



European network of legal experts in gender equality and non-discrimination

NEWS REPORT

Country:	Slovenia
Title:	Additional employment-related rights for same-sex spouses
Date:	23 March 2015
Expert:	Neža Kogovšek Šalamon
Context	
Issue at stake:	The Parliament adopts changes to Marriage and Family Relations Act granting access for same-sex spouses to additional employment-related rights.
Ground of discrimination:	Sexual orientation
Source:	Legislation
Field:	Employment
Applicable law:	Act Amending the Marriage and Family Relations Act

Content

Law: On 3 March 2015 the National Assembly passed the Act Amending the Marriage and Family Relations Act. The main change that the Act brought was the legalisation of marriage for same-sex partners, aiming at eliminating systemic discrimination of same-sex couples, in line with non-discrimination provision of Article 14 of Slovenian Constitution.

The amendments bring additional employment-related rights to same-sex couples (married and cohabiting) and address discrimination on the grounds of sexual orientation in the field of employment: the right to paid sick leave from work to care for a sick partner, the right to additional days of leave from work for a wedding, and the right of a cohabiting same-sex partner to obtain a survivor's pension that is based on contributions paid during the employment of the deceased partner (for married/registered same-sex partners survivor's pension is already provided for in the law).

The law did not enter into force yet. On the day the new law enters into force the previous law regulating the status of same-sex partners – The Registration of a Same-Sex Civil Partnership Act – will no longer be valid.

The conservative civil society coalition *It's about children!* (Za otroke gre!) immediately announced that they would request a legislative referendum and started collecting the necessary 40.000 signatures as required by Article 12 of the Popular Initiative and Referendum Act. On 26 March 2015 the National Assembly rejected the claim for referendum and terminated the collection of signatures based on Article 90 (2) of the Constitution that prohibits referendums on laws that eliminate unconstitutionality in the field of human rights and fundamental freedoms or other unconstitutionality. The proponents of the referendum lodged an appeal against the decision on rejection of the referendum before the Constitutional Court.

Key points of analysis: The key questions for the Constitutional Court to assess will be:

- whether current legislation that existed before the amendments to the Marriage and Family Relations Act were passed is in accordance with Article 14 of the Constitution, prohibiting discrimination;
- whether the newly proposed legislation is in accordance with the Constitution; and
- to what extent the amendments eliminate the possible unconstitutionality of the current legislation.

Internet link source:

<http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO7083>