against the decision, however, the applicant may repeatedly re-apply if new evidence is provided.
 12. The procedure shall be cost free for the applicant. The financing shall be provided by [Health Insurance Institute of Slovenia \(ZZZS\)](#).
 13. Once the occupational disease certificate has been issued, the applicant shall claim entitlements from the [Pension and Disability Insurance Institute of Slovenia \(ZPIZ\)](#) and from Health Insurance Institute of Slovenia (ZZZS).
 14. KIMPDŠ shall enter data on confirmed occupational disease and on suspected occupational disease in the national register of occupational diseases.
 15. KIMPDŠ shall report on confirmed and on suspected occupational diseases to the applicant's current or any previous employer and to Labour Inspection RS for purposes of prevention of occupational diseases. Rules specify personal data protection.
 16. The Interdisciplinary Expert Group shall prepare an annual report on occupational diseases, on the applications received, on cases of confirmed occupational diseases and suspected occupational diseases, and on the procedure for the identification, confirmation, and notification of occupational diseases. The annual report shall be submitted by 31 March to the Ministry responsible for health, the Ministry responsible for labour, the Economic and Social Council (ESS is the tripartite social dialogue body), the Council for Safety and Health at Work of the Ministry for labour, the Extended College of Experts in Occupational and Transport Medicine and to the Labour Inspectorate of the Republic of Slovenia.
 17. KIMPDŠ shall provide annual training on occupational diseases for members of the Interdisciplinary Expert Group, for specialists of occupational medicine, transport, and sports medicine, and for occupational safety professionals.

We expect that the Rules will in time be upgraded in line with what will be learned through their implementation.

In the period until May 1st, 2023, ZSSS will focus on informing workers, who suspect their illness is occupational, how to exercise their rights. We have already spread the information through the media. A dedicated ZSSS publication is planned for April 2023. Information on the Rules will be undoubtedly also provided for any OSH providers by Ministries for Health and for Labour and by OSH professional and employers' associations.

We warmly thank ILO for the valuable help! We also let you know how we appreciate the 2022 inclusion of safe and healthy working conditions in the ILO's framework of fundamental principles and rights at work!

Regards,

Lidija Jerkič, President ZSSS

