

Brussels, 7 June 2022

To Whom It May Concern:

The European Federation of Salaried Doctors (FEMS) has received a request to support FIDES in the matter of excluding Slovenian medical doctors and dentists from the unified public sector salaries system.

The request

In its request, FIDES states that Slovenia has a uniform salaries system for all employees in public facilities, including president of state, members of parliament, prime minister and other ministers, judges, doctors, teachers, and every other single post in the public sector. All public servants are categorized into formally 65 ranks, separated by appr. 4% difference in basic salary, with the last 8 ranks reserved for highest politicians and managers. Among the remaining 57 ranks, the lowest 24 of them are de-facto non-existent because they are positioned under the minimum statutory salary and are therefore automatically assigned the minimum salary. All other public servants are congested into the remaining 33 ranks, so the ratio between the highest ranked non-political non-managerial public positions and the lowest salary before taxes is 3,69:1. After taxes, the ratio is 3,20:1.

According to the FIDES request, the uniform salaries system is not an appropriate legal framework for the salaries of doctors and dentists and it does not ensure an efficient and accessible public health system for several reasons. It has led to a situation where FIDES as a doctors' union cannot negotiate freely. Formally, a law on exclusion of doctors from the uniform salaries system should be passed. But the procedure is complicated because, according to a recent Constitutional Court decision, prior and usually long-lasting consultations with all public sector unions are needed and even an adopted law can be subject to a referendum whose results are not expected to be in doctors' favour.

Analysis

FEMS has performed a short analysis of salaries systems in several European countries with the following findings:

- in the countries where hospitals are considered equal to private employers (especially Bismarck-type healthcare systems), the principle of a free bargaining is customary and the resulting collective agreements for doctors are usually separated from those for other healthcare professionals;
- in the countries where healthcare facilities are state-owned and financed by public funds, there are prevalently two approaches:
 - ! the principle of a free bargaining which typically results in separate collective agreements for doctors, or
 - ! a partially restricted bargaining process by statute, but usually with a bargaining autonomy of doctors' unions from the unions which represent other healthcare professionals;
- there are examples where doctors' salaries are defined by law, but they usually apply only to the doctors employed in facilities which are directly run by governments.



FEMS recalls some of its previous statements in similar matters:

- in the case of Romania, FEMS successfully supported the motion of Romanian doctors to have the possibility to bargain separately from other healthcare professionals;
- in the case of the Czech doctors, FEMS successfully supported the action “Thank you, we are leaving” which was triggered by an unfavourable bargaining position resulting in a huge emigration trend of doctors from the Czech Republic;
- in the case of Croatian doctors, FEMS has criticised the Croatian bargaining practice where doctors don’t have an adequate access to the bargaining process.

FEMS recalls its strategy for the period 2017-2021 where it is explicitly stated that separate bargaining should be available to doctors in all countries represented by the FEMS members, which all represent doctors in their respective countries on the national level.

Conclusions and support

Therefore, FEMS **concludes** that the Slovenian practice of a uniform salaries system:

- where doctors are placed together with all public employees, even with those outside the healthcare sector,
- where unions not representing doctors or having a very low percentage of them among members can interfere or even block the bargaining between representative doctors’ unions and government,
- where agreements resulting from the bargaining between government and the doctors’ unions can be contingent to a public referendum decision,

is very uncommon and puts an exaggerated burden to such extent that doctors’ union is effectively deprived of a right to bargain which is a fundamental right of any union in a democratic society.

FEMS urges the Slovenian authorities to align its system of collective bargaining for doctors with more usual practices across Europe, including the possibility to bargain separately from other healthcare professionals. Adopted by the FEMS General Assembly, held in Frauenkirchen, Austria,

13-14 May 2022

Dr João de Deus

FEMS President