

**AGREEMENT**  
**BETWEEN**  
**THE GOVERNMENT OF THE REPUBLIC OF SLOVENIA**  
**AND**

.....

**REGARDING THE**  
**EMPLOYMENT OF NATIONALS OF .....**  
**IN THE REPUBLIC OF SLOVENIA**

The Government of the Republic of Slovenia and the ....., hereinafter referred to as the "Contracting Parties",

desiring to strengthen their existing excellent cooperation,

and convinced that this Agreement, based on a carefully planned migration policy, serves as an appropriate basis for a comprehensive regulation of the legal employment of nationals of ..... in the Republic of Slovenia,

on the basis of a partnership dialogue and common responsibility for regulating migration flows and with the aim of more effective prevention of illegal migrations,

taking into consideration the positive impact of the mobility of the labour force, the voluntary return of migrant workers to their country of origin and an ethical human resources policy aimed at reducing brain drain,

conscious of the importance of encouraging the promotion of development policies, of promoting the creation of new jobs, creating better living conditions and ensuring the general advancement of the contracting Parties,

having regard to the legislation in force of the Parties and the international treaties applicable in the Contracting Parties,

have agreed as follows:

## **I. GENERAL PROVISIONS**

### **Article 1 (Scope of the Agreement)**

- (1) This Agreement shall determine:
  - a) the conditions for and the volume of the employment of nationals of ..... in the Republic of Slovenia;
  - b) the conditions of and the procedures for issuing authorizations of employment,
  - c) the rights and obligations of employers and migrant workers;
  - d) the promotion of integration processes aimed entering the labour market and in the society of the county of employment;
  - e) the method of exchanging information between competent institutions implementing the Agreement;
  - f) the conditions for re-entry into the country of employment;
  - g) the monitoring and control of the implementation of the Agreement by competent authorities.
- (2) The entry of nationals of the country of origin into the country of employment and their residence in the country of employment shall be governed by the legislation of the country of employment. The rights arising from this Agreement shall not apply to the right of residence in the country of employment.

### **Article 2 (Definitions)**

For the purpose of this Agreement:

- a) "the country of employment" shall mean the Republic of Slovenia;
- b) "the country of origin" shall mean the .....
- c) "the employer" shall mean any physical person established in the Republic of Slovenia that fulfils the conditions for obtaining the authorization in accordance with the legislation;
- d) "the migrant worker" shall mean a national of ..... with permanent residence in the country of origin who is temporarily employed in the country of employment;
- e) "the employment" shall mean full-time employment with an employer;
- f) "the individual specific employment" shall mean the employment of a migrant worker with an employer on the basis of the employer's specific request without passing through the process of advertising and selecting the candidate;
- g) "highly qualified employment" shall mean employment with an employer, for which the worker is paid wages exceeding the country of employment's minimum wage by three times;
- h) "the authorisation" means the authorisation of employment and is issued under the conditions defined by this Agreement;
- i) "the competent authority" in the Republic of Slovenia shall mean the Ministry of Labour, Family, Social Affairs and Equal Opportunities, while in ..... it shall mean .....
- j) "the competent institution" in the Republic of Slovenia shall mean the Employment Service of the Republic of Slovenia, in ..... shall mean .....
- k) "the legislation" shall mean the laws and other regulation in force in either of the Contracting Parties.

### **Article 3 (Scope)**

- (1) Employment of migrant workers from the country of origin shall only be implemented on the basis of the provisions of this Agreement.
- (2) This Agreement shall apply to the employment of migrant workers that:
  - a) are registered as unemployed with the competent institution of the country of origin, and
  - b) are 18 years of age or older.
- (3) This Agreement shall apply also to migrant workers who do not fulfil the condition under a) of paragraph 2 of this Article or are employed in the country of origin, provided that in the country of employment they will have highly skilled employment and will be selected by the employer.
- (4) This agreement does not apply to nationals of the country of origin:
  - a) who on the day of entry into force of this Agreement are legally employed in the country of employment;
  - b) who are employed on seasonal terms, as managers or on a voluntary basis, or in cases of employment or voluntary work for medical training and specialisation;
  - c) who were issued a permanent residence permit in accordance with the legislation of the country of employment;
  - d) who reside in the country of employment subject to family reunification;
  - e) who reside in the country of employment subject to the law governing international protection;

- f) who have the status of a researcher in accordance with the legislation of the country of employment;
- g) who established or co-established a private commercial company and represent the company on the basis of freedom of establishment or register as a sole trader in the country of employment;
- h) who may obtain consent for employment, self-employment or work by the competent institution on the basis of their being enrolled in the educational process in the country of employment, in accordance with the legislation of the country of employment;
- i) who are subject to the provisions of the Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment (OJ L 155, 18. 6. 2009, p. 17).

#### **Article 4 (Volumes of admission)**

- (1) The volume of the admission of migrant workers may be determined by the competent authority of the country of employment on the basis of the situation on the labour market and the expressed needs of employers for employing migrant workers under national legislation and practice.
- (2) The competent institution of the country of employment shall prepare, in cooperation with employers, a list of needs for employing migrant workers and send it to the competent institution of the country of origin, at least once every quarter of the current year.
- (3) Employers may present their needs for employment, provided that they fulfil the conditions defined by the legislation of the country of employment.
- (4) On the basis of the employers' needs, the competent institution of the country of origin shall carry out the selection or the invitation procedure of adequate candidates for filling vacancies.
- (5) The country of origin may in accordance with its legislation limit the employment of certain professional groups, for which on the basis of analysis of status and needs on the labour market of the country of origin it assesses that their departure for the country of employment would jeopardize the situation on the labour market in the country of origin.

#### **Article 5 (Intergovernmental commission)**

- (1) An intergovernmental commission shall be established for monitoring of implementation of this Agreement.
- (2) Each Contracting Party shall, upon a proposal from the competent institution, appoint no more than five members to the commission.
- (3) The commission shall meet at least once a year, alternatively in the territory of one contracting Party, and, when necessary, at the proposal of either Contracting Party, also convene extraordinary sessions.

#### **Article 6 (Useful information)**

- (1) In order to ensure the adequate informing of candidates for employment the competent authority and the competent institution of the country of employment shall prepare the information on general living conditions, conditions of entry, residence and work, and on rights and responsibilities of migrant workers in the country of employment.
- (2) Within the commission's competence and ordinary activities, the Contracting Parties shall examine the possibility of offering a basic course of Slovenian language and a training programme on Slovenia's history, culture and legal order.

## **II. OBTAINING THE AUTHORIZATION**

### **Article 7 (Procedure of selection of a migrant worker)**

- (1) The competent authorities shall determine, in a Protocol, the method of cooperation between the competent institutions concerning:
  - a) the method of drafting the list of vacancies in the country of employment together with mandatory information on the vacancy;
  - b) the method and the time schedule for submitting the list of vacancies by the competent institution of the country of employment to the competent institution of the country of origin;
  - c) the procedure of selection or/and invitation of migrant workers in the country of origin;
  - d) the deadline for submitting the list of candidates for filling the vacancies to employers of the country of employment;
  - e) the method and the deadline for the signing of the employment contract between the employer and the migrant worker.
- (2) The competent institution of the country of employment may conclude a cooperation agreement with the competent institution of the country of origin, in which the method of cooperation concerning job brokerage for migrant workers in the country of employment is determined, in accordance with this Agreement and the legislation of the country of origin.

### **Article 8 (Employment contract)**

- (1) The employment contract shall be concluded for a period of at least one year.
- (2) Employers may include in the contract a clause determining a three-month probationary period.
- (3) Employers may terminate an employment contract during the probationary period in the event that the migrant worker does not meet the expected work results.

### **Article 9 (Entry, residence of a migrant worker in the country of employment, and registration of commencement of work)**

- (1) On the basis of the employment contract the country of employment shall issue the authorisation valid for three years.
- (2) The migrant worker shall enter and reside in the country of employment in accordance with the legislation in force. After entering the country of employment, the migrant worker shall report to the employer, who shall, within 15 days of the service of the residence permit, register the migrant worker in the compulsory social insurance scheme; if not, the authorisation shall be revoked.
- (3) For objective reasons, and in accordance with the legislation of the country of employment, the period referred to in paragraph 2 of this Article may be extended.
- (4) All costs of the procedure concerning the issuing of the authorisation shall be borne by the employer.

### **III. RIGHTS AND OBLIGATIONS OF MIGRANT WORKERS**

#### **Article 10**

##### **(Labour market mobility in the country of employment)**

- (1) During the first year of employment the migrant worker shall be employed with the employer that applied for the authorisation or, if appropriate, with their legal successor.
- (2) After the expiry of the first year of employment, the migrant worker shall have, during the period of validity of their authorisation, free access to Slovenia's labour market.

#### **Article 11**

##### **(Transition from seasonal employment)**

Notwithstanding the provisions of this Agreement the employer may, after the end of a seasonal employment, apply for and obtain the authorisation for a migrant worker who had been employed by him on a seasonal basis.

#### **Article 12**

##### **(Equal treatment in the country of employment)**

Migrant workers shall enjoy equal treatment with nationals of the country of employment, in particular as regards:

- a) working conditions, including pay and dismissal, as well as health and safety requirements at the workplace;
- b) freedom of association and membership of an organisation representing workers or employers or of any organisation whose members are engaged in a specific occupation, including the benefits conferred by such organisations, in accordance with the national provisions on public policy and public security;
- c) education and vocational training.

#### **Article 13**

##### **(Social insurance)**

For the purpose of the implementation of this Agreement, social insurance shall be governed by the Contracting Parties' legislation and concluded international treaties.

**Article 14**  
**(Verification of educational levels and professional qualifications)**

- (1) Educational levels and professional qualifications shall be verified and proven in accordance with the legislation of the Contracting Parties.
- (2) The competent authorities may, in cooperation with other Contracting Parties' authorities competent for acknowledging professional qualifications, determine a more favourable method of recognizing training levels or professional qualification than that required by the Contracting Parties' legislation, in a separate protocol.

**Article 15**  
**(Housing of migrant workers in the country of employment)**

In respect of housing migrant workers, the employer shall comply with the legislation of the country of employment.

**Article 16**  
**(Termination of the employment contract)**

- (1) If the migrant worker loses their job due to the expiry of the employment contract during the first year of employment, the employer shall inform thereof the competent institution in writing. The competent institution shall initiate all necessary procedures for the revocation of the authorisation and return of the migrant worker to the country of origin, except in cases where the migrant worker fulfils the conditions for exercising the right to the unemployment benefit.
- (2) In cases referred to in paragraph 1 of this Article, the authorisation of the migrant worker who lost their job due to the extraordinary termination of the employment contract by the employer is not revoked in compliance with the legislation of the country of employment, if the migrant worker within 30 days of the termination of the employment contract concludes a new employment contract with a different employer for the same job for which the original authorisation was issued, and is registered in the social insurance scheme in the country of employment.
- (3) In cases referred to in paragraph one of this Article the authorisation of the migrant worker who is highly qualified employment is not revoked if such migrant worker within 30 days of the termination of the employment contract concludes a new employment contract, and is registered in the social insurance scheme in the country of employment.
- (4) During the first year of employment the migrant worker, who lost their job due to the expiry of the employment contract and provided that they are not eligible for unemployment benefit, shall reregister in the social insurance scheme in their country of employment within 30 days on the basis of a new employment or self-employment. If the migrant worker fails to do so, the competent institution shall initiate all the necessary procedures for the revocation of their authorisation and the return of the migrant worker to their country of origin.

**Article 17**  
**(Unemployment in the country of employment)**

- (1) The migrant worker who loses their job has the right to register, in accordance with the legislation of the country of employment and international agreements, in the register of unemployed persons.
- (2) The migrant worker who loses their job may, in accordance with the legislation of the country of employment and international agreements, exercise their rights in relation to unemployment and other rights under the social insurance scheme.
- (3) A migrant worker may, during the period of receiving the unemployment benefit, conclude an employment contract with any employer in the Republic of Slovenia or become self-employed in accordance with the legislation of the country of employment.
- (4) If the migrant worker exercises the right to unemployment benefit or if the migrant worker loses this right before the expiry of the authorisation and fails to find a new job in this period, the authorisation shall be revoked. In this case the competent institution shall initiate all necessary procedures for the return of the migrant worker to the country of origin.

**Article 18**  
**(Other reasons for end of validity of the authorisation)**

- (1) The validity of the migrant worker's authorisation shall end in cases provided for by the legislation of the country of employment concerning withdrawal of consent for the single residence and work permit, or when:
  - a) the employer dismisses the migrant worker during the probationary period, except if the migrant worker is eligible for benefit payment;
  - b) the migrant worker terminated the employment contract and failed to conclude an employment contract with another employer or become self-employed within the period referred to in paragraph four of Article 16 of this Agreement.
  - c) the residence permit of the migrant worker expires;
  - d) an indictment has been filed against the migrant worker for having committed a criminal offence that is being prosecuted ex officio.
- (2) Migrant workers who have been finally convicted of a criminal offence that is being prosecuted ex officio, and migrant workers who reside illegally in the country of employment after the expiry of their authorisation, may not be granted another authorisation or be employed in the country of employment.

**Article 19**  
**(Legal protection)**

The competent institution of the country of employment shall decide on appeals against decisions issued at first instance by the competent institution of the country of employment.

**IV. RETURN TO THE COUNTRY OF ORIGIN**

**Article 20**



### **(Voluntary return to the country of origin)**

- (1) After the expiry of the authorisation the competent institution shall inform thereof the authority that in compliance with the law is competent for revocation of the residence permit. After the expiry of the residence permit, the migrant worker shall voluntarily return to the country of origin; if not, the worker shall be removed from the country of employment by force in accordance with the legislation in force.
- (2) After returning to the country of origin the migrant workers shall register their arrival in the country of origin.
- (3) The commission shall supervise the voluntary return of migrant workers and alert the competent authorities of possible violations at its regular sessions.

### **Article 21**

#### **(Derogations from the principle of voluntary return)**

- (1) Migrant workers may renew their authorisation for another three years in the following cases:
  - a) their employment contract is valid for at least another year and their right to family reunification in the country of employment was recognized in accordance with the legislation;
  - b) they were employed for at least one before the date of expiry of the authorisation and have an employment contract that is valid for at least one year;
  - c) during the period of validity of the authorisation they were in highly qualified employment for at least one year and have an employment contract for such a position for at least one more year;
  - d) during the period of validity of the authorisation they obtained additional knowledge or professional qualifications and were, on that basis, in highly qualified employment for at least six months and have an employment contract for such a position for at least one more year.
- (2) The country of origin may, in accordance with its national legislation and with paragraph 5 of Article 4 of this Agreement, refuse to consent the renewal of the authorisation to migrant workers referred to in points c) and d) of paragraph 1 of this Article if it provides the worker with a job that offers comparable wages in the country of origin.
- (3) In cases referred to in points a) and b) of paragraph 1 of this Article, the competent institution of the country of employment shall inform the competent institution of the country of origin of the renewal of the authorisation.
- (4) In cases referred to in points c) and d) of paragraph 1 of this Article, the competent institution of the country of employment shall obtain written consent from the competent institution of the country of origin before the renewal of the authorisation.
- (5) The costs of renewing the authorisation shall be borne by the migrant worker.

### **Article 22**

#### **(Admission of migrant workers in the country of origin)**

- (1) The country of origin shall, in accordance with its legislation, immediately and without delay, admit all migrant workers whose authorisations expired.
- (2) The competent institution of the country of origin shall inform the competent institution of the country of origin of the migrant worker's return.

## **V. RE-ENTRY IN THE COUNTRY OF EMPLOYMENT**

### **Article 23**

#### **(Conditions and procedures for re-employment)**

- (1) Migrant workers who were employed in the country of employment in the basis of this Agreement and voluntarily returned to the country of origin after the expiry of the authorisation shall be allowed to return to the country of employment for employment under the conditions provided for by this Agreement.
- (2) If the authorisation expired due to the expiry of the period for which it was issued, the re-entry of the migrant worker referred to in paragraph 1 of this Article shall be possible after an interruption of legal residency in the country of employment of at least six months.
- (3) The competent institution of the country of origin shall prevent the re-employment of a migrant worker in the country of employment in cases when the migrant worker refused an appropriate employment in the country of origin.

## **VI. TRANSITIONAL AND FINAL PROVISIONS**

### **Article 24**

#### **(Settlement of disputes)**

Any dispute concerning the interpretation or application of this Agreement shall be settled at regular and extraordinary sessions of the commission.

### **Article 25**

#### **(Temporary suspension of the implementation of the Agreement)**

- (1) Both Contracting Parties shall reserve the right to temporarily, in whole or in part, suspend the implementation of the present Agreement for reasons of national security or public order, public health and labour market status.
- (2) The official suspension shall begin or end when the other Contracting Party receives a relevant notification thereof.

### **Article 26**

#### **(Entry into force and validity of the Agreement)**

- (1) This Agreement shall enter into force on the first day of the second month after receipt of the notification, by which the Contracting Parties inform each other on the fulfilment of the conditions required by the contracting Parties' legislations for this Agreement to enter into force.
- (2) The present Agreement is concluded for an unlimited period of time. Either Contracting Party may rescind this Agreement by notifying the other Party. The denunciation shall take effect on the first day of the third month following that notification.

Done in ..... on ..... in two (2) originals, each in Slovenian,  
..... and English languages, all texts being equally authentic.

In the case of a divergence of interpretation, the English text shall prevail.

FOR THE GOVERNMENT  
OF THE REPUBLIC OF SLOVENIA

FOR THE GOVERNMENT  
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