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Flexible Working and Gender Equality: The Case of Slovenia

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1. Introduction

1.1. Slovenian policy context

1.1.1. Female employment

For almost sixty years, Slovenia has been a country with a high female employment rate. Today, this is not only due to professional aspirations of women, but has also to do with the need arising from the relation between wages and the costs of living.¹ Two wages are still needed for a decent standard of living of a three- or a four-member family, so women are stimulated to enter the labour market and not to leave it after childbirth (Stropnik and Šircelj, 2008: 1034).

In 2010, the employment rate in the age group 15-64 years was 69.6% for men and 62.6% for women (Lah, Svetin & Rutar 2011). For women aged 25-49 it was 83.7%. Typically, after parental leave, women continue to work full-time. In 2005, economic activity rate for women with a child aged 0-3 years was 73%, and it was 87% for women with a child aged 3 to 5 years (Eurydice 2009: Figure 2.6). In 2010, employment rate for women with a child aged 0-6 years was 78.7%, and 87 % of these women worked full-time (Eurostat). The EU-SILC data show that nowadays over 80% of women (both single women and women living with men) aged 25-49 years with youngest children below the age of 12 are employed. The employment impact of parenthood – defined as the difference in percentage points in employment rates (age group 20-49) without the presence of any children and with presence of a child aged 0-6 – is even negative for women in Slovenia, which was the only such case in the EU in 2008 and 2009. In 2009, the employment rate of women aged 20-29 with a child aged 0-6 was by 3.7 percentage point higher than the employment rate of women aged 20-49 without any child (European Commission 2010: 62). In our view, this is a consequence of two facts: (1) the tendency to prolong studies until the late twenties, and (2) available and affordable childcare services for children from the age of one.

1.1.2. Part-time work

In Slovenia, part-time work has been much more related to age and health status than to gender. For employees aged over 55 years and with health problems that led to partial disability, part-time work is mostly the solution. This is also how part-time work was traditionally perceived in Slovenia (and often still is by the employers). Older employees may also combine part-time employment with partial old-age pension (Trbanc 2009).

¹ Stropnik et al. (2009) have evaluated the minimum costs of living for an adult to amount to about 2/3 of the net average earnings.

The incidence of part-time work remains rather modest in Slovenia, but has been increasing, mostly among the population aged 15-24 years due to student work (Trbanc 2009). In 2009, all persons in permanent part-time employment accounted for 3.5% of all employees, and those in part-time fixed-term employment for 4.7% (4.6% and 5.8% for women respectively) (European Commission 2010, pp. 142 and 144). In 2010, just above 13.5% of employed women aged 15-64 years (and less than 7.5% of men) worked part-time (Eurostat). The proportions have decreased in the first half of 2011 to below 12% for women and below 7% for men.

For many people, part-time work is not acceptable due to low earnings, while employers do not favour it due to higher labour costs compared to full-time employment (some in-work benefits are the same,² investment in life-long learning cannot be fully exploited, etc.). In the beginning of 2009, the number of persons in employment having part-time job increased as a result of the Partial Subsidising of Full Working Hours Act, which was adopted to limit the effects of the global economic crisis by preserving the jobs and was in force till September 2010. Full working hours of about 66 thousand employees were subsidised (MoLFSA 2010).

1.1.3. Flexible working arrangements

The reconciliation of work and family obligations is eased by the possibility to vary the start and end of the working day for family reasons by at least one hour. In 2004, 28.4% of employed women aged 15-64 years (and 28.9% of men) in Slovenia had access to flexitime (European Commission 2010: 151). According to the telephone survey conducted in 2005 among population aged 22-35, 13% of the respondents had full autonomy regarding working hours (Kanjuo Mrčela and Černigoj Sadar 2007).

In Slovenia, very few companies have formal arrangements for work at places other than the regular work place. Tele(home)working is performed mostly at the initiative of individual employees and based on agreement between employer and employee. The CRANET survey data (survey among 161 organisations/enterprises with more than 200 employees about their HRM practices) showed that in 2004 only 5.6% of organisations in Slovenia formally used homeworking and 11.2% of organisations used telework. In the large majority of surveyed organisations that were using homeworking and telework only between 0 and 5% of employees were performing such work (Trbanc 2007).

About 2.2% of the employed population were teleworking in 2005. Such workers tended to have a higher educational profile. The 2002 survey data revealed that the nature of the work was the largest obstacle for telework (20%), followed by the lack of financial resources (8%) – particularly in small and medium-sized enterprises – and the lack of employees ready to perform telework (7%) (Lužar and Kanjua Mrčela 2008).

1.2. Institutional/legal background

According to the Employment Relationships Act (2002), the employer must enable the employees to easily reconcile their family and employment duties. The 2007 revisions of the Employment Relationships Act introduced more flexibility regarding work schedules (Article 147). The employee may propose a change in the work schedule in order to reconcile professional and family life, and the employer has to provide his

² Until the 2007 revisions of the Employment Relationships Act, all in-work benefits were over-proportional. These revisions made annual leave allowance and retirement severance pay proportional to hours worked (Articles 64 and 131).

arguments in written, taking into account the needs of the work process. Parents of school-age children obtained the right to take at least a week of annual leave during school holidays.

These revisions also included an explicit definition of telework as a special category of homeworking, so implementing the EU framework agreement on telework, concluded by the European social partners in 2002 (Lužar and Kanjuo Mrcela 2008). According to Article 67, "homework is defined as work at home, where the homeworker is performing work at his/her home or independent of location, away from the employer's premises on a regular basis. Homework is also defined as distance work (telework), where the homeworker is performing work by using information technology." Since 2006 the Statistical Office of the Republic of Slovenia has been using the following definition: 'Telework is work performed by a worker (teleworker) at home, in the dwelling, using a personal computer, a mobile phone, a fixed phone or a fax machine' and 'A teleworker is a person who is employed in a company but performs at least a few hours of work each month at home, using the internet' (Lužar and Kanjuo Mrcela 2008). It is important to note that tele(home)workers are guaranteed the same rights as those enjoyed by the company-based employees (Article 68).

There are several legal provisions that make part-time employment possible on a voluntary basis.

- According to the Parenthood Protection and Family Benefits Act, which was put into force at the end of 2001 and revised in May 2006, 260 days of parental (childcare) leave may be taken as 520 days of half-time leave)
- The parent of a child below the age of three may choose to work part-time and have social security contributions (based on the minimum wage) paid by the state budget to make up the difference to the full-time working hours. In January 2007, this right was extended until the youngest child reaches six years of age if the parent is taking care of two children (Parental Protection).
- According to the Parental Protection and Benefits Act (Articles 48 ad 48a), one of the parents who nurses and takes care of a child with a severe physical disability or a moderately or severely mental disability below the age of 18 years may choose to work part-time and have the social security contributions (based on the proportional share of minimum wage) paid from the state budget for the difference to the full-time working hours.
- According to the Social Assistance and Care Act, adult persons suffering from a severe mental development disorder or a severely physically impaired person requiring assistance in all basic daily activities, and are entitled to institutional care, may opt for a home care assistant instead. A home care assistant can be a person employed part-time.

Employment and labour market, and reconciliation of work and family responsibilities, are chapters of the Social Agreement for the Period 2007-2009 (pp. 16-18 and 30-31).³ In the chapter on employment and labour market, the governments tasks include: opening of possibilities and stimulating a greater use of available flexible employment arrangements (part-time work, flexi-workplace, working from home and telework) while ensuring an appropriate balance between the flexibility and the security of employment; promoting equal opportunities of women and men in employment, education and training and the reconciliation of work and family life; and promoting of different forms

³ This was the last Social Agreement concluded.

of work, including the flexible working hours, which allow for career development, balance between work and family and balance between flexibility and security. The employer associations' tasks include: enforcing the gender equality at work, in employment, training and reconciliation of the family and work responsibilities; and pursuing employment that is friendly to young mothers/families. The trade unions' tasks include requesting all that.

In the chapter on reconciliation of work and family responsibilities (see Annex 1), the government's tasks include encouraging of flexible working hours, providing conditions for care of dependant family members, encouraging fathers to take parental and paternity leave, encouraging the introduction of pre-school child-care centres' flexible opening hours, etc. All partners have the tasks related to the implementation of the certificate of a family-friendly employer.

The Slovenia's Development Strategy for the period 2006-2013 (Šušteršič, Rojec and Korenika 2005) foresees a more flexible labour market as a characteristic of a new social development model. This is to be achieved also through: (1) a more flexible employment and employment relationships "(annual calculation of hours worked, part-time work, flexi-space, working at home, telework and other atypical types of work)", and (2) facilitating the balancing of work and family (family-friendly policies, adjustment of the patterns related to workplace and work culture, allowing the distribution of hours worked over one's total active life, etc.) (p. 38-39).

The Resolution on the National Programme for Equal Opportunities for Women and Men, 2005-2013 (2005) includes equal opportunities for women and men in matters of employment and work, and reconciliation of professional and private life and family responsibilities of employed women and men, among the strategic objectives of the gender equality policy. »Reconciliation of professional and private life is one of the most important conditions for the implementation of equal opportunities for women and men in the society, particularly in the employment and labour market«. The »mechanisms facilitating the reconciliation of family and professional responsibilities (...) should be established at the level of employers...«.

2. Policy debate

A need to increase the labour market flexibility, including the flexibility of work arrangements, has been very much present in the policy debate in Slovenia, which is also evident from the overview of legislation and strategic documents quoted in the previous section. Unfortunately, not much has changed in the last decade.

It has been noted in the debate that flexible working options are not always as attractive and advantageous as they may seem. Women working part-time or at home often feel isolated and excluded from their enterprises' social life, contact networks and decision-making processes. Part-time jobs and other forms of flexible employment are also considered less secure for the employees (due to lower salaries and future pensions, less rights and benefits, limited entitlement to unemployment benefits, etc.) (Stropnik 2010).

A family-friendly culture should continue to be developed within enterprises. Such culture includes: a) a positive image of the father who assumes more family responsibilities; b) assistance to parents whose presence at home and absence from work is necessary at times (e.g., due to the care of a sick child); c) enabling parents to fulfil other family-related duties (taking children to medical check-ups, accompanying

children to their leisure-time activities, attending events at day care centres and schools, etc.) (Stropnik and Šircelj 2008: 1050).

As regards the reconciliation of work and family, the issue of childcare centres' working hours has been raised. They are not sufficiently adapted to those of parents: most centres close between 4.00 and 4.30 p.m. (some in urban centres close at 5.00 p.m.), and parents work ever longer in the afternoon. Consequently, the parents are under continuous stress, particularly if there is no other person to collect the child in the afternoon. In the school year 2010/2011 as many as 55% of children from age 1 up to age three, and 89% of older pre-school children attended kindergartens (Ložar 2011). In the 2005 survey conducted among population aged 22-35, 65% of the respondents opted for childcare centres to remain open till 5 or 6 p.m. About a third wished to have childcare centres open also over week-ends (Kanjuo Mrčela and Černigoj Sadar 2007).

3. Transferability

The good practice of the Netherlands is the "Customised Working" initiative introduced in April 2011. It is very similar to the Slovenian "Family-Friendly Enterprise" certificate that was introduced in 2007. The development and outcomes of the Slovenian project are presented in Annex 2.

It would be very positive to include flexible employment (work) arrangements and provisions that enable or ease the reconciliation of work and family responsibilities into the Collective Labour Agreements. Respective chapters of the Social Agreement for the Period 2007-2009 provide the basis for this. There are 51 Collective Labour Agreements in Slovenia, and they differ according to the space devoted to work arrangements. A general wording is characteristic for all these Agreements. They do not specify new forms of flexible work arrangements, like telework, but are rather limited to standard forms of work arrangements, including flexi-time. There are also Collective Labour Agreements, like the one for the public sector, that focus on pay and in-work benefits only, and do not include any article on work arrangements or working time.

Finally, the problem of the employees' reconciliation of professional and family obligations can be effectively resolved only through employer - employee partnership approach. The TNP (2007, Working group 2 final report) names two Slovenian cases of best practice. Lek, a pharmaceutical company, provides benefits for employees under the Lek's collective agreement. These benefits include flexible working and childcare facilities on site in Ljubljana, with the aim to help women, in particular, to balance their private and professional lives. The IBM Slovenija, an IT company, offers various forms of flexible working, like work from home permanently (5 days/ week) or partially (2-3 days a week), and the possibility to perform some urgent personal affairs during official working hours and then work later in the afternoon or from home, in agreement with an immediate manager.

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Annex 1

Social Agreement for the Period 2007-2009, Chapter 12: Reconciliation of Work and Family Responsibilities, pp. 30-31 (selected tasks)

Government tasks:

- to encourage flexible working hours and thus facilitate the reconciliation of work and family life;
- to adapt and introduce new forms of childcare, care for the elderly and other family members in need of help facilitating the reconciliation of work and family life;
- to encourage enterprises to pay special attention to families with dependent family members (children, the elderly and other needy members) by introducing the project for obtaining a certificate of family-friendly enterprise;
- to stimulate fathers and mother to take up part-time work due to parenthood;
- to encourage the introduction of more flexible opening hours of kindergartens regarding different and longer working hours of parents.

Employers associations' tasks:

- to encourage the use of the measures introducing the possibility of flexible working hours for families with dependants (children, elderly and other needy members);
- to encourage the adaptation of the working process and job systemisation so as to allow working from home whenever possible;
- to encourage members to adopt a more quality attitude towards the reconciliation of the family life and work;
- to introduce the certificate of family-friendly employer;
- to actively participate in the awarding of the family-friendly enterprise label;
- to seek solutions in negotiations on collective agreements, which shall contribute to the reconciled work and family responsibilities (e.g. working hours, overtime work...).

Trade Union tasks:

- to introduce the certificate of family-friendly employer;
- to actively participate in the awarding of the family-friendly enterprise label;
- to ensure solutions in negotiations on collective agreements that will contribute to the reconciled work and family responsibilities (e.g. working hours, overtime work...).

Annex 2

The “Family-Friendly Enterprise” certificate

(Mostly quoted from Stropnik 2010)

Certifying/awarding and public exposure of best practices/enterprises/organisations (henceforth: enterprises) proved to be a good way for stimulating the introduction of family-friendly policies with a gender equality dimension. The so-called “internal” socially responsible practices primarily involve employees and include the human resource management related measures that are supporting gender equality/equal opportunities and reconciliation of professional and family obligations. The latter group of practices can be in the area of work organisation (flexible jobs, flexible working hours, etc.) or provision of services and benefits for families (European Commission 2001: 9).

Positive consequences of family-friendly policies in enterprises were proven for all stakeholders.

1. Employees manage to better reconcile their professional and family duties, which:
 - a) lowers their exposure to stress, b) contributes to their own and their families' higher quality of life, and c) enables (particularly for women) uninterrupted working careers and better opportunities for professional development and promotion.
2. Enterprises consequently have lower recruiting costs, competitive advantages on the labour market and the products/services market, and better business results including higher positive net financial results.
3. The national economy benefits from higher employment rates and higher growth rates.
4. The country does better if public authorities are supported (complemented) by enterprises in attaining the aims of social policy. Higher employment rate means higher inflow of taxes and social security contributions into the state budget on the one hand, and lower social security outflows on the other.
5. Society as a whole benefits as well since work-life balance: a) prevents problems in families that negatively influence the society, and b) may stimulate births (which is of high importance for today's Europe) (Stropnik 2007).

In Slovenia the “Family-Friendly Enterprise” certificate was introduced in 2007 as a result of the Development Partnership established under the Community Initiative Project EQUAL. The Slovenian DP's project dealt with the “internal” CSR, i.e. those CSR practices that are primarily focused on employees. It aimed at impacting business, cultural, and psychosocial behavioural patterns, particularly:

- The management's way of reasoning, in order to make the managers understand that their employees' parental role does not automatically decrease the enterprise's financial results; to encourage them to - jointly with their employees - take actions leading to a work-life balance; and to make them aware of the negative business consequences of discriminating against (potential) parents in the workplace;

- Public opinion, in order to attract wider support through raising public awareness of the reconciliation problem and attain a positive attitude towards it.

The DP was looking for a long-term audit system that would not be just a one-time recognition of the existing situation, but would also encourage enterprises to improve their situation regarding equal opportunities, and could be applied in any enterprise. The “European Work & Family Audit”, developed by the German organisation “Berufundfamilie”, was selected as appropriate. Since, at the time of the project and due to the on-going revision of the methodology, it was not possible to obtain the licence, the methodology applied in Slovenia is a combination of the Austrian and German systems with some modifications to the Slovenian economic and legislative framework.

By the introduction of the “Family-Friendly Enterprise” certificate, as it was named, the DP intended to

- provide employers with tools for implementation of such human resource policies that enable better balancing of work and family for their employees, and
- publicly recognise the enterprises with a positive attitude and practice in this field.

The methodology (DP 2007) includes both consulting and an audit procedure. There are two phases. The first one, lasting about six months, is mostly a period of consultations and analyses. It starts with a kick-off meeting of the applying enterprise representatives (personnel manager and the representative of top management) and the person representing the licensee (organisation holding a licence for the auditing/certification procedure). If they agree upon the enterprise's inclusion in the audit for obtaining the “Family-Friendly Enterprise” certificate, they set the time schedule and name the enterprise's audit representative. A project team is formed that is balanced according to sex, family cycle, age, department and hierarchy. A trade union representative may be included as well.

The project team evaluates the actual relevant situation in the enterprise, identifies deficits, defines the enterprise's objectives and searches for appropriate strategies and concrete ways of improvement. In doing that, the project team is assisted by an external consultant (an expert in human resource management) nominated by the licensee to implement the audit process. That person reviews the project team's analysis (actual situation: desired situation) and helps in selecting the most appropriate measures to be implemented in order to come closer to the desired situation. A minimum of three measures are chosen from an extensive catalogue of measures grouped according to their area of impact:

- working time,
- work flow and contents,
- work place,
- information and communication policy,
- management competence,
- human resource development,
- salaries and perks,
- family focused support.

The consultant presents his/her recommendations to the project team and the management. Top management decides which recommendations will be followed within the next three-year period. The first phase is concluded when an authorised top manager signs the Action Plan in which objectives, time frame, milestones, responsibilities, personnel and financial resources, and expected results are defined.

The enterprise is awarded the basic “Family-Friendly Enterprise” certificate after the Audit Council’s positive evaluation of the audit process, selected measures to be implemented, and the Action Plan.

The basic certificate is normally held for three years. That is the second phase, in which the selected measures are implemented. The enterprise is obliged to produce annual progress reports where it documents the on-going implementation. If it fails to do so, it has to give the basic certificate back after 6 months following the last unmet deadline. If everything goes well, after a three-year period the implementation of measures and achievement of the objectives (desired situation) are examined by the consultant. If he/she and the Audit Council give a positive appraisal, the enterprise is awarded the certificate valid for 12 months. It can be kept for another 3-year period if the enterprise decides to renew it by starting the next auditing procedure. This means that within those 12 months a new Action Plan has to be signed and positively evaluated. Such rules encourage a continuous improvement of existing conditions in the enterprises that have joined the auditing process.

The Slovenian enterprises were invited to participate in the certification process by a public call issued in October 2006 in the leading Slovenian business daily “Finance” (a media partner of the project). Certification was done under the auspices of the Slovenian Ministry of Labour, Family and Social Affairs and was financed through the Community Initiative Programme EQUAL (European Social Fund). Before engaging in the first round of certification, the methodology was tested in a pilot enterprise (insurance company Zavarovalnica Maribor). The first group certification process started in January 2007 and was successfully completed in April 2007.

In the first round, the “Family-Friendly Enterprise” basic certificates were awarded to 32 enterprises⁴ employing over 20,000 persons. Among them there were large companies, multinationals and SMEs representing different industries, as well as public sector organisations. Their size was in the range between 10 and 9,458 employees. A total of 305 measures for easier reconciliation of work and family were selected for implementation, i.e. an average of 9.5 measures per enterprise, thus far exceeding the minimum of 3 measures required to obtain the certificate.

The second most popular group of measures belong to the working time area. A total of 60 measures were selected in the area of working time, child time bonus being the most popular one (to be implemented in 22 enterprises). From the working place area, 7 companies chose 10 measures: mostly telework or part-time work from home. Frequently selected measures from the other (four) areas included holiday bonus for annual leave dependant also on the number of children (6), children in enterprise⁵ (5), etc.

The implementation of the “Family-Friendly Enterprise” certificate has continued. In November 2008 and May 2009 the second generation of basic certificates was awarded to 17 enterprises, and in May 2010 the third generation consisting of 11 enterprises joined them (DP).⁶ In the third generation, an average of 13 measures will be implemented per awardee (Turk 2010). Measures in the area of working time are

⁴ This far exceeded the original expectations (10 enterprises). This may have been partly due to the fact that process in the first round the certification was free of charge, as the project was financed through the EQUAL initiative of the European Social Fund.

⁵ Exceptionally and for a short-term, the employees may bring their children to work. For these cases, a separate and adequately equipped working area is available.

⁶ The reason for a lower number of enterprises is the absence of co-financing in the period from the mid 2007 to the mid 2011 rather than lack of interest. The cost of obtaining a basic certificate (€3,700) is relatively high for small enterprises (Turk 2011a).

the most popular (flexible time of arrival to work and child time bonus in particular). It does not surprise that the measures related to working time (flexi-time, part-time, job sharing, paid absence on the first kindergarten or school day, etc.) have remained very popular. They ask for minor technical adaptation and minimum financial resources. Non-selected measures often ask for considerable financial resources and space (Turk 2011b).

The "Family-Friendly Enterprise" certificate has been included in strategic documents of Slovenia and its regulation. For instance, the implementation of the certificate is one of the aims of the Resolution on the National Programme for Equal Opportunities for women and men in 2005-2013 (adopted by the Slovenian Parliament October in 2005). It is also present in the current Social Agreement (2007-2009) and in the mid-term programme of the Ministry of Labour, Family and Social Affairs. The same Ministry has also included it among key elements of the (unfortunately failed) draft Strategy for Increasing Fertility in the Republic of Slovenia. The intended revisions of the Employment Relations Act foresee a chapter on reconciliation of work and family. The Socio-Democratic Party of Slovenia included the debate on the family-friendly employment in its political campaign before the local elections. All this proves considerable impact that the project has had in the Slovenian society.

Since 2010, the project has been co-financed in the framework of the PROGRESS Programme of the European Union. Over €1 million were allotted to it for the period 2010-2015, of which the EU will contribute 85% and Slovenia 15%. It has been planned that 190 additional enterprises would be awarded the certificate in that period (Turk 2011a).

The "Family-Friendly Enterprise" certificate was a significant novelty in the Slovenian business environment. The project launched a discussion in the Slovenian society about the corporate social responsibility towards the employees. It increased awareness of the need for solving the problem of reconciliation of professional and family duties of employees with (small) children in the context of the corporate responsibility towards the employees. Thanks to that project, the Slovenian enterprises gained better understanding of the relationship between family-friendly policies and productivity, loyalty and work efficiency.

The current global crisis represents a great challenge for keeping and upgrading the CSR policies. We would argue that it is not very probable that it would seriously threaten the established family-friendly policies, at least not in a long run, and not in Europe. "A major challenge for enterprises today is to attract and retain skilled workers" (European Commission 2001: 9). The important reason for companies to increasingly include the gender equality within their CSR programmes is a shortage of skilled labour and a growth in the participation of women in the workforce (Grosser 2009). Employers compete for the best workers/experts - not also, but particularly in economically tough times. They simply cannot afford to neglect the needs of their employees as family people since otherwise they risk losing them and thus decreasing the level of their enterprise competitiveness and performance. In the long run in Europe, this is stressed by the conditions of (very) low fertility and rapidly ageing populations.