



## NEWS REPORT

**Update of flash report nr:** 7 (of 9 September 2008), 8 (of 13 October 2008) and 20 (of 15 July 2009)

**Date:** 6 January 2010

**Expert:** Neža Kogovšek

**Title:** Inspection Finds Another Breach of Law in Nomination of Equality Body

**Country:** Slovenia

### Context

**Issue at stake:** Inspector for the System of Public Servants found that the candidate who was nominated as the Advocate of the Principle of Equality (Slovenian Equality Body) did not meet the employment conditions set by law.

**Ground of discrimination:** all grounds

**Source:** Decision of the Inspectorate for the system of public servants No. 0611-26/2009/9 of 19 November 2009

**Field:** other

**Legislative provisions:** Paragraph 4 of Article 11.a of the Act Implementing the Principle of Equal Treatment

### Content

**Case:** The Advocate of the Principle of Equality is a Slovenian Equality Body authorized to hear complaints on any ground of discrimination. An advertisement inviting the interested candidates to apply for the position, published on 1 August 2008, specified conditions required for the position. From 22 candidates that had applied for the position, Mr. Domen Zupan was selected. One of the non-selected candidates filed a complaint to the Inspectorate for the System of Public Servants alleging that the selected candidate did not meet the required conditions.

**Decision of the Inspectorate:** The Inspectorate found that the selected candidate did not meet two of the conditions, which required the candidate to hold a university degree in social or humanistic sciences and at least three years of work experience in the area of equal treatment or human rights. Irregularities were also found in publication of the advertisement since the advertisement specified different conditions for the candidates from those specified in the systemization of employment positions. According to the provision of Article 74 of the Public Servants Act, which requires that the employment contract concluded with a public servant that does not meet the conditions for the position has to be annulled, the Inspectorate concluded that, accordingly, the found irregularities have to result in

the annulment of the employment contract of the Advocate of the Principle of Equality. In the decision the Inspectorate recommended Ms. Majda Pučnik Rudl, the director of the Government Office for Equal Opportunities, where the Advocate is working, to annul the employment contract and to carry out a new nomination procedure in accordance with the law. The Director did not agree with the decision and filed a complaint to the Minister of Public Administration, a legal remedy provided in such cases, which, however, does not have a suspensive effect.