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Check

Decent Work Check Croatia is a product of WageIndicator.org and
www.mojaplaca.org/glavna-stranica



National Regulation exists



National Regulation does not exist

01/13 Work & Wages

| | NR | Yes | No |
|---|----|--------------------------|--------------------------|
| 1. I earn at least the minimum wage announced by the Government | | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. I get my pay on a regular basis. (daily, weekly, fortnightly, monthly) | | <input type="checkbox"/> | <input type="checkbox"/> |

02/13 Compensation

| | | | |
|--|--|--------------------------|--------------------------|
| 3. Whenever I work overtime, I always get compensation <i>(Overtime rate is fixed at a higher rate)</i> | | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Whenever I work at night, I get higher compensation for night work | | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. I get compensatory holiday when I have to work on a public holiday or weekly rest day | | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Whenever I work on a weekly rest day or public holiday, I get due compensation for it | | <input type="checkbox"/> | <input type="checkbox"/> |

03/13 Annual Leave & Holidays

| | | | |
|---|--|--|---|
| 7. How many weeks of paid annual leave are you entitled to?* | | <input type="checkbox"/> 1 <input type="checkbox"/> 2 | <input type="checkbox"/> 3 <input type="checkbox"/> 4+ |
| 8. I get paid during public (national and religious) holidays | | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. I get a weekly rest period of at least one day (i.e. 24 hours) in a week | | <input type="checkbox"/> | <input type="checkbox"/> |

04/13 Employment Security

| | | | |
|--|--|--------------------------|--------------------------|
| 10. I was provided a written statement of particulars at the start of my employment | | <input type="checkbox"/> | <input type="checkbox"/> |
| 11. My employer does not hire workers on fixed terms contracts for tasks of permanent nature <i>Please tick "NO" if your employer hires contract workers for permanent tasks</i> | | <input type="checkbox"/> | <input type="checkbox"/> |
| 12. My probation period is only 06 months | | <input type="checkbox"/> | <input type="checkbox"/> |
| 13. My employer gives due notice before terminating my employment contract (or pays in lieu of notice) | | <input type="checkbox"/> | <input type="checkbox"/> |
| 14. My employer offers severance pay in case of termination of employment <i>Severance pay is provided under the law. It is dependent on wages of an employee and length of service</i> | | <input type="checkbox"/> | <input type="checkbox"/> |

05/13 Family Responsibilities





| | | | |
|---|--|--------------------------|--------------------------|
| 15. My employer provides paid paternity leave <i>This leave is for new fathers/partners and is given at the time of child birth</i> | | <input type="checkbox"/> | <input type="checkbox"/> |
| 16. My employer provides (paid or unpaid) parental leave <i>This leave is provided once maternity and paternity leaves have been exhausted. Can be taken by either parent or both the parents consecutively.</i> | | <input type="checkbox"/> | <input type="checkbox"/> |
| 17. My work schedule is flexible enough to combine work with family responsibilities <i>Through part-time work or other flex time options</i> | | <input type="checkbox"/> | <input type="checkbox"/> |

06/13 Maternity & Work





| | | | |
|---|--|--------------------------|--------------------------|
| 18. I get free ante and post natal medical care | | <input type="checkbox"/> | <input type="checkbox"/> |
| 19. During pregnancy, I am exempted from nightshifts (night work) or hazardous work | | <input type="checkbox"/> | <input type="checkbox"/> |
| 20. My maternity leave lasts at least 14 weeks | | <input type="checkbox"/> | <input type="checkbox"/> |

* On question 7, only 3 or 4 working weeks is equivalent to 1 "YES".





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- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 21. | During my maternity leave, I get at least 2/3rd of my former salary |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 22. | I am protected from dismissal during the period of pregnancy <i>Workers can still be dismissed for reasons not related to pregnancy like conduct or capacity</i> |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 23. | I have the right to get same/similar job when I return from maternity leave |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 24. | My employer allows nursing breaks, during working hours, to feed my child |  | <input type="checkbox"/> | <input type="checkbox"/> |





07/13 Health & Safety

- | | | | | |
|-----|--|---|--------------------------|--------------------------|
| 25. | My employer makes sure my workplace is safe and healthy |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 26. | My employer provides protective equipment, including protective clothing, free of cost |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 27. | My employer provides adequate health and safety training and ensures that workers know the health hazards and different emergency exits in the case of an accident |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 28. | My workplace is visited by the labour inspector at least once a year to check compliance of labour laws at my workplace |  | <input type="checkbox"/> | <input type="checkbox"/> |









08/13 Sick Leave & Employment Injury Benefits

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 29. | My employer provides paid sick leave and I get at least 45% of my wage during the first 6 months of illness |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 30. | I have access to free medical care during my sickness and work injury |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 31. | My employment is secure during the first 6 months of my illness |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 32. | I get adequate compensation in the case of an occupational accident/work injury or occupational disease |  | <input type="checkbox"/> | <input type="checkbox"/> |

09/13 Social Security

- | | | | | |
|-----|---|---|--------------------------|--------------------------|
| 33. | I am entitled to a pension when I turn 60 |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 34. | When I, as a worker, die, my next of kin/survivors get some benefit |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 35. | I get unemployment benefit in case I lose my job |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 36. | I have access to invalidity benefit in case I am unable to earn due to a nonoccupational sickness, injury or accident |  | <input type="checkbox"/> | <input type="checkbox"/> |

10/13 Fair Treatment

- | | | | | |
|-----|--|---|--------------------------|--------------------------|
| 37. | My employer ensure equal pay for equal/similar work (work of equal value) without any discrimination |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 38. | My employer take strict action against sexual harassment at workplace |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 39. | I am treated equally in employment opportunities (appointment,promotion, training and transfer) without discrimination on the basis of:* |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Sex/Gender |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Race |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Colour |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Religion |  | <input type="checkbox"/> | <input type="checkbox"/> |
| | Political Opinion |  | <input type="checkbox"/> | <input type="checkbox"/> |

* For a composite positive score on question 39, you must have answered "yes" to at least 9 of the choices.

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| | | | | |
|----|--|---|--------------------------|--------------------------|
| | Nationality/Place of Birth | 😊 | <input type="checkbox"/> | <input type="checkbox"/> |
| | Social Origin/Caste | 😊 | <input type="checkbox"/> | <input type="checkbox"/> |
| | Family responsibilities/family status | 😊 | <input type="checkbox"/> | <input type="checkbox"/> |
| | Age | 😊 | <input type="checkbox"/> | <input type="checkbox"/> |
| | Disability/HIV-AIDS | 😊 | <input type="checkbox"/> | <input type="checkbox"/> |
| | Trade union membership and related activities | 😊 | <input type="checkbox"/> | <input type="checkbox"/> |
| | Language | 😊 | <input type="checkbox"/> | <input type="checkbox"/> |
| | Sexual Orientation (homosexual, bisexual or heterosexual orientation) | 😊 | <input type="checkbox"/> | <input type="checkbox"/> |
| | Marital Status | 😊 | <input type="checkbox"/> | <input type="checkbox"/> |
| | Physical Appearance | 😞 | <input type="checkbox"/> | <input type="checkbox"/> |
| | Pregnancy/Maternity | 😞 | <input type="checkbox"/> | <input type="checkbox"/> |
| 40 | I, as a woman, can work in the same industries as men and have the freedom to choose my profession | 😊 | <input type="checkbox"/> | <input type="checkbox"/> |

11/13 Minors & Youth

| | | | | |
|-----|---|---|--------------------------|--------------------------|
| 41. | In my workplace, children under 15 are forbidden | 😊 | <input type="checkbox"/> | <input type="checkbox"/> |
| 42. | In my workplace, children under 18 are forbidden for hazardous work | 😊 | <input type="checkbox"/> | <input type="checkbox"/> |

12/13 Forced Labour

| | | | | |
|-----|--|---|--------------------------|--------------------------|
| 43. | I have the right to terminate employment at will or after serving a notice | 😊 | <input type="checkbox"/> | <input type="checkbox"/> |
| 44. | My employer keeps my workplace free of forced or bonded labour | 😊 | <input type="checkbox"/> | <input type="checkbox"/> |
| 45. | My total hours of work, inclusive of overtime, do not exceed 56 hours per week | 😊 | <input type="checkbox"/> | <input type="checkbox"/> |

13/13 Trade Union Rights

| | | | | |
|-----|---|---|--------------------------|--------------------------|
| 46. | I have a labour union at my workplace | 😊 | <input type="checkbox"/> | <input type="checkbox"/> |
| 47. | I have the right to join a union at my workplace | 😊 | <input type="checkbox"/> | <input type="checkbox"/> |
| 48. | My employer allows collective bargaining at my workplace | 😊 | <input type="checkbox"/> | <input type="checkbox"/> |
| 49. | I can defend, with my colleagues, our social and economic interests through "strike" without any fear of discrimination | 😊 | <input type="checkbox"/> | <input type="checkbox"/> |

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Results

Your personal score tells how much your employer lives up to national legal standards regarding work. To calculate your DecentWorkCheck, you must accumulate 1 point for each YES answer marked. Then compare it with the values in Table below:



is your amount of "YES" accumulated.

Croatia scored 45 times "YES" on 49 questions related to International Labour Standards

If your score is between 1 - 18

This score is unbelievable! Does your employer know we live in the 21st century? Ask for your rights. If there is a union active in your company or branch of industry, join it and appeal for help.

If your score is between 19 - 38

As you can see, there is ample room for improvement. But please don't tackle all these issues at once. Start where it hurts most. In the meantime, notify your union or WageIndicator about your situation, so they may help to improve it. When sending an email to us, please be specific about your complaint and if possible name your employer as well. Also, try and find out if your company officially adheres to a code known as Corporate Social Responsibility. If they do, they should live up to at least ILO standards. If they don't adhere to such a code yet, they should. Many companies do by now. You may bring this up.

If your score is between 39 - 49

You're pretty much out of the danger zone. Your employer adheres to most of the existing labour laws and regulations. But there is always room for improvement. So next time you talk to management about your work conditions, prepare well and consult this DecentWorkCheck as a checklist.

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01/13 Work & Wages

Regulations on work and wages:

Minimum Wage (Official Gazette No. 156/2013)

Labour Code 2014

Minimum Wage Act (Official Gazette No. 39/2013)

Minimum Wage

Minimum wages are governed under the Minimum Wages Act of 2013. The Act describes minimum wage as the minimum monthly gross salary that the employee is entitled to work full time.

There are no occupational or regional minimum wages in Croatia. Minimum wage is determined at the national level annually (for the upcoming year) by a Government Decree.

The minimum wage rate is applicable to all workers and employers in Croatia. The minimum wage for a current year cannot be less than the minimum wage for the previous year (wage cuts are not allowed under article 7 of the Minimum Wages Act). In exceptional cases, a collective agreement may stipulate a lower minimum wage but not lower than 95% of the amount prescribed by the Government Decree.

Minimum wage level is determined by the government after consultation (by the Minister of Labour) with the social partners, i.e., the Croatian Employers' Association and the Union of Autonomous Trade Unions of Croatia. The social partners have representation in Economic and Social Council. The minimum wage is set by the Government after hearing the recommendations and proposals of the Economic and Social Council of Croatia about the coordination of the salary policy.

Minimum Wage Act of 2013 prescribes the criteria for determining and revising the minimum wage rates. These criteria are the monthly poverty threshold for a single household, coefficient of the number of people (total population) in relation to the number of households, ratio of total population to the number of active persons, and the change in the average index of consumer prices of goods (CPI). The at-risk-of-poverty threshold amounted to HRK 22,916 annually in 2013 for one-person household and HRK 48,124 annually for a household comprising two adults and two children.

While proposing revision in minimum wages, Economic and Social Council also takes into account the effects of the fluctuation of prices and salaries on the economic stability and development.

The Labour Inspectorate ensures compliance with the provisions of Labour Code including those about minimum wages. Similarly, as stipulated in Article 9 of the Minimum Wage Act, the law enforcement is audited by authorized inspection bodies in charge of labour and employment inspections, i.e., the Labour Inspectorate. The minimum wage calculations and payments validity, legacy and related payment deadlines will be subject of audit by authorized inspection bodies within Ministry of Finance.

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A fine from HRK 60,000 to 100,000 is imposed on an employer who fails to pay the employee the minimum wage prescribed the government decree.

Sources: Minimum Wage Act (Official Gazette No. 39/2013); §90 & 221(3) of Labour Code 2014 (Official Gazette No. 93/2014); Regulation on Minimum Wage (Official Gazette No. 156/2013); §3 of the Labour Inspectorate Act 2014

Regular Pay

Wages are the remuneration which an employer pays to an employee for work performed in accordance with an employment contract, legal instrument or a collective agreement. Wages are comprised of basic wages and additional remuneration, bonuses and additional payments paid in the cases prescribed by law.

The relevant law on payment of wages is Labour Code 2014. An employer is under obligation to pay wages (to workers) whose amount and period is determined by regulation, collective agreement, employment rules or employment contract. If the basis and criteria for the payment of wages are not governed by a collective agreement, the employer who employs at least twenty workers must establish such criteria in the employer rule book. Wages and salaries are paid in cash and upon completion of work. The wage payment period may vary for different workers however it cannot exceed one month.

According to Article 92(3) of Labour Code 2014, the wage of previous month must be paid within 15 days of the following month at the latest unless other defined conditions from the Labour Code or a collective agreement stipulate otherwise.

If the wage level has not been established by law, employment contract, collective agreement or employer rulebook, the employer is required to pay the employee an appropriate wage.

An appropriate wage is a wage regularly paid for equal work, and if it is impossible to establish such a wage, then a wage established by the court according to the circumstances of the case.

The employer must provide the calculation (pay slip) to the worker showing how the amount of remuneration/wages is determined, at the latest fifteen days from the date of payment of wages, benefits or severance pay.

There is a provision for higher level of wages (wage premium) for workers employed under arduous working conditions. An employee has the right to wages during a period of time when work is interrupted due to the fault of the employer or due to other circumstances for which the employee is not responsible. The employer must not, without the consent of the employee, settle his or her claim against such employee by withholding payment of salary or part of salary.

Sources: §90-97 of Labour Code 2014 (Official Gazette No. 93/2014)

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02/13 Compensation

Regulations on compensation:

Labour Code 2014

Overtime Compensation

Working hours are periods of time during which the employee is obliged to carry out tasks or during which he or she is available to carry out tasks at the workplace or another place defined by the employer following the employer's instructions.

The general full time working hours are 40 hours a week and cannot exceed 40 hours per week for the full time employees. The daily maximum working hours are not clearly specified under the law. Part-time working hours are any working hours shorter than 40 hours a week.

A full time employee may enter into a contract of employment with another employer for a maximum of up to eight hours a week or up to 180 hours per year if the employer (with whom the worker is employed for full time) has given written consent for such work. A part-time employee may work for several employers however his total working hours should not exceed 40 hours a week. A part-time worker may exceed 40 hours limit for some time during the year provided that the extra hours are up to eight hours a week and maximum of 180 hours per year. When entering into a part-time employment contract, the employee is obliged to inform the employer about the part-time employment already entered into with another employer or employers.

The salary and other benefits of the part-time employees are determined in proportion to the agreed working hours unless a collective agreement, rulebook or the employment contract stipulates otherwise. Employers are required to consider applications from full time employees to transfer to part-time work and vice versa if the possibilities for such work arise with the employer.

Working hours are reduced in proportion to the harmful effect of working conditions on the employee's health and working ability in jobs in which, despite the application of occupational safety and health measures, it is impossible to protect the employee from harmful effects. The reduced working hours and such hazardous occupations/jobs are specified under a special regulation.

Overtime work is the work performed over the limit of full-time or part-time hours. Overtime work is requested by the employer in writing (in exceptional cases, verbal requests are allowed) in case of force majeure, an extraordinary increase in the scope of work and in other similar cases of absolute necessity. The total working hours inclusive of overtime cannot exceed 50 hours a week (10 hours of overtime per week allowed). The maximum overtime hours a worker can be engaged in are 180 hours per year unless it is agreed otherwise by a collective agreement in which case the maximum limit is 250 hours per year.

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Overtime is not allowed for young workers (under the age of 18 years). A pregnant woman, a parent of a child under three years, a single parent of a child under six years or a part-time employee may work overtime only if he/she submits to the employer a voluntary written consent to do such work.

The working hours may be spread in equal or unequal duration in days, weeks, or months. If the employer follows unequal scheduling of hours, working hours may be longer than full time hours during one period and less than the full time or part-time hours in another period. If the working hours of employees are distributed unequally, a worker may work up to 50 hours a week including overtime. A collective agreement may allow a worker to work up to 60 hours a week including overtime. If the working hours of workers are distributed unequally, a worker may not work on average more than 48 hours a week in any four month consecutive period. When working hours are distributed unequally, such period cannot be shorter than one month and longer than one year.

Where the nature of work so requires, full time or part-time work may be rescheduled with one period of time (in which working hours are longer than normal working hours) and in another period where these are shorter than normal working hours. Rescheduled working hours are not considered overtime work.

Employers are required to compensate workers for working overtime by providing increased wage for overtime work at the rate specified in employment contract or collective agreement.

Sources: §60-68 & 94 of Labour Code 2014 (Official Gazette No. 93/2014)

Night Work Compensation

Night worker is an employee who works at least three hours of his daily working time during night hours or at least one-third of his annual working time during night hours, i.e., between 22:00 and 06:00 (between 22:00 and 05:00 in the agriculture sector) unless for a particular case, other conditions from the Labour Code or from other Law or from a collective agreement apply and therefore they stipulate otherwise.

For minors employed in the industry, work undertaken between 19:00 and 07:00 is considered night work. For minors employed outside the industry, work undertaken between 20:00 and 06:00 is considered night work.

During a reference period of four months, the working hours of night workers cannot exceed eight hours over a 24-hour period. In organizing night work, employer has to make sure that work is adapted to employees and take into account safety and health requirements in line with the nature of work performed. Employer has to provide safety and health protection to all night and shift workers including provision of safety protection and prevention equipment. An employee who is assigned to perform his/her job as night worker, before commencing work and on a regular basis during the employment as night worker, can undergo medical examinations, the costs of which are borne by the employer.

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If the medical examination indicates that a night worker has health problems as a result of night work, employer has to ensure that he/she is transferred from night work to day time work. If such transfer is not possible, employer has to make an offer to the employee to conclude an employment contract outside of night work. The new job must correspond to the job employee was assigned to earlier.

If based on the risk assessment, a night worker is found exposed to particular danger or serious physical or mental effort, the employer is obliged to establish such working schedule for a night worker so that he/she does not work more than eight hours over a period of twenty-four hours.

Night work is normally prohibited for young workers unless it is on a temporary basis (in the absence of enough adult employees) and absolutely necessary to perform such work immediately due to force majeure. Even in such case, total working hours cannot exceed eight hours and a child is not engaged between 24:00 and 04:00. Young workers, engaged in night work, must perform their work in supervision of an adult person. Night workers are entitled to an increased salary for night work as specified in employment contract or collective agreement. The amount of this premium compensation is not provided in the Labour Code.

Sources: §69-72 & 94 of Labour Code 2014 (Official Gazette No. 93/2014)

Compensatory Holidays / Rest Days

If an employee works on weekly rest periods, he must be given alternate weekly rest period immediately after the period he spent at work. No compensatory rest periods are found for working on public holidays.

Sources: §75(4) of Labour Code 2014 (Official Gazette No. 93/2014)

Weekend / Public Holiday Work Compensation

Workers performing work on weekly rest days or holidays are entitled to an increased salary(wage premium) as set by individual employment contract, employers' employment rules or collective agreement. The amount of this premium compensation is not provided in Labour Code.

Sources: §94 of Labour Code 2014 (Official Gazette No. 93/2014)

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03/13 Annual Leave & Holidays**Regulations on annual leave and holidays:**

Labour Code 2014

Act on Public Holidays, Commemoration Days and Other Holidays

Paid Vacation / Annual Leave

Labour Code 2014 has provisions with regard to annual leave, scheduling and splitting of annual leave and payment of annual leave pay.

Workers are entitled to at least four working weeks of paid annual leave for each calendar year. A minor employee and workers engaged in hazardous work (where workers cannot be protected from harmful effects despite the application of occupational safety and health measures) are entitled to at least five weeks of paid annual leave for each calendar year.

Parties may agree on a longer period than the minimum period (four or five weeks) under a collective agreement, employment rules or employment contract. Labour Code does not provide for a longer annual leave for senior workers and its duration remains the same for a worker with one year or five years of service. Public holidays, non-working days and a period of temporary incapacity for work confirmed by an authorized physician is not included in the duration of annual leave.

A worker who is employed for the first time or who has a period of interruption of work between two consecutive employments longer than 8 days acquire the right to annual leave after 6 months of uninterrupted work (qualifying condition). A worker who does not fulfill the qualifying condition is entitled to a proportionate part of the annual leave (one-twelfth of annual leave for each month of employment relationship).

An employee has the right to split annual leave in two portions. In this case, the employee must use the first portion, lasting at least two weeks without interruption, in the calendar year for which the right to annual leave is acquired, provided that the annual leave the worker is entitled to is at least two weeks in duration. Any outstanding annual leave in excess of the portion of annual leave may be carried forward and must be taken before 30th June of the next year.

It is duty of employer to prepare a schedule for taking annual leave in accordance with a collective agreement, employment rules and employment contract(s) by 30th June of the current year, and inform the employees about the schedule. When preparing the schedule for taking annual leave, due consideration must be given to the needs of the enterprise concerning the organization of work and the possibilities for rest available to employees. An employee must be informed about the duration and schedule of annual leave at least 15 days before annual leave is to be taken. An employee has the right to take one day of annual leave whenever he/she wishes provided that he/she informs the employer at least three days in advance unless a collective agreement specifies a different period of advance notification.

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An agreement under which an employee waives his/her right to annual leave or accepts payments of compensation in lieu of annual leave is null and void. A worker is however entitled to compensation for any of the unused annual leave in the event of employment termination.

During the term of annual leave, the employee is entitled to salary compensation in an amount specified in the collective agreement, employment rules or employment contract. The pay during annual leave must not be less than the worker's average monthly salary in last three months (taking into account any benefits in cash or in kind, which represent compensation for work).

Sources: §76-85 of Labour Code 2014 (Official Gazette No. 93/2014)

Pay on Public Holidays

Public holidays in Croatia are regulated under Labour Code 2014 and Act on Public Holidays, Commemoration Days and Other Holidays (Official Gazette No. 130/2011).

Under the Public Holidays Act, employees are entitled to 13 paid public holidays. These holidays include New Year's Day (1 January); Epiphany (6 January); Easter and Easter Monday; the Feast of Corpus Christi; Labour Day (1 May); Anti-Fascist Struggle Day (22 June); Statehood Day (25 June); Victory and Homeland Thanksgiving Day and the Day of Croatian Defenders (5 August); Assumption (Day) of Mary (15 August); Independence Day (8 October); All Saints Day (1 November); Christmas (25 December); St Stephen's Day (26 December).

Public holidays are paid days and if a worker is required to work on a public holiday, he is entitled to increased salary (wage premium). However, the amount of premium is not specified in the Labour Code. If a public holiday falls on Sunday, it is not transferred to the next day.

Croatian citizens who celebrate different religious holidays have the right not to work on those dates. This includes Christians who celebrate Christmas on January 7 per the Julian calendar, Muslims on the days of Eid al Fitr (End of Ramadan) and Eid al Azha (Feast of Sacrifice), and Jews on the days of Rosh Hashanah and Yom Kippur.

Sources: §1-5 of the Act on Public Holidays, Commemoration Days and Other Holidays (Official Gazette No. 130/2011); §94 of Labour Code 2014 (Official Gazette No. 93/2014)

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Weekly Rest Days

Weekly rest is provided under the Labour Code 2014.

The general weekly rest period those employees are entitled to, in a seven-day period, cannot be less than 24 consecutive hours. The weekly rest period is added to the daily rest period of the preceding day (12 consecutive hours). The statutory weekly rest period for minors is 48 consecutive hours. Weekly rest is granted on Sunday and on the day immediately following or preceding Sundays if the period of weekly rest is longer than 24 hours.

In case of workers performing work in different shifts, due to objectively inevitable reasons or as a result of work organization, the weekly rest may be established as at least 24 hours without adding 12 hours of daily rest.

Workers are entitled to rest break of at least 30 minutes after 6 hours of work unless otherwise specified by a separate law. For young workers under 18, the minimum rest of at least 30 minutes must be provided after every four and a half hours of work. This rest time is considered working time. Labour Code also provides for a daily rest period of 12 consecutive hours.

Sources: §73-75 of Labour Code 2014 (Official Gazette No. 93/2014)

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04/13 Employment Security

Regulations on employment security:

Labour Code 2014

Law on Vocational Rehabilitation and Employment of Disabled Persons

Written Employment Particulars

Labour Code has provisions with regard to the written employment contracts and written employment particulars.

Employment contracts are required to be in writing however even a verbal contract does not affect the existence and validity of a contract. If an employment contract is not concluded in writing, the employer has to give a written certificate (of employment particulars) on conclusion of an employment contract and before commencement of work. If an employer fails to conclude a written contract of employment or fails to give a written certificate of employment particulars, the contract is deemed to have been concluded for an indefinite period.

A written employment contract or certificate (of employment particulars) on the conclusion of employment contract has the following essential information: parties to the contract, their permanent residence (domicile) or seat; workplace; job title and description; commencement date of employment; expected duration of contract (in case of fixed term employment contracts); duration of annual leave and manner of its determination; notice period and the manner of its determination; basic and supplementary salary as well as the wage payment periods; and daily and weekly working hours. For certain terms of employment contract, the document may refer to the relevant law, other regulation, collective agreement or employment rules governing these issues.

If a worker concludes a fixed term employment contract for permanent seasonal job, the employment contract must include the following information: conditions and period for which the employer pays contributions for the extended pension insurance; time limit within which the employer offers the worker to conclude an employment contract for performance of work in the following season; and the time limit (which cannot be shorter than eight days) within which the employee declares his availability for the next season.

If an employment contract is concluded for performance of work at a place other than employer's premises (like employee's home), it must contain following provisions: daily, weekly or monthly period of employee's obligatory presence at the workplace; time limits, time and manner of work supervision and the quality of work performed by the worker; machines, tools and equipment necessary for performance of work which the employee is obliged to provide, install and maintain; use of employee's own tools and the coverage of costs; coverage of costs for performance of work; and method for occupational training and further training of employees.

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If an employee is posted temporarily to another country, the employment contract must include the following information: duration of work abroad; schedule of working hours; non-working days and holidays; currency in which salary is to be paid; other payments received in cash and in kind; and the conditions for repatriation. Amendments to the regulations on the employment of persons with disabilities have been published in the Official Gazette No. 2/2015.

The Ministry of Labour and Pension System had issued regulations in 2014 regarding the employment of persons with disabilities. All these regulations have been amended through Official Gazette No. 2/2015. Earlier, under the Regulation on determining quotas for the employment of persons with disabilities, the quota varied for a professional activity the employer performed. However, with amendment, now all the employers, who employ at least 20 employees, have to 3% employees with disabilities (of the total number of employees employed), regardless of the professional activity the employer performs. If an employer believes that a specific job should be excluded from the quota system due to the job's specific working conditions, he must request approval by the Institute for Expertise, Professional Rehabilitation and Employment of Persons with Disabilities.

Sources: §10 & 14-18 of Labour Code 2014 (Official Gazette No. 93/2014); Law on Vocational Rehabilitation and Employment of Disabled Persons ("Official Gazette", No. 157/13 and 152/14)

Fixed Term Contracts

The Labour Code regulates fixed term contracts.

Employment contracts are usually concluded for an unspecified term (indefinite term contracts) unless clearly indicated otherwise in the employment contract. A fixed term contract establishes an employment relationship whose termination is determined in advance as a result of objective reasons that are justified by a specific deadline, performance of a specific task or occurrence of a specific event.

A fixed-term contract may be entered into for up to three years (36 months) if it is justified by objective reasons arising from the temporary fixed term characteristics of the work, especially to meet specific deadline, performance of a specific task or occurrence of a specific event. Fixed term contracts may exceed three years in length for replacement of temporarily absent employees or for other objective reasons stipulated in a law or collective agreement. It is important to mention, however, that the three year limit does not apply to the first fixed term contract concluded with a worker.

Although the number of renewals is not clearly specified in the Labour Code, the maximum length of a fixed term contract including renewals is three years. An employment relationship is considered continuous if the interval between two fixed term contracts is less than two months. If a fixed term contract is concluded contrary to the provisions of Labour Code or if the worker continues working after expiry of a fixed term contract, the contract is deemed to be an open ended employment contract.

Any modification in the fixed term employment contract which affects the agreed duration of contract is considered to be successive fixed term employment contract.

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Employers are required to treat the workers with fixed term and open ended employment contracts equally and provide the same working conditions. Employers are required to inform fixed term contract workers about any available jobs with open ended contracts and provide these workers with further training and education at the same conditions as those provided to the workers on open ended employment contracts.

Sources: §11-13 of Labour Code 2014 (Official Gazette No. 93/2014)

Probation Period

The aim of a probationary period is to assess whether an employee's health, knowledge, skills, abilities and personal characteristics correspond to the level required for performance of the work. Maximum length of probationary period is 6 months (180 days). The worker or the employer can cancel the employment contract during the probation period or on unsuccessful completion of probation period with notice period of at least 7 days.

Law does not differentiate between the job types and a single type of probationary period is applied for all types of work.

Sources: §53 of Labour Code 2014 (Official Gazette No. 93/2014)

Notice Requirement

Labour Code has relevant provisions on termination of an employment contract and required advance notice periods. Employment contract is terminated either by agreement between the parties; by giving cancellation (contract termination) notice; on expiry of its term (for fixed term contracts); on delivery of a final decision on retirement due to general inability of a worker to work; on reaching the age of 65 years with 15 years of periods of insurance unless otherwise agreed; on the death of an employee; on death of an individual employer or termination of crafts by operation of law; and by a court's decision.

Labour Code differentiates between the two kinds of dismissal: the ordinary dismissal and summary dismissal. In case of ordinary dismissal, an employer may terminate an employment contract if there are legitimate and objective reasons to do so: if the need for performance of certain work ceases due to economic, technological or organizational reasons (termination due to business reasons); if employee is incapable of fulfilling his contractual obligations due to some permanent characteristics or abilities (cancellation due to personal reasons); if the employee breaches contractual obligations (termination due to employee's misconduct); and if the worker does not perform work satisfactorily during the probation period. Before giving notice, employer has to warn the employee in writing about the possibility of contract termination if further violation occurs. The contract termination must be conveyed in writing specifying the reasons for dismissal and it must be submitted to the person being dismissed.

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While terminating a contract on business reasons, the employer must take into account the age of the worker and length of employment. An employer who has terminated a worker for business reasons must hire another worker for the same job for the following six months. If a need arises within six months to hire a worker for the same job, this earlier terminated worker must be offered the job first.

An employer is required to indicate specific reasons for terminating an employment contract as above while on the other hand, an employee may cancel his contract subject to a prescribed or agreed notice period without specifying any reasons.

The summary dismissal (extraordinary termination) is allowed if the employer has justified reasons to terminate the employment contract without notice if due to extremely grave violation of a contractual obligation or due to another highly important fact, recognizing all the circumstances or interests of both contracting parties, continuation of the employment is not possible. The employment contract can only be terminated by summary dismissal within fifteen days from the day when facts/events based on which the termination is sought have occurred.

A fixed term contract may be terminated by giving a regular notice if such notice is provided under an employment contract.

An employer however cannot terminate an employment contract in the following cases: if an employee is pregnant or has the right to pregnancy and maternity leave; if an employee is required to perform important family duties; temporary absence from work due to illness or injury or filing an appeal or taking part in complaint against the employer on the ground of a violation of a law.

Notice cannot be served on a worker during pregnancy, maternity, parental, adoption leave or work with shortened working hours pursuant to a special regulation, temporary inability to work, annual leave, paid leave, performing citizen duties in defense service, and other cases of the employee's justifiable absence from work, as prescribed by the Labour Code or another law.

An employment contract may be terminated during the probationary period by giving at least 07 days' notice. In the event of regular contract termination, an employer has to observe the following minimum notice period: two weeks for less than one year of employment; one month for at least one year of continuous employment; one month and two weeks for at least two years of employment; two months for at least five years of employment; two months and two weeks for at least ten years of employment; and at least three months if the employee has continuously worked for the same employer for at least twenty years. For an employee who has continuously worked for the employer for more than twenty years, the notice period is increased with two weeks if the employee is above the age of 50 and with a month if the employee is above the age of fifty-five. If an employment contract is terminated for breach of contractual obligations (misconduct), the above referred notice periods are halved. Maximum notice period is not specified under the law.

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In case of extraordinary termination, no notice period applies whereas the employment ends by delivery of the notice of termination to the employee.

If the employee terminates the contract, the required notice period can't be longer than one month, if the worker has an especially important reason for this. A collective agreement or an employment contract may specify that the notice period be shorter for the worker than for the employer in comparison with above specified periods.

Compensation in lieu of notice is allowed. If an employer or an employee gives advance notice of contract termination later than what is provided by law or a collective agreement, other party has the right to receive compensation for the full term (or remaining term) of notice period.

If the court decides that a dismissal was unfair, it may order an employer to return the worker to former work. If the court establishes that a dismissal was unfair and orders return of worker to work however if employee is unable to return to work, the court, may on employee's request, determine the termination date of employment and award the worker the damages (three to eight monthly salaries) depending on the age of worker, duration of employment and maintenance obligations of the worker. If a works council is established within the enterprise, the employer must notify the works council and consult it with regard to the intended dismissal.

Sources: §112-125 of Labour Code 2014 (Official Gazette No. 93/2014)

Severance Pay

Severance pay is not allowed in the event of dismissal due to employee's conduct or behavior (misconduct). Similarly, there is no provision for severance pay for employees dismissed summarily. The law provides for severance pay in the event of dismissals for other reasons (business and personal reasons). In case of collective dismissals, the employer must provide the works council in writing all relevant information on the reasons for the projected redundancies including the amounts and the method for calculating severance pay.

An employee is entitled to severance pay in case when the employer dismisses the worker after at least two years of continuous service, unless the dismissal is due to employee's behavior (misconduct). The amount of severance pay is determined by length of previous continuous employment with that employer.

Severance pay is at least one third (33%) of the average monthly salary earned in the three months prior to the contract termination, for each year of service with same employer. Unless otherwise specified under the law, collective agreement, employment rules or employment contract, the aggregate amount of severance pay may not exceed six average monthly salaries earned in the three months prior to the contract termination. All outstanding payments for overtime work have to be paid to the employee at the termination of employment contract. Employees might also be entitled to certain pro-rata payments on certain bonus payments even if these become due only at the end of the year in which the employment contract has been terminated. Employees are also entitled to compensation in lieu of unused annual leave.

Sources: §126 & 127 of Labour Code 2014 (Official Gazette No. 93/2014)

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05/13 Family Responsibilities

Regulations on family responsibilities:

Labour Code 2014

Maternity & Parental Benefits

Paternity Leave

There is no statutory provision on paternity leave in the Labour Code.

During the calendar year, an employee is entitled to fully paid leave (for a maximum of seven days per year unless otherwise specified) for important personal needs, particularly in relation to marriage, birth of a child, serious illness or death in the immediate family.

Sources: §86 of Labour Code 2014 (Official Gazette No. 93/2014)

Parental Leave

Parental leave is provided and regulated under the Act on Maternity and Parental Benefits.

Parents are entitled to parental leave once a child reaches the age of six months. Parents can exercise the right to parental leave until a child reaches the age of eight years. Parental leave is an individual entitlement. Its length (for one parent) ranges from four months (first and second born child) to fifteen months (for twins, other multiple births and third and every subsequent period). The family entitlement ranges from eight months to thirty months.

Parental leave can be used in whole or in parts. Parental leave can be taken in the three following ways: fully (in one go); partially (up to two times in a year with each part lasting for at least 30 days); and part-time (duration is doubled and compensation is 50% of the compensation that is paid for full time leave). Although parental leave is a personal right, however one parent can transfer their entitlement to the other parent if both parents agree and give written consent.

Parental leave is funded from general taxation. The parental benefit is 100% of the average earnings for the first six months with a ceiling of 80% of the budgetary base rate or eight months if both parents take parental leave.

The parental benefit is 50% of the budgetary base rate after the first six (or eight) months or if parents do not fulfill the condition of at least 12 months of continual insurance period or 18 months of insurance with interruptions in the last 2 years.

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On utilization of parental leave, one of the working parents has the right to work half time until the child reaches the age of 3 years if the child according to the medical assessment requires greater care and attention. In such case, the parental benefit is 50% of the budgetary base rate.

After utilization of maternity and parental leave, one of the parents also has the right not to work until the child reaches the age of 3 years.

A worker who intends to exercise his/her right to suspension of the labour contract up to the third year of the life of his/her child must notify his or her employer of his/her intention as soon as possible, and not later than one month in advance.

Law on Maternity and Parent Support introduces changes in parental benefit and the maximum amount of parental benefit has been increased from 2660.80 Kn to 3991.20 Kn with effect from 01 July 2017.

Sources: §13-18, 22 & 24 of Act on Maternity & Parental Benefits (last amended by Official Gazette No. 54/13)

Flexible Work Option for Parents / Work-Life Balance

After availing the compulsory maternity leave, workers have the option to work half time until a child reaches 09 months of age.

After availing parental leave, one of the employed/self-employed parents has the right to work shorter hours until a child reaches the age of three years if the child needs increased care due to health and development issues. Under the first two cases, the benefit is 50% of the budgetary base rate.

Employees or self-employed parents of a child with serious development issues including severe physical disability has the right to take leave to care for the child or work half time until a child reaches the age of eight years.

If a parent takes leave during this period, the payment is 65% of the budgetary base rate if beneficiary has 12 months of continual insurance period or 18 months of insurance with interruptions in the last 2 years (insurance contribution requirement). If these conditions are not met, the payment is 50% of the budgetary base rate. If a parent uses the shorter working hours option, the benefit is equal to the difference in salary if insurance contribution requirement is met. If insurance conditions are not met, the payment is 50% of the budgetary base rate recalculated to the hourly rate.

Sources: §15, 16, 22, 23 & 24A of Act on Maternity & Parental Benefits (last amended by Official Gazette No. 54/13)

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06/13 Maternity & Work

Regulations on maternity and work:

Safety at Work (Official Gazette No. 118/2014)

Labour Code 2014

Maternity & Parental Benefits

Free Medical Care

Medical care is provided under the national healthcare system under contract with the Croatian Health Insurance Fund.

Women before, during pregnancy, childbirth and after the birth of a child are entitled to healthcare from mandatory health insurance for pre-natal care, confinement and post-natal care. No prior insurance period is required. This entitlement to healthcare is without any co-payments or financial participation. Medical checks at public and contracted healthcare providers are free of charge for all women in Croatia. Healthcare is provided in public and contracted private hospitals.

No Harmful Work

Provisions with regard to occupational safety and health of pregnant and breastfeeding workers are found in Labour Code and Act on Safety at Work.

Pregnant workers, recent mothers and breastfeeding workers are part of the vulnerable group of workers for whom the employer must provide special protection at work. Employer is obliged to conduct a risk assessment which should indicate the jobs that are risky for these workers. Employer is required to guard the women workers against risks that could jeopardize the maternity or recovery from pregnancy or child birth.

If the assessment shows a negative impact on pregnancy or breastfeeding, appropriate measures must be taken (adjustment in the work techniques, planning and reorganization of work). Adjustment in working conditions, working time and change of workplace must not result in reduction of salary. An employee may also be transferred to another suitable job or another workplace. If an employer is unable to offer any suitable employment to a pregnant worker, she is entitled to leave with pay.

A pregnant worker, a recent mother and a breastfeeding worker must not be engaged in work which is prohibited in a regulation issued by the Ministry prescribing rules to protect workers exposed to physical, chemical and biological hazards at work.

If an employee who is pregnant or is breastfeeding performs tasks that pose a risk to her life or health, or the life or health of her child, the employer must offer her to conclude an agreement assigning her to the performance of other appropriate tasks, which replace the relevant provisions of her employment contract for a specific period of time. If an employer is not able to proceed in providing appropriate tasks, the employee

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has the right to take leave with salary compensation pursuant to a special regulation. This agreement may not result in any reduction of the salary of such employee.

Official Gazette No. 91/2015 provides regulations on occupational safety and health of pregnant workers, worker who have recently given birth and nursing mother. In line with Directive 92/85/EEC, it includes a list of agents, processes and working conditions to which they must not be exposed.

Sources: §37, 39 & 45 of Act on Safety at Work (Official Gazette No. 118/2014); §20(1) of Act on Maternity & Parental Benefits (last amended by Official Gazette No. 152/14); §31 of Labour Code 2014 (Official Gazette No. 93/2014); Official Gazette No. 91/2015

Maternity Leave

Maternity leave is provided and regulated under Act on Maternity & Parental Benefits.

Maternity leave is 28 days before the expected date of birth and can be taken until a child reaches the age of six months. The mandatory maternity leave is 98 days (28 days before the expected date of delivery, which is determined by a gynecologist and 70 days after childbirth). In exceptional cases, based on the medical assessment, maternity leave can start 45 days before the expected date of delivery.

In case of poor health or health risks to the mother and child, the pregnant worker is entitled to sick leave before birth for the duration of risk in addition to maternity leave. Maternity leave is extended in the case of premature births. If the parent taking leave dies or is unable to exercise the right for any justified reason, leave can be transferred to the other parent.

After the compulsory maternity leave, the father has the right to use remaining period of maternity leave if the mother so agrees. After the compulsory maternity leave, a parent may use the remaining period of maternity leave on the part time basis. In such case, the duration is doubled. The period of part-time leave taken after a child reaches six months of age cannot exceed the period of part-time leave taken before the child reaches this age. The maximum period of such leave is until a child reaches 09 months of age.

If a woman worker gives birth to a dead baby before she started maternity leave or if the child dies before the expiry of maternity or parental leave, she is entitled to maternity leave or has the right to continue to use the right to maternity or parental leave for three more months following the date of death of the child.

Sources: §12, 15 & 17 of Act on Maternity & Parental Benefits (last amended by Official Gazette No. 152/14)

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Income

Maternity is fully paid leave. Workers are entitled to 100% of their average earnings calculated on the average earnings on which health care contributions were paid during the six months prior to the leave. A parent who does not meet the condition of at least 12 months of continual insurance or 18 months of insurance with interruptions in the last two years (insurance contribution requirement) receives 50% of the budgetary base rate of HRK3326 per month.

Sources: §12& 24 of Act on Maternity & Parental Benefits (last amended by Official Gazette No. 154/14); §39(7) & 55 of the Law on Compulsory Health Insurance (Official Gazette No. 137/2013)

Protection from Dismissals

Protection from dismissals during pregnancy and maternity leave is guaranteed under Labour Code.

Employers are prohibited from terminating employment contract of a worker during pregnancy or while exercising the rights of maternity, parental or adoption leave, half-time work, work with shortened working hours for the purpose of intensified child care, leave of a pregnant woman or a breastfeeding mother, leave or shortened working hours for the purpose of caring for or nursing a child with severe developmental problems or during a period of fifteen days after the cessation of pregnancy or the cessation of the exercise of these rights. If an employer terminates an employee who is pregnant or exercising any of above rights, it is deemed that the employment contract is terminated unfairly. Termination is also illegal if the employee informs employer within 15 days following the receipt of the notice of dismissal about any of above circumstances.

Sources: §34 & 35 of Labour Code 2014 (Official Gazette No. 93/2014)

Right to Return to Same Position

A worker's right to return after availing maternity leave is guaranteed under the Labour Code

The law prohibits an employer from dismissing an employee who is pregnant or on maternity leave. Similarly, at the end of maternity leave, women workers have the right to return to same job and get all the benefits (vocational trainings, promotions, improved working conditions, etc.) which she would be entitled to if she was not on leave. If requirement of such job no more exists, then the employer concludes an employment contract for job with working condition and benefits not less favorable than those she was enjoying before exercising the right to maternity leave.

Sources: §36 of Labour Code 2014 (Official Gazette No. 93/2014)

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Breastfeeding/ Nursing Breaks

Breastfeeding breaks are provided under the Act on Maternity & Parental Benefits.

Breastfeeding mothers with a child under one year of age can take 60-minute break once or twice a day (2 hours break) during full-time work. The period of the nursing break is included in the working hours.

Nursing breaks are provided until a child reaches 1 year of age. The nursing breaks are paid breaks and salary compensation for the break is calculated according to separate regulations (100% of the budgetary base rate).

Sources: §19 of Act on Maternity & Parental Benefits (last amended by Official Gazette No. 152/14);

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07/13 Health & Safety

Regulations on health and safety:

Safety at Work (Official Gazette No. 118/2014)

Labour Code 2014 (Official Gazette No. 93/2014)

Labour Inspectorate Act (Official Gazette No. 19/2014)

Employer Cares

An employer is required to protect the health and safety of workers at the workplace in accordance with the provisions of Labour Code and Act on Safety at Work (Official Gazette No. 118/2014).

Employer is required to implement measures which guarantee the protection of life and health of employees by providing and maintaining the machinery, instruments, equipment, tools, workplace, access to workplace, as well as organize work in accordance with separate laws and other regulations and in accordance with the nature of the job being performed. Employers are further required to apply measures provided for in the employment contract and collective agreements to prevent damage to the health and safety of employees and neutralize the effect of above mentioned hazards. Employers are required to inform workers of the dangers of the job a worker performs.

The employer must also apply occupational safety and health protection regulations which are based on the following general prevention and protection principles of: avoiding health and safety risks; evaluating health and safety risks which cannot be eliminated by the implementation of the basic rules of safety and health protection at work; combating safety and health risks at their source; replacing the dangerous by the non-dangerous or the less dangerous; giving collective measures priority over individual protective measures; giving appropriate training and information to workers; developing culture of safety and health at work with the aim of linking technology, the organization of work, working conditions, social relationships and the effects of the environment on the workplace; adapting to technological progress; adapting the work to the workers, especially with regards to the design of workplace, the choice of work equipment and the choice of working and production methods, with a view, in particular, to alleviating monotonous work and work at a predetermined work-rate and to reducing their harmful effects on health. Official Gazette No. 89/2015 provides regulations on the protection of workers from risks related to exposure to carcinogens and mutagens at work.

Sources: §10-13 of Act on Safety at Work (Official Gazette No. 118/2014); §7(3), 8(2), 17(5), 28(1) of Labour Code 2014 (Official Gazette No. 93/2014); Official Gazette No. 89/2015

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Free Protection

The right to personal protective equipment (PPE) is guaranteed under the Act on Safety at Work.

If the risk of an accident or illness cannot be avoided or if a working environment hazard cannot be brought into conformity by applying technical means of collective protection or work related organizational measures, employer is required to provide employees with personal protective equipment. Employers are under obligation to provide, at their own expense, an employee with special work clothes, personal protective devices and equipment and arrange training for the employee in the use of personal protective equipment. Employees are also under obligation to make correct use of the prescribed personal protective equipment and keep it in working order. The employer must regularly inspect all machinery, appliances and individual protective devices and equipment which are in use in order to determine whether safety and health protection regulations are applied and whether the changes caused by regular usage entail danger to the safety and health of workers. Employer is required to consult with the Commissioner for Occupational Work on the choice of work equipment and protective equipment.

Sources: §13, 21, 24, 33 & 41 of the Act on Safety at Work (Official Gazette No. 118/2014)

Training

The Act on Safety at Work and Labour Code require employers to provide training to the workers on OSH related issues.

An employer is under obligation to inform the workers about the dangers of the jobs performed and give them proper training suitable with their jobs to ensure the protection of life and health of the employees and nullify the chance of accidents.

It is also employer's responsibility to arrange for the employee occupational health and safety instructions and training corresponding to the employee's position and occupation before an employee commences work or changes jobs or with change in the work process or equipment or advancement of technology. The employer must not allow a worker who has not received adequate instructions in safety and health protection to carry out work independently which can pose a danger either to his own or that of other workers' safety and health, unless risk evaluation has shown that there is no such risk. Employer is required to ensure that only an employee who has received appropriate special instruction or special training works in a danger area or that work is performed under the supervision of such an employee.

Sources: §11, 27-30 & 55 of the Act on Safety at Work (Official Gazette No. 118/2014); §28 (2 &3) of Labour Code 2014 (Official Gazette No. 93/2014)

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Labour Inspection System

Labour inspection system is provided under the Law on Labour Inspectorate, Labour Code and Act on Safety at Work.

The Labour Inspectorate is an administrative organization within the Ministry of Labour and Pension System. It is the government agency responsible for enforcing labour legislation.

The main functions entrusted to the Labour Inspectorate are the supervision of compliance with legislation regulating occupational health and safety and labour relations, informing general public, workers and employers of the dangers in the work environment and resolving of individual labour disputes. The Labour Inspectorate carries out inspection tasks in the area of labour and safety at workplace. The labour inspectorate performs inspections and enforcement of regulations in the field of construction in accordance with special regulations on construction.

At the request of the labour inspector for supervisory purposes, the employer should give the inspector all the information and data he/she requires. The employer must designate its safety agent who co-operates with the labour inspector in the determination of facts, in providing information, in ensuring access to documents and in proposing ways of collecting appropriate evidence.

Sources: §71 of the Act on Safety at Work (Official Gazette No. 118/2014); §222 & 223 of Labour Code 2014 (Official Gazette No. 93/2014); §1-58 of the Labour Inspectorate Act (Official Gazette No. 19/2014)

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08/13 Sick Leave & Employment Injury Benefits**Regulations on sick leave & Employment Injury Benefits:**

Law on Compulsory Health Insurance (Official Gazette No. 137/2013)

Labour Code 2014 (Official Gazette No. 93/2014)

Income

Paid sick leave is provided under the Law on Compulsory Health Insurance and Labour Code.

An employee is required to inform the employer of his/her temporary inability to work as soon as possible (within three days of illness) with a medical certificate (issued by an authorized physician) about the worker's temporary inability to work and its expected duration.

A worker's working capacity may be temporarily lost not only due to his sickness or injury but also due to the medical examinations which cannot be performed outside working hours; medically required isolation; complications during pregnancy; accompanying a sick person for medical treatment; and caring for a sick child or spouse.

There is no minimum qualifying period for entitlement to cash benefits and it is determined by a designated doctor in a primary health care institution during the first period of incapacity (the period is dependent on the nature of incapacity). The additional periods of incapacity are determined by a medical commission of the Croatian Institute for Health Insurance.

In case of temporary incapacity for work due to illness or injury, employees are entitled to receive full regular compensation from their employer for a specified period. The right of the insured to sick leave is determined by selected medical doctor of primary health care in a medical institution, or in private practice. An employee is not entitled to sickness benefit if he intentionally disabled himself or if inability is a result of his negligence or if he does not report to the authorized physician within three days of occurrence of incapacity or he deliberately prevents healing or training for work.

The employer pays the sickness cash benefit for the first 42 days of absence from work due to sickness. The amount of benefit depends on collective agreement however; it cannot be lower than the statutory minimum. From the 43rd day of sickness/absence, the Croatian Health Insurance Fund pays the sickness cash benefit. In certain cases, the benefit may be paid through Fund from the first day of absence (caring for a sick child or spouse, complications during pregnancy, etc.)

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Sickness benefit is based on the average net wage in the six months preceding the month of sickness (calculation base). The sickness benefit is 100% of the calculation base if sickness results from the war, nursing a sick child under 3 years of age, for donation of tissues and organs, in case of medical isolation and complications during pregnancy. In all other circumstances, the sickness benefit is 70% of the calculation base. The sickness benefit is paid in full until recovery or up to eighteen months, whichever is earlier. After this period, the benefit is reduced by 50%. However, no reduction in benefit is made for certain serious diseases.

In case of nursing the immediate family members, the duration of sickness benefit ranges from 40 to 60 days (depending on the age of child).

Sources: §36-53 of the Law on Compulsory Health Insurance (Official Gazette No. 137/2013); §37-40 of Labour Code 2014 (Official Gazette No. 93/2014)

Medical Care

The Law on Compulsory Health Insurance regulates mandatory health insurance of employees in Croatia. Every employee is covered by social insurance from the day of commencement of work. The employer must register employees with the Croatian Health Insurance Institute and provide the worker a copy of the application for compulsory pension and health insurance within eight days from the application deadline on compulsory insurance under a special regulation.

The employer must notify Croatian Health Insurance Institute of all the relevant changes, and is further liable for administering payments of social insurance contributions. Mandatory health insurance generally provides for free of charge medical assistance which is provided by a large number of physicians and hospitals that have entered into an agreement with the Croatian Health Insurance Institute.

Public and private health institutions under contract with the Croatian Health Insurance Fund provide medical benefits. Benefits include primary and specialist treatment, hospitalization, orthopedic and other aids, dental care, approved pharmaceuticals, laboratory services, maternity care, preventive care services, emergency aid, rehabilitation services, appliances, and transportation.

Compulsory health insurance covers partial costs of treatment. The insured persons with no complementary health insurance pay 20% of the actual cost of health care and no less than the minimum according to a schedule in law. Medical services are free for children younger than 18, persons with low income, persons with a disability needing constant assistance, and organ donors. Medical benefits are also available for worker's dependents.

Sources: §19 of the Law on Compulsory Health Insurance (Official Gazette No. 137/2013); §14(5) of Labour Code 2014 (Official Gazette No. 93/2014)

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Job Security

The Labour Code has provisions on employment security for sick workers.

Temporary absence from work caused by an illness or personal injury is not considered to be just cause for dismissal. Employers are prohibited from terminating the employment contract of a worker who is unable to perform his duties due to his state of health. If there is a break in period of notice due to temporary incapacity to work of an employee, the working relationship ceases no later than the expiration of six months from the date of delivery of the decision on the cancellation of contract.

An employer must not terminate a worker who has suffered an injury at work or has acquired an occupational disease and is temporarily unable to work due to medical treatment or recovery as long as he or she is temporarily unable to work due to medical treatment or recovery. An employee who was temporarily unable to work due to an injury or an injury at work, a disease or an occupational disease and for whom, after treatment or recovery, an authorized person or body, under a separate regulation, establishes that he or she is able to work, has the right to return to the job he/she previously performed, and if the need for such job no longer exists, the employer has to offer him/ her another similar and appropriate job. If the employer is unable to offer another appropriate job or if the employee refuses the amended contract, employer may terminate the contract as provided under the Labour Code. On a dispute between the worker and the employer, an occupational medicine specialist determines whether the job offered is appropriate for the worker. A disabled employee is entitled to additional professional training, if there is a change in technology or mode, as well as other benefits resulting from the improved working conditions to which he would be entitled.

An employer may terminate an employee which has an occupational inability to work only with the prior consent of works council. The consent is awarded by the works council if the employer proves that the he has done everything to provide appropriate job to the worker or if the employer proves that the employee has refused to accept the job offer for performance of work suited to his abilities, in accordance with the expert report and opinion of the authorized person or body. If the works council refuses to give such consent or in the absence of works council or shop steward, such consent is replaced by judicial decision or arbitration award.

An employee who has suffered an injury at work or has acquired an occupational disease, and who has not returned to work after the completion of treatment and recovery, has the right to severance pay in an amount at least double the amount he/she is entitled to otherwise.

An employee who unjustifiably refuses to accept job(s) offered does not have the right to severance pay in the double amount.

Source: §37-43, 117 & 121(4) of Labour Code 2014 (Official Gazette No. 93/2014)

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Disability / Work Injury Benefit

Work Injury/Temporary Incapacity for work benefits in Croatia are guaranteed under Law on Compulsory Health Insurance and Pension Insurance Act.

There is no separate social insurance scheme for accidents at work and occupational diseases. The occupational accidents and diseases (as well as their consequences) are covered by the compulsory health insurance in case of short term incapacity for work and mandatory pension insurance in case of invalidity or physical impairment of the insured person. In the event of death, benefits are provided both under compulsory health insurance and compulsory pension insurance schemes.

An occupational accident is an accident arising out of work and in the course of work including the travel to and from work. A list of occupational diseases defines and describes all the occupational diseases. A disease must be on that list to be considered an occupational disease. No prior insurance is needed for access to benefits.

In the event of work injury (accident or disease), all healthcare costs are covered. In the event of temporary disability, the benefit (similar to cash sickness benefit) is paid by the Croatian Health Insurance Fund from the first day of absence from work. It equals 100% of the calculation base (average salary during the six months prior to the month of disability). The benefit is paid until recovery or reaching the limit of uninterrupted 18 months period, whichever is earlier. After that period, the benefit is halved. The reduction does not apply to certain serious diseases.

The total disability benefit and death benefit (survivors' benefits) are described under the Social Security Section and may be referred to. Workers are also entitled to a physical impairment allowance (ranging from 12-40% of the calculation base) for physical impairment of at least 30% as a result of the accident at work or an occupational disease. In the event of death of a person due to occupational accident or disease, funeral expenses are refunded by the compulsory health insurance and family pension is paid by the compulsory pension insurance.

Sources: Law on Compulsory Health Insurance (Official Gazette No. 137/2013); Pension Insurance Act (Official Gazette No. 151/2014)

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09/13 Social Security

Regulations on social security:

Pension Insurance Act (Official Gazette No. 120/2016)

Law on Job Placement and Unemployment Insurance (last amended by Official Gazette No. 16/2017)

Pension Rights

The entitlement to old age pension is dependent on the age, gender and the length of coverage period. The law provides for both social insurance pension and mandatory individual account pension.

The current pensionable age is 65 years (for men) and 61 years and 09 months in 2017 (for women, gradually rising to 65 years by 2030, by increasing 03 months with every year) with at least 15 years of coverage. The retirement age for both men and women is set to rise to 67 years by three months every year from 2031 to 2038.

The early pension is available to men at age of 60 with at least 35 years of coverage. The early pension is available to women workers at the age of 56 years and 09 months with at least 31 years and 09 months of coverage in 2017. The early retirement age and the coverage period are rising gradually to 60 years and 35 years respectively for women workers.

The early retirement age is set to rise for both men and women workers to 62 years by three months a year from 2031 to 2038.

The old age pension is calculated based on the insured person's earnings according to the average wage of all employed persons and the length of insured person's coverage period. Old age pension is calculated through a complex formula which includes personal points, pension factor and initial factor. Old-age and early pensions are calculated by multiplying personal points, the pension factor and the actual value of a pension. Personal points depend on average value point and a worker's total qualifying period. The pension factor is set at 1.0 for both old-age and early pensions. The actual value of a pension (i.e. the amount of one personal point) is determined biannually by the Croatian Pension Insurance Institute (HZMO).

If a person is covered by both social insurance and mandatory individual account, the social insurance pension is reduced by 25%. A minimum pension (per year of coverage) is guaranteed under the social insurance pension.

The early pension is full pension reduced by 0.15% to 0.34% (higher ratio for shorter insurance coverage periods) for each month the pension is taken before the normal retirement age (with insurance coverage period of 36-40 years) except for those who retire at age 60 with at least 41 years of coverage. The deferred pension is increased by 0.15% for each month of deferment. The increase is provided for a maximum of five years (till age 70) and amounts to maximum 9%.

Sources: §34-38, 79 & 87 of Pension Insurance Act (Official Gazette No. 120/2016)

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Dependents' / Survivors' Benefit

Dependents'/Survivors' Benefit in Croatia are guaranteed under Pension Insurance Act. Like Old age pension, Survivors' benefits are also guaranteed under two pillars: the social insurance pillar and the mandatory individual account pillar. Survivors' benefits are granted once the conditions on the side of deceased person and entitled family member are met.

Survivors are entitled to family pension if the deceased person completed at least five years of coverage in a 10-year insurance period; fulfilled the qualifying conditions for invalidity pension; already enjoyed an old age, early or invalidity pension or was exercising occupational rehabilitation. Eligible survivors include a widow(er) aged 50 or older or younger than 50 and caring for eligible child(ren) or with a disability (a woman widowed at age 45 becomes eligible for survivors' benefits at age 50). Children are eligible for orphan's benefits up to the age of 15 (18 years for unemployed, 26 years for students and no age limit for disabled). Parents of the deceased worker are also entitled to benefits if they are aged 60 or older and were supported by the deceased (or younger than age 60 if assessed with a permanent loss of working capacity). Siblings are also entitled to survivors' benefits provided that they fulfil the conditions applicable to orphans. The benefit ceases on remarriage of a widow(er) younger than age 50 or disabled.

The survivors' pension is based on old age or disability pension the deceased received or was entitled to receive and the number of eligible survivors. The minimum number of years of coverage for pension calculation is 21. It is 70% for one survivor; 80% for two survivors; 90% for three survivors; and 100% for four or more survivors.

Sources: §66-75, 79 & 87 of Pension Insurance Act (Official Gazette No. 120/2016)

Unemployment Benefits

Unemployment benefits are guaranteed under the Law on Job Placement and Unemployment Insurance.

A worker who has lost his job is entitled to unemployment benefits if he meets the following eligibility conditions: aged between 15-65 years; at least 09 months of employment/insurance in the last 24 months; termination of employment by no fault of the worker or involuntary unemployment; registration at the Croatian Employment Service; capacity to work; actively seeking work; and the acceptance of suitable employment.

The unemployment benefit is calculated on the basis of average monthly earnings received during the last three months before termination of an employment contract (calculation base). The unemployment benefit is paid from the first day of unemployment. For the first 90 days of unemployment, the benefit amounts to 70% and for the remaining period, it is lowered to 35% of the calculation base. The unemployment benefit is paid for 90 to 450 calendar days depending on employment/insurance period (09 months to over 25 years). A worker with at least 32 years of coverage (and who lacks not more than five years until entitlement to old age pension) is entitled to unemployment benefits until reemployment or entitlement to pension.

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A new law on unemployment benefits was promulgated in 2017 which has repealed the 2013 law.

Source: Law on Job Placement and Unemployment Insurance (last amended by Official Gazette No. 16/2017)

Invalidity Benefits

Invalidity Benefits in Croatia are guaranteed under Pension Insurance Act. Like Old age pension and Survivors' Benefits/Family Pension, invalidity benefits are also granted under two pillars: the social insurance pillar and the mandatory individual account pillar.

Invalidity occurs if the capacity for work is reduced or lost due to permanent modification in the health condition as a result of an injury or disease. Invalidity is divided in general and occupational incapacity for work. The general incapacity for work exists when the ability to work is permanently and fully lost. The occupational incapacity occurs when the capacity to work is permanently reduced by more than half (51% or more) in comparison with a healthy insured person of similar education and ability. Invalidity must occur before a worker is 65 years old. The insured person must have coverage during one third (33.3%) of his working life after age 20 (age 23 for insured persons with post-secondary education and age 26 for a university degree). No minimum qualifying period is required if the full disability is the result of work injury or occupational disease. In the case of permanent and full (general) disability, employment ceases and the disability pension is replaced by old age pension on reaching the age of 65 years (full retirement age) Incapacity for work is assessed every four years by expert physicians of the Croatian Pension Insurance Institute (HZMO) until disable person reaches the age of 65.

For eligibility to partial disability pension, a worker must be under 65. If the disability started before age 53, the insured person is entitled to benefit only if he has coverage during at least one third of his working life and the insured's reduced capacity for work is not likely to be improved by occupational rehabilitation.

The occupational rehabilitation and salary compensation is awarded if the disability started before age 53 and insured worker is likely to regain full capacity to work. The insured worker is eligible for this benefit during rehabilitation until the worker returns to another job with the same employer or in the event of non-availability of a suitable job, for up to 12 months of unemployment following completion of occupational rehabilitation (24 months if the disability is the result of work injury or occupational disease).

There is also provision for temporary disability pension which is paid to the disabled persons following occupational rehabilitation who remain unemployed for at least five years before reaching the age of 58 years. The general disability pension is calculated by multiplying personal points, the pension factor and the value of pension. The personal point depends on average value point (based on a worker's previous earnings) and the total coverage period. The pension factor ranges between 0.5 (occupational incapacity) to 1 (for general/full disability). The value of pension is determined by the Croatian Pension Insurance Institute. A minimum pension is guaranteed for each year of coverage.

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The partial disability pension is 80% of the general disability pension. It is 50% if the pensioner is still employed and 66.67% if the disability is the consequence of work injury or occupational disease and the pensioner is still employed.

The occupational rehabilitation benefit is the same as partial disability pension. If the disability was caused by work injury or occupational disease, the benefit is the same as the general disability pension based on 40 years of coverage. Temporary disability pension is also same as partial disability pension.

Sources: §56-64, 79 & 87 of Pension Insurance Act (Official Gazette No. 120/2016)

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10/13 Fair Treatment

Regulations on fair treatment:

Labour Code 2014 (Official Gazette No. 93/2014)

Anti-Discrimination Act (last amended by Official Gazette No. 112/2012)

Gender Equality Act (Official Gazette No. 82/2008)

Criminal Code (last amended by Official Gazette No. 61/2015)

Constitution of the Republic of Croatia (last amended by Official Gazette No. 76/2010)

Equal Pay

The Labour Code and the Gender Equality Act guarantee equal pay for equal work or work of equal value.

Equal wages are paid for equal work or for work of equal value regardless of sex. Workers of different gender are considered to perform equal work and work of equal value if they perform the same work in the same or similar conditions or they could substitute each other at work; the work performed by one worker is of similar nature to that performed by the other; and the work one of the workers performs is of equal value as the work performed by the other if one takes into account the criteria such as qualifications, skills, responsibilities, conditions under which the work is performed and whether the work is of manual nature or not.

Source: §91 of Labour Code 2014 (Official Gazette No. 93/2014); §13(1)(4) of the Gender Equality Act (Official Gazette No. 112/2012)

Sexual Harassment

Harassment and Sexual harassment are dealt with under the Anti-Discrimination Act, the Gender Equality Act and the Criminal Code.

Harassment, as defined under the Gender Equality Act, is any unwanted conduct related to the sex of a person, which has the purpose or effect of violating personal dignity and creates an unpleasant, hostile, humiliating or offensive environment.

The Anti-Discrimination Act however increases the scope of harassment to the following grounds: race or ethnic affiliation or colour, gender, language, religion, political or other belief, national or social origin, property, trade union membership, education, social status, marital or family status, age, health condition, disability, genetic heritage, native identity, expression or sexual orientation. Sexual harassment is defined as any unwanted verbal, non-verbal or physical conduct of a sexual nature that has the purpose or effect of violating the dignity, in particular when creating an intimidating, hostile, degrading or offensive environment.

Article 17 of the Anti-Discrimination Act stipulates that if the rights of a person are violated due to discrimination, he or she may demand, from the person who violates the rights, the termination of the harmful activity and compensation for the damage on the basis of and pursuant to the procedure provided by

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law. Anyone with the intent to intimidate another person or to create a hostile, degrading, humiliating or offensive environment or violate the dignity of another person through acts of a sexual nature must be punished by a fine of HRK 5,000 to 40,000.

The Criminal Code also clarifies that "Whoever sexually harasses another person to which he is superior or which according to him is in a relation of dependency or that is especially vulnerable because of age, illness, disability, addiction, pregnancy, serious physical or mental disorders, shall be punished by imprisonment of up to one year".

According to Art. 7(5) of Labour Code, it is duty of the employer to protect the dignity of workers during work from acting superiors, associates and persons with whom the worker regularly comes into contact in the performance of their work.

Source: §3, 17, 25-28 of the Anti-Discrimination Act (last amended by Official Gazette No. 112/2012); §8 of the Gender Equality Act (Official Gazette No. 112/2012); §156 of the Criminal Code (last amended by Official Gazette No. 61/2015); §7(5) of Labour Code 2014 (Official Gazette No. 93/2014)

Non-Discrimination

Equality is guaranteed under the Constitution, Anti-Discrimination Act and the Gender Equality Act.

In accordance with article 14 of the Constitution, "Everyone in the Republic of Croatia shall enjoy rights and freedoms, regardless of race, colour, gender, language, religion, political or other belief, national or social origin, property, birth, education, social status or other characteristics. All shall be equal before the law". Article 17(1) of the Constitution prescribes certain situations in which constitutionally guaranteed individual rights and freedoms may be restricted (state of war or any clear and present danger to the independence and unity of the Republic of Croatia or in the event of any natural disaster). The Constitution however specifies that the extent of such restrictions must be proportionate to the nature of the threat, and may not result in the inequality of citizens with respect to race, colour, sex, language, religion, national or social origin.

The Anti-Discrimination Act prohibits discrimination based on race, ethnicity or skin colour, sex, language, religion, political or other opinion, national or social origin, property, trade union membership, education, social status, marital or family status, age, health, disability, genetic heritage, gender identity, expression or sexual orientation. Discrimination is deemed to place a person in less favourable position on the basis of the grounds for discrimination. The Act includes an exhaustive list of 21 grounds and prohibits discrimination on the basis of those grounds.

Law on Gender Equality prohibits discrimination based on gender and creates equal opportunities for women and men. Discrimination based on gender means any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of nullifying or impairing the recognition, enjoyment or exercise of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field on the basis of equality of men and women in educational, economic, social, cultural, civil or any other field of life.

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Under the Law on Professional Rehabilitation and Employment of Persons with Disabilities, the employment quota for persons with disabilities has been set as 3% of total number of persons employed by the employer irrespective of the activity performed by the employer.

Source: §14 & 17 of the Constitution of the Republic of Croatia (last amended by Official Gazette No. 76/2010); §1-2 of the Anti-Discrimination Act (last amended by Official Gazette No. 112/2012); §5-7 of the Gender Equality Act (Official Gazette No. 82/2008)

Equal Choice of Profession

Equal treatment of women workers at workplace is guaranteed under the Gender Equality Act and Labour Code.

Women workers can be employed in the same jobs as men. Employers are prohibited from establishing such conditions, upon hiring, which put persons of one sex at a particular disadvantage compared with persons of the other sex. Gender discrimination in employment and occupation is prohibited in both public and private sectors.

In accordance with the provisions of the Constitution, everyone has the right to work and freedom of work. Everyone is free to choose his profession and occupation, and everyone is eligible on equal terms for each work position and duty.

Source: §55 of the Constitution of the Republic Of Croatia (last amended by Official Gazette No. 76/2010); §6(1) & 13(1) of the Gender Equality Act (Official Gazette No. 112/2012); §3 & 9 of Labour Code 2014 (Official Gazette No. 93/2014)

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11/13 Minors & Youth

Regulations on minors and youth:

Labour Code 2014 (Official Gazette No. 93/2014)

Minimum Age for Employment

Employment of Children is governed under Labour Code. Minimum age for entry into employment is 15 years. A person must not be employed who is less than fifteen years of age or having age between 15-18 years but attending compulsory primary education. The labour inspector has the authority to prohibit the work of a minor employed if health and safety related requirements are not fulfilled. Minor older than 15 years (except for a minor attending compulsory primary education) is authorized to conclude an employment contract, if he/she has the authorization of guardian/legal representative. The school leaving age is 15 years in Croatia.

Sources: §19-20 of Labour Code 2014 (Official Gazette No. 93/2014)

Minimum Age for Hazardous Work

Employment of children in hazardous work is prohibited under Labour Code. The minimum age for hazardous work is 18 years. Overtime work is prohibited for minors. For minors employed in the industry, work between 19:00 and 07:00 is considered night work and for minors employed outside the industry, work between 20:00 and 06:00 is considered night work.

Night work is normally prohibited for young workers unless it is on a temporary basis (in the absence of enough adult employees) and absolutely necessary to perform such work immediately due to force majeure. Even in such case, total working hours cannot exceed eight hours and a child is not engaged between 24:00 and 04:00. Young workers, engaged in night work, must perform their work in supervision of an adult person.

A minor must not be employed in jobs that may endanger his safety, health, morals or development. It is employer's obligation to recruit a minor after his/her medical examination for the jobs which minors may perform only upon examination of their health capacities. Official Gazette No. 89/2015 provides a list of physical, biological and chemical agents, processes and work that are considered dangerous for minors and it is therefore prohibited to employ minors to perform such jobs.

A labour inspector can order the employer to get the minor examined by the authorized physician to assess whether the job performed by the minor threatens his/her safety, health, morals or development. The costs of the medical examination are borne by the employer. On the basis of expert opinion by an authorized physician, labour inspector may prohibit a minor from performing a specific job. Minister is required to issue an ordinance listing specific types of work prohibited for minor workers.

Sources: §21, 22, 69(2-3), 70(1-2) of Labour Code 2014 (Official Gazette No. 93/2014); Official Gazette No. 89/2015

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12/13 Forced Labour

Regulations on forced labour:

Labour Code 2014 (Official Gazette No. 93/2014)

Criminal Code of Croatia (last amended by Official Gazette No. 61/2015)

Prohibition on Forced and Compulsory Labor

Constitution and Criminal Code prohibit forced labour. According to the Constitution of Croatia, everyone has the right to work and freedom of work. Everyone is free to choose his profession and occupation, and everyone is treated on equal terms for each work position and duty. Also, no one should not be subjected to any form of maltreatment or without his consent, medical or scientific experiments. It is prohibited to employ children forcefully to the work that is harmful to their health or to decency.

In accordance with the provisions of Criminal code, "Whoever unlawfully detains, keeps imprisoned or otherwise restricts or limits the freedom of movement of a person is punished by imprisonment of up to three years". Similarly, an employer who hires a person, illegally residing in Croatia, under conditions that are taking advantage of his position or that the person is victim of trafficking or is under 18 years of age is punished by imprisonment term ranging from six months to five years if the employer is repeatedly employing such persons or simultaneously employs a large number of illegal residents. Whoever, traffics a person to be used in conditions of forced labour or servitude is punished by imprisonment of one to ten years (three to fifteen years if crime is committed against a child or juvenile).

Source: §23, 55 & 65 of the Constitution of the Republic Of Croatia (last amended by Official Gazette No. 76/2010); §114 of the Criminal Code of Croatia (last amended by Official Gazette No. 61/2015)

Freedom to Change Jobs and Right to Quit

Constitution of Croatia and Labour Code give a worker freedom to change jobs and the right to quit.

In accordance with the provisions of the Constitution, everyone has the right to work and freedom of work. Everyone is free to choose his profession and occupation, and everyone is treated on equal terms for each work position and duty.

In the event of ordinary cancellation of employment contract, employee is required to give 30 days of notice to the employer. In the event of extraordinary contract termination, notice is not required.

Source: §55 of the Constitution of the Republic of Croatia (last amended by Official Gazette No. 76/2010); §122 of Labour Code 2014 (Official Gazette No. 93/2014)

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Inhuman Working Conditions

Labour Code has provisions on working time. The general working hours in Croatia are 40 hours a week. The total working hours inclusive of overtime cannot exceed 50 hours a week (10 hours of overtime per week allowed). The maximum overtime hours a worker can be engaged in are 180 hours per year unless it is agreed otherwise by a collective agreement in which case the maximum limit is 250 hours per year.

Sources: §65 of Labour Code 2014 (Official Gazette No. 93/2014)

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13/13 Trade Unions

Regulations on trade unions:

Constitution of Republic of Croatia (last amended by Official Gazette No. 76/2010)

Labour Code 2014 (Official Gazette No. 93/2014)

Freedom to Join and Form a Union

Freedom of association is guaranteed under the Constitution of the Republic Of Croatia and regulated under the Labour Code. According to the constitution, “Everyone shall be guaranteed the right to free association for the protection of their interests or promotion of social, economic, political, national, cultural and other beliefs and goals. Anyone may freely form trade unions and other associations, join them or leave them in accordance with the law”. Employees (as well as the employers) have the right, without any distinction whatsoever, and according to their own free choice, to establish and join a trade union or an employers' association, subject to only such requirements which may be prescribed by the statute or internal rules of this trade union. Employees are free to join or leave such associations. No one must be discriminated against on the ground of his or her membership in association or participation or non-participation in its activities.

A trade union may be established by at least ten adult persons with legal capacity. An employers' association may be established by at least three legal persons or adult persons with legal capacity. The name of an association or higher-level association must be clearly distinguishable from the names of the already registered associations or higher-level associations. An association is registered in a register upon the application to the designated office. The application must be accompanied by the following documents: the certificate of establishment, the minutes taken at the founding assembly, the statute, the list of founders and members of the executive body, and names and family names of the person or persons authorized to represent the association.

An employee must not be placed in a less favourable position in comparison with other employees on the ground of his trade union membership. It is prohibited to conclude employment contract with a worker on the condition that he/she does not join a trade union or he/she leaves a trade union; or terminate a worker or place him in a less favourable position because of his participation in trade union activities after working hours or even during working hours subject to the consent of the employer.

Source: §43 of the Constitution of the Republic Of Croatia (last amended by Official Gazette No. 76/2010); §165-175 & 186 of Labour Code 2014 (Official Gazette No. 93/2014)

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Freedom of Collective Bargaining

Right to collective bargaining is guaranteed under the Labour Code. The legal position of collective agreements is recognized under the Constitution. Labour Code guarantees the workers' right of collective bargaining. A collective agreement regulates the rights and obligations of the parties that have entered into the contract, and also contains legal rules governing the conclusion, content and termination of labor relations, social security and other issues arising from employment or related to employment. A collective agreement also contains rules on the composition and methods of the bodies responsible for the peaceful resolution of collective labor disputes.

A collective agreement is a voluntary agreement between employees/trade union and the employer or employer association. A collective agreement is binding on all persons who have concluded it, and on all persons who, at the time of the conclusion of such an agreement, were or subsequently became members of the association which is a party to the collective agreement.

Collective bargaining currently takes place at both industry and company/organisation level. There are now no economy-wide agreements, although there is a tripartite economic and social council, bringing together unions, employers and government, which plays an important role.

Collective agreements are concluded in writing. The parties to the collective agreement and the persons to whom it applies must in good faith comply with its provisions. In case of breach of the collective agreement, the injured party or the person to whom it applies may seek compensation for damages. Persons representing the parties to a collective agreement must have a written authorization for collective bargaining and conclude collective agreements. A collective agreement may be concluded for a definite or an indefinite period. A collective agreement concluded for a definite period may not be concluded for a period longer than five years. A collective agreement must be submitted to the Ministry and be made public. The Minister prescribes the manner of its publication.

Collective agreements covering the whole country or more than one of Croatia's 21 counties (including the capital city of Zagreb) must be registered centrally with the Ministry of Labour and Pensions. Agreements covering employees in just a single county must be registered in that county.

Labour Code provides for establishment of the Economic and Social Council (Gospodarsko-socijalno vijeće-GSV) for purposes of defining and carrying out coordinated activities aimed at the protection and promotion of economic and social rights and interests of both the workers and the employers, in pursuance of coordinated economic, social and development policies, fostering the conclusion and application of collective agreements and harmonizing these agreements with the measures of economic, social and development policies. The Council is tripartite in nature and is composed of four members each from worker and employer groups and six members from government. The ESC is the advisory body of the Croatian Government, which provides opinions, suggestions and evaluations regarding policy measures or legislation affecting labour market. The Council was established subject to an agreement between the parties.

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GSV's monitors the effects of economic and social policy and make proposals to the government, employers and unions on a "coordinated price and salary policy", as well as comment on draft legislation in the area of social and labour policy. It also has a role in identifying mediators for dispute resolution.

Source: §57 of the Constitution of the Republic of Croatia (last amended by Official Gazette No. 76/2010); §192-204 and 221 of Labour Code 2014 (Official Gazette No. 93/2014); Sporazum O Osnivanju Gospodarsko-Socijalnog Vijeća

Right to Strike

Right to strike is guaranteed under the Constitution and regulated under the Labour Code. In accordance with article 61 of the Constitution, the right to strike is guaranteed to all except its restricted exercise in the armed forces, the police, the civil service and public services as specified by law.

In accordance with article 205 of the Labour Code, Trade unions have the right to call a strike and implement it in order to protect and promote the economic and social interests of its members and due to non-payment of salary or salary compensation by the due date.

A strike must be announced to the employer, or to the employers' association, against which it is directed, whereas a solidarity strike must be announced to the employer on whose premises it is organised. The letter announcing the strike must state the reasons for the strike, the place, date and time of commencement of the strike, and the manner of its implementation. A strike cannot begin before conclusion of a mediation procedure or any other dispute resolution procedure agreed upon by the parties.

Employers can engage in lockout only in response to a strike already in progress. A lockout must not begin before the expiry of eight days from the commencement of the strike. The number of workers locked out must not be greater than half the number of workers on strike.

At the proposal of the employer, the trade union and the employer prepare and adopt rules on the production and maintenance assignments and essential jobs that cannot be interrupted during a strike or lockout. The wages and allowances of a worker who participated in the strike may be reduced in proportion to the time of participation in the strike.

An employer cannot place a worker in a less favourable position for organizing or participating in a strike. An employee may be dismissed only for organizing or participating in an illegal strike or if he commits a grave violation of employment contract in the course of a (legal) strike. An employee cannot be coerced to participate in a strike.

Source: §61 of the Constitution of the Republic of Croatia (last amended by Official Gazette No. 76/2010); §205 & 213-220 of Labour Code 2014 (Official Gazette No. 93/2014)

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01/13 Work & Wages**ILO Conventions on Work and Wages**

Minimum wage: Convention 131 (1970)

Regular pay & wage protection: Conventions 95 (1949) and 117(1962)

Croatia has not ratified the Conventions 95, 117 & 131.

Minimum wage

The minimum wage must cover the living expenses of the employee and his/her family members. Moreover it must relate reasonably to the general level of wages earned and the living standard of other social groups.

Regular Pay

Wages must be paid regularly on a daily, weekly, fortnightly or monthly basis.

02/13 Compensation**ILO Conventions on Compensation**

Compensation overtime: Convention 01 (1919); Night work: Convention 171 (1990)

Croatia has not ratified the Conventions 01 & 171.

Overtime Compensation

Working overtime is to be avoided. Whenever it is unavoidable, extra compensation is at stake - minimally the basic hourly wage plus all additional benefits you are entitled to. In accordance with ILO Convention 1, overtime pay rate should not be less than one and a quarter times (125%) the regular rate.

Night Work Compensation

Night work means all work which is performed during a period of not less than seven (07) consecutive hours, including the interval from midnight to 5 a.m. A night worker is a worker whose work requires performance of a substantial number of hours of night work which exceeds a specified limit (at least 3 hours). Convention 171 requires that night workers be compensated with reduced working time or higher pay or similar benefits. Similar provisions are found in the Night Work Recommendation No. 178 of 1990.

Compensatory Holidays/Rest Days

If you have to work on a national/religious holiday or a weekly rest day, you should be entitled to compensation. Not necessarily in the same week, provided that the right to a paid compensation is not.

Weekend/Public Holiday work Compensation

If you have to work during the weekend, you should thereby acquire the right to a rest period of 24 uninterrupted hours instead. Not necessarily in the weekend, but at least in the course of the following week. Similarly, if you have to work on a public holiday, you must be given a compensatory holiday. A higher rate of pay for working on a public holiday or a weekly rest day does not take your right to a holiday/ rest.

03/13 Annual Leave & Holidays

ILO Conventions on weekly rest days and paid annual leave

Convention 132 (1970) on Holidays with Pay Convention

Conventions 14 (1921), 47 (1935) and 106 (1957) for weekly rest days. In addition, for several industries, different Conventions apply.

Croatia has ratified the Conventions 14, 106 & 132 only.

Paid Vacation/Annual Leave

An employee is entitled to at least 21 consecutive paid annual leave. National and religious holidays are not included. Collective agreements must provide at least one day of annual leave on full remuneration for every 17 days on which the employee worked or was entitled to be paid.

Pay on Public Holidays

You should be entitled to paid leave during national and officially recognized public holidays.

Weekly Rest Day

Workers should enjoy a rest period of at least twenty-four consecutive hours in every 7 day period, i.e., a week

04/13 Employment Security

ILO Conventions on employment termination

Convention 158 (1982) on employment termination

Croatia has not ratified the Convention 158.

The questions under this section measure the security or even flexibility or precariousness of an employment relationship. Although these are not clearly mentioned in a single convention (severance pay and notice requirement are provided in the Termination of Employment Convention No. 158) however, the best practices in the field require that employees be provided with a written contract of employment; workers on fixed term contracts should not be hired for tasks of permanent nature; a reasonable probation period (ideally lower than or equal to 6 months) may be followed to assess the suitability of an employee; a period of notice must be specified in an employment contract before severing the employment relationship; and workers be paid severance allowance on termination of employment relationship.

Written Employment Particulars

A contract of employment may be oral or written however workers should be provided with a written statement of employment at the start of their employment.

Fixed Term Contracts

Fixed Term Contract workers must not be hired for permanent tasks as it leads to precarious employment.

Probation Period

A reasonable probation period must be provided to a worker to learn new skills. A newly hired employee may be fired during probation period without any negative consequences.

Notice Requirement

A reasonable notice period, depending on the length of service of an employee, may be required before an employer may sever the employment relationship.

Severance Pay

Employers may be required to pay a severance allowance on termination of employment (due to redundancy or any other reason except for lack of capacity or misconduct).

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05/13 Family Responsibilities**ILO Conventions on family responsibilities**

Convention 156: Workers with Family Responsibilities Convention (1981)

Recommendation 165: Workers with Family Responsibilities (1981)

Croatia has ratified the Conventions 156 only.

Paternity Leave

This is for the new fathers around the time of child birth and is usually of shorter duration.

Parental Leave

The accompanying recommendation (No. 165) to ILO Convention on Family Responsibilities provides for parental leave as an option available to either parent to take long leave of absence (paid or unpaid) without resigning from work. Parental leave is usually taken once the maternity and paternity leave have been exhausted. For working parents, laws may define the portion of parental leave that has to be compulsorily taken by fathers or mothers.

Flexible Work Option for Parents / Work-Life Balance

Recommendation 165 asks for looking into measures for improving general working conditions through flexible work arrangements.

06/13 Maternity and Work**ILO Conventions on maternity and work**

An earlier Convention (103 from 1952) prescribed at least 12 weeks maternity leave, 6 weeks before and 6 weeks after. However, a later convention (No. 183 from year 2000) requires that maternity leave be at least 14 weeks of which a period of six weeks compulsory leave should be after childbirth.

Croatia has ratified the Convention 103 only.

Free medical care

During pregnancy and maternity leave, you should be entitled to medical and midwife care without any additional cost.

No harmful work

During pregnancy and while breastfeeding, you should be exempt from work that might bring harm to you or your baby.

Maternity leave

Your maternity leave should last at least 14 weeks.

Income

During maternity leave, your income should amount to at least two thirds of your preceding salary.

Protection from Dismissals

During pregnancy and maternity leave, you should be protected from dismissal or any other discriminatory treatment.

Right to return to same position

Workers have the right to return to same or equivalent position after availing maternity leave.

Breastfeeding/Nursing Breaks

After child birth and your rejoining your organization, you must be allowed paid nursing breaks for breastfeeding your child.

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07/13 Health & Safety**ILO Conventions on Health and Safety**

Most ILO OSH Conventions deal with very specific Occupational Safety hazards, such as asbestos and chemicals.

Convention 155 (1981) is the relevant general convention here. Labour Inspection Convention: 81 (1947)

Croatia has ratified both Conventions 81 & 155.

Employer cares

Your employer, in all fairness, should make sure that the work process is safe.

Free protection

Your employer should provide protective clothing and other necessary safety precautions for free.

Training

In order to ensure workplace safety and health, a central, independent and efficient labour inspection system should be present.

Labour Inspection System

You and your colleagues should receive training in all work related safety and health aspects and you should have been shown the emergency exits.

08/13 Sick Leave & Employment Injury Benefits**ILO Conventions on Sickness and Employment Injury**

Convention 102 (1952), Conventions 121 (1964) and 130 (1969) concerning Social Security, Employment Injury Benefits and Medical Care and Sickness Benefits

Croatia has ratified the Conventions 102 & 121 only.

Income/Paid Sick Leave

Your rights to work and income should be protected when illness strikes. The national labour law may provide that sickness benefit may not be paid during the first 3 days of your absence. Minimally you should be entitled to an income during first 6 months of illness. This income should be at least 45 per cent of the minimum wage. (Countries are free to opt for a system which guarantees 60 per cent of the last wages during the first 6 months of illness or even during the first year). You should be entitled to paid sick leave.

Medical Care

During illness, you should be entitled to medical care without any additional cost. Employees and their family members should have access to the necessary minimal medical care at an affordable cost.

Job security

During the first 6 months of your illness, you should not be fired.

Disability/Work Injury Benefit

Whenever you are disabled due

to an occupational disease or accident, you ought to receive a higher benefit. In the case of temporary or total incapacity/disability, a worker may at least be provided 50% of his average wage while in the case of fatal injury, the survivors may be provided with 40% of the deceased worker's average wage in periodical payments.

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09/13 Social Security**ILO Conventions on Social Security**

Social Security (minimum standards): Convention 102 (1952). For several benefits somewhat higher standards have been set in subsequent Conventions

Employment Injury Benefits: Conventions 121 (1964),

Invalidity, Old age and survivors' benefits: Convention 128(1967)

Medical Care and Sickness Benefits: Convention 130 (1969)

Unemployment Benefits: Convention 168 (1988).

Croatia has ratified the Conventions 102 & 121 only.

Pension Rights

In the normal circumstances, the pensionable age may not be set higher than 65 years of age. If retirement age is fixed above 65 years, it should give "due regard to the working ability of elderly persons" and "demographic, economic and social criteria, which shall be demonstrated statistically". Pension can be set as a percentage of the minimum wage or a percentage of the earned wage.

Dependent's/Survivors' Benefit

When the breadwinner has died, the spouse and children are entitled to a benefit, expressed as a percentage of the minimum wage, or a percentage of the earned wage. This must at least be 40% of the reference wage.

Unemployment Benefit

For a limited period of time, the unemployed has a right to unemployment benefit set as a percentage of the minimum wage or a percentage of the earned wage.

Invalidity Benefits

Invalidity benefit is provided when a protected person is unable to engage in a gainful employment, before standard retirement age, due to a non-occupational chronic condition resulting in disease, injury or disability. Invalidity Benefit must at least be 40% of the reference wage.

10/13 Fair Treatment**ILO Conventions on Fair Treatment**

Convention 111 (1958) lists the discrimination grounds which are forbidden.

Convention 100 (1952) is about Equal Remuneration for Work of Equal Value.

Croatia has ratified both the Conventions 100 & 111.

Equal Pay

At workplaces equal pay for men and women for work of equal value is a must, regardless of marital status. Pay inequality based on race, colour, sex, religion, political opinion, national extraction/place of birth or social origin is also forbidden. A transparent remuneration system and the clear matching of pay and position should be in place and to help prevent wage discrimination.

Sexual Harassment

Not clearly provided in ILO Conventions. However, sexual intimidation/harassment is gender discrimination.

Non-Discrimination

Your employer can't discriminate against you on in any aspect of employment (appointment, promotion, training and transfer) on the basis of union membership or participation in union activities, filing of a complaint against an employer, race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin, temporary absence due to illness, age, trade union membership, disability/HIV-AIDS, or absence from work during maternity leave. (Conventions 111, 156, 158, 159 and 183)

Equal Choice of Profession

People have the right to work and there can't be occupational segregation on the basis of gender.

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11/13 Minors & Youth**ILO Conventions on Minors & Youth**

Minimum Age: Convention 138 (1973)

Worst Forms of Child labour: Convention 182 (1999)

Croatia has ratified both Conventions 138 & 182.

Minimum Age for Employment

At workplaces, children may not be forced to perform work that could harm their health and hampers their physical and mental development.

All children should be able to attend school. Once this is safeguarded, there is no objection against children performing light jobs between the ages of 12 and 14. The general minimum age is 15 years however developing countries may set this at 14 years. The minimum age for hazardous work, work that is likely to jeopardize the health, safety or morals of young persons, is 18 years. It can also be set at a lower level of 16 years under certain circumstances

Minimum Age for Hazardous Work

Children should not be employed in a work that is likely to harm the health, safety or morals of children. It is considered one of the worst forms of child labour. The minimum age for such hazardous work is 18 years.

12/13 Forced Labour**ILO Conventions on Forced/Bonded labour**

Forced labour: Conventions 29 (1930)

Abolition of Forced labour: Conventions 105 (1957)

Forced labour is the work one has to perform under threat of punishment: forfeit of wages, dismissal, harassment or violence, even corporal punishment. Forced labour means violation of human rights.

Croatia has ratified both Conventions 29 & 105.

Prohibition on Forced and Compulsory labour

Except for certain exceptions, forced or compulsory labour (exacted under the threat of punishment and for which you may not have offered voluntarily) is prohibited.

Freedom to change jobs and Right to quit

Employers have to allow you to look for work elsewhere. If you do, you should not be shortened on wages or threatened with dismissal. (In the reverse cases, international law considers this as forced labour).

Inhumane Working Conditions

If the total working hours, inclusive of overtime exceed 56 hours per week, the worker is considered to be working under inhumane working conditions.

ILO Conventions on Trade Union Rights

Freedom of association and protection of the right to organize: Convention 87 (1948)

Right to Organize and Collective Bargaining: Convention 98 (1949)

Croatia has ratified both Conventions 87 & 98.

Freedom to join and form a union

Freedom of association means freedom to join a trade union. This is part of the fundamental human rights. Employees may not be put at a disadvantage when they are active in the trade union outside working hours. The list of exclusions for sectors of economic activity and workers in an organization should be short.

Freedom of Collective Bargaining

Trade unions are entitled to negotiate with employers on term of employment without hindrance. The freedom of a trade union to negotiate with employers to try and conclude collective agreements is protected. (The ILO has a special procedure for handling complaints from unions about violation of this principle).

Right to Strike

Workers have the right to strike in order to defend their social and economic interests. It is incidental and corollary to the right to organize provided in ILO convention 87.

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About Decent Work and Decent Work Check

Compare your own situation with the international labour standards and how they are applied in Croatia. At the end of the checklist you will see how things stand for you. You may be better off than what the international standards prescribe, but you should not be worse off. Behind every answer, you can find a short explanation of what your rights are; nationally and internationally. So you see right away if you can improve your situation.

The Decent Work Check makes the pretty abstract Conventions and legal texts tangible. Because, in the end, you want to know what your rights on the job mean in practice, what you may claim and what protection you are entitled to in case something unexpectedly does go wrong. The Decent Work Check employs double comparison system. It first compares national laws with international labour standards and gives a score to the national situation (happy or sad face). It allows workers to compare their real situation with national regulations in the country. Workers then compare their own score both at national and international levels. The Decent Work Check is based on de jure labour provisions, as found in the labour legislation. The real practice is informed by the employees themselves. This Check is different from other indices like World Bank's Doing Business Indicators or even ISSA's Social Security Programs throughout the World as it is not only descriptive in nature (bereft of any subjective opinions) but also that it covers a lot of different variables. The Revised Decent Work Check is also designed while taking into account upcoming Decent Work Indicators. While Decent Work Indicators focus more on statistics, our priority is informing workers about their rights through this Decent Work Check. Decent Work Check is useful both for employees and employers. It gives them knowledge, which is the first step towards any improvement. It informs employees of their rights at the workplace while simultaneously enlightening employers about their obligations. Decent Work Check is also useful for researchers, labour rights organizations conducting surveys on the situation of rights at work and general public wanting to know more about the world of work.

WageIndicator teams, around the world, have found out that workers, small employers and labour inspectors don't even know the labour law.

When you are informed - being a workers, self-employed, employee, employer, policy maker, labour inspector - there is a greater possibility that you ask for your rights (as a worker), you comply with rules (as an employer) and you strive to enforce these (as a labour inspector). As soon as you complete the DecentWorkCheck, you see which issues need improvement in your work life.

This is exactly the strategy chosen in the debates in many WageIndicator countries. In the debates with roughly 20-30 people around the table from all sides, the decent Work Check has soon the effect of a mini social dialogue. The people who run the dialogue are equally well informed.

The international labour standards are laid down in ILO-Conventions. ILO is the specialised body of the United Nations working on labour issues and was founded in 1919. In the ILO, negotiations are always going on between governments of the member states, national trade unions and employers associations regarding work related issues like rights at work and social protection. These negotiations may take years, but eventually lead to so called Conventions or Recommendations. In Conventions, minimum standards are laid down. Conventions are not the law, but the intention is that member states subscribe to the standard in question. The proper way to do that is to have these Conventions ratified by parliament and then make national laws (Some countries may follow the system of self-executing treaties). National law can be enforced. ILO-Conventions are usually accompanied by Recommendations on how to implement the standards.

Since 1999, the ILO works according to the so called Decent Work Agenda. In the meantime, the Decent Work Agenda has been widely accepted as an important strategy to fight poverty and foster development. The Agenda has been incorporated in the Millennium Development Goals of the United Nations. In short, the idea behind Decent Work is first of all an income which allows the working individual a good life. Moreover, at work, everybody has an equal chance to develop themselves; working conditions are safe; there is no instance of child and forced/bonded labour; and discrimination does not occur. Trade unions are allowed a real say in work related matters and the state has created a social safety net for all especially for the sick, weak, elderly and expecting women.

WageIndicator.org and Iftikhar Ahmad

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