



## EMN FOCUSSED STUDY 2015

# Determining labour shortages and the need for labour migration from third countries in the EU

***Determining labour shortages and the need for labour migration from third countries***

The national contribution has been prepared by National Contact Point of Slovenia for European Migration Network and Institute for Ethnic Studies / Inštitut za narodnostna vprašanja (Romana Bešter, PhD and Janez Pirc, PhD) in co-operation with competent representatives from the Ministry of Interior, Ministry of Labour, Family, Social Affairs and Equal Affairs and Statistical Office of the Republic of Slovenia.

European Migration Network was established due to the need to exchange information on all aspects of migrations and the establishment of a common asylum and migration policy. Council Decision 2008/381/EC which provides a legal basis for the establishment of the European Migration Network, was adopted on 14 May, 2008.

**More information about the European Migration Network is available: [www.emm.si](http://www.emm.si)**

*Disclaimer: The following responses have been provided primarily for the purpose of completing a Synthesis Report for the above-titled EMN Focussed Study. The contributing EMN NCPs have provided information that is, to the best of their knowledge, up-to-date, objective and reliable within the context and confines of this study. The information may thus not provide a complete description and may not represent the entirety of the official policy of an EMN NCPs' Member State.*

## Top-line "Factsheet" (Slovene National Contribution)

### National contribution (one page only)

*Overview of the National Contribution – introducing the study and drawing out key facts and figures from across all sections of the Focussed Study, with a particular emphasis on elements that will be of relevance to (national) policymakers.*

The aim of the study is to examine and present, whether Slovenia is faced with labour shortages in certain professions (so-called shortage occupations) and to what extent it addresses this problem by encouraging the immigration of workers from third countries.

Information for the preparation of the study was obtained from the analysis of the relevant legislation, a review and analysis of several key policy documents and regulations, studying the relevant scientific literature, and media publications, and through personal contacts with the competent persons at the Ministry of Labour, Family, Social Affairs and Equal options, the Statistical Office of the Republic of Slovenia, the Employment Service of Slovenia and with the cooperation of the Ministry of Interior.

The study was carried out and completed in a transitional period when the Employment and Work of Aliens Act<sup>1</sup> was still valid, according to which a residence permit was bound to the work permit. During the preparation of the study a new law was adopted - the Employment, Self-employment and Work of Aliens Act<sup>2</sup> – which in accordance with the European Directive 2011/98/EU<sup>3</sup> introduces a single permit to reside and work. The new law will enter into force in September 2015. Even before the adoption of this law, amendments to the Aliens Act<sup>4</sup> were adopted in April 2014, which laid the basis for legislative and systemic issuing of the single permit.

Key highlights of the study can be summarized as follows:

1. The key strategic document of the Republic of Slovenia that deals with labour immigration is The Strategy of Economic Migration for the Period from 2010 to 2020. In this document the immigration is regarded as one of the possible instruments to tackle the problem of labour shortages and certain professions in Slovenia.
2. The Strategy of Economic Migration for the Period from 2010 to 2020 is primarily focused on attracting highly skilled migrant workers and partly also touches upon the problem of the lack of low-skilled and skilled workforce, which is mostly a problem that the Slovenian companies are facing at the moment.
3. Since 2011, Slovenia uses the instrument of labour market tests in the employment of foreigners from third countries. A work permit for the employment of a third country national is granted only if there are no adequate domestic unemployed persons in the records of the Employment Service of the Republic of Slovenia or persons who in respect of employment have rights equal to citizens of the Republic of Slovenia.
4. In Slovenia shortage occupations are defined as occupations for which there is a deficiency of workers in the labour market according to the needs and demands of the employers.

<sup>1</sup> Employment and Work of Aliens Act (ZZDT-1). Uradni list RS, no. 26/11, 21/13 – ZUTD-A and 100/13 – ZUTD-C.

<sup>2</sup> Employment, Self-employment and Work of Aliens Act (ZZSDT). Uradni list RS, no. 47/1.

<sup>3</sup> Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State.

<sup>4</sup> Aliens Act (ZTuj-2). Uradni list RS, no. 50/2011, 57/2011, 26/2014, 45/2014-UPB1, 90/2014, 19/2015.

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5. The Slovenian legislation provides for the possibility that in cases of shortage occupations and professions, measures may be adopted to facilitate the procedures for issuing work permits to nationals of third countries for the purpose of employment in these occupations. Currently such facilitated procedures are not in force.
6. The Strategy of Economic Migration for the Period from 2010 to 2020 provides for the development and establishment of a mechanism for accurate and efficient analysis of labour shortages and for the examination and development of a monitoring system for temporary labour shortages by economic activities and timeframe. Slovenia is currently in the process of setting up such a mechanism and control system. In 2014 and 2015 collecting information about the needs of employers and the labour shortages in Slovenia was financed through a project, which was concluded in June 2015.
7. In the economic sphere in Slovenia the need for low and medium-skilled workers prevails.
8. The problem of shortage occupations in Slovenia is mainly addressed through employment policy, education and scholarships policy, rather than through a policy of labour migration.

## [Executive Summary \(Synthesis Report\)](#)

### *Synthesis Report (up to three pages)*

*Executive Summary of Synthesis Report: this will form the basis of an EMN Inform, which will have EU and National policymakers as its main target audience.*

The only strategic document that deals with labour migration in Slovenia is *The Strategy of Economic Migration for the Period from 2010 to 2020*. The strategy is primarily focused on attracting highly skilled migrant workers, although it also touches upon the problem of the lack of low-skilled and skilled labour, which is likewise a problem that Slovene companies are facing. The vast majority that appear on the lists of shortage occupations and selected posts occupied by third-country nationals are only low-skilled jobs.

The residence permit for foreigners who want to come to Slovenia for employment or work is linked to obtaining a work permit. In certain cases, the issuing of work permits can be mitigated for activities or professions that are lacking in the country, but currently no such list exists. Due to the deteriorating economic situation in the country since 2009 the conditions of employment of third-country nationals have been exacerbated. Until then it was possible to employ foreign nationals without labour market control for occupations in shortage. Since 2009 for each application for authorization of the work permit for a third-country national the Employment Service of Slovenia (ESS) has to check if its records include appropriate domestic workers or workers from other EU or EEC countries that have equal status, who have priority over third-country nationals.

The instrument of quota of work permits for foreigners, which was determined annually, has been in use in Slovenia from the period after the country has joined the EU in 2004 and up to the year 2010 to manage labour migration from third countries. As a result of rising unemployment and economic crisis in the country, this instrument has not been applied since 2011. The vast majority of work permits for third-country nationals was granted to foreigners from the former Yugoslav republics. Since the adoption of the new Employment and Work of Aliens Act (2011), Slovenia uses only the instrument of the labour market tests, despite the fact that the possibility of the use of the quotas continues to be available. A work permit to a third-country national is granted only when there are no adequate domestic unemployed persons (or persons who are in respect of employment rights equal to the citizens of the Republic of Slovenia) in the records of the ESS.

Immigration is mentioned both within *The Strategy of Economic Migration for the Period from 2010 to 2020* as in the draft *Development Strategy of Slovenia 2014–2020* as one option for solving the problem of labour shortage and the lack of some professions and skills in Slovenia. Despite this, since the beginning of the economic crisis, the state does not come forward to promoting the immigration of foreigners for the purpose of employment not even in the shortage occupations. According to the latest survey by the ESS only one-fifth of the companies that recorded the lack of adequate staff, sought it abroad - most in the field of transport, storage and construction.

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According to the results of the latest research and to the Strategy of Economic Migration there is an inadequate intersection between the demand for workers and their education in Slovenia. The demand for occupational groups shows a deficit of workers mainly for simple jobs and professions and related trades workers. On the other hand, companies have greater difficulty in finding high and medium-skilled labour, and workers engaged in technical professions. Slovenia has not developed specific strategies to attract these occupational groups. Similar trends of their increasing scarcity are also expected in the future due to demographic changes.

In Slovenia, the shortage occupations are defined as those for which there is not enough staff according to the needs and demand of employers in the labour market. Their definition is contained in the document *Politika štipendiranja [Policy of Scholarship] (2015-2019)* from 2015. The shortage occupations and level of education are not defined on a regional / local level. Exceptions are only listed for the Italian and Hungarian national minority community in ethnically mixed areas of north-eastern and south-western Slovenia.

In order to reduce structural imbalances in the labour market in Slovenia, it would be reasonable in the short term to strengthen the role of active employment policy programs in the field of education and training that have to be more related to the needs of employers. For a more systematic solution it would be necessary to establish a system of monitoring and forecasting demands of employers for skills and knowledge, as the amendments to the Labour Market Regulation Act from 2013 have impoverished this area of the inflow of data that were used to comprehensive monitoring of labour market needs and of assessing shortage of professions.

This problem was temporarily solved with the project *Napovednik Zaposlovanja [Predictor of Employment]* in the period 2014-15, which was implemented by ESS. The project is based on representative surveys among employers to allow short-term forecasting of future labour demand and thus a better balance between supply and demand on the labour market. It therefore shows that the Republic of Slovenia is in principle aware of the problem of the existence of structural imbalances in the labour market and shortage occupations, though this is not associated with the area of (potential) immigration in the official documents. In part, this attitude may be explained by the continuing economic crisis in the country and by a high proportion of local unemployed labour force.

Monitoring of policies in relation to the deficit or demand for labour exists in Slovenia only as a mechanism of checks and reporting on the implementation of the *Strategy of Economic Migration for the Period from 2010 to 2020*. Within this, the competent ministry must report to the government every two years regarding the implementation of the action plan of the Strategy. While the social partners were involved in the actual drafting of this document in 2010, they do not have any role in the implementation of the policies.

From selected occupations listed in Table 1, far the largest number of third-country nationals was employed in the personal care sector in 2014 – i.e. in occupations that do not require high qualifications.

In order to make a quicker and easier break through from the weak economic trends and the associated high unemployment rate, Slovenia should create and begin implementing an action plan for creating jobs and attracting and systematically employing workers that add the highest value to the Slovene economy. In addition to this, the country should also have a constantly ongoing and long-term oriented program to take care of employment of medium and low-qualified workforce, which will be needed due to the trends of aging population. In respect of all this more attention should be paid to the planning and implementation of the economic migration policy, as well as to monitoring the effects of its measures on the labour market in Slovenia.

## Section 1: General overview of the national labour migration policy and recent public and policy debates on labour migration

*This section aims to outline the national migration policy and recent public policy debates on migration. Firstly, it examines whether the **conditions for entry and stay** for third-country nationals provided in national legislation are directly linked to shortage occupations. It further explores the **policy instruments** in place used for managing economic migration (for example quotas, labour market tests, points-based systems, other instruments). Secondly, the section focuses on recent public debated on labour migration especially with regard to debates on how labour migration is planned to be utilised to address labour market shortages. Thirdly, the section looks at the extent to which Member State view immigration as a tool to address labour shortages and the overall role envisaged by policy for migration to address labour shortages.*

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Q1. Please briefly describe how the **national labour migration policy** functions in your (Member) State. (Maximum 1 page)

Q1 (a). Are **conditions for entry and stay** for (categories of) third-country nationals provided in national legislation linked to shortage occupations?

Q1 (b). What are the instruments in place in your Member State for **managing economic migration** (quotas, labour market tests, points-based systems, other instruments) and how are they linked to labour shortages identified (*for example, labour market test is not applied for third-country nationals applying for jobs listed in lists of shortage occupations*)

Q1. (c) To what extent does your Member State view immigration as a tool to address labour shortages? What overall role for migration to address labour shortages is envisaged by policy in your Member State?

The key and at the same time the only strategic document that deals with labour migration in Slovenia is The Strategy of Economic Migration for the Period from 2010 to 2020. The strategy is primarily focused on attracting highly skilled migrant workers, although it also touches upon the problem of the lack of low-skilled and skilled workforce, which is also a problem that the Slovenian companies are facing.

a) The residence permit for foreigners who want to come to Slovenia for employment or work purposes is linked to obtaining a work permit.<sup>5</sup> Issuing work permits may in certain cases, specified by the Minister of Labour, be easier in the case of shortage occupations and professions. However, currently a list of shortage occupations and professions, for which issuing work permits would be easier, does not exist.

Before 2009, employers who wanted to hire a foreigner (a third country national) with a profession that was in the list of shortage occupations and professions in Slovenia, were able to obtain a work permit without labour market control. This was defined by the Rules on Procedures and Evidence Relating to Decisions on Issuing Work Permits (Uradni list RS, no. 120/05, 70/06 and 37/08). In March 2009, due to the deteriorating situation on the labour market and rising unemployment in the country, the Minister of Labour, Family and Social Affairs, by amending the Rules on Work Permits, on Registration and De-Registration of Work and on the Supervision of the Employment and Work of Aliens, abolished the issuing of work permits without labour market test for shortage occupations. In accordance with this the Employment Service of Slovenia for any application for a work permit must verify whether there are any adequate domestic workers in the records of unemployed persons or workers who with regard to employment rights equal the citizens of the Republic of Slovenia. In the event that there are relevant domestic workers in the records of the unemployed, the application for a work permit is denied (Government Communication Office, 2009: 8-9).

b) Until recently the instrument of quotas was in use for the management of labour migration in Slovenia. The basis for this has been the Law on Employment and Work of Foreigners (ZZDT), which stipulates in Article 5 that ".../ annual quota may not exceed 5% of the active population of the Republic of Slovenia / ...". In 2004 the quota was introduced for the first time, following the country's entry into the EU. A greater influx of foreign labour from other EU Member States was expected resulting in Slovenia wanted to restrict the employment of workers from third countries (Pirc, 2007: 465). The annual quota was set by the government in accordance with the migration policy and taking into account the situation on the labour market. It was proposed by the Minister responsible for Labour, following a prior opinion of the competent chambers and representative trade unions at the national level (ZZDT Uradni list RS, no. 76/07). With this instrument the Slovenian immigration policy mainly focused on the cyclical deficits for unskilled labour, although at the same time also the need for highly skilled foreign workers occurred (Medved, 2010: 10).

In times of economic growth Slovenia increased the quota of work permits every year, sometimes under

<sup>5</sup> In accordance with the provisions of the new Aliens Act, which will enter into force on 1 September 2015, the alien will in the future be able to obtain a single permit for residence and work (Art 37 of the Aliens Act) or single permit for the purposes of working as a self-employed person (Art. 37b of the Aliens Act).

pressure from employers even in the middle of the year (Medved, 2010: 2, 10). The last time the quota was set in 2010 by Regulation laying down work permit quota for 2010 to limit the number of foreigners in the labour market (Uradni list RS, no. 8/10). Due to the economic crisis and the increase in the number of unemployed in the country the number of available work permits for the year 2010 halved compared to the previous year (Decree Laying Down Work Permit Quota for 2009 to Limit the Number of Aliens on Labour Market, Uradni list RS, no 8/09). The vast majority of the work permits in this and previous years were allocated to third-country nationals from the former Yugoslavia. This group of foreigners, except for those from the Republic of Kosovo, has also been specifically highlighted in two regulations which stipulated that 95% of the remainder of the unused work permits in 2009 and 2010 were to be allocated to foreigners from these countries (the Regulation on Restrictions and the Prohibition of Employment and Work of Foreigners, Uradni list RS, no. 44/09 and 8/10). In 2011, a new Employment and Work of Aliens Act (ZZDT-1) was adopted, which in Article 54 states that the Government can set quotas for work permits, but since the introduction of this new law the Slovene government has only been using the instrument of labour market tests. The last Regulation on quotas of work permits<sup>6</sup> was issued in 2010, whereby quotas were set by type of work permits and not by occupation or type of activity. Since then, the instrument of quotas has not been used to limit work permits for foreigners in Slovenia, even though it is an option provided for in the law.

The Employment, Self-employment and Work of Aliens Act (ZZSDT) was passed at the end of June 2015, and will enter into force on 1 September 2015. This law harmonizes the regulations in the area of employment and work of foreigners in the Republic of Slovenia with the provisions of the Aliens Act relating to the introduction of the single permit to reside and work (ZTuj-2).

Slovene legislation provides for the following instruments for the regulation of employment and work of foreigners in the Republic of Slovenia:

#### 1. Quota of work permits

##### ZZDZ in Art. 54 states:

(1) Depending on the status and future trends in the labour market, the Government may, in accordance with the migration policy annually determine the quota of work permits (hereinafter the quota), which limit the number of foreigners in the labour market.

(2) The quota is proposed by the Minister responsible for Labour, subject to the prior opinion of the Economic and Social Council.

(3) The Government may use the work permit quota to limit the issuance of work permits for individual or for all forms of employment and work of foreigners, who do not have a residence permit in the Republic of Slovenia, except for foreigners, who are employed or carry out work on the basis of international treaties which bind the Republic of Slovenia.

(4) Besides a quota the Government may also establish restrictions on the number of self-employed foreigners as well as restrictions and prohibitions of employment and work of foreigners across regions, sectors, companies and professions, as well as restrict or prohibit the influx of new foreign workers in general or from certain regions, when this is justified on grounds of public order, public security or public health, general economic interests or situation and anticipated trends in the labour market.

(5) In the case of international calls, which are issued by state authorities, the government can decide that work permits may be issued outside the quota or without the labour market tests.

Similar provisions are also present in the new Employment, Self-employment and Work of Aliens Act (ZZSDT), but reasonably adapted to the transition to the single permit to reside and work. Compared with the previous law, there are now only differently formulated paragraphs 1 and 3 of the Article 41 of ZZSDT which deals with the quota. They now read as follows:

(1) Depending on the status and future trends in the labor market, the Government may annually determine the quota approvals to issue a single permit and quota permits for seasonal work, which limit the number of foreigners in the labor market.

<sup>6</sup> Decree Laying down Work Permit Quota for 2010 to Limit the Number of Aliens on Labour Market (Uradni list RS, no. 8/10).

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(3) The Government may by quota limit employment and work of foreigners, who have not yet acquired the right to reside in the Republic of Slovenia.

## 2. Labour market test

Labour market test is currently mandatory in Slovenia for all professions and jobs for which employers submit an application for issuance of a work permit for employment of a foreigner. A work permit for the employment of a third country national is granted only if there are no adequate domestic unemployed persons in the records of the Employment Service of the Republic of Slovenia (or persons who in respect of employment have rights equal to citizens of the Republic of Slovenia) (ZZDT-1, Art. 27, paragraph 1). Similarly, the new Employment, Self-employment and Work of Aliens Act (ZZSDT, Art. 17) stipulates that at the request of the administrative unit in the procedure for issuing a single permit for purposes of employment, the Employment Service of Slovenia gives its consent to the single permit, provided that there is no suitable unemployed person in the records of the unemployed.

The minister responsible for labour may determine cases where the employment of a third country national due to the nature of the work is not tied to the labour market and the work permit is issued without the labour market test. Such an example may include foreigners with professions that are missing in the Slovenian labour market, foreigners with professions that cannot be obtained through education or training in the Republic of Slovenia, scientists, lecturers, foreigners with higher education, staff in diplomatic missions, which has no privileged status, etc. (ZZDT-1, Art. 29). The Minister responsible for labour, on the grounds that the employment of aliens will not adversely affect the labour market, taking into account the unemployment situation, employment structure and regional needs of job creation in the context of individual sectors of economy, with the consent of the minister responsible for these sectors of economy (under the new law (ZZSDT Art. 17, 7 pt.) the minister responsible for labor, has to obtain the consent of the social partners), determines activities or professions in each of the regional offices of the Employment Service, for which work permits can be issued without the labour market test (ZZDT-1, Art. 29).

- c) In the key strategic document on economic migration - The Strategy of Economic Migration for the Period from 2010 to 2020 - immigration is regarded as one of the possible instruments to tackle the problem of labour shortages and certain professions in Slovenia. The Strategy (2010: 63-64) foresees among guidelines to "promote migration for purposes of employment and work, to reduce disparities in the labour market and strengthen human resources." This should be directed to:
1. Promoting immigration and the increase in the number of highly skilled workers according to labour market demand and the expected workforce shortages in the medium term (the envisaged measure: design and establishment of a mechanism for precise analysis of the needs for highly skilled workers);
  2. The establishment of an effective system of providing an adequate number of suitable temporary workforce (with an emphasis on low and medium skilled labour) which is needed according to the situation on the domestic labour market, based on a partnership dialogue and bilateral cooperation with selected third countries of origin (the measures envisaged: development and establishment of a mechanism for accurate and efficient analysis of labour shortages; examination and development of a monitoring system for temporary labour shortages by economic activities and timeframe; determination of responsibilities between the State and the social partners regarding the number of labour migrants, etc.; the conclusion of partnership dialogue and bilateral agreements with interested third countries of origin).

As a measure to achieve both of these orientations the Strategy also envisages exploring the possibility of reliefs or to determine more favourable conditions for specific categories of migrants.

In the framework of Slovenia's Development Strategy 2014-2020 (draft, 2013: 13), it is also mentioned among other things that the country has the purpose to increase "labour market supply with migration" in order to achieve or succeed in the priority area of *knowledge and employment*.

In practice, however - particularly after the onset of the economic crisis in 2009 - there is no encouraging of immigration of foreigners for the purpose of employment, neither in the shortage occupations. Slovene politics try to solve the problems, arising from inconsistencies between the lack of workers in certain occupations on the one hand, and the large number of unemployed on the other hand, with various

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programs of active employment policy (e.g. through training programs, which are prepared in cooperation between employers and the Employment Service and respond to the needs of the labour market – i.e. shortage occupations and knowledge; the programs of formal and non-formal adult education, etc.). In addition, the state invests in promoting the entry of young people into training programs for shortage occupations with various projects, such as *This will be my profession, Differently about the professions* and the *Career guidance*, aimed at the promotion of shortage occupations. The government has also introduced a system of scholarships for shortage occupations (Scholarship Act). Employers respond differently to the lack of appropriate staff. Nearly half of the companies surveyed in the project "Predictor of employment" (*Napovednik zaposlovanja*) responded to the question, what they do in such cases, that they are extending the recruitment procedures. Over a third of them have not employed anyone, while a fifth of them sought workers abroad or changed, expanded or moderated conditions regarding education, experience and other skills. The highest share of searches of workers abroad is in transportation and storage sector and in construction (ESS, 2015: 5).

Q2. Please briefly describe any recent public and policy debates in the area of labour migration, especially with regard to debates on how labour migration is planned to be utilised to address labour market shortages. (Maximum 0, 5 pages)

The Strategy of Economic Migration for the Period from 2010 to 2020 states that in view of the demographic change it can be expected that in the future the trend of the demand for low and medium-skilled labor will increase, and the shortage of highly skilled labor will become an increasingly pressing problem. Given the similar challenges facing the entire territory of the EU, it is necessary to develop a strategy to acquire high-quality human resources. Such a strategy must be based on flexible policies designed to encourage immigration, especially of highly qualified labor force, which is necessary to develop or enhance a wide spectrum of sectors (labor and employment, residence, economy, education and training, finance), and in particular must reflect promotion of Slovenia as a country that provides a high degree of economic freedom and numerous possibilities for work, employment and education, but also provides legal and social security and a comfortable environment for family and social life (The Strategy of Economic Migration for the Period from 2010 to 2020, 2010: 42–43).

## Section 2: Overview of instruments used for identifying current and future labour and skills shortages and for anticipating the need for labour migration

*This section aims to examine the existing instruments and approaches used in (Member) States to identify current and future labour and skills shortages and the anticipated need for migration labour. Firstly, it examines how labour shortages are defined and classified at national level (Q3) as well as whether there are any distinctions made among different types of shortages (Q4). Secondly, this section provides an overview of existing instruments and tools used in (Member) States to identify labour shortages and the need for migration labour to fill shortages in the labour market (Q5). The section explores the role and involvement of social partners and other national stakeholders (Q6). Finally, it aims to collect a summary of the results/findings of the identified instruments.*

### Q3. Definition and classification of labour shortages

Q3.(a) How are labour shortages **defined, identified and classified** in your Member State?

Q3.(b) What is the **level of analysis** (e.g. by sectors, by occupations or by qualifications or skill levels)?

Q3.(c) Are classifications of shortages defined in legislation or soft law (e.g. circulars, regulations, policy documents)? If yes, please describe and provide examples for each of the classifications.

Q3.(d) To which extent the level of analysis includes region/local level?

- a) Shortage occupations are occupations for which there is a deficiency of workers in the labour market according to the needs and demands of the employers (MDDSZ, 2015: 10).

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- b) The Strategy of Economic Migration for the Period from 2010 to 2020 (2010: 63) provides for the development and establishment of a mechanism for accurate and efficient analysis of labour shortages and for the examination and development of a monitoring system for temporary labour shortages by economic activities and timeframe.
- c) The definition of shortage occupations is contained in a document entitled "Policy of scholarship (2015-2019)", adopted by the Government of the Republic of Slovenia on 4 June 2015. This document identifies the following deficient areas and levels of education (MDDSZ, 2015: 12-13):

Table A: Deficient areas and levels of education

<b>Secondary vocational education</b>		
2	Arts and humanities	
213	Audio-visual techniques and media production	
2131	Printing, bookbinding, publishing	graphic operator
215	Handicrafts	
2152	Goldsmith and jewellery	goldsmith
2155	Stonecutting	stonecutter
4	Natural sciences, mathematics and statistics	
481	Information and Communication Technologies (ICTs)	
4819	Computer sciences (other)	IT operative
5	Engineering, manufacturing and construction	
520	Engineering and engineering trades	
5200	Engineering and engineering trades	mechatronic operator
521	Mechanics and metal trades	
5210	Mechanics and metal trades	metal construction producer
5212	Tool-making	metal designer / toolmaker
522	Electricity and energy	
5220	Electricity and energy	electrician
525	Motor vehicles, ships and aircraft	
5251	Manufacturing, maintenance and repair of motor vehicles	carbody maker car repairer
541	Food processing	
5413	Bakery and confectionery	baker confectioner
5414	Butchery	butcher
543	Materials (glass, paper, plastic and wood)	
5431	Wood processing	joiner
582	Construction	
5820	Construction	mason plumber-tiler

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5822	Operative construction	lightweight construction maker
5825	Final conclusions works in construction	House painter and decorator Stove-maker
6	Agriculture, forestry, fisheries and veterinary	
6231	Forestry	forester
8	Services	
8110	Hotel, restaurants and catering	gastronomic and hotel services
814	Domestic services	
8145	Chimney sweeping	chimney sweep
<b>Secondary professional education</b>		
2	Arts and humanities	
213	Audio-visual techniques and media production	
2131	Printing, bookbinding, publishing	graphic technician
4	Natural sciences, mathematics and statistics	
481	Information and Communication Technologies (ICTs)	
4819	Information and Communication Technologies (other)	IT technician
5	Engineering, manufacturing and construction	
520	Engineering and engineering trades	
5200	Engineering and engineering trades	mechatronics technician
521	Mechanics and metal trades	
5211	Mechanics	mechanical technician
522	Electricity and energy	
5221	Electricity	electro technician
524	Chemical engineering and processes	
5241	Chemical engineering	chemical technician
543	Materials (glass, paper, plastic and wood)	
5431	Wood processing	wood processing technician
5434	Glass and porcelain making	glazier technician
582	Construction	
5820	Construction	construction technician
6	Agriculture, forestry, fisheries and veterinary	
6231	Forestry	forestry technician
8	Services	
8110	Hotel, restaurants and catering	gastronomy and tourism

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8521	Environmental protection	Environmental protection technician
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- d) The analysis of deficient areas and levels of education does not include regional / local level, however, it does include a special list of deficient areas and levels of education for two national minority communities in Slovenia – the Italian and Hungarian - in ethnically mixed areas in the northeast and southwest of the country. In accordance with paragraph 3 of Article 30 of the Law on scholarship this list is provided for by the self-governing national communities themselves.

Samoupravna narodna skupnost italijanske narodne skupnosti:

Vocational technical education		
3	Social sciences, business and law	
314	Economics	
3400	Economics	economic technician

Samoupravna narodna skupnost madžarske narodne skupnosti:

Secondary vocational education		
5	Engineering, manufacturing and construction	
520	Economics	
5200	Economics	economic technician
Secondary professional education		
5	Engineering, manufacturing and construction	
521	Mechanics and metal trades	
5211	Mechanics	mechanical technician
524	Chemical engineering and processes	
5241	Chemical engineering	chemical technician

Q4. Do any distinctions between different types of labour shortages exist in your Member States, such as for example:

- **short-term** (current) shortages and **longer-term** (projected) shortages; or
- **cyclical** shortages (shortages occurring due to short-term imbalances in the supply and demand in the labour market and/or by providing incentives to the labour force) and **structural** shortages (which are due to changes, such as the adoption of new technologies, may increase the demand for certain skills that are not immediately available in the labour market, creating skills shortages even when unemployment is high).

If yes, please describe.

The authors of The Strategy of Economic Migration for the Period from 2010 to 2020 note that in Slovenia there is inadequate intersection between the demand for workers and the worker's education. The demand for occupational groups shows a deficit of workers mainly for simple work and professions and related trades workers. On the other hand, companies have greater difficulty in finding high and medium-skilled labour, and workers engaged in technical professions. In the economic sphere the greatest need is for low and medium-skilled workers, followed by the highly skilled migrant workers. It is anticipated that in the future the demand for workers in the construction industry will

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lower, but will remain unchanged or will increase in the processing industry, transport and agriculture. The demand for medium and highly skilled workforce exists in the mechanical engineering and metal processing and electrical (technical) industry, in the field of information and telecommunications technologies, biotechnology, woodworking and construction. In the public sector the demand for health personnel, particularly physicians, stands out (The Strategy of Economic Migration for the Period from 2010 to 2020, 2010: 16).

The Institute of Macroeconomic Analysis and Development (IMAD) in its publication titled "Economic Issues 2013. The Change of Situation and the Labour Market Reform During the Crisis," issued in June 2013 recommends that in order to reduce structural imbalances in the labour market in Slovenia it would make sense in the short term to strengthen the role of Active Employment Policy (AEP) programs in the field of education and training that need to be more related to the needs of employers. For a more systematic solution it would be necessary to establish a system of monitoring and forecasting demands of employers for skills and knowledge. With the introduction of the amendments to the Labour Market Regulation Act, that abolished the mandatory notification of vacancies to the Employment Service, the basis for the system of monitoring the demand for different professional profiles was lost. This system represented an important source of public information on job opportunities for school children, who are choosing further education, and information for the management of education policy and the creation of Active Employment Policy programs (IMAD, 2013: 42). In the above mentioned publication, the IMAD does not provide measures that would aim at tackling the problem of shortage occupations by encouraging immigration.

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Q5. Please complete the table below identifying the instruments/tools in your (Member) State used to identify labour shortages and the need for migration labour. You can list more than one instrument/tool per category.

Instruments and tools used for identifying labour market shortages and the need for migration labour	Is this instrument/tool used in your (Member) State? (Y/N)	Is this instrument used for determining labour migration needs? (Y/N)  If yes, does the instrument: (a) focus exclusively on the identifying the need for migration labour or; (b) it is a tool which aims to identify shortages for the whole workforce (including national/EU) and has a component focusing on migration?	Please briefly describe the respective tool(s) and the methodology(ies) used for anticipating the need for migration labour.	(1) Please describe the level of analysis of the particular instrument/tools (i.e. skills, occupations, sectors, professions, level of qualifications, others).  (2) Is an international (e.g. ISCO-08) or national classification of occupations used?	Which national organisation(s) use this mechanism/tool to produce information on skill shortages?	What is the geographical level of the mechanisms/tools used (e.g. national, regional, municipal)?	Additional comments
<b>Lists of shortage occupations</b>	Y	N	This is a project of Employment Service of Slovenia <i>Predictor of Employment [Napovednik Zaposlovanja]</i> (for the period 2014-15). The project was based on representative surveys among employers to allow short-term forecasting of future labour demand and thus a better balance between supply and demand on the labour market.	The result of the project is the lists of occupations for which individual companies are looking for workers or record the lack of suitable candidates.	Employment Service of Slovenia.	National level.	N
<b>Sector analysis</b>	N	N	N	N	N	N	N

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<b>Employer Surveys</b>	Y	N	This is a project of Employment Service of Slovenia <i>Predictor of Employment [Napovednik Zaposlovanja]</i> (for the period 2014-15). The project was based on representative surveys among employers to allow short-term forecasting of future labour demand and thus a better balance between supply and demand on the labour market.	The result of the project is the lists of occupations for which individual companies are looking for workers or record the lack of suitable candidates.	Employment Service of Slovenia.	National level.	N
<b>Forecasts/foresight analysis</b>	N	N	N	N	N	N	N
<b>Qualitative studies or analysis</b>	N	N	N	N	N	N	N
<b>Other instruments/tools (please describe)</b>	/	/	/	/	/	/	/

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Q6. Concerning **lists of shortage occupations**, please briefly describe:

- The process for developing the shortage occupation lists;
- What are the criteria for selecting the shortage occupations (e.g. advertised vacancies are significantly higher than the qualified national job seekers available)? ;
- Which organisations/institutions play a role in determining lists of shortage occupations?;
- How frequently are the lists of shortage occupations updated?

In the past, the Employment and Insurance Against Unemployment Act (ZZZPB-UPB1, Article 51), which from January 2011 is no longer in force, stipulated that the minister responsible for labour, after consultation with the social partners, regulated in detail the implementation of active employment policy measures, and determined the methodology for the determination of surplus and shortage occupations with an implementing regulation. Methodology for determining surplus and shortage occupations was therefore established in Article 40 of the Regulation on the Implementation of Active Employment Policy Measures (Uradni list RS, no. 5/07). Based on this methodology, the Employment Service of Slovenia (ESS) prepared a list of shortage occupations every year until 2011. Data sources for the preparation of these lists were data on all registered vacancies by occupation and occupational groups, data on unemployed persons by occupations and occupational groups as well as data on work permits issued by occupations in the previous year. The lists were drawn up by regional offices of the ESS and in January each year approved at a joint meeting with the social partners in the regions that were organizationally covered by the ESS regional offices. The regional chambers of commerce and industry and regional chambers of craft and small business also participated at these meetings and confirmed the set of occupations as appropriate for the current year. From the regional data the ESS also prepared a list of shortage occupations at national level.

Labour Market Regulation Act (ZUTD), which in 2010 replaced the Employment and Insurance Against Unemployment Act, no longer provides for a statutory instrument which will define the methodology for determining shortage occupations. Therefore, since 2011, the Employment Service is no longer obliged to publish the annual reviews of those occupations. Nevertheless, the ESS continued to publish lists of deficit and surplus occupations in the information on regional labour markets and on national level until the amendment of the Labour Market Regulation Act (ZUTD-A) in April 2013 abolished compulsory notification of vacancy with the Employment Service for private companies. As a result of this the Employment Service lost an important data source which served in the comprehensive monitoring of the labour market, as well as in identifying the needs of the labour market and in assessing shortage of professions.

In 2014 the Employment Service started a project of short-term forecasting of future demand for workers, which is based on a representative survey among employers. The project is called "Predictor of Employment" (*Napovednik zaposlovanja*) and is being carried out by the Employment Service in collaboration with the Statistical Office (SURS), the Ministry of Labour and employers. The project is co-financed by the European Social Fund, to be implemented from February 2014 until the end of June 2015. The project will put in place a system and methodology of the survey of employers, which will be based on a representative sample and will allow short-term forecasts of employment trends, employment and the difficulties of employers in finding appropriate candidates for employment. The project will thus contribute to better information for job seekers and employers, and better coordination between supply and demand on the labour market and thereby accelerate the transition of the unemployed into employment.

Q7. For each of the instruments and tools used for identifying labour market shortages in Q5, please outline how it is used for policy purposes? Is there a formalised mechanism to disseminate the information produced? (Y/N) If yes, please describe.

No.

Q8. Are any of the tools/mechanisms for identifying labour market shortages identified above (e.g. lists of shortage occupations, employers' needs analysis, surveys, forecasts, etc.) used to determine any of the policy instruments for managing economic migration (e.g. quotas, labour market tests, points-based systems, etc.)? (Yes/No) If yes, please describe.

No, not at the moment.

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Q9. Do any mechanisms or tools to monitor intra-EU mobility of workers filling job vacancies in the national labour market or leaving to work in other Member States exist in your Member State? (Y/N) If yes, please describe.

*If possible, please distinguish between mechanisms or tools to monitor intra-EU mobility with regard to (i) shortage occupations and (ii) other occupations not considered as shortage occupations.*

*Please indicate the national sources of statistics or data on EU citizens working in your Member State.*

Data on employment and mobility of workers who are EU citizens are collected by the Statistical Office of the Republic of Slovenia (SORS).

Q10. Please outline the **role of social partners** (see definition of social partners above) and **other stakeholders** (please identify which stakeholders) in identifying the need for migrant labour? Is there a formalised mechanism to consult/involve social partners in identifying the anticipated need for migrant labour or is their involvement on an ad-hoc basis?

The social partners have played a role in determining the needs of migrant workers through participation in the creation of a central document to regulate this area, the Strategy of Economic Migration for the Period from 2010 to 2020. The strategy was confirmed in 2010 by the Economic and Social Council, a tripartite body of the social partners and the Government of the Republic of Slovenia.<sup>7</sup>

Q11. Q5 in Section 2 examined the types of national instruments used in your Member State to identify labour shortages and the need for migrant workers. Please briefly summarise the results/findings of these instruments for the most recent year(s)

Q12.(a) Please indicate any **challenges and risks** associated with the use of instruments for identifying labour shortages and the need for migration labour in your (Member) State. (based on existing studies/evaluations or information received from competent authorities)

Q12. (b) Are there shortage occupations which are not addressed through labour migration (for example because of political concern, sensitivity of the jobs, etc.). If so, how is this determined?

The instruments for identifying labour shortages in Slovenia are currently being re-established and re-designed. The existing problems of shortage occupations are primarily addressed through the employment, educational and scholarship policies, not labour migration policies.

### Section 3: Monitoring the outcomes of labour migration policy in relation to shortage occupations

*This section examines the tools and mechanisms to monitor the outcomes of labour migration policy in relation to shortage occupations (e.g. workforce analysis, analysis of types of work permits granted, sector analysis, discussions with employers, etc.). It begins with a series of questions on the instruments used. The section also explores the use of these instruments; the role of social partners and other stakeholders and any challenges and risks associated with their use.*

<sup>7</sup> Source: e-communication with a representative from Ministry of Labour, Family, Social Affairs and Equal Opportunities, 4 June 2015.

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Q13. Are the outcomes of labour migration policies in relation to shortage occupations monitored in your (Member) State? If yes, please describe:

- (a) What are the monitoring mechanisms (e.g. workforce analysis, analysis of types and number of work permits granted, sectoral analysis, discussions with employers, etc.)? Is there a formal mechanism(s) to monitor the effects of migration on the labour market in your (Member) State or is this done on an ad-hoc basis?
- (b) At what level are labour migration policy outcomes monitored (e.g. workforce, sectors, skill levels, occupations)?
- (c) Which organisations carry out such monitoring? For example, are these produced by national agencies; academics; NGOs?
- (d) Is the monitoring laid out in legislation or soft law (e.g. circulars, policy documents)?

- a) Among the objectives of the interdepartmental working group for the preparation of measures to implement the Strategy of Economic Migration from 2010 to 2020 in RS, the Strategy (2010: 61) provides the following:
- monitoring and interpretation of statistical indicators of employment of migrant workers in the Slovene labour market and the preparation of analyzes of labour market needs in the context of the employment of migrant workers in Slovenia,
  - monitoring of implementing this strategy, getting feedback, analysis of results and reporting to Economic and Social Council, the Government, and if necessary the National Assembly.

There is a mechanism of checks and reporting of the implementation of the Strategy of Economic Migration itself, under which the competent Ministry i.e. Ministry of Labour, Family, Social Affairs and Equal Opportunities must report every two years to the Government regarding the implementation of the action plan of the Strategy.<sup>8</sup>

There is no specific mechanism in place to monitor the effects of economic migration policies in relation to shortage occupations in Slovenia.

Q14. For each of the instruments and tools used for monitoring the outcomes of labour migration policy in relation to shortage occupations in Q13a, please outline how it is used? Are there formalised mechanisms to disseminate the results of each monitoring mechanism listed in Q13(a)? (Y/N) If yes, please describe

No.

Q15. Please outline the **role of social partners** (including organised representatives of employers and employees) and **other stakeholders** in monitoring the effects of labour migration on the labour market? Is there a formalised mechanism to consult/involve social partners or is their involvement on an ad-hoc basis?

There are no formalised mechanisms to involve social partners and other stakeholders in monitoring the effects of labour migration on the labour market in Slovenia.<sup>9</sup>

Q16. Please indicate any **challenges** associated with monitoring the outcomes of labour migration policy in relation to shortage occupations in your (Member) State or the impact of labour migration on the labour market at large (based on existing studies/evaluations or information received from competent authorities)

<sup>8</sup> Source: e-communication with a representative from Ministry of Labour, Family, Social Affairs and Equal Opportunities, 4 June 2015.

<sup>9</sup> Source: e-communication with a representative from Ministry of Labour, Family, Social Affairs and Equal Opportunities, 4 June 2015.

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*Determining labour shortages and the need for labour migration from third countries***Statistical Annex****A1. Workers employed by selected occupations and estimated unfilled vacancies (statistics for the latest available year)**

Member States are requested to also provide statistics on a number of pre-selected occupations. The occupations in the table below are selected on the basis of the occupations that most frequently feature in (Member) States' shortage lists identified in the recent EMN Inform "Approaches and tools used by Member States to identify labour market needs". This section of the Statistical Annex is also aimed at collecting statistics on intra-EU mobility in terms of filling in shortage occupations.

If statistics are available based on ISCO-08, please provide the statistic based on the ISCO-08 number in brackets.

If statistics are not available based on ISCO-08, please provide the **national equivalent** available.

If your Member State has not yet adopted ISCO-08, but can provide ISCO-88 statistics, please provide the ISCO-88 statistics where statistics is available for the categories and sub-categories below.

**Table 1: Workers employed by specific occupations and estimated unfilled vacancies (31 December 2014).<sup>10</sup>**

Specific occupations	Total employment			Employment of EU-nationals from other Member States			Employment of third-country nationals			Number of residence permits issued to third-country nationals for specific occupations			Number of unfilled vacancies	Comments
	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total (2013) <sup>11</sup>		
<b>Health Professional (22)</b>	4852	15848	20700	95	166	261	125	253	378	NA	NA	NA	NA	/
<i>Of which: Medical doctors (221)</i>	2163	3639	5802	53	77	130	89	176	265	NA	NA	NA	NA	/
<i>Of which: Nursing and Midwifery Professionals (222)</i>	753	6374	7127	3	17	20	2	10	12	NA	NA	NA	NA	/
<b>Personal care workers (53)</b>	941	6178	7119	2	21	23	13	39	52	NA	NA	NA	NA	/
<i>Of which: Child Care Workers (5311)</i>	71	811	882	1	4	4	0	0	0	NA	NA	NA	NA	/
<i>Of which: Health Care Assistants (5321)</i>	387	2872	3259	0	9	9	8	27	35	NA	NA	NA	NA	/

<sup>10</sup> The data are based on ISCO-08.

<sup>11</sup> Slovene Human Resources Development and Scholarship Fund, 2014: 18–19.

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<b>Of which: Home-based Personal Care Workers (5322)</b>	96	1147	1243	1	3	4	1	6	7	NA	NA	NA	NA	/
<b>Personal Services Workers (51)</b>	14413	22752	37165	217	324	541	813	722	1535	NA	NA	NA	NA	/
<b>Of which: Cooks (5120)</b>	3889	5429	9318	91	57	148	460	171	631	NA	NA	258	NA	/
<b>Of which: Waiters (5131)</b>	4628	8944	13572	88	162	250	218	270	488	NA	NA		NA	/
<b>Of which: Cleaning and Housekeep services in offices, hotels and other establishments (5151)</b>	525	533	1058	3	7	10	10	9	19	NA	NA	78	NA	/
<b>Of which: Domestic Housekeepers (5152)</b>	17	195	212	8	0	8	1	14	15	NA	NA	NA	NA	/
<b>Skilled Agricultural, Forestry and Fishery Workers (6)</b>	24444	8040	32484	43	10	53	202	13	215	NA	NA	NA	NA	/
<b>Of which: Field Crop and Vegetable Growers (6111)</b>	1833	544	2377	0	1	1	4	1	5	NA	NA	NA	NA	/
<b>Of which: Gardeners; Horticultural and Nursery Growers (6113)</b>	813	708	1521	4	2	6	14	2	16	NA	NA	NA	NA	/
<b>Of which: Livestock and Dairy Producers (6121)</b>	5360	1486	6846	1	0	1	13	2	15	NA	NA	NA	NA	/
<b>Information and Communications Technology Professionals (25)</b>	9592	1911	11503	110	22	132	98	30	128	NA	NA	NA	NA	/
<b>Of which: Software and Applications Developers and Analysts (251)</b>	8132	1335	9467	93	16	109	84	25	109	NA	NA	NA	NA	/
<b>Of which: Database and Network Professionals (252)</b>	1460	576	2036	17	6	23	14	5	19	NA	NA	NA	NA	/
<b>Teaching professionals (23)</b>	8519	37658	46177	122	147	269	42	76	118	NA	NA	NA	NA	/
<b>Engineering Professionals (excluding Electro-technology) (214)</b>	10189	2575	12764	110	10	120	72	19	91	NA	NA	NA	NA	/
<b>Architects, Planners, Surveyors and Designers (216)</b>	2492	2295	4787	32	16	48	19	6	25	NA	NA	NA	NA	/
<b>Accountants (2411)</b>	672	3527	4199	5	11	16	5	6	11	NA	NA	NA	NA	/

Source: Data provided by Statistical Office of the Republic of Slovenia, 5 June 2015.

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A2. Top 15 professions included in lists of shortage occupations (statistics for the latest available year)

This part of the Statistical Annex aims to collect data on the occupations included in lists of shortage occupations and any estimations of unfilled vacancies.

If there are several regional lists of shortage occupations instead of a national list, please fill in the table below providing data for each region. You can create new tables below per region. Alternatively, you can use the box provided below to provide a descriptive overview and any available data.

If statistics is available based on ISCO-08, please provide the statistic based on the ISCO-08 number in brackets.

If statistics are not available based on ISCO-08, please provide the **national equivalent** available.

**Table 2: Statistics on lists of shortage occupations**

ISCO-08 (4 digit level)				Equivalent national classification of occupations			
Occupation included in the list of shortage occupations	Is there a specified number of vacancies to be filled with labour migrants from <u>third-countries</u> ? (Y/N) If yes, please provide the number	Are there any special conditions for <u>migrants from third-countries</u> applying for shortage occupations? (Y/N) If yes, please describe. <i>Please describe conditions which are targeted to TCNs as well as other conditions that may affect TCNs' employment (for example, some professions may be regulated and may concern only MS nationals)</i>	Source and additional information	Occupation included in the list of shortage occupations	Is there a specified number of vacancies to be filled with labour migrants from third-countries? (Y/N) If yes, please provide the number	Are there any conditions that <u>migrants from third-countries</u> need to fulfil when applying for shortage occupations? (Y/N) If yes, please describe. <i>Please describe conditions which are targeted to TCNs as well as other conditions that may affect TCNs' employment (for example, some professions may be regulated and may concern only MS nationals)</i>	Source and additional information
1				Drivers of heavy lorries and Tractor units	No	No	ESS (2015)
2				Welders	No	No	ESS (2015)
3				Toolmakers	No	No	ESS (2015)
4				Wood turners	No	No	ESS (2015)
5				Electricians	No	No	ESS (2015)
6				Cooks	No	No	ESS (2015)

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7					Masons	No	No	ESS (2015)
8					Waiters	No	No	ESS (2015)
9					Butchers	No	No	ESS (2015)
10					Carpenters	No	No	ESS (2015)
11					Bakers	No	No	ESS (2015)
12					Mechanical engineering technician	No	No	ESS (2015)
13					Insulation workers	No	No	ESS (2015)
14					Electro mechanics	No	No	ESS (2015)
15					Compilers and assemblers of metal constructions	No	No	ESS (2015)

*Please provide any additional statistics or information regarding the national/regional lists of shortage occupations (Maximum 1 page)*

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