**Information for workers posted to work in the Republic of Croatia**

## In Croatia an employee (worker) is  a natural person who, as part of his or her employment, carries out certain tasks for the employer.

## Definition of terms “worker” and “employer” is prescribed by the Article 4 of the Labour Act.

A posting is when your employer (service provider) in the framework of transnational provision of services, post you to work in the Republic of Croatia for a limited period of time.

**When you will be considered to be a posted worker?**

When you are posted by a foreign employer (a natural or legal person established in Member State of the European Economic Area or other than Croatia, or with a seat in a third country) to carry out work for a limited period of time in the Republic of Croatia, which is not a country in which you usually work.

But it should be noted that according to the case law of the Court of Justice of the European Communities, the temporary nature of an activity carried out on the territory of a Member State in the context of free provision of services can not be determined abstractly, but should be judged on a case by case basis, depending on the duration and frequency and whether it is periodic or continious.

**What is considered to be a posting situation under the Croatian law?**

When your employer for a limited time period:

1. posts you to the Republic of Croatia for its account and under its guidance, based on a contract concluded between your employer assigning him to such work and the service user doing business in the Republic of Croatia, provided there is an employment relationship between your employer and you during the period of posting (performing a service provision contract), or
2. posts you to the Republic of Croatia to an establishment or to an company owned by the same group to which belongs your employer, provided there is an employment relationship between your employer and you during the period of posting (intra –group mobility), or
3. posts you as a temporary employment agency to a user established or doing business in the Republic of Croatia, provided there is an employment relationship between the temporary employment agency and the you during the period of posting.

**What are your rights/obligations  as a posted worker?**

1. A posted worker must be employed in due form and must have the work contract with the employer-service provider during the period of posting.
2. A worker who is a third –country national and posted by his /her employer with a seat in one of the EEA State, additionally must  be legally employed, that is must hold a work permit and residence permit in the state where his/her employer is established.

A worker posted in the Republic of Croatia by a foreign employer with a seat in a third country (State not member of the European Economic Area) has to obtain stay and work permit, according to the provisions of the Foreigners Act.

For the duration of your posting, your employer is **obliged to comply at least with the minimum standards on employees  protection** laid down by legal regulations of the Republic of Croatia, that is, collective agreements which have been declared universally applicable to all employers and workers in a specific area, branch or activity, under a special regulation, which includes following working conditions :

* minimum wage, including increased wage for overtime work, (meaning that during the period of posting your wage may not be less than the Croatian minimum wage at the the level of the rights laid down by legal regulations of the Republic of Croatia, that is, collective agreements which have been declared universally applicable to all employers and workers in a specific area, branch or activity, under a special regulation),
* the prescribed maximum duration of working hours and the minimum duration of rest,
* minimum duration of paid annual leave (you are entitled to holidays and wage compensation),
* health and safety at work,
* protective measures for work of pregnant women, women who have recently given birth or are breastfeeding and minors,
* rules prohibiting discrimination and for protection and promotion of gender equality
* the conditions of the supply of workers by temporary employment agencies.

In all sectors, except two sectors- the construction sector and catering/tourism sector, minimum rate of pay, including increased wage for overtime work, paid to a posted worker during the period of posting in Croatia, may not be less than the Croatian minimum wage guaranteed at level laid down in accordance with Minimum Wage Act.

In the construction sector, minimum rate of pay paid to a posted worker during the period of posting in Croatia may not be less than the wage (remuneration) guaranteed by the **Collective Agreement for the Construction Sector,** that has been declared universally applicable to all employers and workers in the construction sector.

In the catering/tourism sector minimum rate of pay paid to a posted worker during the period of posting in Croatia may not be less than the wage (remuneration) guaranteed by the **Collective Agreement for the catering/tourism sector**, that has been declared universally applicable to all employers and workers in that sector.

**CONTRACTOR’S LIABILITY IN THE CONSTRUCTION SECTOR**

*Contractor’s liability in the construction sector for the obligations of his or her direct subcontractor towards the subcontractor’s posted workers*

In subcontracting chains posted workers can hold the contractor of which the employer is a direct subcontractor liable with respect to any outstanding net remuneration corresponding to the minimum rates of pay.

In the case if a direct subcontractor fails to pay wage or a part of wage to his or her posted worker on due date, a contractor shall be jointly and severally liable for the obligations of the subcontractor towards subcontractor’s posted worker for worker’s claims for due and unpaid minimum wage.

The liability of the contractor is limited to worker’s rights acquired under the contractual relationship between the contractor and his/her direct subcontractor, arising from the contract of provision of services in one or more construction activities.

**Due dilligence obligations**

The contractor shall not be liable if, he or she, has taken all appropriate actions to request and receive from his/her subcontractor before the beginning or during the period of the posting:

1. a copy of the submitted posting declaration and any subsequent amendments thereto,
2. a list of all posted workers employed in executing a contract between a contractor and a subcontractor,
3. for each individual posted worker: worker’s identification number, date of birth, job description, citizenship, date of commencement and completion of posting, place or places of providing services/building site, regular working time, including overtime hours, and gross monthly wage,
4. the written guarantee of the subcontractor that he will pay the posted worker guaranteed wage within due date and in the amount due to him/her during the posting,
5. for the duration of the contract between the contractor and the subcontractor:

–  at least once a month, for each individual posted worker: records of the working time, wage records, wage calculation (payroll account), from which all the elements, amounts and method of determining these amounts is evident, the currency to be used for the payment, a proof of payment within the time limit and in the amount to which the worker is entitled during the posting.

**What if the those guaranteed working conditions (including pay) are more favourably regulated by the regulations of a State in which your employer is established and which apply to your working relationship ?**

In that case, pursuant to the Article 86, paragraph 12 of the Aliens Act, **more favourable right** shall apply to the posted worker.

**What are your rights under the Croatian law if you are posted worker assigned through temporary employment agency?**

The working conditions referred to above are to be guaranteed also to posted workers assigned through temporary employment agencies.

Pay and working time, breaks and rest periods, safety at work protection measures, protection of pregnant workers, parents, adoptive parents and youth, and non-discrimination, in accordance with specific anti-discrimination regulations, applicable to the temporary agency workers may not be lower or less favourable when compared to the remuneration or above listed working conditions applicable to the worker employed with the user undertaking for the performance of the same tasks, **which would be applicable to the temporary agency worker should he have concluded an employment contract with the user undertaking.**

**What are your rights under the Croatian law if you are posted worker –  not citizen of EEA Member State?**

You are also guaranteed those rights under the condition that you are legally employed by a foreign employer (meaning by the regulations in the State where your employer is established (another Member State of the European Economic Area), and  usually it refers to obtaining a work permit.

Also, the posted worker who is a third-country national legally employed by a foreign employer with a seat in a Member State of the European Economic Area and posted in the Republic of Croatia for a period **over 3 months** has to **regulate his temporary stay for the purpose of work of the posted worker** in accordance with Article 47, paragraph 1, item 6 and Art 54. of the Aliens Act.

A worker posted in the Republic of Croatia by a foreign employer with a seat in a third country (State not member of the European Economic Area) has to obtain stay and work permit.

Your employer is obliged to confirm in the posting declaration  that you are legally employed according to the regulations of a state in which employer is established.

**Is there any category of posted worker which is exempted of the guaranteed rights?**

When the period of posting is less than 8 days and if the provision of services consists in work pertaining to the the initial assembly and/or the initial set-up essential for making the products delivered available and agreed as an essential component of a supply of goods contract,  performed by a qualified worker, the employer does not have to observe the minimum rate of pay or the minimum duration of paid annual leave in the Republic of Croatia.

This exemptions do not apply to workers posted to the Republic of Croatia by a foreign employer to carry out work in civil engineering relating to construction, repairs, maintenance, adaptations or demolition of buildings, and especially excavations, earth works, actual construction works, assembly and disassembly of prefabricated elements, the positioning of installations, alterations, renovation, repairs, disassembly, demolition, regular maintenance, maintenance, painting and cleaning or improvements.

**The posted worker’s right to judicial protection**

A posted worker who considers that any of his rights guaranteed pursuant to provisions of the Foreigners Act have been violated during the period of posting shall be entitled to initiate proceedings against his employer before the competent court, State body or legal persons with official authority in the Republic of Croatia, so as to protect and exercise these rights, in accordance with the regulations of the Republic of Croatia.

A posted worker shall be entitled to initiate proceedings referred above, even after termination of his employment with the employer, in accordance with the regulations of the Republic of Croatia.

A posted worker who has initiated proceedings referred above in order to protect his rights shall not receive less favourable treatment than other workers employed by the employer and shall not suffer any adverse consequences in relation to his rights derived from the employment relationship.

During the proceedings, initiated to protect the worker’s rights, the posted workers or employers may authorize either a person or associations and other organisations to represent them, that must be authorized to provide legal aid in accordance with specific regulations.

**What is the position of the employer established in a State which is not an EEA Member State when he posts workers to the Republic of Croatia?**

The employer established in a State which is not an EEA Member State may not be placed in a position more favourable than the foreign employer established in an EEA Member State.

It means that that such an employer also has to comply with the **basic rules on employees protection relating to aforementioned working** conditions as laid down by legal regulations of the Republic of Croatia, that is, collective agreements which have been declared universally applicable to all employers and workers in a specific area, branch or activity, under a special regulation.

* (for example, salary of the posted worker may not be less than the Croatian minimum wage at the the level of the rights laid down by legal regulations of the Republic of Croatia, that is, collective agreements which have been declared universally applicable to all employers and workers in a specific area, branch or activity, under a special regulation)

Such employer is also obliged to submit a posting declaration prior to posting and to comply with other administrative requirements.

**WHICH FORMALITIES HAVE TO BE FULFILLED BEFORE POSTING?**

1. **Do posted workers need a work permit?**

If posted  by an undertaking (employer) with a seat in State member of EEA, a posted worker does not need a work permit in Croatia. But if worker is a third –country national, and posted by his /her employer with a seat in one of EEA State, additionally must  be legally employed, that is (usually) must hold a work permit and residence permit in the state where his/her employer is established.

Also, if posted in the Republic of Croatia for a period over 3 months,  posted worker has to regulate his/her temporary stay for the purpose of work of the posted worker in accordance with Article 47, paragraph 1, point 7 and Art 54. paragraph 1 of the Foreigners Act.

If posted by an undertaking (employer) with a seat in a third country(outside of EEA), a posted worker needs a stay and work permit in Croatia.

1. **Is my employer obliged to submit a posting declaration before the commencement of posting and to which authority?**

Yes, every foreign employer, regardless of the seat, has to fill in an advance declaration for posted workers, to inform Croatian authorities about its intention to post you there.

The employer shall also report any change of  those data.

3. **Administrative requirements**

With a view to checking if the foreign employer fulfills his obligations towards his posted workers, the inspection service is allowed to inspect certain documents, primarily if the worker is employed with the employer during the posting period, according to which time schedule, how many hours he has performed, what salary and other benefits has he received, is he in the possession of the A1 form, etc.

Posted worker must be employed in due form, must have documents proving the observance of working conditions, as the work contract with the employer (service provider), A1 form,  an individual pay list, the pay statement and  an identification card. On the request of the inspection authority, documents have to be translated.

Posted workers who are third country nationals, posted by an undertaking with a seat in the EEA country, additionally must hold a work /residence permit in the home state (state of the establishment) of their employer.

Posted workers who are third country nationals, posted by an undertaking with a seat in a non -EEA country (third country), must hold a work /residence permit issued in Croatia.

A foreign employer shall authorize and designate, in the posting declaration, a person to keep, during the posting period, at the work place or at any other clearly designated and accessible place in the Republic of Croatia, copies of the employment contracts or any other document on which an employment relationship is based, salary statement specifying all the elements and the method of determining the amount of the salary, proof of payment of salaries, working time records specifying the beginning, duration and end of working hours and any other proof necessary for control and supervision., and in addition, for third- country national work permits or any other documents proving that the third-country national posted worker is legally employed.

Such a person shall make these documents available, in hard copy or in electronic form, if so requested by the competent body and shall provide a Croatian translation of these documents, if so requested by a competent body, and shall also provide competent bodies with any other required information.

4**. With regard to social security**

Before leaving for your posting, your employer should give you an [**A1 form**](http://europa.eu/youreurope/citizens/work/social-security-forms/index_en.htm#a1form) ([former E101 form](http://europa.eu/youreurope/citizens/work/social-security-forms/e-forms_en.htm#e101)). Please request this form from the institutions in the State of origin, because this form authorises you and your dependants to remain covered by your home system while working in Croatia  – for up to **2 years**.

If you are posted by an undertaking (employer) with a seat in the third country (State non- member of the EEA) your employer is obliged to deliver to you a copy of the application for mandatory pension and health insurances, issued for posting purposes, pursuant to bilateral agreements concluded by Croatia and third country.

You **could be requested to** **present the A1 form** (EU citizens**)** **or a copy of the application for mandatory pension and health insurances to the Croatian authorities at any time** during your stay in Croatia. If you are unable to, you might have to pay social security contributions in Croatia. If you are checked and have a valid A1 form, Croatian authorities have to recognise it.

**For additional information:**

<http://www.mirovinsko.hr/default.aspx?id=20>  
Info tel: (+385) 1 4891 666  
e-mail: [roberta.kurti@mirovinsko.hr](mailto:oberta.kurti@mirovinsko.hr); [antonija.krolo-vasilj@mirovinsko.hr](mailto:antonija.krolo-vasilj@mirovinsko.hr)

5**. With regard to health care**

Before leaving for your posting, please inform yourself in the home-country healthcare institutions.

If you have to move abroad for the whole period of posting, depending on your home country legislation, you might need an [S1 form](http://europa.eu/youreurope/citizens/work/social-security-forms/index_en.htm#s1form) ([formerly the E 106](http://europa.eu/youreurope/citizens/work/social-security-forms/e-forms_en.htm#e106)), which can be requested  from your home-country healthcare authority.

This form entitles you to healthcare during your stay in Croatia, so give the S1 form to the Croatian healthcare authority, that is a local  branch office of the  Croatian Health Insurance Fund in the place of your temporary stay,

or,

depending on your home country legislation, you need only a [European health insurance card](http://ec.europa.eu/social/main.jsp?catId=559&langId=en) from your home-country healthcare provider or social security authority.

For further details:

ncp-croatia@hzzo.hr

<http://www.hzzo-net.hr/>

1. **With regard to tax**

There are no EU-wide laws laying down which country can tax your income during a posting. There are only national laws and double tax agreements between countries, so you have to inform yourself about specific tax agreement in force between your home country and Croatia.

For Croatia **country-specific information** *(tax rates, contact details for tax authorities, definitions of tax residence) contact:*

e- mail address: [doprinosi.eu@porezna-uprava.hr](mailto:Doprinosi.eu@porezna-uprava.hr)

<http://www.porezna-uprava.hr/bi/Stranice/Dvostruko-oporezivanje.aspx>

<http://www.mfin.hr/>

**Ministarstvo financija/ Ministry of Finance**

Katančićeva 5  
10000 Zagreb  
Hrvatska

Tel: +3851 4591 333  
Fax: +3851  4922 583  
<http://www.porezna-uprava.hr/Stranice/Naslovnica.aspx>

|  |
| --- |
| ***WAGE*** |

During the period of posting to Croatia, workers in all sectors must be paid at least the amount of minimum wage determined by the law,  except in construction sector and catering/tourism sector, where they must be paid  at least at the level specified by the existing universally applicable collective agreement in Croatia.

Legal references:

1. Minimum Wage Act
2. Regulation on the Minimum Wage (adopted annualy for a particular year)
3. Labour Act (Part 11. Wage and wage compensation, Art 90-97)
4. generally binding collective agreement in the construction sector
5. generally binding collective agreement in the catering /tourism sector

**1. Minimum wage determined by the law**

The gross (bruto) minimum wage determined by the law for **2019 is 3.750, 00 HRK,** neto ammount 3.000,00 HRK. It applies in the period from the 1 January 2019 until the 31 December 2019.

The amount of the minimum wage does **not include** increases in wages which belong to a worker for overtime work, night work and work on Sundays, holidays or on other days that are not working days according to the law.

**Non-working days in Croatia are:** 1 January, 6 January, Easter and Easter Monday, the Corpus Christi, 1 May, 22 June, 25 June, 5 August, 8 October, 1 November, 25 December, 26 December, plus members of certain religion have the right not to work: on 7 January (orthodox), on both Bairam (islamic), Rosh Hashana and Yom Kippur (Hebrew).

info: the list of non-working days may be changed starting from 1 January 2020

Minimum wage determined by the law is set on annual basis and covers all workers and sectors.

Minimum wage has been defined by the law as the lowest monthly amount belonging to the worker for a work in a full-time working hours, which is in Croatia up to 40 hours a week, while the minimum wage for part-time work is determined in proportion to the minimum wage for full-time and working hours to which the worker is reported.

All workers working in Croatia have the right on minimum wage, irrespecting of the employer’s seat or registration. It is the same for all workers, irrespecting of their qualification.  
By the way of exception, the lower amount of the minimum wage can be established by the collective agreement, but not lower than 95 % of the amount prescribed by the Regulation on the Minimum Wage.

**PENAL PROVISIONS**

**Non-payment of the minimum wage** pursuant to the Minimum Wage Act**,** Article 10

(1) A fine in an amount from HRK 60,000.00 to HRK 100,000.00 shall be imposed for a misdemeanour on an employer – legal person if he fails to pay a minimum wage according to the Minimum Wage  Act.

(2) A fine in an amount from HRK 7,000.00 to HRK 10,000.00 shall be imposed for a misdemeanour referred to in paragraph 1 of this Article on an employer natural person and the responsible person of the legal person.

(3) The amount of the fine shall be increased depending on the number of workers to whom the employer did not calculate and pay due minimum wage, but up to the maximum of HRK 500,000.00  for a legal person and  HRK 15,00.00  for a natural person.

**2. Collective agreements declared universally applicable to all employers and workers in sector**

At the moment, there are two generally binding collective agreements which should be respected in the particular sector: first, in the construction sector, and second, in the catering/ tourism sector.

**CONSTRUCTION SECTOR**: Collective Agreement and Tariff rates available at:

<http://sgh.hr/app/webroot/files/file/KUG_procisceni%20t_scan.pdf>

<http://sgh.hr/app/webroot/files/file/TARIFNI%20Prilog%201%20-%20tablica%2020_02_2018_.pdf>

Collective agreement in the construction sector published in the Official Gazette No. 115/2015 and 26/2018, universally applicable from 19 December 2015.

More information available at: <http://www.sgh.hr/>

GUARANTEED BASIC WAGES, ACCORDING TO PAY GROUPS:

|  |  |
| --- | --- |
| ***Minimum gross wage*** | Applicable  3,750 HRK |
| ***Salary per category*** | ***Unskilled***  3,750 HRK To 4,875 HRK I. – II. group  ***Skilled***  4,875 HRK To 6,150 HRK III. – IV.b  ***Specialist***  6,150 HRK To 7,125 HRK V.a – VI.  ***Foreman***  7,125 HRK To 9,937.5 HRK VII.-X.  ***Professionals***  8,250 HRK To 9,937.5 HRK VIII.- X. |

A wage is paid for the period of one month, but can also be paid for periods of 15 days. The deadline for wage payment is no later than the 15th day, exceptionally no later than 20 th day, after the work carried out for the period for which the wage is paid.

Minimum basic wage for workers who carry out simplest jobs shall be HRK **3. 750,00**

The Tariff section of the Collective Agreement stipulates categorization and evaluation for particular jobs and workplaces in accordance with complexity and normal working conditions thereof with all respective tasks and workplaces classified into 10 grades of complexity (Appendix 1).

The basic rate of pay for each grade and sub-grade shall be established by way of multiplication where minimum general basic rate of pay is multiplied by complexity coefficient set for each grade and sub-grade.

**TARRIF RATES –CONSTRUCTION SECTOR COLLECTIVE AGREEMENT**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Complexity group** | **Jobs - work positions** | | **Coefficient** | | **Basic salary in HRK** | | |
|  |  | | **Hourly** | **Hourly** | **Monthly** | |
| **Group I jobs -** simple routine work that does not require special education | Transport worker, cleaners etc. | | 1.00 | | 21,55 | | 3.750,00 |
| **Group II jobs** - less complex tasks and duties, or work for which written instructions are sufficient | Trained semi-skilled construction workers, auxiliary semi-skilled workers of all professions, workers preparing food, maids, assistants to mechanical fitters, car washers and lubricators, machine and building elements manufacture attendants, geo-drilling assistant, survey assistant, messenger and courier | | 1.15 | | 24,78 | | 4.312,50 |
| **Group III jobs -** medium-complex tasks and duties on which the work is repeated, with the occasional appearance of new tasks | Skilled construction worker novice (bricklayer, carpenter, bar-bender, cementer, asphalt setter), skilled worker-novice of all professions, geo-driller, simple construction machine mechanic, tractor driver, metal structures installer, woodworking operator, computer data input worker, technical draftsman, typist, telephone switchboard assistant, local warehouse worker. | | 1.30 | | 28,01 | | 4.875,00 |
| **Group IV a jobs -** complex and diverse tasks and duties that require consultations in their execution | Skilled construction workers of all professions (group V carpenter, bar-bender, bricklayer, etc.), construction lab worker, lorry driver, service mechanic, universal mechanical fitter, construction machine mechanic, warehouse worker, cook, cashier, firefighter, skilled electrician | | 1.45 | | 31,25 | | 5.437,50 |
| **Group IV b jobs** - complex and diverse tasks and duties that require consultations in their execution | Skilled construction workers of all trades (Group VI. carpenter, bar-bender, bricklayer, insulation worker, asphalt labourer), site technician, geotechnical driller, laboratory technician, wood processing technician, accountant, ERC operator, land surveyor | | 1.52 | | 32,75 | | 5.700,00 |
| **Group V.a - jobs** that include more complex tasks and tasks that require a higher degree of independence in carrying out duties and tasks | High-skilled construction workers of all trades (Group VII: carpenter, bar-bender, concrete labourer, fastening worker, scaffold builder), operator of heavy construction machinery, gas power plant installer, driver of heavy goods vehicles, furnace worker-specialist, technician-estimator, foreman for simple objects and installations, accountant | | 1.64 | | 35,34 | | 6.150,00 |
| **Group V.b - jobs** that include more complex tasks and tasks that require a higher degree of independence in carrying out duties and tasks | High-skilled construction workers of all trades (Group VIII: carpenter, bricklayer, bar-bender, fastening worker), mine specialist, leading installer, bus driver, specialist engineer for construction machinery, specialist heavy duty vehicle driver, specialist woodworking machinery operator, buildings manager, assembly manager, chef-specialist, accountant - balance accountant | | 1.71 | | 36,85 | | 6.412,50 |
| **Group VI**  includes jobs that require a higher degree of autonomy and creativity in their execution | High-skilled construction workers - masters of all trades, machinery maintenance specialist, welder specialist, site manager, foreman for finishing works, installation manager, independent officer for related services, estimator, land surveyor specialist, small building manager | | 1.82 | | 39,22 | | 6.825,00 |
| **Group VII** includes jobs that require additional knowledge of the more specific area of operation, as well as independence and creativity in performance of those areas | Construction facility manager, assembly manager, plant manager, complex building manager, head of a section in supporting services, sales officer, hotel manager, metal structures designer, surveyor, certified management accountant, independent estimator, manager of machinery and transport and maintenance manager at construction site | | 1.90 | | 40,94 | | 7.125,00 |
| **Group VIII**  covers jobs that include very complex tasks that require initiative and creativity of workers, designing task and duties | Site manager, construction installation manager, complex plant manager, surveyor specialist, independent estimator, programmer, mechanical designer, operating metal structures constructor, head of the accounting service, marketing, finance, work preparation, engineers with university degree, and other experts, etc. | | 2.20 | | 47,41 | | 8.250,00 |
| **Group IX**  includes highly complex tasks that require initiative and creativity as well as additional specialist knowledge required to perform these tasks | Manager of a very complex site, engineers with university degree and other experts in different services - specialists, independent designers, ERC organizer, land surveying designer, architectural designer of metal structures, technologists and others. | | 2.35 | | 50,64 | | 8.812,50 |
| **Group X**  includes the most complex jobs and tasks with the greatest importance for the production and business process control, creative jobs and activities, research, etc. | Manager in charge of finishing works, organizer of industrial production of construction materials for the installation and design-related construction equipment, office manager, land surveying services organizer, working units manager, manager of large independent facilities, commercial sector manager, finance manager, accounting manager, human resources manager, etc., management consultant, head of development sector executives, research teams members. | | 2.65 | | 57,11 | | 9.937,50 |

**CATERING/TOURISM SECTOR**

Relevant Collective Agreement and Tariff rates available at:

Collective agreement: <http://www.stuh.hr/upload_data/site_files/novi-ku.docx>

**Tariff rates in force**: <http://www.stuh.hr/upload_data/site_files/dodatak-i-kuu.pdf>

**WAGE AND WAGE COMPENSATION** pursuant to the Labour Act, Part 11

*Payment of wages and wage compensation (Article 92)*

(1) Wage shall be paid after the work has been performed.

(2) Wage and wage compensation shall be paid in money.

(3) Unless otherwise provided for by the collective agreement or employment contract, wage and wage compensation for the previous month shall be paid no later than within the fifteenth day of the current month.

(4) Within the meaning of this Act, wage and wage compensation means a wage and wage compensation in gross amount.

*Documentation on wage and wage compensation  and severance pay  (Article 93)*

(1) The employer shall be obliged to hand over to the worker a payroll account, no later than 15 days after the wage and wage compensationor severance pay is paid, evidencing the method of determining these amounts.

(2) The employer who fails to make the payment of wage and wage compensationor severance pay within their due dates, or who fails to pay them in the full amount, shall be obliged to provide the worker with a payroll account for the amounts he was required to pay, by the end of month in which the payment of wage and wage compensation or severance pay was due.

(3) The payroll accounts referred to in paragraph 2 of this Article shall be instruments permitting enforcement.

*Entitlement to wage increase* *(Article 94)*

The worker shall be entitled to an increased wage for arduous working conditions, overtime and night work, and for work on Sundays, holidays, and on other days that are not working days according to the law.

*Wage compensation* **(***Article 95)*

(1) The worker shall be entitled to wage compensation for periods in which he or she does not work due to legitimate reasons established by law, regulations or administrative provisions, collective agreement, working regulations or employment contract.

(2) The period referred to in paragraph 1 of this Article that is subject to compensation at the expense of the employer shall be established by law, regulations or administrative provisions, collective agreement, working regulations or employment contract.

(3) The worker shall be entitled to compensation during the period of work interruption due to the fault of the employer or due to other circumstances beyond the worker’s responsibility.

(4) The worker who refuses to work due to non-compliance with the laws and regulations on protection of the safety and health of workers shall be entitled to wage compensation for the period until the prescribed measures are implemented, unless the worker has been assigned to other appropriate job during this period.

(5) Unless otherwise provided for by this Act or another law, regulations or administrative provisions, collective agreement, working regulations or employment contract,the worker shall be entitled to wage compensation amounting to the average wage he or she received over the preceding three months.

|  |
| --- |
| **WORK PERIODS AND REST PERIODS** |

Legal references:

* Labour Act

Part 8. WORKING HOURS  (Art. 60-72) and Part 9. REST PERIODS AND LEAVES (Art. 73-87)

**Working hours (Articles 60-72)**

Full-time working hours must not be longer than 40 hours a week.

*Overtime work*

In the case of force majeure, an extraordinary increase in the scope of work and in other similar cases of a pressing need, the worker shall, at the employer’s **written request**, work longer than the full-time or part-time working hours (overtime work).

If the employer, due to the nature of a pressing need, is not in a position to hand over a written request for overtime work before it begins, he shall be obliged to **confirm the oral request in writing** within seven days starting from the date overtime work was requested.

If the worker works overtime, the total working time of the worker may not exceed **50** hours **a** **week.**

The overtime work per worker **may not exceed 180 hours a year**, unless otherwise provided for in collective agreement, in which case it may not exceed 250 hours a year.

Overtime work by minor workers shall be prohibited.

A pregnant worker, a parent of a child under three years of age and a single parent of a child under six years of age who works part-time at several employers, and the worker referred to in Article 63, paragraph 3 and Article 62, paragraph 3 of this Act, may work overtime only when their written consent to such work is given to the employer, except in the case of force majeure.

*Night work (Articles. 69, 70 and 72)*

Night work means any work performed between 10 p.m. and 6 a.m., an in agriculture sector between 10. p.m. and 5 a.m.

Night worker means any worker who regularly works at least three hours of his daily working time as a normal course during night time, and any worker who works at least one third of his working time during the period of twelve successive months during night time.

Normal working hours for night workers shall not, in the period of four months, exceed an average of 8 hours in any 24-hour period.

Where, based on danger assessment carried out pursuant to specific provisions on safety at work, the night worker is exposed to special hazards or heavy physical or mental strain, the employer shall ensure that such a worker does not work more than 8 hours in any period of 24 hours during which he performs night work.

*Employer’s obligations towards shift and night workers  (Article 72)*

(1) In organising night or shift work, the employer shall be obliged to take special care so as to adapt the organisation of work to the worker and ensure that safety and health protection is adapted to the nature of night or shift work.

(2) The employer shall be obliged to ensure safety and health protection to night and shift workers adapted to the nature of their work, as well as that the functioning of sufficient protection and prevention services applicable to all other workers are available at any time.

(3) The employer shall be obliged to provide night workers with a health assessment before their assignment and thereafter at regular intervals, in accordance with the regulation from paragraph 8 of this Article.

(4) By way of derogation from paragraph3 of this Article, the health assesment of night worker performing works under specific working conditions provided for in regulations or  administrative provisions on safety at work, shall be conducted in accordance with those provisions.

(5) The costs of health assessment referred to in paragraph 3 of this Article shall be borne by the employer.

(6) Where a health assessment referred to in paragraph 3 of this Article establishes that the night worker suffers from health problems connected with the fact that he performs night work, the employer shall be obliged to ensure such a pattern of working time so that the worker can perform the same job in day work.

(7) Where the employer is not able to ensure for the worker referred to in paragraph 6 of this Article to perform the same job in day work, he shall be obliged to offer to the worker the employment contract for day work to which he is suited and which to the greatest possible

extent shall be comparable to the works previously performed by the worker.

(8) The Minister shall stipulate the content, the method of and time limits for conducting health assessment referred to in paragraph 3 of this Article by virtue of an ordinance.

*Prohibition of night work/ minors   (Article 70)*

Night work by minors shall be prohibited, unless such a work is a pressing need in business activities regulated by special legislation and where it may not be performed by adult workers; in such a case the minor may neither work between midnight and 4 a.m. nor may he work longer than 8 hours in any period of 24 hours during which he performs night work.

In the event of night work by minors, the employer shall ensure that such a work is performed under the surveillance of an adult.

In the case of minors working in industry, any work in the period between 7 p.m. and 7 a.m. shall be regarded as night work.

In the case of minors not working in industry, any work in the period between 8 p.m. and 6 a.m. shall be regarded as night work.

***Overtime work****/ PROTECTED CATEGORIES OF WORKERS*

A pregnant worker, a parent of a child under three years of age and a single parent of a child under six years of age , worker who works part-time at several employers, may work overtime only when their written consent to such work is given to the employer, except in the case of force majeure.

*Patterns of working time (schedule of working hours)* **(**Article 66)

The duration of worker’s working time may be either evenly or unevenly distributed over days, weeks or months.

If working time unevenly distributed, its duration may in one period be longer than full-time work or part-time work, and shorter in another. It shall be determined by virtue of the employer’s written decision, where the pattern of working time is not laid down by laws and regulations,collective agreement, agreement between the works council and the employer, working regulations or by employment contract.

Where the working time is unevenly distributed, the period covered by such a pattern **may not be less than one month nor may it exceed one year.**

Such a pattern of unevenly working time must correspond either to the worker’s full-time or part-time work, as defined by the employment contract.

Where the working time is unevenly distributed, the worker may work up to 50 hours **a week**, including overtime work.

Exceptionally, the worker may work in unevenly distributed working time up to 60 hours **a week**, if it is agreed upon by collective agreement, including overtime work.

But, working in unevenly distributed working time, the worker may not, in any period of four successive months, work more than 48 hours a week on average, including overtime work.

The period longer than 4 succesive months, but no longer than six months can be agreed upon by collective agreement.

The period of annual leave and temporary unavailability for work shall not be counted in the four month period, or six month period.

During the period of uneven distribution of working hours, the worker’s pattern of working hours may be changed only for the remaining part of defined period of uneven distribution of working hours.

Where prior to the expiry of defined period of uneven distribution of working hours the worker’s working hours already correspond to the full-time or part-time work, as applicable, the employer shall request the worker to work overtime during the remaining part of the defined period, should there be a need for the work of that particular worker.

Where the worker, whose fixed-term employment contract is about to expire, has worked more than the average full-time or part-time work as defined by the contract, as applicable, the number of hours exceeding the average full-time or part-time work as defined by the contract shall be regarded as overtime work.

The period of annual leave and temporary unavailability for work shall not be counted in the four month period, or six month period, as referred to in paragraphs 8, 9 and 10 of this Article.

The employer must inform the worker of his pattern of working hours or any change thereto at least one week in advance, except in the event of a pressing need for that particular worker’s work.

For further details see provisions of the Labour Act.

*Rescheduling of working time (* Article 67)

Where the nature of work requires so, the full-time or part-time work may be rescheduled so that **during the period, which can not be longer than twelve successive months**, it exceeds full-time or part-time work in one period, and is less than full-time or part-time work in another period.

This must be done in such a manner that the **average working hours** during the course of rescheduling may not exceed the full-time or part-time work.

If working hours are rescheduled, they, during the period when they last longer than full-time working hours, including overtime, may not exceed 48 hours per week.

The rescheduled working time shall not be regarded as overtime work.

By way of derogation, the rescheduled working time during the period in which it lasts longer than full-time or part-time work may exceed 48 hours a week, but it may not exceed 56 hours a week, under the assumption that it is provided for in collective agreement and that the worker gives to the employer a written statement of his voluntary consent to such work.

Also, by way of derogation, the rescheduled working time during the period in which it lasts longer than full-time or part-time work may exceed 60 hours a week if the employer performs seasonal business activities, under the assumption that it is provided for in collective agreement and that the worker gives to the employer a written statement of his voluntary consent to such work.

The worker who does not agree to work longer than 48 hours a week under the rescheduled working time scheme must not suffer any adverse consequences.

The employer shall deliver to the labour inspector, upon his request, the list of workers who gave their written consent.

In the period during which it exceeds either the full-time or part-time work, the resheduled working time may last up to four months, unless otherwise provided for in collective agreement, in which case it may not exceed six months.

The fixed-term employment contract for works performed under rescheduled working time scheme shall be concluded for such a period so as to worker’s average working time must correspond to the full-time or part-time work defined by the contract.

For further details see provisions of the Labour Act.

*Protection of vulnerable categories of workers**Article 68*

(1) Minors may not work more than 8 hours in a 24-hour period.

(2) The worker working part-time for two or more employers, a pregnant worker, a parent with a child under three years of age and a single parent with a child under six years of age may work under the uneven distribution of working time scheme referred to in Articles 66 and 67 of this Act only if they hand over to the employer a written statement of their voluntary consent to such work.

REST PERIODS AND LEAVES (Part 9. Articles 73-87 of the Labour Act)

*Break**(Article 73)*

(1) Unless otherwise provided for by specific provisions, the worker who works at least 6 hours a day shall be entitled to a daily period of rest (**a break) of minimum 30 minutes**.

(2) The minor who works at least 4 and half hours a day shall be entitled to a daily period of rest (a break) of minimum 30 consecutive minutes.

(3) The part-time worker employed with two or more employers,  with total daily working

hours at all employers of at least 6 (for minor 4.5 hours) respectively, shall be entitled to a break at each employer proportionate to his contracted part-time work.

The break shall be **counted in working time.**

(4) Where, due to its specific nature it is not possible to interrupt the work in order to take a rest referred to in paragraph 1 of this Article, the period and method of taking the rest shall be provided for in collective agreement, agreement between the works council and the employer or employment contract.

*Daily rest   (Article 74)*

(1) The worker shall be entitled to a minimum daily rest period of 12 consecutive hours per 24-hour period.

(2) By way of derogation from paragraph 1 of this Article, the employer shall be obliged to ensure that his adult seasonal worker performing works that involve two periods of

work split up over the day, is entitled to a minimum daily rest period of 8 consecutive hours.

(3) The worker referred to in paragraph 2 of this Article shall be afforded equivalent

periods of compensatory rest right after his working time with no rest, or with a shorter period of rest.

*Weekly rest      Article  75*

(1) The worker shall be entitled to a weekly minimum uninterrupted rest period of 24 hours plus the hours of daily rest referred to in Article 74 of this Act.

(2) A minor shall be entitled to a weekly rest in the continuous duration of no less than 48 hours.

(3) The weekly rest shall be used by the worker on Sundays or the day before or day after Sunday.

(4) Where the worker is not in a position to use the rest period in prescribed manner, he shall be afforded equivalent periods of **compensatory weekly rest** right after his working time with no weekly rest, or with a shorter period of rest.

(5) As an exception, the shift workers or workers who due to objective technical reasons or organisation of work cannot use the rest period referred to in paragraph 1 of this Article, shall be afforded a weekly minimum uninterrupted rest period of minimum 24 hours, without counting in the daily rest referred to in Article 74 of this Act.

*Annual leave ( Articles 76 – 87)*

The worker shall be entitled to a paid  annual leave of **minimum four weeks in each calendar year.**

The minor and a worker carrying out work at which workers can not be protected from harmful effects in spite of the application of occupational health and safety measures, shall be entitled to at least five weeks of annual leavefor each calendar year.

The worker employed for the first time or the worker with the interruption period between two employments exceeding eight days **shall acquire the entitlement to annual leave after six consecutive months of employment with that employer**.

National holidays and non-working days stipulated by law, periods of temporary incapacity for work assessed by competent physician and days of paid leave shall not be counted in the period of annual leave.

**Non-working days in Croatia** are: 1.  January, 6. January, Easter and Easter Monday, the Corpus Christi, 1. May, 22. June, 25. June, 5. August, 8.  October, 1. November, 25. December, 26. December, plus members of certain religion have the right not to work: on 7. January (orthodox),  on both Bairam (islamic), Rosh Hashana and Yom Kippur (Hebrew).

An agreement under which a worker waives his entitlement to annual leave in return for compensation shall be null and void.

*Remuneration during annual leave**(Article 81)*

During annual leave the worker shall be entitled to remuneration in the amount defined by collective agreement, working regulations or employment contract, which **may not be less** than his average monthly remuneration over the previous three months (counting in any benefits in cash or in kind representing compensation for work).

For further details, including, determining the duration of annual leave, time limit for acquiring the right to annual leave, right to a proportion of annual leave, paid leave etc. see the provisions of the Labour Act.

|  |
| --- |
| **RULES CONCERNING WORKING CONDITIONS OF PREGNANT WOMEN, WOMEN WHO HAVE RECENTLY GIVEN BIRTH OR ARE BREASTFEEDING AND MINORS** |

Legal references:

* + the Labour Act: Part 8. Working hours and Part  9. Rest periods and leaves
  + Maternity and Parental Benefits Act

***MINORS***

***Legal capacity of minors for entering into employment contract*** (Article 20)

(1) Where a legal representative authorises a minor of or above fifteen years of age to conclude an employment contract, with the exception of a minor who is still subject to compulsory full-time elementary schooling, the minor shall have a legal capacity for the purpose of concluding and terminating such contract and for taking any legal actions with regards to the rights and obligations arising from or relating to such contract.

(2) The authorisation referred to in paragraph 1 of this Article shall not apply to legal actions for which the legal representative needs the consent of an authority responsible for social welfare.

(3) The employer may not employ the minor referred to in paragraph 1 of this Article with no authorisation of the legal representative or the consent of the authority responsible for social welfare to conclude an employment contract.

(4) In the case of a dispute between the legal representatives or between the legal representative(s) and the minor, the authorisation for concluding an employment contract shall be subject to the decision of the authority responsible for social welfare, with due account taken of minor’s interests.

(5) The legal representative may withdraw or limit the authorisation from paragraph 1 of this Article or terminate the employment relationship on behalf of the minor.

(6) The guardian may give the authorisation referred to in paragraph 1 of this Article to the minor only with a previous consent of the authority responsible for social welfare.

(7) The authorisation referred to in paragraph 1 of this Article shall be given in writing.

***Prohibition of certain works by minors***(Article 21)

(1) A minor may not be employed to perform works likely to harm their safety, health, moral or development.

(2) The Minister shall stipulate the works referred to in paragraph 1 of this Article by virtue of an ordinance.

(3) Without a prior health assessment the employer may not employ a minor for works that can be performed by the minor only after such an assessment.

(4) The Minister shall by virtue of an ordinance stipulate the works to be performed by minors only after the assessment of health conditions for performing those particular works.

***Supervising certain works by minors***(Article 22)

(1) Where a minor, his parent or guardian, works council or trade union have any doubts that the works performed by the minor will put his safety, health, morals or development into risk, they may request from the employer that an authorised physician performs a health assessment of the minor and provides his findings and opinion of whether the works performed by the minor indeed harm his safety, health, morals or development.

(2) The costs of the health assessment, findings and opinion referred to in paragraph 1 of this Article shall be borne by the employer.

(3) Where the results of findings and the opinion referred to in paragraph 1 of this Article show that the works performed by the minor harm his safety, health, morals or development, the employer shall be obliged to offer to the minor the conclusion of employment contract for other appropriate works; where there are no such other works, he may give him a notice of dismissal in a manner and under the conditions stipulated by this Act.

***Protection of vulnerable categories of workers*/***minors* (Article 68 LA)

Minors may not work more than 8 hours in a 24-hour period.

***Overtime work****/minors*

Overtime work by minor workers shall be prohibited.

***Night work/minors***

***Prohibition*** *of night work/minors* (Article 70 LA)

(1) Night work by minors shall be prohibited, unless such a work is a pressing need in business activities regulated by special legislation and where it may not be performed by adult workers; in such a case the minor may neither work between midnight and 4 a.m. nor may he work longer than 8 hours in any period of 24 hours during which he performs night work.

(2) In the event of night work referred to in paragraph 1 of this Article, the employer shall ensure that such a work is performed under the surveillance of an adult.

For minors employed in industry, any work in the period between 7 p.m. and 7 a.m. shall be regarded as night work.

(For minors employed outside the industry, any work in the period between 8 p.m. and 6 a.m. shall be regarded as night work.

***Break*/***minors*

The minor who works at least 4 and half hours a day shall be entitled to a daily period of rest (a break) of minimum 30 consecutive minutes.

***Daily rest/****minors* (Article 74)

The worker shall be entitled to a minimum daily rest period of 12 consecutive hours per 24-hour period.

***Weekly rest***/ *minors*  (Article 75)

A minor shall be entitled to a weekly rest in the continuous duration of no less than 48 hours.

***Minimum duration of annual leave****/ minors* (Article 77, par 2)

A minor employee has the right to paid annual leave in the duration of at least five weeks for each calendar year.

***Protection of vulnerable categories of workers*** (Article 68)/

The worker working part-time for two or more employers, a pregnant worker, a parent with a child under three years of age and a single parent with a child under six years of age may  work under **the uneven distribution of working time scheme** referred to in Articles 66 and 67 of this Act only if they hand over to the employer a **written statement of their voluntary consent** to such work.

***Overtime work***

A pregnant worker, a parent of a child under three years of age and a single parent of a child under six years of age , worker who works part-time at several employers, may work overtime only when their written consent to such work is given to the employer, except in the case of force majeure.

***Pregnant worker or a worker who has given birth or worker who is breastfeeding***

*(*Maternity and Parental Benefits Act)

“Pregnant worker” is an employed worker who informed her employer about the status of pregnancy by written notice.

”Worker who gave birth” is an employed worker- mother of a child aged under one year of age of the child, who informed her employer about her condition by written notice at least 30 days before returning to work

“Worker who is breastfeeding a child” is an employed worker- mother of a child aged under one year of age of the child who breastfeeds, who informed his employer about her condition by written notice at least 30 days before returning to work.

Employee- parent is entitled to:  
1. maternity leave  
2. parental leave  
3. work in half-time working hours,  
4. work in half-time working hours, due to intensive child care,  
5. break for breastfeeding,  
6. leave for pregnant workers, workers who gave birth or workers who are breastfeeding  
7. free day a month for the purpose of prenatal medical check, that shall  be considered as time spent at work  
8. work in half- time working hours or leave, in order to care for a child with severe disabilities.

While using the prescribed rights, depending on their employment status, are entitled to compensation of salary or remuneration under Maternity and Parental Benefits Act.

*Break for nursing* (Article 19)

A female worker who is breastfeeding a child, while working full time, have the right to a break for breastfeeding for two hours a day, until the child reaches the first year of age.

This right may be used once or twice during the day for a period of one hour. The absence time is included in working hours.

For a break during which is breastfeeding a child, female worker shall be entitled to salary compensation.

*Maternity leave*

Employed pregnant woman or a mother during pregnancy , childbirth and care for a newborn child , is entitled to maternity leave for a period of 28 days before the expected birth to 6 months of age of the child , which consists of **compulsory and additional** maternity leave .

*Compulsory maternity leave*

An employed pregnant woman/ mother is entitled to the  compulsory maternity leave for a continuous period of 98 days, of which 28 days before the expected birth and 70 days after birth. Depending on the condition of pregnancy and health, she can take maternity leave 45 days before the expected birth, as determined by the chosen doctor gynecologist.

*Additional maternity leave*

After the expiry of mandatory maternity leave, employed worker- mother is entitled to additional maternity leave to 6 months of age of the child, which may, by written declaration transfer to the father, with his prior approval of,  in whole or in time-limited period .

*Work in half-time working hours* (Article 15)

A working mother  can also use the additional maternity leave as a right to work half-time.

An employed mother is entitled after 6 months of age of the child, to use the work in one half of the working time in the period as far as the right to benefit from up to 6 months old child, but no later than the age of 9 months of child life.

An employed parent entitled to parental leave is entitled to use the right to parental leave as the right to work in  half -working hours, in the double duration of unused parental leave.

*Parental leave* (Article 13)  
An employed parent, after 6 months of age of the child or after a maternity leave, is entitled to parental leave, which can use for up to eight years of age.  
The right to parental leave is a personal right of both parents.  
An employed parent is entitled to parental leave for 8 or 30 months, depending on the number of births and its usage.  
– 8 months, for the first and second child,  
– 30 months for those born twins, the third and subsequent child.  
The right to parental leave can generally use both parents, in whole or in its parts ,each for 4 or 15 months.  
If the parental leave uses only one parent, according to their agreement, he/she can use it for a period of 6 months for the first and second child, and 30 months for born twins, the third and subsequent child.  
If parental leave used in parts, it can be used up to two times a year, each time for at least 30 days.

**Leave/** *Pregnant worker or a worker who has given birth or worker who is breastfeeding* (Article 20)

If working in jobs that are detrimental to her health and / or health of a child, she is entitled to protection from the harmful effects at the workplace, which is done in accordance with regulations on the work and safety at work.

Pregnant worker or a worker who has given birth or worker who is breastfeeding, if working in jobs which are harmful to her health or the health of a child, has the right to leave, when, according to the safety at work regulations the employer failed to ensure her deployment to another job, until vesting on maternity leave or until the child reaches one year of age or up to the date by which the competent authority or inspection found that the employer provide a safety or adapting working conditions or deployment.

During the leave, she has the right to the compensation in the amount of the average salary in the three months preceding the month in which it is entitled to the leave, paid by the employer.

More information is available in the Maternity and Parental Benefits Act.

*Night work/women*  (Maternity and Parental Benefits Act, Article 20)

A pregnant worker or a worker who has given birth or worker who is breastfeeding shall not be obliged to work at night during pregnancy, in the period up to one year of age of the child or the period while breastfeeding, provided that she provides the certification of the competent medical specialists about her pregnancy, breastfeeding, confirming that it is necessary for her safety and health or for the safety and health of the child.

Further details and provisions can be found in the Labour Act and Maternity and Parental Benefits Act.

|  |
| --- |
| **RULES CONCERNING HIRING OUT OF WORKERS AND THE TERMS AND CONDITIONS APPLICABLE TO TEMPORARY WORKERS** |

Legal references:

* + Labour Act – PART 6 TEMPORARY EMPLOYMENT, Articles 44-52 and
  + Foreigners Act

Pursuant to the Foreigners Act, for the duration of posting, working conditions which include minimum wage, including increased wages for overtime, the prescribed maximum duration of working hours and the minimum duration of rest, minimum duration of paid annual leave, health and safety at work, protective measures for work of pregnant women, women who have recently given birth or are breastfeeding and minors, conditions of supply of workers by temporary agency, rules prohibiting discrimination and for protection and promotion of gender equality are also guaranteed to posted workers assigned through temporary employment agencies.

It means that a temporary employment agency, when as an employer post workers to Croatia, has to comply with the minimum standards **on employees  protection** laid down by legal regulations of the Republic of Croatia, that is, collective agreements which have been declared universally applicable to all employers and workers in a specific area, branch or activity, under a special regulation, unless  those  guaranteed working conditions are more favourably regulated by the regulations of a State in which a temporary employment agency is established.

**Applicable national legislation on wage and guaranteed working conditions for temporary agency workers**

Pay and working time, breaks and rest periods, safety at work protection measures, protection of pregnant workers, parents, adoptive parents and youth, and non-discrimination, in accordance with specific anti-discrimination regulations, applicable to the temporary agency workers may not be lower or less favourable when compared to the remuneration or above listed working conditions applicable to the worker employed with the user undertaking for the performance of the same tasks, which would be applicable to the temporary agency worker should he have concluded an employment contract with the user undertaking.

## Rules concerning hiring out of workers

Temporary employment agency(Article 44)

1. Temporary employment agency (hereinafter: the agency) means an employer who, based on worker assignment contract, assigns workers to another employer (hereinafter: the user undertaking) to work there temporarily.
2. Within the meaning of this Act, an assigned worker means the worker employed by the agency in order to assign him to the user undertaking.
3. The agency may perform the activity of assigning workers to the user undertakings provided that it is established in accordance with specific provisions and registered with the ministry responsible for labour affairs (hereinafter: the Ministry).
4. In addition to the activities referred to in paragraph 1 of this Article, the agency may perform economic activities pertaining to employment provided that it holds an appropriate license under specific provisions.
5. The agency may not perform the activities referred to in paragraph 1 of this Article prior to the registration with the appropriate Ministry's registry.
6. While performing the activities referred to in paragraph 1 of this Article, the agency may not charge the worker a fee for being assigned to the user undertaking or a fee for the entry into an employment contract between the assigned worker and the user undertaking.
7. The agency shall deliver to the Ministry the statistical data on the activities referred to in paragraph 1 of this Article.
8. The Minister shall stipulate the contents and the method of and time limits for the submission of data referred to in paragraph 7 of this Article by virtue of an ordinance.

Worker assignment contract(Article 45)

1. A worker assignment contract between the agency and the user undertaking shall be in written form.
2. In addition to the agency's general terms of operations, the elements of the contract referred to in paragraph 1 of this Article shall include:
   1. the number of assigned workers required by the user undertaking,
   2. the period of assignment,
   3. the place of work,
   4. the works to be performed by assigned workers,
   5. the method and period during which the user undertaking must deliver to the agency the calculation for remuneration to be paid and the regulations applied at the user undertaking for the purpose of determining the remuneration, and
   6. the person authorised to represent the user undertaking before the assigned workers.
3. In the event of assigning workers to the user undertaking located abroad, the contract referred to in paragraph 1 of this Article shall, in addition to the data from paragraph 2 of this Article, contain information concerning:
4. the legislation applicable to the assigned worker's employment relationship,
5. the assigned worker's rights to be exercised pursuant to this Act and other laws and regulations of the Republic of Croatia, which shall be ensured to the assigned worker by the user undertaking,
6. the obligation to bear the costs of repatriation.
7. The contract referred to in paragraph 1 of this Article may not be concluded for the purpose of:
8. replacing the workers in strike at the user undertaking,
9. performing works that were performed by workers subject to the collective redundancy procedure referred to in Article 127 of this Act effected by the user undertaking in a previous period of six months,
10. works that were performed by the workers whose employment contracts were

terminated by the user undertaking due to business reasons in a previous period of six months,

1. works that are, under the regulations on safety protection at work, regarded as works under special working conditions, and the assigned worker does not meet the particular requirements,
2. assigning workers to another agency.
3. By virtue of the contract referred to in paragraph 1 of this Article, the agency and the user undertaking may agree that the user undertaking shall for the assignment period keep records on assigned workers' working time, as well as the time limits and method for the delivery of the records to the agency.

Temporary assignment contract(Article 46)

1. The agency may conclude a temporary assignment contract of fixed or indefinite duration with the worker.
2. In addition to the information from Article 15, paragraph 1, sub-paragraph 1 and sub-paragraphs 4 to 7 of this Act or, in the case of assignment of worker by the agency to the user undertaking located abroad, from Article 18, paragraph 1 of this Act, the contract referred to in paragraph 1 of this Article must contain information concerning:
3. the contract being concluded for the purpose of assigning a worker for temporary work at the user undertaking,
4. a reference to works that the worker will be assigned to perform,
5. obligations of the agency to the worker during the period of the assignment.
6. In the period when the assigned worker with an employment contract of indefinite duration is not assigned to the user undertaking, he shall be entitled to the remuneration determined in a manner referred to in Article 95, paragraph 5 of this Act.
7. The contract referred to in paragraph 1 of this Article concluded for an indefinite duration that is equal to the period of the worker's assignment to the user undertaking must contain information concerning:
8. names of contracting parties and their residence or registered place of business,
9. the expected duration of the contract,
10. the registered place of business of the user undertaking,
11. the place of work,
12. the works to be performed by the assigned worker,
13. the date of the beginning and the end of employment,
14. remuneration, bonuses and pay periods,
15. the duration of a regular working day or week.
16. The agreed upon remuneration and other working conditions applicable to the assigned workers may not be lower or less favourable when compared to the remuneration or working conditions applicable to the worker employed with the user undertaking for the performance of the same tasks, which would be applicable to the assigned worker should he have concluded an employment contract with the user undertaking.
17. As for other working conditions applicable to the assigned worker within the meaning of paragraph 5 of this Article, they include working time, breaks and rest periods, safety at work protection measures, protection of pregnant workers, parents, adoptive parents and youth, and non-discrimination, in accordance with specific anti-discrimination regulations.
18. By way of derogation from paragraph 5 of this Article, the less favourable

working conditions applicable to the worker assigned to the user undertaking when compared to those applicable to the worker employed at the user undertaking may be agreed upon by collective agreement concluded between the agency or an association of agencies and trade unions.

1. Where the remuneration and other working conditions cannot be determined in accordance with paragraphs 5 and 6 of this Article, they shall be determined by the worker assignment contract.

Termination of temporary assignment contract(Article 47)

1. The provisions of this Act on collective redundancies shall not apply to the termination of temporary assignment contracts.
2. The agency may extraordinarily terminate a temporary assignment contract in the event of circumstances at the user undertaking referred to in Article 116, paragraph 1 of this Act and if the user undertaking informs the agency thereof in writing within fifteen days of the date of discovery of the fact providing for the grounds for an extraordinary notice of dismissal.
3. The extraordinary notice of dismissal referred to in Article 116, paragraph 2 of this Act shall take effect as of the day of the written notification from paragraph 2 of this Article.
4. The fact that the need for assigned worker at the user undertaking ceased to exist prior to the expiry of assignment period may not constitute a ground for the termination of temporary assignment contract.
5. Where an assigned worker finds that during his assignment at the user undertaking any of his rights arising from the employment relationship were violated, he shall seek protection of the violated right with the employer in a manner determined in Article 133 of this Act.

Restriction of worker assignment period(Article 48)

1. The user undertaking may not use the work of the assigned worker for the performance of the same works for an uninterrupted period exceeding three years unless it is necessary for the purpose of replacing a temporarily absent worker or where it is allowed by collective agreement on the grounds of some other objective reasons.
2. An interruption of less than two months shall not be regarded as the interruption of the three-year period referred to in paragraph 1 of this Article.

Agency's obligation towards assigned workers*(*Article 49)

1. Prior to assigning the worker to the user undertaking, the agency shall hand over an assignment letter, which shall contain the information referred to in Article 46, paragraph 2 of this Act, to the worker.
2. Prior to assigning the worker to the user undertaking, the agency shall inform the worker about any specific professional qualifications or skills required for the performance works at the user undertaking, and about any work-related risks regarding health and safety protection at work, and for that purpose it shall train the assigned worker in accordance with the regulations on health and safety protection at work, unless it has been regulated as a user undertaking obligation in the worker assignment contract.
3. The agency shall train the assigned worker and inform him about new technologies applicable to the works to be performed by the assigned worker, unless it has been regulated as a user undertaking obligation in the worker assignment contract.
4. The agency shall pay to the assigned worker the remuneration for the work performed at the user undertaking as defined by contractual provisions even in the case where the user undertaking fails to deliver to the agency the calculation of remuneration to be paid.

Obligations of user undertaking(Article 50)

1. In relation to the assigned worker the user undertaking shall be regarded as the employer within the meaning of the obligation of implementing the provisions of this Act and other laws and regulations governing the safety and health protection at work and a special protection of particular categories of workers.
2. In the course of concluding the contract referred to in Article 45 of this Act, the user undertaking shall fully and truthfully and in writing inform the agency about the working conditions applicable to the permanent workers employed with the user undertaking performing the works to be performed by the assigned worker.
3. The user undertaking shall at least once a year notify the works council about the number and reasons for taking assigned workers, and shall inform the assigned workers about vacancies for which they meet the requirements.

Indemnity(Article 51)

1. Any damage to a third party caused by the assigned worker during his work at the user undertaking or related thereto shall be indemnified by the user undertaking, who shall be regarded as the employer considering the recourse liability of the assigned worker.
2. The agency shall be held responsible for any damage caused by the assigned worker to the user undertaking during his work or related thereto, pursuant to the general provisions of the law of civil obligations.
3. Where the assigned worker suffers any damage at work or in relation to the work at the user undertaking, he may file a claim against the agency or the user undertaking, in accordance with the provisions of Article 111 of this Act.

Record keeping(Article 52)

1. The application for the registration with the Ministry shall be submitted by the agency in writing.
2. The agency's application shall be supported by the evidence of having been established in accordance with specific provisions.
3. The Ministry shall issue the registration certificate containing the agency's

registration number and the date of registration.

1. The agency shall in their legal transactions, business documents, letters and contracts indicate their registration number with the Ministry.

|  |
| --- |
| **HEALTH AND SAFETY AT WORK** |

Legal references:

* + Health and Safety Act

|  |
| --- |
| **EQUALITY OF MEN AND WOMEN AND NON – DISCRIMINATION** |

**Legal references:**

* the Anti- discrimination Act (Official Gazette No 85/2008, 112/2012) / Zakon o suzbijanju diskriminacije„Narodne novine“ broj 85/2008 i 112/2012)
* the Gender Equality Act (Official Gazette No 82/2008) / Zakon o ravnopravnosti spolova („Narodne novine“ broj 82/2008)

In Croatia discrimination on the grounds of race, ethnic affiliation, colour, gender, language, religion, political or other belief, national or social origin, property, education, social status, marital or family status, age, health condition, disability, genetic heritage, native identity or expression, sexual orientation, or other characteristics is  prohibited in all its manifestations.

In order to supress suppress discrimination in a large number of social areas where it occurs the (1) work and employment, (2) education, science and sports, (3) social security including: social welfare, pension and health insurance, unemployment insurance, (4) health protection, (5) judiciary and administration, (6) housing, (7) access to goods, services and information, and their providing, (8) membership and activities in trade unions, civil society organisations, political parties or any other organisations, (9) access to participation in the cultural and artistic creation, the Anti-discrimination Act defines not only the  direct and indirect discrimination, harassment and sexual harassment, segregation, but also a concept of multiple discrimination based on several grounds, because the practice shows that discrimination may occur on several grounds, and it is often the case that, due to this, a certain aspect of discrimination remains unnoticed.

***Gender Equality Act***

This Act regulates general bases for the protection and promotion of gender equality, and defines and regulates the **protection against discrimination based on gender** and the creation of equal opportunities for women and men in  the areas of work and employment, education, political parties, media, and statistics.

The Act defines the concept of discrimination based on gender and prohibits direct and indirect discrimination as well as harassment and sexual harassment. State bodies, legal persons vested with public authority and legal persons whose majority owners are the state and units of local and regional self-government are, in all phases of planning, adopting and implementing any decision or action, obliged to estimate and evaluate effects of that decision or action upon the position of women, and men, with a view to achieve actual equality between women and men.

In Croatia, activities of the **central body** responsible for the suppression of discrimination are carried out by the Ombudsman. Besides the Ombudsman, in Croatia there are 3 special ombudsmen: for gender equality, for persons with disability  and for children.

Further details are available at:

**Ombudsman’s Office**  
Pučki pravobranitelj  
Trg hrvatskih velikana 6  
10000 Zagreb  
contact e-mail: [info@ombudsman.hr](mailto:info@ombudsman.hr)  
Phone: +3851 48 51 855, +3851 48 51 853

Fax:+ 3851 6431 628  
[www.ombudsman.hr](http://www.ombudsman.hr/)

**Ombudsman for gender equality**  
Pravobraniteljica za ravnopravnost spolova  
Preobraženska 4/1  
10000 Zagreb  
tel: (0)1 48 48 100  
fax: (0)1 48 44 600  
contact e-mail: [ravnopravnost@prs.hr](mailto:ravnopravnost@prs.hr)  
[http://www.prs.hr](http://www.prs.hr/)

**Ombudsman for persons with disability**  
Pravobraniteljica za osobe s invaliditetom  
Savska cesta 41/3  
10 000 Zagreb, Hrvatska  
tel. : (+ 385 ) 01 6102 170  
fax : + 385) 01 6177 901  
contact e-mail: [ured@posi.hr](mailto:ured@posi.hr)

[www.posi.hr](http://www.posi.hr)

|  |
| --- |
| **NATIONAL LEGISLATION - Legal Instrument transposing Directive 96/71/EC and Directive 2014/67/EU** |

**The Foreigners Act**,  published in the Official Gazette, No. 130/2011, 74/2013, 69/2017 and 46/2018)/ Zakon o strancima,  „Narodne novine“, broj 130/2011, 74/2013, 69/2017 i 46/2018

EUR-Lex

31996L0071

Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services

EUR-Lex

32014L0067

**Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System (‘the IMI Regulation’) Text with EEA relevance**

*Posted workers*

**Article 86**

**(1)** A posted worker is a worker employed by a foreign employer, provided that the foreign employer, in the framework of temporary or occasional transnational provision of services, for a limited time period:

1. posts him to the Republic of Croatia for its account and under its guidance, based on a contract

concluded between the foreign employer assigning him to such work and the service user doing business in

the Republic of Croatia, provided there is an employment relationship between the foreign employer and the

worker during the period of posting or

2. posts him to the Republic of Croatia to an establishment or to an company owned by the same group to which belongs the foreign employer, provided there is an employment relationship between the foreign employer and the worker during the period of posting or

3. posts him as a temporary employment agency to a user established or doing business in the Republic of Croatia, provided there is an employment relationship between the temporary employment agency and the worker during the period of posting.

**(2)** A foreign employer is a natural or legal person established in another Member State of the European Economic Area (hereinafter: the EEA), which in the framework of transnational provision of services, assigns the worker for a limited period of time to work in the Republic of Croatia.

**(3**) The posted worker is a worker posted by a foreign employer to carry out his or her work for a limited period of time in the Republic of Croatia, which is not a state in which he or she usually works.

**(4)** The posted worker who is a third-country national legally employed by a foreign employer and posted in the Republic of Croatia for a period over 3 months shall regulate his temporary stay for the purpose of work of the posted worker in accordance with Article 47, paragraph 1, item 6 of this Act.

**(5)** The posted worker referred to in paragraph 1 of this Article shall be guaranteed the following working conditions:

1. the prescribed maximum duration of working hours and the minimum duration of rest,

2. the minimum duration of paid annual leave

3. the minimum salary, including increased salaries for overtime,

4. health and safety at work,

5. protective measures for work of pregnant women, women who have recently given birth or are

breastfeeding and minors,

6. prohibition of discrimination

7. the conditions of the supply of workers by temporary working agencies.

**6)** The working conditions referred to in paragraph 5 of this Article shall be guaranteed at the level of the rights laid down by legal regulations of the Republic of Croatia, that is, collective agreements which have been declared universally applicable to all employers and workers in a specific area, branch or activity, under a special regulation.

**(7)** The working conditions referred to in paragraphs 5 and 6 of this Article shall also be guaranteed to posted workers assigned through temporary employment agencies.

**(8)** The working conditions referred to in paragraphs 5 and 6 of this Article shall also be guaranteed to posted workers who are not citizens of EEA Member States, provided that they are legally employed by a foreign employer. The party in the Republic of Croatia for whom the services are intended may use work of a posted worker who is a third-country national, on condition that the posted worker is legally employed by the foreign employer in accordance with the regulations of the state in which the employer is established.

**(9)** A foreign employer shall confirm in the posting declaration in Article 89 of this Act with respect to a posted worker in paragraph 8 of this Article that the posted worker is legally employed according to the regulations of a state in which the foreign employer is established.

**(10**) The working conditions referred to in paragraph 5, items 2 and 3 of this Article shall not apply to a qualified worker posted by a foreign employer to the Republic of Croatia for a period less than 8 days if the foreign employer performing the delivery is sending him to perform the initial assembly and/or the initial set-up essential for making the products delivered available and agreed as an essential component of a supply of goods contract.

**(11)** Paragraph 10 of this Article shall not apply to workers posted to the Republic of Croatia by a foreign employer to carry out work in civil engineering relating to construction, repairs, maintenance, adaptations or demolition of buildings, and especially excavations, earth works, actual construction works, assembly and disassembly of prefabricated elements, the positioning of installations, alterations, renovation, repairs, disassembly, demolition, regular maintenance, maintenance, painting and cleaning or improvements.

**(12)** If the guaranteed working conditions referred to in paragraph 5 of this Article are more favourably regulated by the regulations of the Republic of Croatia than by the regulations of a state in which the employer is established and which apply to the working relationship, more favourable right shall apply to  the posted worker .

**(13)** A foreign employer shall authorize and designate, in the declaration referred to in Article 89 of the Act, a person to keep, during the posting period, at the work place or at any other clearly designated and accessible place in the Republic of Croatia, copies of the employment contracts or any other document on which an employment relationship is based, work permits or any other documents proving that the posted worker, who is a third-country national, is legally employed, salary statement specifying all the elements and the method of determining the amount of the salary, proof of payment of salaries, working time records specifying the beginning, duration and end of working hours and any other proof necessary for control and supervision. Such a person shall make these documents available, in hard copy or in electronic form, if so requested by the competent body and shall provide a Croatian translation of these documents, if so requested by a competent body, and they shall also provide competent bodies with any other required information.

**(14)** A foreign employer shall designate, in the declaration referred to in Article 89 of the Act, a contact person in the Republic of Croatia who shall be authorized, during the period of the posting, to cooperate on behalf of the employer with the competent authorities and to send and receive documents, requests, notifications and other correspondence, if necessary.

**(15)** A foreign employer shall keep, and provide, if so requested by the competent bodies of the Republic of Croatia, the documents referred to in paragraph 13 of this Article, for a period of five years after the posting period has ended.

**16)** The employer established in a third country may not be placed in a position more favourable than a foreign employer established in an EEA Member State or the Swiss Confederation.

**Article 87**

*Referential period*

(1) The length of the period for which the posted worker referred to in Article 86 of this Act was posted in the Republic of Croatia shall be calculated based on the referential period of 1 year from the commencement of posting.

(2) For the purpose of calculating the duration of posting, all previous periods in which the same job was performed for the same foreign employer by any posted worker sent by the foreign employer shall be taken into account.

Judicial protection, access to information, administrative cooperation

Article 88

(1) The posted worker who considers that any of his rights guaranteed pursuant to this Act have been violated during the period of posting shall be entitled to initiate proceedings against his employer before the competent court, State body or legal persons with official authority in the Republic of Croatia, so as to protect and exercise these rights, in accordance with the regulations of the Republic of Croatia.

(2) A posted worker shall be entitled to initiate proceedings referred to in paragraph 1 hereof, even after termination of his employment with the employer, in accordance with the regulations of the Republic of Croatia.

(3) A posted worker who has initiated proceedings referred to in paragraph 1 hereof in order to protect his rights shall not receive less favourable treatment than other workers employed by the employer and shall not suffer any adverse consequences in relation to his rights derived from the employment relationship.

(4) During the proceedings referred to in paragraph 1 hereof, initiated to protect the worker’s rights, the posted workers or employers may authorize either a person or associations and other organisations to represent them, that must be authorized to provide legal aid in accordance with specific regulations.

(5) The Ministry competent for labour shall, in cooperation with other competent bodies, make available clear and easily accessible information about contact data for all competent bodies, as well as general, comprehensive and transparent information on laws and collective agreements applicable to the working conditions and their protection, referred to in Article 86 hereof. The information shall be provided free of charge, in an accessible and transparent way, on a single website both in English and Croatian language.

(6) In cases of posting and protection of the posted workers rights, the competent bodies shall, within the scope of their responsibilities, and without unnecessary delays and charges, provide mutual assistance and necessary administrative cooperation with the competent bodies of other member states of EEA, that shall consist in sending and receiving of reasoned requests for assistance and information, checking information and relevant data on employers and posted workers, exchange of information on applicable legislation, sending and service of documents if necessary, and request for the notification of a decision imposing an administrative fine or the request for recovery of an administrative fine in accordance with specific regulation.

(7) Where the competent body encounters difficulties or is unable to fulfil the obligations referred to in paragraph 6 hereof, the competent body shall, without any delay, notify the competent body which requested the information, assistance or any other form of cooperation thereof.

(8) In the case of any continuous difficulties which might arise with regard to mutual cooperation with any of EEA member state, i.e., any issues in terms of sharing information or persistant failing to provide information without reasonable and acceptable justification, the competent body requesting such assistance or cooperation shall notify the Commission thereof.

(9) In situations referred to in paragraph 6 hereof, the competent body shall be entitled to request, for every posting and for every employer, from the competent bodies of an EEA member state where the employer is established, necessary information on the legality of the employer’s establishment and on employer’s compliance with the applicable laws and all employer’s obligations arising from the posting of workers, or provide such information if so requested.

(10) Mutual assistance and administrative cooperation between competent bodies of EEA member states shall be carried out through the Internal Market Information System (IMI), established by Regulation (EU) No. 1024/2012 on administrative cooperation through the Internal Market Information System (‘the IMI Regulation’) and, where appropriate, bilateral agreements and in accordance with specific regulations governing data protection and free transfer of such data.

(11) In the case of a reasoned request for urgent verification of the employer's establishment or for the supply of other information available in official records or public registers, the competent body shall supply the requested information to the requested authority no later than two working days as of the receipt of such a request.

(12) Information received or exchaned within the scope of assistance and administrative cooperation referred to in paragraph 6 hereof shall be used only for the purpose of and in relation to the case for which it was requested.

Overall assessment of the facts  
inherent to the posting of workers

Article 88.a

1. If, in the course of inspection, the body competent for the inspectional supervision and enforcement of the regulations applicable to work of the posted workers suspects that specific case is not a case of posting, it shall carry out control and supervision on the basis of an overall assessment of the facts inherent to the posting of workers and necessary for the compliance with the regulations applicable to the posting of workers, to the rights of posted workers and employer’s obligations, and such assessment shall be adapted to each case of posting, taking into consideration the specificity of each posting situation.

(2) While conducting inspection, the principle of non-discrimination and proportionality shall be adhered to.

(3)The provision of Article 88 of the Act shall apply to provision of mutual assistance and administrative cooperation between the bodies competent for inspection and enforcement and competent bodies in other EEA member states.

(4) Where a competent body referred to in Article 207 hereof identifies, in the course of its control and supervision, facts which may indicate a failure to comply with rules relevant for the posting, for the rights of posted workers and employer’s obligations, the relevant body shall without delay notify the competent body in the EEA member state where foreign employer is established.

(5) The procedure to be followed by the body conducting an inspection in order to establish facts referred to in paragraph 1 hereof shall be prescribed in an ordinance by the minister competent for labour.

Liability of a contractor for the obligations of subcontractors towards posted workers in the construction industry

Article 88.b

(1) The contractor shall be jointly and severally liable for the obligations which a subcontractor has in its capacity as employer towards its posted workers, for the claims for overdue minimum rate of pay, including increased wage for overtime to which a posted worker is entitled in line with the provision of Article 86 paragraph 5 point 3 and paragraph 6 of this Act.

(2) A posted worker to whom the subcontractor in its capacity as employer has failed to pay on due date his or her wage or part of the wage referred to in paragraph 1 of this Article shall be entitled to request a payment of such wage from the contractor after the expiration of a time period in which, pursuant to the Act which regulates employment relationships, the subcontractor was required to provide the worker with a payroll account specifying the amount due to be paid to the worker.

(3) Liability of the contractor referred to in paragraph 1 of this Article shall apply to contractual relationship between a contractor and subcontractor arising from an agreement on provision of services in one or more construction activities according to the relevant National Classification of Activities.

(4) The protection referred to in Article 88 paragraph 1 of this Act shall also apply to the liability of the contractor referred to in paragraph 1 of this Article.

(5) The contractor shall not be held liable under paragraph 1 of this Article, if the contractor has taken all appropriate measures to request and receive from its subcontractor, prior to the commencement and/or during the posting period, the following:

1. a copy of subcontractor’s posting declaration and all subsequent modifications therein,

2. a list of all workers engaged to provide services set out in the contract entered into by the contractor and subcontractor,

3. for each individual worker referred to in item 2 of this paragraph: worker’s identification number, date of birth, job description, citizenship, date of the commencement and completion of the posting, place of posting, regular working time, including overtime hours and gross monthly wage,

4. a written guarantee provided by the subcontractor stating that in its capacity as an employer it shall pay the posted worker his wage within a time limit and in the amount to which the worker is entitled during the period of posting,

5. for the duration of the contract between the contractor and subcontractor, for each posted worker, at least once a month: working hours records, payroll records, payroll account clearly specifying all elements which determine the amount of wage and the corresponding total wage amount, the currency used for the payment of wage and proof of wage payment made within a time limit and in the amount to which the worker is entitled during his period of posting.

(6) For the purpose of this Article, a contractor means a service provider which has concluded a service agreement with another service provider and there exists a direct contractual relationship between the contractor and the subcontractor.

(7) For the purpose of this Article a subcontractor means a service provider making the posting under a service agreement concluded with the contractors, undertaking to perform all works or parts thereof, i.e., provide services undertaken by the contractor.

*Posting declaration*

Article 89

(1) A foreign employer referred to in Article 86 of this Act, i.e., the employer established in a third country, shall submit a posting declaration prior to the commencement of the posting and the employer established in a third country only after the posted workers, who are nationals of a third country, have been granted work and temporary stay permit or certificate of registered work in accordance with the provisions of this Act.

(2) The declaration referred to in paragraph 1 hereof shall be submitted electronically, using a prescribed form, to the central state administration body competent for labour and occupational safety and health inspection.

(3) The employer referred to in paragraph 1 of this Article shall, during the period of posting, and within period of three business days, report any changes made to data in the posting declaration.

(4) The content and form of the posting declaration referred to in paragraph 1 hereof and the method of reporting any data changes referred to in paragraph 3 of this Article shall be prescribed in an ordinance by the Minister of Labour.

XV. PENAL PROVISIONS

Article 288

(1) A fine in an amount ranging from HRK 10,000.00 to HRK 30,000.00, shall be imposed for a misdemeanour on the foreign employer - legal person if he fails to submit a posting declaration, prior to the posting, using a prescribed form or submits an incomplete or inaccurate posting declaration, or fails to report any changes in the data provided in the declaration (Article 89).

(2) For a misdemeanour referred to in paragraph 1 of this Article, a fine in an amount ranging from HRK 1,000.00 to HRK 3,000.00 shall be imposed on the foreign employer natural person and responsible person of the foreign legal person.

(3) An on-the-spot fine in the amount of HRK 5,000.00 shall be imposed for a misdemeanour referred to in paragraph 1 of this Article, on the foreign employer legal person and an on-the-spot fine in the amount of HRK 500.00 shall be imposed on the foreign employer natural person and the responsible person of the foreign legal person.

(4) A fine in an amount ranging from HRK 31,000.00 to HRK 50,000.00, shall be imposed, for a misdemeanour, for every foreign national, on a legal person for whom the services are intended if they are aware or could have been aware of the fact that they are using the services of a posted worker engaged unlawfully by the foreign employer (Article 86, paragraph 8).

(5) A fine in an amount ranging from HRK 4,000.00 to HRK 6,000.00, for a misdemeanour, shall be imposed, for every foreign national, on a natural person for whom the services are intended and the responsible person of the legal person for whom the services are intended if they are aware or could have been aware of the fact that they are using the services of a posted worker engaged unlawfully by the foreign employer (Article 86, paragraph 8).

(6) For a misdemeanour referred to in paragraph 4 of this Article, an on-the-spot fine in the amount of HRK 15,500.00 shall be imposed, for every foreign national, on the legal person for whom the services are intended and a fine in the amount of HRK 2,000.00 shall be imposed, for every foreign national, on the responsible person of the legal person for whom the services are intended and on service user natural person.

(7) A fine in an amount ranging from HRK 31,000.00 to HRK 50,000.00 shall be imposed for a misdemeanour on the foreign employer legal person if fails to authorize and designate a person to keep, during the posting period, at the work place or at any other clearly designated and accessible place in the Republic of Croatia, copies of the employment contract or any other document on which employment relationship is based, work permits or any other documents proving that the posted worker is legally employed, wage statements specifying all the elements and method of determining the amount of the wage, proof of wage payment, working time records specifying the beginning, duration and end of working hours and other proof necessary for control and supervision or, if fails to make available, in hard copy or in electronic form, these documents, if so requested by the competent body. This fine shall also be imposed on the foreign employer legal person if the employer fails to provide a Croatian translation of these documents, if so requested by a competent body, or if the employer fails to provide competent bodies with any other required information.

(8) A fine in an amount ranging from HRK 5,000.00 to HRK 10,000.00, for a misdemeanour referred to in paragraph 7 of this Article, shall be imposed on the foreign employer natural person and the responsible person of the foreign legal person (Article 86, paragraph 13).

(9) For a misdemeanour referred to in paragraph 7 of this Article, an on-the-spot fine in the amount of HRK 15,500.00 shall be imposed on the foreign employer legal person and an on-the-spot fine in the amount of HRK 2.500.00 shall be imposed on the foreign employer natural person and the responsible person of the foreign legal person.

(10) A fine in an amount ranging from HRK 31,000.00 to HRK 50,000.00 shall be imposed for a misdemeanour on a foreign employer legal person if the employer fails to authorize and designate a contact person who shall be authorized, during the period of the posting, to cooperate on behalf of the employer with the competent authorities and to send and receive documents, requests, notifications and other correspondence, if necessary (Article 86, paragraph 14).

(11) A fine in an amount ranging from HRK 5,000.00 to HRK 10,000.00, for a misdemeanour referred to in paragraph 10 of this Article, shall be imposed on the foreign employer who is a natural person and the responsible person of the foreign legal person (Article 86, paragraph 14).

(12) For a misdemeanour referred to in paragraph 10 of this Article, an on-the-spot fine in the amount of HRK 15,500.00 shall be imposed on the foreign employer legal person and an on-the-spot fine in the amount of HRK 2.500.00 shall be imposed on the foreign employer natural person and the responsible person of the foreign legal person.

(13) A fine in an amount of HRK 31,000.00 to HRK 50,000.00 shall be imposed for a misdemeanour on the foreign employer who is a legal person where the employer fails to provide, if so requested by the competent authorities of the Republic of Croatia, documents referred to in Article 86 paragraph 13 of this Act for the period of five years after the completion of the posting period.

(14) A fine in an amount ranging from HRK 5,000.00 to HRK 10,000.00, for a misdemeanour referred to in paragraph 13 of this Article, shall be imposed on the foreign employer who is a natural person and the responsible person of the foreign legal person (Article 86, paragraph 15).

(15) For a misdemeanour referred to in paragraph 13 of this Article, an on-the-spot fine in the amount of HRK 15,500.00 shall be imposed on the foreign employer who is a legal person and an on-the-spot fine in the amount of HRK 2.500.00 shall be imposed on the foreign employer who is a natural person and the responsible person of the foreign legal person.

**XIV. INSPECTION AND ADMINISTRATIVE SUPERVISION OF THE IMPLEMENTATION OF THE ACT**

**Article 207 paragraph 1 and 7**

**(1**) Inspectional supervision of the implementation of this Act relating to work of the foreign nationals and working conditions and the rights of posted workers shall be carried out by the state administration bodies competent for the inspectional supervision and enforcement of labour and safety at work regulations, pursuant to specific regulation.

(7) Administrative supervision of the application of this Act in the part relating to the conditions of work and the rights of posted workers shall be carried out by the central state administration body competent for labour, unless provided otherwise in other act.

**Article 47 Foreigners Act**

(1) Temporary stay shall be granted to a third coutry national who intends to stay or staying in the Republic of Croatia for the following purposes:

1. family reunification,  
 2. secondary school education and university studies,  
 3. research,  
 4. humanitarian grounds,  
 5. life partnership

6. work,

7. work of a posted worker.

(2) Temporary stay for the purpose of work, reffered to in point 6. of this paragraph, shall be granted as a stay and work permit.

(3) Temporary stay for the purpose of work of a posted worker shall be granted to a third-country national if he meets the criteria referred to in Article 54 and Article 86, paragraph 1 of this Act.

**Article 54 Foreigners Act**

Temporary stay shall be granted to a third country national (temporary stay permission) if:

1. he proves the purpose of temporary stay,
2. he holds a valid travel document;
3. he has funds to support himself,
4. he holds health insurance,
5. he is not prohibited entry and stay in the Republic of Croatia,
6. he is not considered to be a threat to public policy, national security or public health.

For further details and information:

[www.mup.hr](http://www.mup.hr/)

<https://www.mup.hr/gradjani>

**Ministry of Interior/Ministarstvo unutarnjih poslova**

Administrative and Inspection Affairs Directorate  
Service for foreigners affairs and asylum  
Contact telephone number : + 385 1 3788 646  
fax: + 385 1 3788 187  
contact e- mail address: [ljmaglic@mup.hr](mailto:ljmaglic@mup.hr)  
[ikalanj@mup.hr](mailto:ikalanj@mup.hr)

**Information on legislation applicable in accordance with the Directive**

Information on the legislation applicable to undertakings which, for a limited period of time, post workers to the Republic of Croatia can be obtained at the following address:

<https://mrms.gov.hr/>

contact e- mail adress: [info@mrms.hr](mailto:info@mrms.hr)

**Ministry of Labour and Pension System  
Ministarstvo rada i mirovinskoga sustava**

Ulica grada Vukovara 78  
10 000 Zagreb, Croatia  
Fax: (385) 1 6109 171

For social security questions, on  e-mail address:

<http://www.mirovinsko.hr/default.aspx?id=20>

[roberta.kurti@mirovinsko.hr](mailto:oberta.kurti@mirovinsko.hr);

[antonija.krolo-vasilj@mirovinsko.hr](mailto:antonija.krolo-vasilj@mirovinsko.hr)

|  |
| --- |
| **FAILURE TO COMPLY WITH THE PRESCRIBED TERMS AND CONDITIONS OF EMPLOYMENT** |

Cases of failure to comply with the prescribed terms and conditions of employment in Croatia and possible cases of illegal transnational activities can be reported tothe State Inspectorate,at the following address:

**Državni inspektorat Republike Hrvatske**

Šubićeva 29, 10 000 Zagreb, Hrvatska

tel: +385 1 23 75 100

e-mail address: [prijave@dirh.hr](mailto:prijave@dirh.hr)

**Labour inspection**:  [prijave@dirh.hr](mailto:prijave@dirh.hr)

Dežurni inspektor za zaštitu na radu: +385 1 23 75 152 (health and safety issues)

Dežurni inspektor za područje radnih odnosa: +385 1 23 75 155 (labour conditions issues)

|  |
| --- |
| **Right to judicial protection** |

The posted worker who considers that any of his guaranteed rights have been violated during the period of posting shall be entitled to initiate proceedings against his employer before the competent court, State body or legal persons with official authority in the Republic of Croatia, so as to protect and exercise these rights, in accordance with the regulations of the Republic of Croatia.

A posted worker shall be entitled to initiate proceedings referred in above, even after termination of his employment with the employer, in accordance with the regulations of the Republic of Croatia.

A posted worker who has initiated proceedings in order to protect his rights shall not receive less favourable treatment than other workers employed by the employer and shall not suffer any adverse consequences in relation to his rights derived from the employment relationship.

During the proceedings initiated to protect the worker’s rights, the posted workers or employers may authorize either a person or associations and other organisations to represent them, that must be authorized to provide legal aid in accordance with specific regulations.

**SOCIAL PARTNERS**

3 representative trade union confederations:

<http://www.sssh.hr/hr/>

<http://www.nhs.hr/>  
<http://www.matica-sindikata.hr/>

Only representative employers association: <http://www.hup.hr/>