QUESTIONNAIRE 2019 OF THE 4th STUDY COMMISSION

Astana, Kazakhstan

Harassment, in a broad sense—*moral and sexual*—and its consequences on labour relations

Answers by the

Slovenian Association of Judges

1. Does your country have laws or regulations that cover workplace harassment? Is harassment defined separately or is it incorporated within other provisions of the labour code?

Slovenia regulates workplace harassment in the provisions of the labour code („Zakon o delovnih razmerjih“) and also in the provisions of the anti-discrimination code („Zakon o varstvu pred diskriminacijo“).

2. What remedies exist for victims reporting workplace misconduct? What penalties or ramifications do offenders face? Do you have examples of court cases/judgements or administrative proceeding involving harassment?

Victims reporting workplace misconduct can file a complaint at their employer or a lawsuit at the court and demand the misconduct to stop or demand damages or they can terminate their employment contract with the same rights as employees who's contracts were terminated because of economic reasons (the right to severance pay, damages for the notice period etc.). They can also press criminal charges, because mobbing at work is also a criminal offence.

The offenders can have their employment contract terminated without notice, they can be liable to pay damages or face disciplinary measures.

In Slovenia there are a lot of cases in which employees - the victims of workplace misconduct or harassment sue their employers before labor courts for damages and only a few cases concerning the measures taken against offenders. Judgements in criminal proceedings regarding (alleged) offenders are rare.

3. Do you have examples of judicial misconduct related to harassment or bullying?

No.
4. Does the judiciary have rules, ethics codes, or legislation relating to harassment by judges and judicial staff? What are the procedures for reporting misconduct and enforcing the rules? What sanctions can be imposed against a judge?

Judiciary in Slovenia has the code of judicial ethics, which contains very general provisions on the attitude of a judge („A judge shall establish and maintain a correct and respectful attitude to associates and participants in proceedings.“) and their reputation („A judge shall protect the reputation of the judiciary by personal example and in all his activities shall avoid inappropriate behaviour.“)

The code of ethics can not be enforced in itself. Violation of judicial duties by the judicial service act can be sanctioned according to this act and its procedure and the act on Judicial council.

A disciplinary sanction may be imposed on a judge who, by intention or negligence, has violated judicial duties prescribed by law and judicial order or has performed irregularly in the judicial service. Such violations are among others:
- the conduct and behaviour of a judge which is contrary to judicial independence or violates the reputation of the judicial profession and
- inappropriate, indecent or offensive behaviour or expression towards individuals, state bodies and legal persons concerning the performance of or outside the judicial service.

Possible disciplinary sanctions are:
- written reminder
- suspended promotion
- reduction of salary
- transfer to another court
- termination of judicial service.