# Labour Act

(unofficial consolidated text of the Act)

OG 93/14, 127/17, 98/19, 151/22, 64/23

in force from 1 January 2023

## TITLE I GENERAL PROVISIONS

Subject matter of the Labour Act

Article 1

This Act regulates employment relationships in the Republic of Croatia unless otherwise provided by another act or international agreement, which was concluded and ratified in accordance with the Constitution of the Republic of Croatia, published, and is in force.

Article 2

(1) This Act shall transpose into Croatian law the following acts of the European Union:

– Council Directive 1999/70/EC of 28 June 1999 on the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP (OJ L 175, 10.6.1999, p. 7 1999). Directive 99/70/EC of 28 June 1999 – concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP (OJ L 175, 10 July 1999)

– Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work (OJ L 216, August 20, 1994) 8 Directive 2014/27/EU of the European Parliament and of the Council of 26 February 2014 amending Council Directives 92/58/EEC, 92/85/EEC, 94/33/EC, 98/24/EC and Directive 2004/37/EC of the European Parliament and of the Council, in order to align them to Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures (OJ L 65, December 5, p. 3. 2014).

– Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work (OJ L 327, Dec 5, 2008).

– Council Directive 97/81/EC of 15 December 1997 concerning the Framework Agreement on part-time work concluded by UNICE, CEEP and ETUC (OJ L 14, 20 January 1998)

– Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time (OJL 299, 18 November 2003).

- Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast) (OJ 2006 L 204, 26 July 2006

- Council Directive 98/59/EC of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies (OJ 1998 L 225, 12 August 1998)

– Council Directive 2001/23/EC of 12 March 2001 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertaking, businesses or parts of undertaking or businesses (OJ L 82, 22 March 2001),

– Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community (OJ L 80, 23 March 2002).

Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (OJ L 303, 2 December 2000)

Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (tenth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC) (OJ L 348 28 November 1992)

- Council Directive 91/383/EEC of 25 June 1991 supplementing the measures to encourage improvements in the safety and health at work of workers with a fixed- duration employment relationship or a temporary employment relationship (OJL206, 29 July 1991)

– Directive (EU) 2015/1794 of the European Parliament and of the Council of 6 October 2015 amending Directives 2008/94/EC, 2009/38/EC and 2002/14/EC of the European Parliament and of the Council, and Council Directives 98/59/EC and 2001/23/EC, as regards seafarers (Text with EEA relevance) (OJ L 263, 8 October 2015)

Directive (EU) 2019/1152 of the European Parliament and of the Council of 20 June 2019 on transparent and predictable working conditions in the European Union (OJ L 186, 11 July 2019)

Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU (OJ L 188 12 July 2019).

(2) The public administration body competent for labour shall submit to the European Commission uniform reports on the implementation of Directive 94/33/EC, Directive 2008/104/EC, Directive 2003/88/EC, Directive 2006/54/EC, Directive 2000/78/EC, Directive 91/383/EEC, Directive 92/85/EEC, Directive (EU) 2019/1158 and Directive (EU) 2019/1152 whereas the content and deadlines shall be as prescribed by those Directives.

Gender equality

Article 3

The terms used in this Act which denote gender are used neutrally and apply equally to both the male and female gender.

The definition of a worker and an employer

Article 4

(1) A worker (employee, labourer, worker, clerk, civil servant and the like – hereinafter referred to as the worker) shall, within the meaning of this Act, be a natural person who performs certain work for the employer in employment relationship.

(2) The employer shall, within the meaning of this Act, be a natural or legal person who employs a worker and for whom the worker performs certain work in an employment relationship.

(3) A natural person who, in accordance with the regulation on companies, as a member of the management board or an executive director, or a natural person who is in another capacity under a special act, individually and independently or jointly and collectively, is authorised to manage the affairs of the employer, may perform certain work for the employer as a worker in an employment relationship.

(4) The provisions of this Act on fixed-term employment contracts, od employment contracts, notice period and severance pay shall not apply to the person referred to in paragraph 3 of this Article.

Records of workers employed by the employer

Article 5

(1) The employer shall keep records of the workers employed by him or her.

(2) The records referred to in paragraph 1 of this Article shall contain data on workers and on working time.

(3) The employer shall submit to the labour inspector, at his or her request, the data referred to in paragraph 2 of this Article.

(4) The Minister competent for labour (hereinafter: the Minister) shall issue an ordinance prescribing the content and manner of keeping the records referred to in paragraph 1 of this Article.

Electronic record of worker data

Article 6

(1) The body competent for keeping data on insured persons in accordance with a special regulation on pension insurance shall keep electronic records in the electronic database on insured persons with the data of insured persons who have such capacity on the basis of employment relationship.

(2) The employer shall submit to the body referred to in paragraph 1 of this Article the data on the worker to the electronic database, as well as any changes in the data that occur during the employment relationship, in the manner, in the content and within the deadline prescribed by a special regulation on pension insurance.

(3) The Minister shall prescribe in an ordinance the content, manner of entering data on the worker and their exchange between bodies with public authority, in accordance with a special regulation on the protection of personal data.

Basic obligations and rights arising from employment relationship

Article 7

(1) The employer is obliged, within the employment relationship, to assign the worker work and pay him or her a salary for the work performed, and the worker is obliged to personally perform the work taken over according to the instructions of the employer given in accordance with the nature and type of work.

(2) The employer has the right to specify the place and manner of work, while respecting the rights and dignity of the worker.

(3) The employer shall provide the worker with safe working conditions and in a manner that does not endanger the health of the worker, in accordance with a special act and other regulations.

(4) Direct or indirect discrimination in the field of work and working conditions shall be prohibited, including selection criteria and conditions for employment, promotion, vocational guidance, vocational training and retraining, in accordance with this Act and special acts.

(5) The employer is obliged to protect the dignity of the worker during the performance of work from the actions of superiors, co-workers and persons with whom the worker regularly comes into contact in the performance of his or her work, if such conduct is unwanted and contrary to special acts.

Obligation to comply with regulations related to employment relationship

Article 8

(1) In the employment relationship, the employer and the worker shall comply with the provisions of this and other acts, international agreements concluded and ratified in accordance with the Constitution of the Republic of Croatia which are published and in force, other regulations, collective agreements and working regulations.

(2) Before a worker commences work, the employer shall enable the worker to get acquainted with the regulations relating to employment relationship and shall be obliged to acquaint him or her with the organisation of work and the occupational health and safety.

(3) The occupational health and safety regulations, collective agreements and working regulation shall be made available to workers in an appropriate manner.

(4) For the conclusion, validity, termination or other matter related to an employment contract, collective agreement or agreement concluded between a works council and an employer, which is not regulated by this or another act, the legal acts and regulations of mandatory law shall apply in accordance with the nature of such a contract.

Freedom of contracting

Article 9

(1) The employer, the worker and the works council, as well as trade unions and employers' associations, may contract working conditions which are more favourable to the worker than the conditions laid down by this or another act.

(2) The employer, employers' associations and trade unions may, by collective agreement, contract working conditions less favourable than those laid down by this Act, only if this or another act expressly stipulates so.

(3) If a right arising from an employment relationship is differently regulated by an employment contract, an working regulation, an agreement concluded between the works council and the employer, a collective agreement or an act, the most favourable right shall apply to the worker, unless otherwise provided for by this or another act.

## TITLE II INDIVIDUAL EMPLOYMENT RELATIONSHIPS

## ESTABLISHING AN EMPLOYMENT RELATIONSHIP

### Concluding an employment contract

Article 10

(1) The employment relationship is established on the basis of an employment contract.

(2) If the employer concludes a contract with the worker for the performance of work which, given the nature and type of work and the authority of the employer, has the characteristics of the work for which the employment relationship is established, it shall be deemed that he or she has concluded an employment contract with the worker, unless the employer proves otherwise.

(3) When an employer does not require the employment of certain workers, he or she may temporarily assign his or her worker to an affiliated company within the meaning of a special regulation on companies, for a continuous period of up to six months, on the basis of an agreement concluded between affiliated employers and the written consent of the worker.

(4) The agreement referred to in paragraph 3 of this Article shall contain information on:

1) the name and registered office of affiliated employers

2) the name, surname and residence of the worker

3) the date of establishing and end of the temporary assignment

4) the place of work and the work that the worker will perform

5) salary, salary supplements and payment periods

6) the duration of a regular working day or week.

(5) The written consent of the worker to the agreement referred to in paragraph 3 of this Article shall be considered an addition to the employment contract, and will stipulate the performance of work with an affiliated employer for a certain period of time.

(6) The provisions of Chapter 6 of this Temporary Employment Act shall not apply to the assignment referred to in paragraph 3 of this Article.

(7) In relation to the worker referred to in paragraph 3 of this Article, the affiliated employer shall be considered to be an employer in terms of obligations to apply the provisions of this and other acts and regulations governing occupational health and safety.

### Open-ended employment contract

Article 11

(1) An employment contract is concluded for an open-ended period (open-ended employment contract), unless otherwise determined by this Act.

(2) The open-ended employment contract shall bind the parties until it is terminated in the manner determined by this Act.

(3) If the employment contract does not specify the period for which it was concluded, it shall be deemed to have been concluded for an open-ended period.

Fixed-term employment contract

Article 12

(1) An employment contract may exceptionally be concluded for a fixed term, for the establishment of an employment relationship the termination of which has been determined in advance when, for objective reasons, the need to perform the work is temporary.

(2) The employment contract referred to in paragraph 1 of this Article may be concluded for a maximum period of three years.

(3) An objective reason justifying the conclusion of a fixed-term employment contract and which must be stated in that contract shall be considered to be the replacement of a temporarily absent worker and the performance of work duration of which, due to the nature of its performance, is limited by a deadline or an occurrence of a particular event.

(4) A maximum of three successive fixed-term employment contracts may be concluded with the same worker, the total duration of which, including the first contract, shall not exceed three years.

(5) Successive employment contracts referred to in paragraph 4 of this Article shall mean employment contracts concluded successively, without interruption between one contract and another or with an interruption not exceeding three months, irrespective of whether they are concluded with only one employer or with several employers, if those employers are considered to be affiliated employers.

(6) The term affiliated employers referred to in paragraph 5 of this Article shall mean employers who are affiliated companies within the meaning of a special regulation on companies, an employer who is a legal person whose responsible person represents an affiliated person within the meaning of the general tax regulation and a natural person in a sole proprietorship, a person performing another independent activity and an employer who is a natural person when representing an affiliated person within the meaning of the general tax regulation.

(7) By way of derogation from paragraphs 2 and 4 of this Article, the duration of a fixed-term employment contract, as well as the total duration of all successive fixed-term employment contracts, including the first contract, may be uninterrupted for more than three years:

1. if it is necessary to replace a temporarily absent worker

2. if this is necessary for the completion of work on a project involving funding from European Union funds

3. if it is, for some other objective reason, permitted by a special act or collective agreement.

(8) Any amendment to a fixed-term employment contract which would affect the extension of the contractual duration of that contract shall be deemed to be the following successive fixed-term employment contract.

(9) At the end of the three-year period referred to in paragraphs 2 and 4 of this Article, or upon the termination of the last successively concluded contract, if it is concluded for a period of less than three years, the employer or an affiliated employer may conclude a new fixed-term employment contract with the same worker only if at least six months have

passed from the termination of employment relationship with the employer up to the conclusion of a new fixed-term employment contract.

(10) If the fixed-term employment contract is concluded contrary to the provisions of this Act, or if the worker continues to work for the employer after the expiration of the time for which the contract was concluded, it is considered to be concluded for an open-ended period.

(11) The provisions referred to in paragraphs 2, 4 and 9 of this Article shall not apply to contracts concluded by the employer with the worker for a fixed period of time for seasonal work which, in accordance with Article 16, paragraph 2 of this Act, may last a total of no more than nine months.

Working conditions of workers employed on the basis of a fixed-term employment contract

Article 13

(1) The employer shall ensure the same working conditions for a worker employed by the employer on the basis of a fixed-term employment contract as for a worker who has concluded an open-ended employment contract with the same employer, or according to a special regulation, an affiliated employer, with the same or similar professional knowledge and skills, and who performs the same or similar work.

(2) If the employer referred to in paragraph 1 of this Article does not have a worker who has concluded an open-ended employment contract with the same or similar professional knowledge and skills, and who performs the same or similar work, the employer shall provide the worker who is employed by him or her on the basis of a fixed-term employment contract with the conditions regulated by a collective agreement or other regulation that binds him or her, which are determined for the worker who has concluded an open-ended employment contract, and who performs similar work and has similar professional knowledge and skills.

(3) If the collective agreement or other regulation binding the employer does not regulate the working conditions in the manner referred to in paragraph 2 of this Article, the employer shall provide appropriate working conditions to the worker employed by him or her on the basis of a fixed-term employment contract as a worker who has concluded an open-ended employment contract, and who performs similar work and has similar professional knowledge and skills.

(4) The employer shall inform the workers employed by him or her on the basis of a fixed-term employment contract about the work for which those workers could conclude an open-ended employment contract with the employer and provide them with training and education under the same conditions as workers who have concluded an open-ended employment contract.

(5) A worker who has been working for the same employer for at least six months and whose probationary period, if so agreed, has ended, shall be entitled to request the conclusion of an open-ended employment contract.

(6) The employer shall consider the possibility of concluding the employment contract referred to in paragraph 5 of this Article and, in the event of the impossibility of concluding such a contract, shall submit to the worker a reasoned, written response within 30 days from the date of receipt of the request.

(7) If the worker submits a subsequent similar request to the employer, the employer who is unable to conclude an open-ended employment contract shall submit to the worker a reasoned written response within 30 days from the date of receipt of the request only if at least six months have elapsed since the worker's previously submitted request.

(8) By way of derogation from paragraphs 6 and 7 of this Article, the deadline for submitting a reasoned written response shall be 60 days from the date of receipt of the request if the employer employs less than 20 workers.

Form of employment contract

Article 14

(1) The employment contract shall be concluded in written form.

(2) The failure of the contracting parties to conclude an employment contract in written form does not affect the existence and validity of that contract.

(3) If the employment contract is not concluded in written form, the employer shall issue a letter of engagement to the worker before the commencement of work.

(4) If the employer does not conclude an employment contract with the worker in written form before the start of work or does not issue him or her a letter of engagement, it is considered that he or she has concluded an open-ended employment contract with the worker.

(5) The employer shall submit to the worker a copy of the employment contract before the commencement of work when it is concluded in written form and submit a copy of the registration for compulsory pension and health insurance within eight days from the expiry of the deadline for registering for compulsory insurance under a special regulation.

(6) If the employer participates in the payment of the voluntary pension insurance of the worker, he or she shall be obliged to notify the worker in written form of the name of the body to which the payments are made within one month from the commencement of work or from the contracting of the payment of the worker

(7) The employment contract of seafarers and workers on seagoing fishing vessels must be registered with the administration body of the county, or the City of Zagreb, which is competent for performing the entrusted tasks of the state administration related to labour affairs (hereinafter: the competent administration body).

(8) The Minister shall prescribe in an ordinance the registration procedure and the content of the register of the employment contract of seafarers and workers on seagoing fishing vessels.

Compulsory content of the written employment contract, or letter of engagement

Article 15

(1) The employment contract concluded in written form, i.e., the letter of engagement, shall contain information on:

1. parties and their personal identification number and place of residence or registered office

2. the place of work, and if due to the nature of the work there is no permanent or main place of work or it is variable, information on different places where the work is performed or could be performed

3. the title of the job post, i.e., the nature or type of work for which the worker is employed or a short list of tasks or a description of work

4. the date of conclusion of the employment contract and the date of commencement of work

5. whether the contract is concluded as an open-ended or a fixed-term contract, and the date of termination or the expected duration of the contract in the case of a fixed-term employment contract

6. the duration of paid annual leave to which the worker is entitled, and in the case when such information cannot be given at the time of concluding the contract, i.e., issuing the letter of engagement, there shall be information on the manner of determining the duration of said leave

7. the procedure in case of dismissal and the notice periods that the worker or employer must comply with, and if such information cannot be given at the time of concluding the contract, i.e., issuing the letter of engagement, there shall be information on the manner of determining the notice periods

8. gross salary, including the gross amount of the basic or contracted salary, supplements and other remuneration for work performed and the periods of payment of such and other remuneration based on the employment relationship to which the worker is entitled

9. the duration of the working day or week in hours

10. whether full-time or part-time work is contracted

11. the right to education, training and advanced training referred to in Article 54 of this Act, if any

12. the duration and conditions of the probationary period, if contracted.

(2) By way of derogation from paragraph 1, item 2 of this Article, the employer and the worker may contract the right of the worker to freely determine his or her place of work.

(3) Instead of the data referred to in paragraph 1, items 6 to 9, 11 and 12 of this Article, the employment contract or the letter of engagement may refer to the relevant act, other regulation, collective agreement or working regulation governing these issues.

Employment contract for permanent seasonal work

Article 16

(1) The employer may, for work that is predominantly seasonal, conclude an employment contract with the worker for permanent seasonal work.

(2) Seasonal work, within the meaning of this Act, shall mean work whose volume and intensity are temporarily increased in accordance with the increase in the intensity of business activities of certain professions that depend on the change of seasons, in such a way that in certain annual periods, which may last a total of no more than nine months

during the calendar year, and the need for performance of such work increases, and in other periods it decreases or ceases completely.

(3) The employment contract for permanent seasonal work may be concluded for an open-ended or fixed-term period of time.

(4) If a permanent seasonal employment contract is concluded for an open-ended period of time, the worker and the employer may agree on mutual rights and obligations during the temporary interruption in the performance of seasonal work, as follows:

1. due to temporary interruption, the worker is not obliged to perform the contracted work, and the employer is not obliged to pay a salary or salary compensation, whereby the employer does not deregister the worker from compulsory insurances and remains the subject of calculation and payment of contributions in accordance with a special regulation or

2. during the temporary interruption in the performance of work there is a suspension of employment of a permanent seasonal worker, whereby the employer deregisters the worker from compulsory insurances, and the worker may conclude an employment contract with another employer within the specified period.

(5) If the employer concludes a fixed-term employment contract for permanent seasonal work with the worker in order to perform permanent seasonal work, he or she shall, within the agreed deadline, offer the worker the conclusion of an employment contract for the performance of work in the following season and shall be obliged to register for extended pension insurance, be obliged to pay contributions and be obliged to calculate and pay contributions after the termination of that contract during the temporary interruption in the performance of work.

(6) By way of derogation from paragraph 5 of this Article, the employer shall not be obliged to register for extended pension insurance or to pay contributions and be obliged to calculate and pay contributions after the termination of such contract, during the temporary interruption in the performance of work, if, at the request of the worker, he or she has concluded a written agreement with the worker regarding this.

(7) In addition to the information referred to in Article 15, paragraph 1 of this Act, a fixed-term employment contract for permanent seasonal work must contain additional data on:

1. the conditions and time for which the employer will calculate and pay the contribution for extended pension insurance

2. the period within which the employer is obliged to offer the worker the conclusion of an employment contract for the performance of work in the following season

3. the period within which the worker is obliged to declare himself or herself regarding the offer referred to in item 2 of this paragraph, which may not be shorter than eight days

4. settling accommodation costs, if any.

(8) If the worker unjustifiably rejects the offer to conclude an employment contract in the following season, the employer shall have the right to request from the worker the reimbursement of funds for contributions paid, if he or she paid them in accordance with the assumed obligation referred to in paragraph 5 of this Article.

(9) An unjustified rejection of an offer to conclude an employment contract in the following season shall mean a rejection of an offer to conclude an employment contract in which the scope of rights and obligations is equal to or greater than the previously concluded employment contract.

(10) Instead of the information referred to in items 1 and 4 of paragraph 7 of this Article, the contract may refer to the relevant collective agreement or working regulation governing these matters.

Work at an alternative place of work and remote work

Article 17

(1) Work at an alternative place of work shall mean work in which the worker performs the contracted work from home or in another space of similar purpose determined on the basis of an agreement between the worker and the employer, and that is not the employer's workspace.

(2) Remote work shall mean work that is always performed through information and communication technology, whereby the employer and the worker agree on the right of the worker to independently determine where that work will be performed, which may be variable and depend on the will of the worker, which is why such work is not considered to be work at the workplace or at an alternative place of work in terms of occupational health and safety regulations.

(3) Work at an alternative place of work and remote work may be carried out as permanent, temporary or occasional work, if, at the proposal of the worker or employer, the worker and employer contract such work.

(4) Jobs defined by this or another act as jobs with special working conditions or jobs on which, even with the application of occupational health and safety measures, it is not possible to protect workers from harmful effects, must not be performed at an alternative place of work or through remote work.

(5) In the event of extraordinary circumstances arising due to the epidemic of diseases, earthquakes, floods, environmental incidents and similar phenomena, the employer may, in order to continue operations and protect the health and safety of workers and other persons, without amending the employment contract with the worker, arrange work at an alternative place of work.

(6) For work referred to in paragraph 5 of this Article that would last longer than 30 days, starting from the date of occurrence of an extraordinary circumstance, the employer shall offer the worker the conclusion of an employment contract with the mandatory content of the employment contract in the case of work at an alternative place of work.

Mandatory content of the employment contract in the case of work at an alternative place of work and remote work

Article 17a

(1) A work contract at an alternative place of work concluded in written form or a letter of engagement for work at an alternative place of work, in addition to the information referred to in Article 15, paragraph 1 of this Act, must contain additional information on:

1. work organisation that enables the accessibility of the worker and their undisturbed access to business premises and information, as well as professional communication with other workers and the employer, as well as with third parties in the business process;

2. manner of recording working time

3. the means of work for the performance of work which the employer is obliged to procure, install and maintain, or the use of the worker's own means of work, if any, and the reimbursement of costs in connection therewith

4. reimbursement of costs incurred for the performance of work, which the employer is obliged to reimburse to the worker if the work is contracted as permanent or if the period of work during one calendar month lasts more than seven working days, unless a collective agreement or employment contract stipulates more favourable conditions

5. the manner of exercising the right to worker's participation in decision-making, as well as for other workers of that employer

6. the duration of work or the manner of determining the duration of such work.

(2) A remote work employment contract concluded in written form or a letter of engagement for remote work shall contain:

1. the information referred to in Article 15, paragraph 1 of this Act;

2. the information on the right of workers to freely determine where they will perform work

3. the information referred to in paragraph 1 of this Article, except for items 3 and 4, the application of which the worker and the employer may contract.

(3) The provisions of this Act on the pattern of working time, overtime, redistribution of working time, night work and breaks shall apply to the employment contract at the alternative place of work and to the remote work employment contract, unless otherwise regulated by this Act, a special regulation, a collective agreement, an agreement concluded between the works council and the employer or an employment contract.

Obligations and rights of the employer towards workers working at an alternative place of work or working remotely

Article 17b

(1) The salary and other material rights of workers working at an alternative place of work or working remotely may not be determined in a lower amount than the salary of workers working in the same or similar work in the premises of the employer, nor their other rights arising from the employment relationship or in connection with the employment relationship that the worker exercises may be determined to a lesser extent than that determined for workers working in the same or similar work in the premises of the employer.

(2) When determining in more detail the manner of performing work at an alternative place of work or remote work, the employer shall adjust the quantity and deadlines for the execution of work in a way that does not deny the worker the use of the right to daily, weekly and annual leave to the determined extent.

(3) The employer shall reimburse the worker working at an alternative place of work for the costs referred to in Article 17a, paragraph 1, item 4 of this Act in the amount determined by the collective agreement or employment contract.

(4) The employer shall have the right to enter the premises of the worker's home or any other premises other than the employer's premises for the purpose of maintaining equipment or carrying out pre-determined supervision related to the working conditions of the worker, if this is agreed between the worker and the employer and only at the time agreed with the worker.

(5) The employer shall ensure the protection of privacy for the worker working at an alternative place of work and ensure work in a safe manner and in a manner that does not endanger the safety and health of the worker, when, according to the nature of the work and the magnitude of the risk to the life and health of the worker assessed in accordance with the regulations on occupational health and safety at the alternative place of work, this is possible.

(6) The employer shall provide the worker working remotely with the protection of privacy and shall provide the worker with the necessary written instructions regarding the protection of occupational health and safety.

Obligations and rights of workers working at an alternative place of work

Article 17c

(1) A worker working at an alternative place of work shall comply with occupational health and safety measures in accordance with special regulations.

(2) For the purpose of reconciling work and family obligations and personal needs, a worker working in the premises of the employer may request from the employer an amendment to the employment contract which would contract work at an alternative place of work for a certain period of time, in the case of:

1. protection of health due to a diagnosed disease or determined disability

2. pregnancy or parental responsibilities towards children up to the age of eight

3. the provision of personal care which, for serious health reasons, is necessary for a member of the immediate family or for a person who lives with the worker in the same household.

(3) A worker who has contracted with the employer an amendment to the temporary employment contract referred to in paragraph 2 of this Article may request the employer to resume work in the employer's premises before the expiration of the period for which the amended employment contract was concluded.

(4) In the case referred to in paragraphs 2 and 3 of this Article, the employer shall consider the worker's request, taking into account the needs of the worker and the needs of the organisation of work, and shall, in the event of refusal or its adoption with a delay of commencement of application, submit a reasoned written response to the worker within a reasonable time, and no later than 15 days from the date of submission of the request.

(5) If the employer accepts the request referred to in paragraph 3 of this Article, the employer and the worker shall contract work in the employer's premises.

Posting of workers abroad

Article 18

(1) Within the framework of temporary and occasional cross-border provision of services, the employer may, for a limited period of time, post the worker to work abroad in order to perform the contracted work.

(2) If, in the case of posting referred to in paragraph 1 of this Article, the worker's work lasts for more than four consecutive weeks, a written employment contract or a letter of engagement before going abroad, in addition to the information referred to in Article 15, paragraph 1 of this Act, must contain additional information on:

1. the country to which the worker is posted and the duration of work abroad;

2. pattern of working time

3. non-working days and holidays in which the worker has the right not to work while receiving salary compensation

4. the monetary unit in which the salary is to be paid;

5. other income in cash and in kind to which the worker will be entitled while working abroad

6. a link to a single national website on the posting of workers in the Member State of the European Union to which the worker is posted;

7. the law and conditions of return from abroad.

(3) Instead of the information referred to in paragraph 2, items 2 to 5 of this Article, the contract or letter of engagement may refer to the relevant act, other regulation, collective agreement or working regulation governing these issues.

(4) In the case of posting of workers referred to in paragraph 1 of this Article for a period shorter than four consecutive weeks, the employer shall provide the worker with written information containing the data referred to in paragraphs 2 and 3 of this Article before the commencement of posting.

(5) If, within the framework of temporary and occasional cross-border provision of services, the employer posts a worker to an affiliated company within the meaning of the regulations on companies established abroad, the written consent of the worker shall be required for such posting in order to perform the contracted work.

(6) During the period of posting in the case referred to in paragraph 5 of this Article, the worker shall be considered a posted worker within the meaning of this Act and the rules on the coordination of social security systems.

(7) The employer referred to in paragraphs 1 and 5 of this Article shall submit a copy of the registration for compulsory health insurance during the period of work abroad to the worker before going abroad, if he or she is obliged to provide it in accordance with a special regulation.

(8) The provisions of Chapter 6 of this Temporary Employment Act shall not apply to the posting referred to in paragraph 5 of this Article.

## Additional work of a worker

### Article 18a

(1) A worker who is employed and works full-time with one employer (hereinafter: the master employer), or works part-time with several master employers, so that his or her total working time is 40 hours per week, may additionally work on the basis of a additional employment contract with another employer.

(2) A worker who works on jobs with special working conditions in accordance with the regulations on occupational health and safety, a worker who works short-time referred to in Article 64 of this Act and a worker whose pensionable service is calculated in accordance with the regulation on pension insurance with an increased duration may not conclude an additional employment contract for the performance of such work.

(3) The worker referred to in paragraph 1 of this Article shall inform each master employer in written form of the concluded contract for additional work with another employer before commencing work with another employer.

(4) The master employer may ask the worker in written form to stop performing additional work with another employer, if there are objective reasons for doing so, in particular if it is contrary to the legal prohibition of competition or if it is performed within the pattern of working time of the worker with the master employer.

(5) If the request of the master employer is made due to conduct contrary to the legal prohibition of competition between the worker and the employer, the provisions of this Act governing the legal prohibition of competition shall apply accordingly to the rights and obligations of the worker and the employer.

(6) If the request of the master employer is made for the purpose of performing additional work within the pattern of working time of the worker with the master employer, the worker shall adjust the working time with the other employer within three days at the latest.

(7) The employer with whom the worker is employed in additional work shall, at the request of the worker, enable the use of the annual leave of that worker in the same week in which the worker uses the annual leave with the master employer.

## Contract on additional work

### Article 18b

(1) The contract on additional work concluded in written form, i.e., letter of engagement on the contract on additional work, shall contain the information referred to in Article 15, paragraph 1 of this Act.

(2) The contract on additional work may be concluded for a fixed-term or an open-ended period.

(3) The provisions of Article 12 of this Act shall not apply to the contract on additional work concluded for a fixed term.

(4) The contract on additional work may not stipulate working time longer than eight hours per week.

(5) If the pattern of working time in additional work is determined as uneven, the weekly working time in additional work may be longer than eight hours per week, but not longer than 16 hours per week, including overtime, when this Act allows it.

(6) If the working time from the contract on additional work is unevenly distributed, the period of such a pattern may not be less than one month or longer than one year, and during such a pattern, the working time must correspond to the worker's contracted working time.

(7) If the working time from the contract on additional work is unevenly distributed, the worker in additional work in each period of four consecutive months may not work longer than an average of eight hours per week, including overtime work, when this Act allows it.

(8) The period referred to in paragraph 7 of this Article may be agreed by a collective agreement for a period of six months.

(9) The periods of annual leave and temporary incapacity for work shall not be included in the period of four months, i.e., six months referred to in paragraphs 7 and 8 of this Article.

(10) An uneven pattern of working time in additional work is allowed provided that the worker has provided the employer with a written statement of voluntary consent for such work for more than eight hours per week.

(11) A worker who does not agree to work more than eight hours a week in an uneven pattern of working time may not suffer adverse consequences as a result.

(12) The employer shall submit to the labour inspector, at his or her request, a list of workers who have made a written statement referred to in paragraph 10 of this Article.

(13) The provisions of Article 66, paragraphs 7, 8 and 9 of this Act shall apply mutatis mutandis to the contract on additional work.

(14) The provisions of Article 67 of this Act shall not apply to the contract on additional work.

Working conditions of workers in additional work

Article 18c

(1) If the previous duration of the employment relationship with the same employer is important for the acquisition of rights arising from the employment relationship, the periods of work in additional work shall be considered to be full-time work.

(2) The salary and other material rights of workers (jubilee award, recourse holiday allowance, Christmas bonus, etc.) shall be determined and paid in proportion to the agreed working time with another employer, unless otherwise regulated by a collective agreement, an working regulation or an employment contract.

(3) In order to ensure working conditions, the provision of Article 63, paragraphs 1, 2 and 3 of this Act shall apply mutatis mutandis to a worker who works for another employer on the basis of a contract on additional work.

Minimum age for employment

Article 19

A person below the age of fifteen or a person of the age of fifteen and a person above the age of fifteen and below the age of eighteen who attends compulsory primary education shall not be employed.

Special protection for children and minors

Article 19a

(1) A child shall, within the meaning of this Act, be a person under the age of 15.

(2) A minor shall, within the meaning of this Act, be a person who has reached the age of 15 years or is older than 15 and younger than 18 years of age.

(3) The work of a child and a minor attending compulsory primary education shall be prohibited.

(4) The prohibition of work referred to in paragraph 3 of this Article shall not apply to the performance of work within the framework of the implementation of work-based learning or to the occasional work of a regular pupil under a special regulation, provided that such work does not endanger his or her health, safety, morals or development.

(5) A child and a minor attending compulsory primary education may, only with the prior approval of the body competent for social welfare affairs, participate for a fee in the activities of filming, advertising, preparing and performing artistic, performance or similar cultural activities and sports competitions, in a manner and to the extent that does not endanger their health, safety, morals, schooling or development.

(6) The authorisation referred to in paragraph 5 of this Article shall be issued by the body competent for social welfare affairs upon the request of the legal representative of the child or the minor and one copy shall be submitted to the body competent for labour inspection affairs.

(7) The request referred to in paragraph 6 of this Article shall be submitted by the legal representative of the child or the minor within 15 days before the start of his or her participation in the activities referred to in paragraph 5 of this Article, and the body competent for social welfare affairs shall be obliged to resolve the request within ten days from the date of its submission.

(8) The total duration of the work and activities referred to in paragraphs 4 and 5 of this Article, the daily and weekly duration of the activities and rest during the duration of these activities shall not endanger the health and safety of the child or the minor and the possibility of fulfilling the obligations related to their schooling, nor shall they be less favourable than the duration and restrictions prescribed in Article 68a of this Act.

Obligations of the employer regarding special protection of a child and a minor

Article 19b

(1) An employer who employs a minor or conducts work-based learning, occasional work of a regular pupil in accordance with a special regulation, or who is the organiser of activities in which children and minors participate in accordance with Article 19a of this Act, shall take into account that a person who is in regular contact with a child and a minor does not have any of the following obstacles:

1. has been convicted by a final judgment of any of the offences against sexual freedom, of sexual abuse and exploitation of a child, which, before they were committed, were prescribed by law or international law;

2. is subject to criminal proceedings for one of the criminal offences referred to in item 1 of this paragraph.

(2) For the purpose of fulfilling the duties referred to in paragraph 1 of this Article, the employer shall be authorised to:

1. with the consent of the person for whom it is requested, request from the competent court evidence that the candidate for the position or the worker employed by the employer has not been convicted by a final judgement

2. request the candidate for the position or the worker employed by the employer to provide evidence that no criminal proceedings for the criminal offence referred to in paragraph 1, item 1 of this Article are being conducted against him or her.

(3) An employer who employs a minor or conducts work-based learning, occasional work of a regular pupil in accordance with a special regulation, or the organiser of the implementation of activities in which children and minors participate, shall be obliged to prevent a person for whom he or she is aware that there is an obstacle referred to in paragraph 1 of this Act from contacting the child or minor.

Legal capacity of minors to conclude employment contracts

Article 20

(1) If the legal representative authorises a minor aged fifteen years and over to conclude a specific employment contract, with the exception of a minor attending compulsory primary education, the minor shall have legal capacity to conclude and terminate that contract and to undertake all legal actions related to the fulfilment of rights and obligations under that contract or in connection with that contract.

(2) The authorisation referred to in paragraph 1 of this Article shall be exempted from legal transactions for which the legal representative needs the approval of the body competent for social welfare affairs.

(3) The employer may not employ a minor referred to in paragraph 1 of this Article, who does not have the authorisation of a legal representative or the approval of the body competent for social welfare affairs.

(4) In the event of a dispute between legal representatives or between one or more legal representatives and a minor, the body competent for social welfare affairs shall decide on the granting of authorisation to conclude an employment contract, taking into account the interests of the minor.

(5) The legal representative may withdraw or limit the authorisation referred to in paragraph 1 of this Article, or terminate the employment on behalf of the minor.

(6) The guardian may grant the authorisation referred to in paragraph 1 of this Article to a minor only on the basis of prior approval of the body competent for social welfare affairs.

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

Medical assessment and prohibition of work of minors in certain jobs

Article 21

(1) A minor shall not be employed in jobs which may endanger his or her safety, health, morals or development.

(2) The Minister shall prescribe the jobs referred to in paragraph 1 of this Article by means of an ordinance.

(3) The employer may not employ a minor before the prior medical assessment.

(4) The Minister shall, with the prior consent of the Minister competent for health, prescribe by an ordinance a preliminary medical assessment for the work of minors referred to in paragraph 3 of this Article.

Supervision of the work of minors in certain jobs

Article 22

(1) If a minor, his or her parent, guardian, works council or trade union suspects that the work performed by the minor endangers his or her safety, health, morals or development, they may require the employer to have the authorised doctor examine the minor and to assess in the finding and opinion whether the work performed by the minor endangers his or her safety, health, morals or development.

(2) The costs of the medical examination and the finding and opinion referred to in paragraph 1 of this Article shall be borne by the employer.

(3) If it follows from the finding and opinion referred to in paragraph 1 of this Article that the work performed by the minor endangers his or her safety, health, morals or development, the employer shall offer the minor to conclude an employment contract for the performance of other equivalent work, and if there is no such work, he or she may terminate it in the manner and under the conditions prescribed by this Act.

Special conditions for concluding an employment contract

Article 23

(1) If the law, other regulation, collective agreement or working regulation stipulates special conditions for establishing an employment relationship, an employment contract may be concluded only with a person who meets those conditions.

(2) A foreign national or stateless person may conclude an employment contract under the conditions prescribed by this Act and a special act governing the employment of such persons.

Obligation of the worker to inform the employer of the disease or other circumstances

Article 24

(1) When concluding an employment contract and during the employment relationship, the worker shall inform the employer of a disease or other circumstance that prevents him or her or significantly interferes with the performance of obligations under the employment contract or that endangers the life or health of persons with whom the worker comes into contact in the performance of the employment contract.

(2) In order to assess medical fitness to perform certain work, the employer may direct the worker to attend a medical examination.

(3) The costs of the medical examination referred to in paragraph 2 of this Article shall be borne by the employer.

Information that must not be requested

Article 25

(1) In the process of selecting a candidate for a position (interview, testing, questionnaire, etc.) and concluding an employment contract, as well as during the employment relationship, the employer may not request from the worker information that is not directly related to the employment relationship.

(2) Impermissible questions referred to in paragraph 1 of this Article shall not be answered.

## 2 WORKING REGULATIONS

Obligation to adopt the working regulations

Article 26

(1) An employer employing at least twenty workers shall adopt and publish an working regulation regulating salaries, work organisation, procedure and measures for the protection of the dignity of workers and measures of protection against discrimination and other issues important for workers employed by that employer, if these issues are not regulated by a collective agreement.

(2) Special working regulations may also be adopted for individual companies and parts of the employer's company, i.e., individual groups of workers.

Procedure for adopting the working regulation

Article 27

(1) The employer shall consult the works council on the adoption of the working regulation, in the event, in the manner and under the conditions prescribed by this Act.

(2) The rulebook referred to in paragraph 1 of this Article shall indicate the date of entry into force.

(3) The rulebook referred to in paragraph 1 of this Article may not enter into force before the expiry of a period of eight days from the date of publication.

(4) The working regulation shall be amended and supplemented in the manner prescribed by this Act for its adoption.

(5) The Minister shall prescribe in an ordinance the manner of publication of the rulebook referred to in paragraph 1 of this Article.

(6) The works council may request the competent court to annul the unlawful rulebook or some of its provisions.

## 3 PROTECTION OF LIFE, HEALTH AND PRIVACY

Obligations of the employer in the protection of life, health and morals of workers

Article 28

(1) The employer shall obtain and maintain facilities, devices, equipment, tools, place of work and access to the place of work, and organise work in a manner that ensures the protection of the life and health of workers, in accordance with special acts and other regulations and the nature of the work performed.

(2) The employer shall inform the worker of the dangers of the work performed by the worker.

(3) The employer shall train the worker to work in a manner that ensures the protection of the life and health of the worker and prevents accidents.

(4) If the employer has assumed the obligation to accommodate and provide food for workers, he or she must take into account the protection of life, health and morals and the religion of workers in the performance of such obligation.

Protection of privacy of workers

Article 29

(1) Personal data of workers may be collected, processed, used and communicated to third parties only if this is determined by this or other act or if it is necessary for the exercise of rights and obligations arising from employment relationship, or in connection with employment relationship.

(2) If it is necessary to collect, process, use or communicate personal data referred to in paragraph 1 of this Article to third parties for the purpose of exercising the rights and obligations arising from the employment relationship, or in connection with the employment relationship, the employer shall determine in advance by the working regulation which data will be collected, processed, used or communicated to third parties for such purpose.

(3) The personal data of workers may be collected, processed, used and communicated to third parties only by the employer or a person specifically authorised by the employer.

(4) Incorrectly recorded personal data must be corrected immediately.

(5) Personal data for the storage of which there are no longer any legal or actual reasons must be deleted or otherwise removed.

(6) An employer employing at least twenty workers shall be obliged to appoint a person who must enjoy the trust of the workers and who, in addition to him or her, is authorised to supervise whether personal data are collected, processed, used and communicated to third parties in accordance with the law.

(7) The employer, the person referred to in paragraph 6 of this Article or any other person who, in the performance of their duties, learns personal data of workers, shall permanently keep such data confidential.

## 4 PROTECTION OF PREGNANT WOMEN, PARENTS AND ADOPTIVE PARENTS

Prohibition of unequal treatment of pregnant women, women who have given birth or who are breastfeeding children

Article 30

(1) The employer may not refuse to employ a woman because of her pregnancy, and may not, because of pregnancy, birth or breastfeeding of a child within the meaning of a special

regulation, offer her the conclusion of an amended employment contract under less favourable conditions.

(2) The employer may not request any information about the pregnancy or instruct another person to request it, unless the worker personally requests a certain right provided for by law or other regulation for the protection of pregnant women.

Protection of a pregnant woman or a woman who has given birth or who is breastfeeding a child

Article 31

(1) A pregnant worker, a worker who has given birth or a worker who is breastfeeding a child within the meaning of a special regulation, and who works on a job that endangers her life or health, or the child's life or health, shall be offered by the employer during the exercise of rights in accordance with a special regulation, an addition to the employment contract by which other equivalent work shall be contracted for a certain period of time.

(2) In a dispute between an employer and a worker, only a doctor specialising in occupational medicine shall be competent to assess whether the job on which the worker works or other offered in the case referred to in paragraph 1 of this Article is equivalent.

(3) If the employer is unable to act in the manner prescribed in paragraph 1 of this Article, the worker shall be entitled to leave in accordance with a special regulation.

(4) Upon cessation of the exercise of rights in accordance with a special regulation, the addition referred to in paragraph 1 of this Article shall cease and the worker shall continue to perform the work which she previously performed on the basis of the employment contract.

(5) The addition of the employment contract referred to in paragraph 1 of this Article shall not result in a reduction in the salary of the worker.

Presumption of work in full-time working time

If the previous duration of employment, the period of maternal, parental, adoptive or paternity leave or leave that is equivalent in terms of content and manner of use to the right to paternity leave, part-time work, part-time work for the purpose of increased child care, leave of a pregnant worker, leave of a worker who has given birth or a worker who is breastfeeding a child and leave or part-time work for the purpose of nursing care and care of a child with severe developmental disabilities in accordance with the regulation on maternal and parental benefits is important for the acquisition of certain rights arising from employment or in connection with employment relationship, the aforementioned time shall be deemed full-time work.

Use of maternal and parental rights

Article 33

Maternal and parental rights are exercised by the worker during an employment relationship in accordance with a special regulation.

Prohibition of dismissal

(1) During pregnancy, use of maternal, parental, adoptive, paternity leave or leave which is equivalent in terms of content and manner of use to the right to paternity leave, part-time work, part-time work for the purpose of increased child care, leave of a pregnant worker, leave of a worker who has given birth or a worker who is breastfeeding a child and leave or part-time work for the purposes of nursing care and care of a child with severe developmental disabilities, or within 15 days from the cessation of pregnancy or cessation of the use of these rights in accordance with the regulation on maternal and parental benefits, the employer may not dismiss from work a pregnant woman and a person exercising any of these rights.

(2) The dismissal referred to in paragraph 1 of this Article shall be null and void if, on the day of the dismissal, the employer was aware of the existence of the circumstances referred to in paragraph 1 of this Article or if the worker informs the employer of the existence of the circumstances referred to in paragraph 1 of this Article within fifteen days from the date of the dismissal and submits an appropriate certificate of the authorised doctor or other authorised body.

(3) The employment contract of the person referred to in paragraph 1 of this Article shall be terminated upon the death of the employer who is a natural person, by the cessation of the sole proprietorship by force of law or by the deletion of the individual trader from the register.

(4) The employment contract of the person referred to in paragraph 1 of this Article may be subject to dismissal for business-conditioned reasons during the implementation of the liquidation procedure in accordance with a special regulation.

The right of a worker to terminate a labour contract by means of extraordinary notice

Article 35

(1) A worker exercising the right to maternal, parental, adoptive and paternity leave or leave which is equivalent in content and manner of use to the right to paternity leave, part-time work, part-time work for the purpose of increased child care, leave of a pregnant worker, leave of a worker who has given birth or a worker who is breastfeeding a child, and leave or part-time work for the purpose of nursing care and care of a child with severe developmental disabilities, or whose employment contract is suspended until the third year of age of the child in accordance with the regulation on maternal and parental benefits may terminate the employment contract by means of extraordinary notice.

(2) In the manner referred to in paragraph 1 of this Article, the employment contract may be terminated no later than fifteen days before the day on which the worker is obliged to return to work.

(3) A pregnant woman may terminate her employment contract by means of extraordinary notice.

The right to reinstatement to the former or an equivalent position

Article 36

(1) After the expiry of maternal, parental, adoptive and paternity leave or leave which, in terms of content and manner of use, is equivalent to the right to paternity leave, leave of a pregnant worker, leave of a worker who has given birth or a worker who is breastfeeding a

child, leave for the nursing care and care of a child with severe developmental disabilities and the suspension of employment until the third year of age of the child in accordance with the regulation on maternal and parental benefits, the worker who used one of these rights shall have the right to return to a job on which he or she worked before exercising that right.

(2) The worker referred to in paragraph 1 of this Article, in addition to the worker who uses paternity leave or leave that is equivalent in terms of content and manner of use to the right to paternity leave, in accordance with the regulation on maternal and parental benefits, shall notify the employer of the intention to return to work at least 30 days prior.

(3) If the need to perform a job performed by the worker before the exercise of the right referred to in paragraph 1 of this Article has ceased, the employer shall offer him or her the conclusion of an employment contract for the performance of another equivalent work, the working conditions of which must not be less favourable than the working conditions of the job performed before the exercise of that right.

(4) A worker who has exercised the right referred to in paragraph 1 of this Article shall be entitled to additional vocational training if there has been a change in the technique or manner of work, as well as any other benefits arising from improved working conditions to which he or she would be entitled.

## 5 PROTECTION OF WORKERS WHO ARE TEMPORARILY OR PERMANENTLY INCAPACITATED FOR WORK

### Obligation to notify on temporary incapacity for work

Article 37

(1) The worker shall, as soon as possible, inform the employer of the temporary incapacity for work, and at the latest within three days, he or she shall submit to the employer a medical certificate of temporary incapacity for work and its expected duration.

(2) The authorised doctor shall issue the worker the certificate referred to in paragraph 1 of this Article.

(3) If, for justified reason, the worker was unable to fulfil the obligation referred to in paragraph 1 of this Article, he or she shall be obliged to do so as soon as possible, and no later than three days from the date of cessation of the reason that prevented him or her from doing so.

(4) The Minister shall prescribe in an ordinance the content and manner of issuing the certificate referred to in paragraph 1 of this Article.

### Prohibition of dismissal in case of temporary incapacity caused by injury at work or occupational disease

Article 38

A worker who has suffered an injury at work or has contracted an occupational disease, during a temporary incapacity for work during treatment or recovery from an injury at work or an occupational disease, may not be dismissed by the employer.

### Prohibition of adverse influence on the promotion or exercise of other rights

Article 39

Injury at work or occupational disease must not adversely influence the promotion of workers and the realisation of other rights and benefits arising from employment relationship or in connection with employment relationship.

The right to return to a previous or equivalent position of a worker who was temporarily incapacitated for work

Article 40

(1) A worker who has been temporarily incapacitated for work due to an injury or injury at work, illness or occupational disease, and for whom after treatment or recovery, an authorised doctor or an authorised body in accordance with a special regulation determines that he or she is capable of work, shall have the right to return to the job on which he or she previously worked.

(2) If the need to perform the job on which the worker previously worked has ceased, the employer shall offer him or her the conclusion of an employment contract for the performance of another equivalent work, which must, as much as possible, correspond to the job on which the worker previously worked.

(3) If the employer is unable to offer the worker the conclusion of an employment contract for the performance of another equivalent work or if the worker refuses the offered amendment to the employment contract, the employer may dismiss the worker it in the manner and under the conditions prescribed by this Act.

(4) In a dispute between an employer and a worker, only a doctor specialising in occupational medicine shall be competent to assess whether the offered work referred to in paragraph 2 of this Article is equivalent.

(5) A worker referred to in paragraph 1 of this Article shall be entitled to additional vocational training if there has been a change in the technology or manner of work, as well as any other benefits arising from improved working conditions to which he or she would be entitled.

Employment rights in other jobs

Article 41

(1) If the worker has a decrease in working capacity with the remaining working capacity, a decrease in working capacity with partial loss of working capacity or an imminent risk of a decrease in working capacity determined by an authorised body in accordance with a special regulation, the employer shall, taking into account the finding and opinion of that body, offer the worker to conclude an employment contract for the performance of a job for which he or she is capable of perform, which must, as much as possible, correspond to the job on which the worker previously worked.

(2) In order to secure the job referred to in paragraph 1 of this Article, the employer shall adjust the job to the abilities of the worker, change the pattern of working time, or take other measures to provide the worker with equivalent position.

(3) If the employer has taken all measures referred to in paragraph 2 of this Article, and cannot provide the worker with an equivalent position, or if the worker has rejected the

offer to conclude an employment contract for the performance of work equivalent to his or her abilities in accordance with the finding and opinion of the authorised body, the employer may dismiss the worker with the consent of the works council.

(4) In a dispute between an employer and a worker, only a doctor specialising in occupational medicine shall be competent to assess whether the offered work referred to in paragraph 1 of this Article are equivalent.

(5) If the works council denies consent to dismissal of the worker referred to in paragraph 1 of this Article, the provision of Article 151 of this Act shall apply to the substitute consent.

Severance pay in the event of an injury at work or an occupational disease

Article 42

(1) A worker who has suffered an injury at work, or who has contracted an occupational disease, and to whom, after completing treatment, recovery and professional rehabilitation, the employer cannot provide the equivalent position referred to in Article 41 of this Act, shall be entitled to severance pay of at least double the amount, if he or she has fulfilled the conditions for acquiring the right to severance pay prescribed by this Act.

(2) The worker referred to in paragraph 1 of this Article, who unjustifiably rejected the offered jobs referred to in Article 41 of this Act, shall not be entitled to severance pay in double amount.

Precedence in vocational training and schooling

Article 43

A worker who has suffered an injury at work or has contracted an occupational disease shall have precedence in the vocational training and schooling organised by the employer.

## 6 TEMPORARY EMPLOYMENT

Temporary employment agency

Article 44

(1) Temporary employment agency (hereinafter: the agency) is an employer who, on the basis of a contract on the assignment of workers, assigns workers to another employer (hereinafter: the user) for the temporary performance of jobs.

(2) An assigned worker, within the meaning of this Act, shall be a worker employed by the Agency for the purpose of assignment to the user.

(3) The agency may perform the jobs of assigning workers to users provided that it is registered in accordance with a special regulation and entered in the records of the Ministry competent for labour (hereinafter: the Ministry).

(4) In addition to the activities referred to in paragraph 1 of this Article, the agency may also perform activities related to employment, provided that it has an appropriate permit for doing so in accordance with a special regulation.

(5) The agency may not perform the jobs referred to in paragraph 1 of this Article before being entered in the appropriate records of the Ministry.

(6) When performing the jobs referred to in paragraph 1 of this Article, the agency may not charge the worker a fee for his or her assignment to the user, or a fee in the case of concluding an employment contract between the assigned worker and the user.

(7) The agency shall submit to the Ministry statistical data on the performance of the jobs referred to in paragraph 1 of this Article.

(8) The Minister shall prescribe in an ordinance the content, manner and deadline for submitting the data referred to in paragraph 7 of this Article.

Contract on assignment of workers

Article 45

(1) The contract on assignment of workers between the agency and the user shall be in written form.

(2) The components of the contract referred to in paragraph 1 of this Article, in addition to the general operating conditions of the agency, shall be information on:

1) the number of assigned workers required by the user

2) the period for which workers are assigned

3) place of work

4) the jobs that the assigned workers will perform

5) the manner and period in which the user must submit to the agency the calculation for the payment of the salary, and the regulations applicable to the user for determining the salary; and

6) a person who is authorised to represent the user in relation to the assigned workers.

(3) In case of assignment of a worker to a user abroad, the contract referred to in paragraph 1 of this Article, in addition to the information referred to in paragraph 2 of this Article, shall contain information on:

1) the legislation applicable to the employment relationship of the assigned worker

2) the rights of the assigned worker exercised on the basis of this and other acts of the Republic of Croatia and which the user is obliged to provide to the assigned worker

3) the obligation to pay the costs of returning to the country.

(4) The contract referred to in paragraph 1 of this Article may not be concluded for:

1) replacement of the worker with the user with whom the strike is being carried out

2) jobs performed by workers for whom the user has carried out the collective redundancy procedure referred to in Article 127 of this Act in the previous period of six months

3) jobs performed by workers who were dismissed in the previous period of six months by the user, subject to business conditioned notice

4) performing jobs that, according to occupational health and safety regulations, are jobs with special working conditions, and the assigned worker does not meet these special conditions

5) assignment of workers to another agency.

(5) By the contract referred to in paragraph 1 of this Article, the agency and the user may agree that for the assigned workers, for the period in which they were assigned to him or her, the user shall keep the prescribed records of their working time and the deadline and manner of delivery of those records to the agency.

Employment contract for temporary performance of work

Article 46

(1) The agency may conclude an employment contract for the temporary performance of work with a worker for a fixed or open-ended period of time.

(2) The limitation of the number of successive employment contracts referred to in Article 12, paragraph 4 of this Act shall not apply to the employment contract referred to in paragraph 1 of this Article concluded for a fixed period of time.

(3) The contract referred to in paragraph 1 of this Article, in addition to the information referred to in Article 15, paragraph 1, item 1 and items 4 to 7 of this Act, or Article 18, paragraph 2 of this Act, when the agency assigns a worker to a user abroad, shall also contain the following information:

1. that the contract is concluded for the purpose of assigning workers for the temporary performance of jobs with the user

2. an indication of the type of jobs for which the worker will be assigned

3. the obligations of the agency towards the worker in the period when he or she was assigned.

(4) The assigned worker shall be entitled to salary compensation determined in the manner referred to in Article 95, paragraphs 5 to 9 of this Act:

1. if he or she is employed for an open-ended period during the period when he or she was not assigned to the user

2. if he or she is employed for a fixed period, and before the expiry of the period to which he or she has been assigned, the need for that worker has ceased, in the period until the expiry of the concluded employment contract.

(5) The contract referred to in paragraph 1 of this Article, concluded for a fixed period equal to the period for which the worker is assigned to the user, in addition to the information referred to in Article 15, paragraph 1 of this Act, must contain information on the name, registered office and personal identification number of the user.

(6) The contracted salary and other working conditions of the assigned worker may not be determined in an amount less or less favourable than the salary or less favourable than other working conditions of the worker employed by the user on the same jobs that the assigned worker would have achieved if he or she had concluded an employment contract with the user.

(7) Other working conditions of the assigned worker within the meaning of paragraph 6 of this Article shall be working time, vacations and leaves, holidays and other days for which the law stipulates that they are not working days, ensuring occupational health and safety

measures, protection of pregnant women, parents, adoptive parents and minors and protection against unequal treatment in accordance with the anti-discrimination regulation.

(8) If the salary or other working conditions cannot be determined in accordance with paragraphs 6 and 7 of this Article, they shall be determined by a contract on assignment of workers.

Dismissal in temporary performance of jobs

Article 47

(1) The provisions of this Act on collective redundancy shall not apply to the dismissal of assigned workers.

(2) The agency may exceptionally dismiss the worker during temporary performance of jobs if the reasons referred to in Article 116, paragraph 1 of this Act have arisen with the user and if the user notifies the agency thereof in written form within fifteen days from the date of gaining knowledge of the fact on which the extraordinary notice is based.

(3) The deadline for extraordinary notice of workers referred to in Article 116, paragraph 2 of this Act shall run from the date of written notice referred to in paragraph 2 of this Article.

(4) The cessation of the need for the assigned worker with the user before the expiry of the period for which he or she was assigned may not be the reason for the dismissal of the worker during temporary performance of jobs.

(5) An assigned worker who considers that during his or her work with the user some right from employment has been violated shall exercise the protection of the violated rights with the employer in the manner set out in Article 133 of this Act.

Restriction of worker assignment period

Article 48

(1) The agency and the user may not contract the use of the work of the same assigned worker for the performance of the same jobs for an uninterrupted period of more than three years, except:

1. if it is necessary to replace a temporarily absent worker

2. if this is necessary for the completion of work on a project involving funding from European Union funds

3. if it is, for some other objective reason, permitted by a special act or collective agreement.

(2) An interruption of less than three months shall not be deemed to be an interruption of the period of three years referred to in paragraph 1 of this Article.

Obligations of the agency

Article 49

(1) Before assigning a worker to a user, the agency shall provide him or her with a referral, which must contain the following information on:

1. the name, registered office and personal identification number of the user;

2. the title of the job post, or the nature or type of work, or a short list or description of the work to which the worker will be assigned

3. the duration of the assignment.

(2) Before assigning a worker to a user, the agency shall ensure the professional competence of the worker to be assigned, when such obligation is prescribed pursuant to the regulations on occupational health and safety for the jobs for which the agency assigns the worker to the user, unless this obligation has been assumed by the user in the contract on assignment of workers.

(3) The user shall be obliged to inform the worker about the risk assessment, unless the agency has assumed this obligation under the contract on assignment.

(4) The agency shall pay the assigned worker the agreed salary for the work performed with the user even in the event that the user does not issue an invoice to the agency for the payment of the salary.

Obligations of the user

Article 50

(1) In relation to the assigned worker, the user shall be considered to be an employer in terms of obligations to apply the provisions of this and other laws and regulations governing occupational health and safety and special protection of certain groups of workers.

(2) When concluding the contract referred to in Article 45 of this Act, the user shall fully and truthfully inform the agency in written form of the working conditions of the workers employed with the user in jobs to be performed by the assigned worker.

(3) The user shall inform the works council at least once a year about the number and reasons for taking over the assigned workers, as well as the assigned workers about the vacancies for which they are eligible.

Indemnity

Article 51

(1) Damage caused by the assigned worker at work or in connection with work with the user to a third party shall be indemnified by the user who is considered to be the employer in relation to the recourse liability of the assigned worker.

(2) The agency shall be liable in accordance with the legal acts and regulations of mandatory law for damage caused by the assigned worker at work or in connection with work to the user.

(3) If the assigned worker suffers damage at work or in connection with work with the user, he or she may claim indemnity against the agency or the user in accordance with Article 111 of this Act.

Records

Article 52

(1) The registration to the records shall be submitted by the agency to the Ministry in written form.

(2) In addition to the registration, the agency shall submit proof that it is registered under a special regulation.

(3) The Ministry shall issue a confirmation on registration to the records containing the number under which the agency is registered and the date of entry in the records.

(4) In legal transactions, in business documents, the agency shall indicate on each letter and contract the number under which it is registered in the records of the Ministry.

## 7 PROBATIONARY PERIOD, EDUCATION AND TRAINING FOR WORK

Contracting and duration of probationary period

Article 53

(1) When concluding an employment contract, a probationary period may be contracted.

(2) By way of derogation from paragraph 1 of this Article, a probationary period may not be contracted in the case of concluding an employment contract under the amended conditions referred to in Article 123, paragraph 1 of this Act.

(3) The probationary period referred to in paragraph 1 of this Article shall not exceed six months.

(4) By way of derogation from paragraph 3 of this Article, the period in which the probationary period was determined may be longer if during its duration the worker was temporarily absent, in particular due to temporary incapacity for work, the use of maternal and parental rights under a special regulation and the use of the right to paid leave referred to in Article 86 of this Act.

(5) In the case referred to in paragraph 4 of this Article, the duration of the probationary period may be extended in proportion to the duration of the absence from the probationary period, so that the total duration of the probationary period before and after its interruption may not exceed six months.

(6) If the employment contract is concluded for a fixed period, the duration of the probationary period must be proportionate to the expected duration of the contract and the nature of the work performed by the worker.

(7) After the termination of the concluded employment contract in which the probationary period was agreed, the worker and the employer may not re-contract the probationary period when concluding a new employment contract for the performance of the same job.

(8) Probationary worker's failure to satisfy shall constitute a particularly justified reason for dismissal, and the worker may be dismissed during the duration of the employment contract, and at the latest on the last day of probationary period.

(9) The provisions of this Act on the dismissal shall not apply to the dismissal referred to in paragraph 8 of this Article, except for Article 120, Article 121, paragraph 1 and Article 125 of this Act.

(10) The notice period for the agreed probationary period shall be at least one week.

(11) If the worker and the employer have concluded an employment contract during the employment relationship for the purpose of performing other jobs, whereby a probationary period has been agreed, in the event of dismissal due to failure to satisfy during the

probationary period, the worker shall be entitled to a notice period in accordance with Article 122 of this Act and the right to severance pay in accordance with Article 126 of this Act.

Obligation of education and training for work

Article 54

(1) The employer is obliged to provide the worker, in accordance with the possibilities and needs of work, with schooling, education, training and advanced training.

(2) The worker is obliged, in accordance with his or her abilities and needs of work, to be schooled, educated, trained and receive advanced training for work.

(3) When changing or introducing a new method or organisation of work, the employer shall, in accordance with the needs and possibilities of work, provide the worker with training or advanced training for work.

(4) The employer shall provide the worker with the training referred to in paragraph 1 of this Article in accordance with the needs of performing the contracted work and at his or her own expense, whereby the time spent in training is included in working time and, if possible, takes place during the determined working time of the worker.

Definition of a trainee and the time for which an employment contract may be concluded with the trainee

Article 55

(1) A person who is employed for the first time in the profession for which he or she received schooling may be employed by the employer as a trainee (apprentice or another trainee – hereinafter: the trainee).

(2) The trainee referred to in paragraph 1 of this Article shall be trained to work independently in the occupation for which he or she received schooling.

(3) The employment contract for trainees may be concluded for a fixed-term period.

Manner of training trainees

Article 56

(1) The manner of training trainees for independent work must be prescribed by an working regulation or determined by an employment contract.

(2) For the purpose of training for independent work, the trainee may be temporarily posted to another employer.

Duration of the traineeship

Article 57

The training of trainees (traineeship) shall last no longer than one year, unless otherwise provided by law.

Qualification examination

Article 58

(1) After completing his or her traineeship, a trainee takes a qualification examination, if it is prescribed by law, another regulation, collective agreement or working regulation.

(2) If the content and manner of taking the qualification examination is not determined by law, another regulation or collective agreement, the content and manner of taking the qualification examination shall be prescribed by an working regulation.

(3) The employer may give regular notice of dismissal to a trainee who has not passed the qualification examination.

Vocational training for work without establishing the employment relationship

Article 59

(1) If the qualification examination or work experience is determined by law or other regulations as a condition for performing the job of a certain work position of a certain occupation, the employer may admit a person who has completed schooling for such an occupation for vocational training without establishing the employment relationship (vocational training for work).

(2) The period of vocational training for work referred to in paragraph 1 of this Article shall be included in the traineeship service and work experience prescribed as a condition for work in the work positions of a certain occupation.

(3) The vocational training for work referred to in paragraph 1 of this Article may last as long as the traineeship lasts.

(4) Unless otherwise provided by this or any other act, the provisions on employment relations of this and other acts shall apply to a person who is vocationally trained for work, except for the provisions on the conclusion of employment contracts, salary and salary compensation and termination of employment contracts.

(5) The contract on vocational training for work must be concluded in written form.

## 8 WORKING TIME

Definition of working time

Article 60

(1) Working time denotes the time during which the worker is obliged to perform work, i.e., in which he or she is ready (available) to perform work according to the instructions of the employer, at the place where his or her work is performed or at another place determined by the employer.

(2) Working time is not considered to be the time during which the worker is ready to respond to the employer's call to perform work, if such a need arises, whereby the worker is not at the place where his or her work is performed or at another place specified by the employer.

(3) The standby time and the amount of remuneration shall be regulated by the employment contract or collective agreement.

(4) The time spent by a worker performing work at the invitation of the employer is considered working time, regardless of whether he or she performs it in a place determined by the employer or in a place chosen by the worker.

## Pattern of working time

### Article 60a

(1) The pattern of working time shall be the pattern of the duration of work of the worker, which determines the days and hours when the performance of work during those days begins and ends.

(2) The pattern of working time may be even or uneven, depending on whether the duration of work is evenly or unevenly distributed by days, weeks or months.

(3) The pattern of working time shall be determined by a regulation, collective agreement, agreement concluded between the works council and the employer, working regulation or employment contract.

(4) If the pattern of working time is not determined in the manner referred to in paragraph 3 of this Article, the employer shall decide on the pattern of working time by a written decision.

(5) The employer must, at least one week in advance, inform the worker of his or her pattern of working time or change of his or her pattern of working time, which must contain data in accordance with paragraphs 1 and 2 of this Article.

(6) By way of derogation from paragraph 5 of this Article, when it is necessary to change the pattern of working time in the event of an urgent need for workers' work, the employer shall, within a reasonable period of time, until the commencement of work, notify the worker of such pattern of working time or of its change.

(7) As urgent need, within the meaning of this Act, are considered those circumstances which the employer could not foresee or avoid, and which make a change in the working time of workers necessary.

(8) During the exercise of the right to rest and leave prescribed by the provisions of this Act, the worker and the employer must take into account the balance between private and professional life and the principle of unavailability in professional communication, unless there is an urgent need, or when, due to the nature of the work, communication with the worker cannot be excluded or when the collective agreement or employment contract stipulates otherwise.

## Full-time work

### Article 61

(1) Full-time work of workers may not be longer than forty hours per week.

(2) If the law, collective agreement, agreement concluded between the works council and the employer or the employment contract does not stipulate working time, full-time work shall be deemed to be forty hours per week.

## Part-time work

### Article 62

(1) Part-time work of workers shall be any working time shorter than full-time work.

(2) A worker may not work with several employers with a total working time exceeding 40 hours per week, except in the case referred to in Article 18a of this Act.

(3) When concluding a part-time employment contract, the worker shall inform the employer of the concluded part-time employment contracts with another employer or other employers.

(4) If the previous duration of the employment relationship with the same employer is important for the acquisition of rights arising from the employment relationship, the periods of part time work shall be considered to be full-time work.

(5) Salary and other material rights of workers (jubilee award, recourse holiday allowance, Christmas holiday award, etc.) are determined and paid in proportion to the agreed working time, unless otherwise stipulated by a collective agreement, rulebook or employment contract.

(6) The employer shall consider the request of a worker who is a party to a full-time employment contract for the conclusion of a part-time employment contract, as well as a worker who is a party to a part-time contract for the conclusion of a full-time contract, if there is an opportunity for such type of work.

Working conditions of part-time workers

Article 63

(1) The employer shall ensure the same working conditions for a worker employed by the employer on the basis of a part-time employment contract as for a worker who has concluded a full-time employment contract with the same employer, or according to a special regulation, an affiliated employer, with the same or similar professional knowledge and skills, and who performs the same or similar work.

(2) If the employer referred to in paragraph 1 of this Article does not have a worker who has concluded a full-time employment contract with the same or similar professional knowledge and skills, and who performs the same or similar work, the employer shall provide the worker who is employed by him or her on the basis of a part-time employment contract with the conditions regulated by a collective agreement or other regulation that binds him or her, which are determined for the worker who has concluded an a full-time employment contract, and who performs similar work and has similar professional knowledge and skills.

(3) If the collective agreement or other regulation binding the employer does not regulate the working conditions in the manner referred to in paragraph 2 of this Article, the employer shall provide appropriate working conditions to the worker employed by him or her on the basis of a part-time employment contract as a worker who has concluded a full-time employment contract, and who performs similar work and has similar professional knowledge and skills.

(4) The employer shall be obliged to provide workers who have concluded part-time employment contracts with advanced training and education under the same conditions as workers who have concluded full-time employment contracts.

(5) A worker who has been employed on the basis of a part-time employment contract concluded with the same employer for more than six months, including the probationary

period when it was contracted, may request the conclusion of a full-time employment contract.

(6) The employer shall consider the possibility of concluding the employment contract referred to in paragraph 5 of this Article and, in the event of the impossibility of concluding such a contract, shall submit to the worker a reasoned, written response within 30 days from the date of receipt of the request.

(7) If the worker submits a subsequent similar request to the employer, the employer who is unable to conclude a full-time employment contract shall submit to the worker a reasoned written response within 30 days from the date of receipt of the request only if at least 12 months have elapsed since the worker's previously submitted request.

(8) By way of derogation from paragraphs 6 and 7 of this Article, the deadline for submitting a reasoned written response shall be 60 days from the date of receipt of the request if the employer employs less than 20 workers.

Short-time work

Article 64

(1) In jobs where it is not possible to protect workers from harmful effects even with the application of occupational health and safety measures at work, working time is shortened in proportion to the harmful effects of working conditions on the health and work capacity of workers.

(2) The work referred to in paragraph 1 of this Article and the duration of working time in such jobs shall be determined by a special regulation.

(3) A worker who works in the jobs referred to in paragraph 1 of this Article may not work in such jobs longer than the working time set out in paragraph 2 of this Article, nor may he or she be employed in such jobs by another employer.

(4) A collective agreement or employment contract may stipulate that a worker who does not work full-time on the jobs referred to in paragraph 1 of this Article, shall work a part of working time, no longer than full-time, on some other jobs that do not have the nature of the jobs referred to in paragraph 1 of this Article.

(5) In exercising the right to salary and other rights arising from or in connection with employment relationship, short-time work referred to in paragraph 1 of this Article shall be equated with full-time work.

Overtime work

Article 65

(1) In the event of force majeure, extraordinary increase in the volume of work and in other similar cases, the worker shall, upon written request of the employer, be obliged to work longer than full or part-time work (overtime work).

(2) By way of derogation from paragraph 1 of this Article, if the nature of the urgent need prevents the employer from submitting a written request to the worker before the start of overtime work, the employer shall confirm the oral request in written form within seven days from the day when the overtime work was ordered.

(3) If a worker works overtime, the total duration of his or her work shall not exceed fifty hours per week.

(4) The overtime work of an individual worker may not exceed one hundred and eighty hours per year, unless otherwise agreed by a collective agreement, in which case it may not exceed two hundred and fifty hours per year.

(5) Overtime work by minor workers is prohibited.

(6) A pregnant woman, a parent with a child up to eight years of age and a worker working part-time with several employers may work overtime only if they submit to the employer a written statement of voluntary consent to such work, except in the case of force majeure.

(7) The master employer may order the worker working in additional work to work overtime only if the worker submits to the employer a written statement of voluntary consent to such work, except in the case of force majeure.

(8) The employer with whom the worker performs additional work may not order overtime work, except in the case of force majeure.

Uneven pattern of working time

Article 66

(1) If the working time of a worker is unevenly distributed, the period of such a pattern may not be less than one month or longer than one year, and during such a pattern, the working time must correspond to the worker's contracted full-time or part-time working time.

(2) If the working time of the worker is unevenly distributed, the worker may work up to 50 hours per week, including overtime work.

(3) If the working time of the worker is unevenly distributed, the worker may work up to 60 hours a week at most, if agreed by a collective agreement, including overtime work.

(4) If the working time of the worker is unevenly distributed, the worker must not work more than an average of 48 hours a week, including overtime work, in each period of four consecutive months.

(5) The uneven pattern of working time may be regulated by a collective agreement as a total number of working hours during the period of uneven pattern, without restrictions referred to in paragraphs 2 and 3 of this Article, but the total number of hours, including overtime work, may not exceed an average of 45 hours per week in a period of four months.

(6) The period referred to in paragraphs 4 and 5 of this Article may be agreed by a collective agreement for a period of six months.

(7) During the period of the uneven working time, the workers' pattern of working time may be changed only for the remaining determined period of uneven pattern of working time.

(8) If, even before the expiry of the determined period of uneven working time, the working time of the worker already correspond to his or her agreed full or part-time working time, the employer shall order that worker to work overtime for the remaining determined period, if he or she has a need for the work of that worker.

(9) If the worker whose employment relationship is terminated due to the expiration of a fixed-term employment contract has worked longer than the average contracted full-time or

part-time working time, the number of hours exceeding the average contracted full-time or part-time working time shall be considered overtime work.

(10) The periods of annual leave and temporary incapacity for work shall not be included in the period of four months, i.e., six months referred to in paragraphs 4, 5 and 6 of this Article.

Redistribution of working time

Article 67

(1) If the nature of the work so requires, full-time or part-time work may be redistributed in such a way that during a period which may not exceed twelve continuous months, in one period it shall be longer and in another period, it shall be shorter than full-time or part-time work, in such a way that the average working time during the duration of the redistribution may not exceed full-time or part-time work.

(2) If the redistribution of working time is not agreed and regulated by a collective agreement or agreement concluded between the works council and the employer, the employer shall determine a plan of redistributed working time with an indication of the work and the number of workers involved in the redistributed working time, and submit such a plan of redistribution to the labour inspector in advance.

(3) Redistributed working time is not considered overtime work.

(4) If the working time is redistributed, it shall not exceed forty-eight hours per week during the period in which it lasts longer than full-time or part-time work, including overtime work.

(5) By way of derogation from the provision of paragraph 4 of this Article, redistributed working time during the period in which it lasts longer than full-time or part-time work may last longer than forty-eight hours per week, but not longer than fifty-six hours per week, or sixty hours per week if the employer operates seasonally, provided that it is provided for in the collective agreement and that the worker submits to the employer a written statement of voluntary consent to such work.

(6) A worker who does not agree to work more than forty-eight hours a week during redistributed working time shall not suffer adverse consequences as a result.

(7) The employer shall submit to the labour inspector, at his or her request, a list of workers who have made a written statement referred to in paragraph 5 of this Article.

(8) Redistributed working time in a period in which it lasts longer than full-time or part-time work may last for a maximum of four months, unless otherwise stipulated by the collective agreement, in which case it may not last longer than six months.

(9) A fixed-term employment contract for work performed in redistributed working time shall be concluded for the duration in which the worker's average working time must correspond to the contracted full-time or part-time working time.

Protection of certain categories of workers

Article 68

(1) A minor may not work more than eight hours during a period of 24 hours.

(2) A pregnant woman, a parent with a child up to eight years of age, a worker working part-time for the purpose of increased child care or working part-time for the purpose of nursing

care and care for a child with severe developmental disabilities in accordance with the regulations on maternal and parental benefits, a worker working part-time with several employers and a worker working in additional work may work in an uneven pattern and redistribution of working time only if they submit to the employer a written statement of voluntary consent to such work.

(3) A worker with a child up to eight years of age and a worker providing personal care referred to in Article 17c of this Act, who has spent six months with the employer in employment relationship, regardless of whether the employment contract was concluded for a fixed or open-ended period, may, due to his or her personal needs, request from the employer, for a certain period of time, an amendment to the employment contract that changes the contracted full-time working time of the worker to part-time working time, or request a change or adjustment of the pattern of working time.

(4) In order to exercise his or her rights, the worker shall inform the employer in written form of the existence of the circumstances referred to in paragraph 3 of this Article.

(5) The employer shall, taking into account the needs of the organisation of work, consider the possibility of amending the employment contract, or changing or adjusting the working time of a worker referred to in paragraph 3 of this Article, and shall respond to him or her in written form within a reasonable time, and no later than 15 days from the date of submission of the request, with a reasoning in case of rejection of the request or its adoption with a delay of commencement of application.

(6) In the case referred to in paragraph 5 of this Article, a worker who has temporarily contracted with the employer an amendment to the employment contract or has agreed to change or adjust the pattern of working time may propose to the employer that he or she perform his or her work again within the contracted working time or according to the pattern determined by the employer before the expiry of the time for which the amended employment contract was concluded, or before the expiry of the period in which the pattern of working time was changed or adjusted.

(7) The employer shall, taking into account the needs of the worker and the needs of the organisation of work, respond in written form to the worker's request referred to in paragraph 6 of this Article within a reasonable time, and no later than 15 days from the receipt of the request.

Restrictions with the purpose of special protection of children and minors

Article 68a

(1) Within the framework of work-based learning in accordance with the regulation on vocational education, a child who has reached the age of 14 who no longer attends compulsory primary education may not perform work for more than eight hours a day and 40 hours a week, regardless of whether he or she performs work for one or more employers.

(2) Within the framework of performing occasional work of a regular pupil in accordance with the regulation on performing activities related to employment, a child who has reached the age of 14 who no longer attends compulsory primary education may not perform work longer than seven hours a day and 35 hours a week for work that lasts longer than a week in the period when there are no classes.

(3) The limit on the duration of work referred to in paragraph 2 of this Article shall be increased to eight hours per day and 40 hours per week in the case of the work of minors, regardless of whether they perform work with one or more employers.

(4) The persons referred to in paragraphs 1 and 2 of this Article shall be entitled to a daily rest of at least 14 hours continuously during a period of 24 hours.

(5) The right to a break and weekly rest prescribed for a minor by Articles 73 and 75 of this Act shall apply accordingly to a child.

(6) The prohibition and restrictions on night work prescribed for minors in Articles 69 and 70 of this Act shall apply accordingly to a child.

Night work

Article 69

(1) Night work denotes work carried out between 10 p.m. and 6 a.m. the following day, and in agriculture between 10 p.m. and 5 a.m. the following day, unless otherwise provided for in a specific case, by this or other act, other regulation, collective agreement or agreement concluded between the employer and the works council.

(2) For minors employed in industry, work in the period between 7 p.m. and 7 a.m. the following day shall be considered night work.

(3) For minors employed outside industry, work between 8 p.m. and 6 a.m. the following day shall be considered night work.

(4) The Minister shall prescribe in an ordinance which activities within the meaning of paragraph 2 of this Article are considered to be an industry.

(5) A night worker is a worker who, according to his or her daily pattern of working time, works regularly for at least three hours during the night work or who, during a consecutive twelve months, spends at least one third of his or her working time during the night work.

(6) A night worker must not work longer than the average of eight hours during a four-month period in a twenty-four hour period.

(7) If, on the basis of a danger assessment made in accordance with special occupational health and safety regulations, the night worker is exposed to special danger or severe physical or mental exertion, the employer shall determine the pattern of working time of such worker so that he or she does not work more than eight hours during the period of twenty-four hours in which he or she works during the night.

Prohibition of night work

Article 70

(1) Night work of minors shall be prohibited, unless such work is temporarily indispensable in activities regulated by special regulations and cannot be performed by adult workers, in which case the minor shall not work in the period from midnight to 4 a.m., nor shall he or she work for more than eight hours during the period of twenty-four hours in which he or she works during the night.

(2) In the case of night work referred to in paragraph 1 of this Article, the employer shall ensure that such work is carried out under the supervision of an adult.

Shift work

Article 71

(1) Shift work is an organisation of work that involves the change of workers in the same jobs and the same place of work in accordance with a pattern of working time, which can be interrupted or uninterrupted.

(2) A shift worker shall be a worker who, with an employer whose work is organised in shifts, during one week or one month on the basis of a pattern of working time, performs work in different shifts.

(3) If the work is organised in shifts which include night work, a change in shifts must be guaranteed so that workers work during consecutive nights for at most one week.

Obligations of the employer towards night and shift workers

Article 72

(1) When organising night work or shift work, the employer shall take special care of the organisation of work adapted to the worker and of safety and health conditions in accordance with the nature of work performed at night or shift work.

(2) The employer shall ensure the protection of health and safety of night and shift workers in accordance with the nature of the work performed, as well as the means of protection and prevention available at any time that correspond and are applicable to all other workers.

(3) Prior to the commencement of such work, as well as regularly during the period of work of the night worker, the employer shall provide the night worker with medical examinations in accordance with the regulation referred to in paragraph 8 of this Article.

(4) By way of derogation from paragraph 3 of this Article, a night worker who works in jobs with special working conditions in accordance with occupational health and safety regulations shall perform a medical examination in accordance with those regulations.

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

(6) If the medical examination referred to in paragraph 3 of this Article determines that the night worker has health problems due to night work, the employer shall ensure by the pattern of working time that he or she performs the same work outside night work.

(7) If the employer cannot provide the worker referred to in paragraph 6 of this Article with the performance of work outside night work, he or she shall be obliged to offer him or her the conclusion of an employment contract for the performance of work outside night work for which he or she is capable, and which, as much as possible, must correspond to the jobs on which the worker previously worked.

(8) The Minister shall prescribe in an ordinance the content, manner and deadlines of medical examinations referred to in paragraph 3 of this Article.

## 9 REST AND LEAVE

Break

Article 73

(1) A worker who works at least six hours a day is entitled to a rest period (a break) of at least thirty minutes every working day, unless otherwise specified by a special act.

(2) A minor who works for at least four and a half hours a day is entitled to a rest period (a break) of at least thirty minutes continuously every working day.

(3) A worker or a minor who works part-time with two or more employers, and the total daily working time with all employers lasts at least six or four and a half hours, shall exercise the right to a break with each employer in proportion to the agreed part-time work.

(4) The rest periods referred to in paragraphs 1, 2 and 3 of this Article shall be counted as working time.

(5) If the special nature of the work does not allow interruption of work for the purpose of using the rest referred to in paragraph 1 of this Article, the collective agreement, the agreement concluded between the works council and the employer or the employment contract shall regulate the time and manner of using that rest.

Daily rest

Article 74

(1) During each twenty-four hour working period, the worker is entitled to a daily rest period of a minimum of twelve hours without interruption.

(2) By way of derogation from paragraph 1 of this Article, the employer shall ensure the right to a daily rest period of at least eight hours continuously for an adult worker who works in seasonal jobs, which are performed on two occasions during the working day.

(3) The worker referred to in paragraph 2 of this Article shall be allowed to use the replacement daily rest immediately after the end of the period spent at work due to which he or she did not use the daily rest, or used it for a shorter period of time.

Weekly rest

Article 75

(1) The worker shall be entitled to a weekly rest of at least twenty-four hours, in which the daily rest referred to in Article 74 of this Act shall be included.

(2) A minor is entitled to a weekly rest period of at least forty-eight hours.

(3) The rest referred to in paragraphs 1 and 2 of this Article shall be used by the worker on Sundays, and on the day preceding or following the Sunday.

(4) If the worker cannot use the rest period referred to in paragraphs 1 and 2 of this Article, he or she must be allowed to use a substitute weekly rest period for each working week immediately after the end of the period spent at work due to which he or she did not use the weekly rest period or used it for a shorter period of time.

(5) Exceptionally, workers who, due to performing work in different shifts or objectively necessary technical reasons, or due to the organisation of work, cannot take a break for the duration referred to in paragraph 1 of this Article, may be entitled to a weekly rest period of at least twenty-four hours, which does not include the daily rest referred to in Article 74 of this Act.

Right to annual leave

Article 76

A worker shell be entitled to paid annual leave for each calendar year.

Duration of annual leave

Article 77

(1) A worker shell be entitled to an annual leave of at least four weeks for each calendar year, and a minor and a worker who performs jobs in which, even by application of occupational health and safety measures, it is not possible to protect the worker from harmful effects, have the right to an annual leave of at least five weeks.

(2) A collective agreement, an agreement concluded between the works council and the employer, an working regulation or an employment contract may determine the duration of annual leave longer than the minimum prescribed in paragraph 1 of this Article.

(3) A worker who is employed for the first time or who has a break between two employment relationships longer than eight days shell acquire the right to annual leave determined in the manner referred to in paragraphs 1 and 2 of this Article, after six months of continuous employment with that employer.

Proportional part of annual leave

(1) A worker who has not fulfilled the condition for acquiring the right to annual leave in the manner prescribed by Article 77, paragraph 3 of this Act shall be entitled to a proportional part of annual leave, which shall be determined for the duration of one twelfth of annual leave referred to in Article 77, paragraphs 1 and 2 of this Act, for each month of employment relationship.

(2) By way of derogation from Article 77 of this Act, a worker whose employment relationship is terminated shall be entitled to a proportional part of the annual leave for that calendar year.

(3) An employer who, before the termination of employment relationship, has enabled the worker referred to in paragraph 2 of this Article to use annual leave for a period longer than that which would have been due to him or her, shall not be entitled to request from the worker the compensation for the use of annual leave.

Determining the annual leave

Article 79

(1) The annual leave referred to in Articles 77 and 78 of this Act shall be determined for the worker by the number of working days depending on the worker's weekly pattern of working time.

(2) The holidays and non-working days determined by law, the period of temporary incapacity for work determined by the authorised doctor, and the days of paid leave shall not be included in the duration of annual leave.

(3) By way of derogation from the provision of paragraph 2 of this Article, if, according to the pattern of working time, the worker should work on the day of the holiday or non-working

day determined by law, and on that day he or she uses annual leave at his or her request, that day shall also be included in the duration of annual leave.

(4) When calculating the duration of annual leave in the manner referred to in Article 78, paragraphs 1 and 2 of this Act, at least half of the day of annual leave shall be rounded up to the whole day of annual leave, and at least half of the month of work shall be rounded up to the whole month.

(5) When the worker's employment is terminated exactly in the middle of the month which has an even number of days, he or she shall be entitled to one twelfth of the annual leave for that month with the employer with whom his or her employment relationship is terminated.

Nullity of waiver of the right to annual leave

Article 80

An agreement under which a worker waives his or her right to annual leave or accepts compensation in lieu of annual leave shall be null and void.

Salary compensation during annual leave

Article 81

During the period of annual leave, the worker is entitled to a salary compensation in the amount determined by a collective agreement, rulebook, or employment contract, and at least in the amount of his or her average monthly salary in the previous three months (taking into account all payments received in money and in kind as compensation for his or her work).

Compensation for unused annual leave

Article 82

(1) In the event of termination of the employment contract, the employer shall pay compensation to the worker who has not used the annual leave in lieu of using the annual leave.

(2) The compensation referred to in paragraph 1 of this Article shall be determined in proportion to the number of days of unused annual leave.

Use of annual leave in instalments

Article 83

If a worker uses annual leave in instalments, during the calendar year for which he or she is entitled to annual leave, he or she shall use at least two weeks in continuous duration, unless otherwise agreed by the worker and employer, provided that he or she has obtained the right to annual leave of more than two weeks.

Transfer of annual leave to the next calendar year

Article 84

(1) The unused part of the annual leave for a period longer than the part of the annual leave referred to in Article 83 of this Act may be transferred and used by the worker by 30 June of the following calendar year at the latest.

(2) A worker who has exercised the right to a proportional part of the annual leave for a period shorter than the part of the annual leave referred to in Article 83 of this Act may transfer and use that part of the annual leave no later than 30 June of the following calendar year.

(3) A worker may not transfer to the following calendar year a part of the annual leave referred to in Article 83 of this Act if he or she was enabled to use that leave.

(4) A worker has the right to use annual leave or part of it that was interrupted or not used in the calendar year in which it was granted due to illness and the use of the right to maternal, parental, and adoption leave, and leave for the care of a child with severe disabilities, upon returning to work, no later than June 30 of the following calendar year.

(5) By way of derogation from paragraph 4 of this Article, the worker shall be entitled to use until the end of the calendar year in which he or she returned to work the annual leave or part of the annual leave which the worker, due to the use of the right to maternal, parental and adoptive leave and leave for the care and care of a child with severe developmental disabilities, could not use or was not made possible by the employer by 30 June of the following calendar year.

(6) A member of the ship's crew, a worker at work abroad or a worker who has performed his or her duties and rights of citizens serving in national defence forces may take his or her annual leave in full in the following calendar year.

Schedule for the use of annual leave

Article 85

(1) The schedule for the use of annual leave shall be determined by the employer, in accordance with the collective agreement, the working regulation, the employment contract and this Act, no later than 30 June of the current year.

(2) A worker who works part-time with two or more employers, and whose employers fail to reach an agreement on the simultaneous use of annual leave, shall be allowed to take annual leave at his or her request.

(3) When determining the schedule for the use of annual leave, the needs of the organisation of work and the possibilities for rest available to workers must be taken into account.

(4) The employer must inform the worker at least fifteen days before the use of annual leave of the duration of the annual leave and the period of its use.

(5) The worker is entitled, with the obligation to notify the employer at least three days before using it, to use one day of annual leave when he or she wishes, unless particularly justified reasons on the part of the employer preclude it.

Paid leave

Article 86

(1) During the calendar year, the worker shall be entitled to exemption from the obligation to work, with compensation (paid leave), for important personal needs (marriage, birth of a child, serious illness or death of a member of the immediate family, etc.).

(2) The worker shall be entitled to leave referred to in paragraph 1 of this Article for a total of seven working days per year, unless otherwise regulated by a collective agreement, an working regulation or an employment contract.

(3) For the purposes of this Act, a spouse, blood relatives in the first line and their spouses, brothers and sisters, stepchildren and adoptive children, children entrusted for custody and upbringing or children in care outside their own family, stepfather and stepmother, adoptive parent and a person who the worker is obliged by law to support and a person who lives with the worker in an extramarital union, in a life partnership or informal life partnership shall be considered a member of the immediate family within the meaning of this Act.

(4) The worker shall be entitled to paid leave during education, training and advanced training and education for the needs of the works council or trade union work, under the conditions, for the duration and for the compensation determined by a collective agreement, an agreement concluded between the works council and the employer or an working regulation.

(5) A worker on the basis of any blood donation shall be entitled to one paid day off, which he or she uses on the day of blood donation or on the first following working day, unless otherwise agreed with the employer or unless otherwise stipulated by a collective agreement, an agreement concluded between the works council and the employer, an working regulation or an employment contract.

(6) The blood donation referred to in paragraph 5 of this Article shall also mean the donation of a blood ingredient for the preparation of a blood product intended for transfusion treatment, which is carried out according to a call made by an authorised institution, in accordance with a special regulation, personally to the blood donor.

(7) The worker shall, if possible, notify the employer at least three days in advance of the intention to donate blood.

(8) The right referred to in paragraph 5 of this Article shall be exercised by the worker regardless of the extent of the use of the right to paid leave on another basis.

(9) The acquisition of rights arising from an employment relationship or in connection with the employment relationship of the period of paid leave shall be considered as time spent at work.

(10) The paid leave referred to in paragraph 1 of this Article shall be used by the worker at the time or immediately after the occurrence of the event giving rise to the right to use it.

Unpaid leave

Article 87

(1) The employer may grant unpaid leave to the worker at his or her request.

(2) During unpaid leave, the rights and obligations arising from or in connection with employment relationships shall be suspended, unless otherwise provided by law.

(3) The worker shall be entitled to unpaid leave for a total of five working days per year for the provision of personal care.

(4) The provision of personal care, within the meaning of this Act, shall mean care provided by a worker to a close family member or a person living in the same household and who is in need of it for a grave medical reason.

(5) The same household, within the meaning of this Act, shall mean a community of persons determined by a regulation governing social welfare.

(6) The employer may, for the purpose of granting the right to leave for the provision of personal care, request from the worker proof of the existence of a grave medical reason of the person referred to in paragraph 4 of this Article.

(7) During the period of exercising the right to provide personal care, the employer may not exclude a worker using this right from compulsory insurance under the regulations on compulsory insurance.

Absence from work

Article 87a

(1) A worker shall be entitled to absence from work one day in a calendar year when, due to a particularly important and urgent family reason caused by illness or accident, his or her immediate presence is indispensable.

(2) For the acquisition of rights arising from an employment relationship or in connection with an employment relationship, the period of absence from work referred to in paragraph 1 of this Article shall be deemed to be the time spent at work.

(3) The longer duration of the absence referred to in paragraph 1 of this Article, as well as the salary compensation during that period, may be determined by a collective agreement, working regulation or employment contract.

## 10 POSSIBILITY OF DIFFERENT ARRANGEMENTS OF WORKING TIME, NIGHT WORK AND REST

Possibility of different arrangements for certain categories of workers

Article 88

(1) Seafarers, professional and other workers on maritime facilities, including maritime facilities with the characteristics of a public ship within the meaning of maritime regulations, and workers on seagoing fishing vessels within the meaning of the regulations on sea fishing shall not be subject to the provisions of this Act on working time, breaks and daily and weekly rest.

(2) The Minister shall, with the prior consent of the Minister competent for fishery, adopt an ordinance on working time, rest and leave of workers on seagoing fishing vessels.

(3) The provisions of this Act on the maximum duration of weekly working time and the period referred to in Article 66, paragraph 8 of this Act, night work, and daily and weekly rest shall not apply to workers for whom, due to the peculiarities of their work, working time cannot be measured or predetermined in advance or is determined independently by workers (worker who has the status of a managerial person, workers' family member of an employer of a natural person living in a common household with an employer and who performs certain work for an employer in an employment relationship), if they have contracted autonomy in their determination with the employer.

(4) The managerial staff referred to in paragraph 3 of this Article, shall encompass a worker who is authorised to manage the affairs of the employer, to independently conclude legal affairs in the name and on behalf of the employer, whose pattern of working time cannot be determined in advance and who decides on that pattern of working time independently.

(5) The employer shall inform the works council about the contracts concluded with workers referred to in paragraph 3 of this Article.

The possibility of a different arrangement by regulation or collective agreement

Article 89

(1) Unless otherwise regulated by a special regulation, the employer may provide exceptions to the application of provisions on the duration of work of night workers, daily and weekly rest for adult workers, provided that the worker is provided with a replacement rest in accordance with paragraphs 2 and 3 of this Article, in which the employer is obliged to enable the exercise of this right, as follows:

1) if it is necessary because of the distance between the place of work of the worker and his or her residence or because of the distance between different places of work of the worker

2) in the case of the activity of protection of persons and property, when the performance of work requires a permanent presence

(3) in the case of the activity of providing services or production in continuous duration, in particular:

– services related to admission, treatment and care in hospitals or similar institutions and services in social welfare homes or other legal persons performing social welfare activities and in prisons

– work of workers in ports and airports

– services directly related to press, radio, television, cinema, mail and electronic communications, emergency medicine, firefighting and civil protection

– production, transmission and distribution of gas, water, electricity, collection and disposal of household waste and incineration facilities

– an industry in which work cannot be interrupted for technological reasons

– research and development activities

– passenger transport activities in public city transport

4) in the case of an activity with a pronounced change in the intensity of the activity, and in particular in:

– agriculture

– tourism

– postal services

5) in the case of workers in the railway industry, whose work is not continuous but is performed as needed, who spend their working time on the train or whose work is related to the timetable

6) in case of force majeure and occurrence of extraordinary and unforeseeable circumstances and events.

(2) In the case referred to in paragraph 1 of this Article, a worker may not be assigned a daily rest period of less than ten hours per day or a weekly rest period of less than twenty hours.

(3) By way of derogation from paragraph 2 of this Article, daily rest may be determined by collective agreement for a minimum period of eight hours.

(4) The worker must be allowed to use a substitute daily or weekly rest immediately after the end of the period spent at work for which he or she used a shorter daily or weekly rest.

## 11 SALARY AND SALARY COMPENSATION

Salary

Article 90

(1) The salary, within the meaning of this Act, shall be the remuneration of the worker paid by the employer to the worker for the work performed in a given month.

(2) The employer shall calculate and pay to the worker the salary referred to in paragraph 1 of this Article, which the worker shall achieve in accordance with the prescribed, determined or agreed grounds or criteria determined by a special regulation, collective agreement, working regulation or employment contract.

(3) The salary referred to in paragraph 1 of this Article may consist of:

1. basic or contracted salary

2. supplements

3. other remuneration.

(4) The supplements referred to in paragraph 3, item 2 of this Article, within the meaning of this Act, shall be the remuneration of workers that the worker realises on the basis of a special regulation, collective agreement, working regulation or employment contract in proportion to the working hours worked under certain conditions (difficult working conditions, overtime, night work, work on Sundays, work on holidays, etc.) and that he or she achieves independently of effective work (increase for completed years of pensionable service, etc.), or that, in accordance with the prescribed, determined or contracted criteria and amount, he or she achieves depending on the achieved business results and work performance (stimulation, etc.).

(5) The employer shall calculate the supplements referred to in paragraph 3, item 2 of this Article in the amount and in the manner determined by a special regulation, collective agreement, working regulation or employment contract, whereby the salary increase referred to in Article 94, paragraph 1 of this Act may not be calculated to an amount lower than the amount of the minimum wage in accordance with special regulations.

(6) Other remuneration of workers referred to in paragraph 3, item 3 of this Article, within the meaning of this Act, shall be remuneration of workers paid by the employer to the worker in cash or in kind on the basis of a collective agreement, an working regulation, an employer's act or an employment contract.

(7) The salary referred to in paragraph 1 of this Article shall be the salary in gross amount consisting of the amount to be paid to the worker and public expenditures from the salary in accordance with special regulations.

(8) The total cost of salary, within the meaning of this Act, shall be the cost of salary referred to in paragraph 7 of this Article, increased by the cost of public expenditures in accordance with the regulations on taxes and contributions.

Worker remuneration based on employment relationship

Article 90a

(1) The remuneration that a worker may obtain on the basis of an employment relationship shall be:

1. remuneration paid by the employer to the worker as a material right arising from employment relationship (jubilee award, recourse holiday allowance, Christmas bonus, etc.), in accordance with a regulation, collective agreement, working regulation, employer's act or employment contract

2. remuneration paid by the employer to the worker in accordance with the regulation, collective agreement, working regulation, employer's act or employment contract, which represent the reimbursement of costs.

(2) The remuneration referred to in paragraph 1 of this Article, for the purposes of this Act, shall not be considered as a salary referred to in Article 90 of this Act.

Manner of determining salary

Article 90b

(1) The salary must be contracted, determined or prescribed in gross amount.

(2) If the bases and criteria for the payment of salary are not regulated by a collective agreement, an employer who employs at least 20 workers shall determine them by an working regulation, and an employer who is not obliged to adopt a rulebook or an working regulation did not determine the bases and criteria, shall contract them by an employment contract concluded with the worker.

(3) If the salary is not determined by a special regulation, collective agreement or working regulation in accordance with paragraph 2 of this Article, and the employment contract does not contain sufficient data on the basis of which it could be determined, the employer shall pay the worker an appropriate salary.

(4) The appropriate salary referred to in paragraph 3 of this Article shall mean the salary regularly paid for equal work, and if such salary cannot be determined, it is the salary determined by the court according to the circumstances of the case.

(5) The bases and criteria for the payment of workers' salaries may not be a business secret.

(6) The provision of an employment contract, collective agreement, working regulation or other legal act contrary to paragraph 5 of this Article shall be null and void.

Equal pay for women and men

Article 91

(1) The employer shall pay equal salary to the female and male worker for equal work or for work of equal value.

(2) The equal work within the meaning of paragraph 1 of this Article shall be performed by two persons of different sex, if:

1. they perform the same work under the same or similar conditions or could replace each other in relation to the work they perform

2. work performed by one of them is similar in nature to work performed by the other, and the differences between the work performed and the conditions under which each of them performs it have no significance in relation to the nature of the work in its entirety or occur so rarely that they do not affect the nature of the work in its entirety.

(3) Work of equal value within the meaning of paragraph 1 of this Article shall be performed by two persons of different sexes if the work performed by one of them is of the same value as the work performed by the other, taking into account the qualification acquired by a certain level of education and the nature of the work determined according to objective criteria such as the necessary knowledge, skills, responsibility and autonomy and the conditions in which the work is performed.

(4) Compliance with the rules of equality of work and work of equal value performed by two persons of different sex shall also apply to remuneration earned by the worker on the basis of an employment relationship in accordance with Article 90a of this Act.

(5) The provision of an employment contract, collective agreement, working regulation or other legal act determined contrary to paragraph 1 of this Article shall be null and void.

(6) In order to exercise the right to equal pay for women and men, the employer shall, at the request of the worker, provide the worker with information on the criteria on the basis of which the worker performing work of the same or similar nature received a salary, if such a worker exists with the employer.

Payment of salary, salary compensation and remuneration in addition to salary

Article 92

(1) Salary, salary compensation and other remuneration shall be calculated and paid to the worker to his or her transaction account.

(2) Public expenditures from salary and on salary shall be paid to the prescribed payment accounts in the manner and within the deadlines in accordance with the regulations on taxes and contributions.

(3) By way of derogation from paragraph 1 of this Article, the amount of other remuneration and remuneration of workers on the basis of employment may be paid to the worker in cash, in accordance with the regulations on taxes and contributions.

(4) Salary, salary compensation and other remuneration shall be paid within the deadlines specified in the collective agreement or employment contract, and no later than the fifteenth day of the current month for the previous month.

(5) If the exercise of the worker's right to receive remuneration in kind is contracted or determined for the performance of work, the employer shall provide it to the worker by the end of the current month for which he or she exercises that right.

(6) Due to non-payment of salary, the worker may terminate the employment contract by means of extraordinary notice.

(7) An agreement between the employer and the worker on the waiver of the right to payment of salary is not permitted.

Documents on salary, salary compensation, severance pay and compensation for unused annual leave

Article 93

(1) The employer shall, no later than 15 days from the date of payment of the salary, salary compensation, severance pay or compensation for unused annual leave, submit to the worker a statement showing how these amounts have been determined.

(2) An employer who, on the due date, fails to pay a salary, salary compensation, severance pay or compensation for unused annual leave or fails to pay them in full shall, by the end of the month in which their payment to the worker is due, submit to the worker:

1. calculation in which the total amount of salary, salary compensation, severance pay or compensation for unused annual leave will be stated in the prescribed content

2. calculation of the amount of salary, salary compensation, severance pay or salary compensation for the unused annual which the employer was obliged to pay in the prescribed content.

(3) The compensation for unused annual leave referred to in this Article shall mean the compensation for unused annual leave referred to in Article 82 of this Act.

(4) In calculating the salary or salary compensation referred to in paragraph 1 of this Article, the employer shall also state the amount of due and paid remuneration that the worker, in accordance with Article 90a of this Act, achieves on the basis of employment relationship.

(5) The calculations referred to in paragraph 2 of this Article shall be enforceable documents.

(6) The Minister shall prescribe the content of the calculation referred to in paragraphs 1 and 2 of this Article by means of an ordinance.

Right to an increased salary

Article 94

(1) For difficult working conditions, overtime and night work and for work on Sundays, holidays and non-working days determined by a special act, the worker shall be entitled to an increased salary, in the amount and in the manner determined by the collective agreement, the working regulation or the employment contract, whereby the increase for each hour of work on Sundays may not be less than 50%.

(2) The difficult working conditions referred to in paragraph 1 of this Article, within the meaning of this Act, are working conditions for which the employer's risk assessment has identified hazards, harms and efforts that could cause harmful consequences for the safety and health of workers.

(3) A collective agreement, an working regulation or an employment contract shall determine for which work that the worker performs with the employer there are difficult working conditions for which the worker is entitled to an increased salary.

(4) If the salary increase for difficult working conditions, overtime and night work and for work on holidays and non-working days determined by a special act is not determined in the manner referred to in paragraphs 1 and 3 of this Article, and the employment contract does not contain sufficient data on the basis of which it could be determined, the worker shall exercise the right to an appropriate salary increase.

(5) An appropriate salary increase shall mean an increase regularly paid for such work, and if it cannot be determined, the worker shall be entitled to an increase determined by the court according to the circumstances of the case.

Salary compensation

Article 95

(1) For periods in which the worker does not work for justified reasons determined by law, other regulation, collective agreement, working regulation or employment contract, the worker shall be entitled to salary compensation.

(2) The law, other regulation, collective agreement, working regulation or employment contract shall determine the period referred to in paragraph 1 of this Article for which compensation shall be paid at the expense of the employer.

(3) The worker shall be entitled to salary compensation during the interruption of work caused by the fault of the employer or due to other circumstances for which the worker is not responsible.

(4) A worker who refuses to work due to unimplemented prescribed occupational health and safety measures shall be entitled to salary compensation until the prescribed occupational health and safety measures are implemented, if he or she does not perform other equivalent work during that time.

(5) The amount of salary compensation shall be determined by this or other act, other regulation, collective agreement, working regulation or employment contract, and if it is not so determined, the worker shall be entitled to salary compensation in the amount of the average salary earned in the previous three months.

(6) If the worker has not earned his or her salary in the previous three months, the amount of salary compensation shall be determined in relation to the amount of salary he or she would have earned in the same period if he or she had worked.

(7) By way of derogation from paragraphs 5 and 6 of this Article, if the interruption of work has occurred in the event of extraordinary circumstances arising due to an epidemic of diseases, earthquakes, floods, environmental incidents and similar events, the worker shall be entitled to compensation of salary in the amount of 70% of the average salary earned in the previous three months, unless the collective agreement, employment regulations or employment contract stipulates more favourable conditions.

(8) Salary compensation is, for the purposes of this Act, a salary compensation in gross amount consisting of the amount to be paid and public expenditures from salary in accordance with special regulations.

(9) For the purposes of this Act, the total cost of salary compensation referred to in paragraph 8 of this Article shall be increased by the cost of public expenditures on salary compensation in accordance with special regulations.

Prohibition of offsetting

Article 96

(1) The employer may not, without the consent of the worker, collect his or her claim against the worker by withholding the payment of a salary or a part of it, or by withholding the payment of a salary compensation or a part of a salary compensation.

(2) The worker may not give the consent referred to in paragraph 1 of this Article before the claim arises.

Salary protection in case of forced withholding

Article 97

The salary or remuneration of a worker may be forcibly withheld in accordance with a special act.

## 12 INVENTIONS AND TECHNICAL IMPROVEMENTS MADE BY WORKERS

Invention made at work or in connection with work

Article 98

(1) The worker shall inform the employer of his or her invention made at work or in connection with work.

(2) Data on the invention referred to in paragraph 1 of this Article shall be kept as a business secret by the worker and shall not be communicated to a third party without the approval of the employer.

(3) The invention referred to in paragraph 1 of this Article shall belong to the employer, and the worker shall be entitled to the remuneration determined by a collective agreement, employment contract or special contract.

(4) By way of derogation from paragraph 3 of this Article, the invention of the assigned worker referred to in Article 44, paragraph 2 of this Act shall belong to the user, and the assigned worker shall be entitled to an award determined by a special contract.

(5) If the award is not determined in the manner referred to in paragraphs 3 and 4 of this Article, the court shall determine the appropriate award.

Invention related to the activity of the employer

Article 99

(1) If the invention is related to the activity of the employer, the worker shall inform the employer of his or her invention which has not been made at work or in connection with work, and shall offer him or her the assignment of rights in connection with that invention in written form.

(2) The employer shall be obliged to provide a statement regarding the offer of the worker referred to in paragraph 1 of this Article within one month.

(3) The provisions of the mandatory right of first refusal shall apply mutatis mutandis to the assignment of the right to the invention referred to in paragraph 1 of this Article.

Technical improvement

Article 100

(1) If the employer accepts to apply the technical improvement proposed by the worker, he or she shall be obliged to pay him or her the award determined by the collective agreement, employment contract or special contract.

(2) By way of derogation from paragraph 1 of this Article, if the user referred to in Article 44, paragraph 1 of this Act accepts the technical improvement proposed by the assigned worker, he or she shall be obliged to pay him or her the award determined by a special contract.

(3) If the award is not determined in the manner referred to in paragraphs 1 and 2 of this Article, the court shall determine the appropriate award.

## 13 PROHIBITION OF WORKERS' COMPETITION WITH THE EMPLOYER

Legal prohibition of competition

Article 101

(1) A worker may not, without the approval of the employer, for his or her own or someone else's account, conclude transactions from the activity performed by the employer (legal prohibition of competition).

(2) If the worker acts contrary to the prohibition referred to in paragraph 1 of this Article, the employer may request indemnity for the damage suffered from the worker or may request that the concluded transaction be considered concluded for his or her account, or that the worker hand over to him or her the earnings earned from such work or transfer to him or her the claim of earnings from such work.

(3) The right of the employer referred to in paragraph 2 of this Article shall cease within three months from the date on which the employer became aware of the conclusion of the transaction, or five years from the date of conclusion of the transaction.

(4) If, at the time of the establishment of the employment relationship, the employer knew that the worker was engaged in the performance of certain work and did not require him or her to cease doing so, it shall be deemed that he or she gave the worker permission to engage in such work.

(5) The employer may revoke the approval referred to in paragraph 1 or paragraph 4 of this Article, subject to the prescribed or agreed deadline for dismissal.

Contractual prohibition of competition

Article 102

(1) The employer and the worker may agree that for a certain period of time after the termination of the employment contract, the worker may not be employed by another person who is in competition with the employer and that he or she may not, for his or her own account or for the account of a third party, conclude transactions in competition with the employer (contractual prohibition of competition).

(2) The contract referred to in paragraph 1 of this Article may not be concluded for a period longer than two years from the date of termination of employment relationship.

(3) The contract referred to in paragraph 1 of this Article may be an integral part of the employment contract.

(4) The contract referred to in paragraph 1 of this Article shall be concluded in written form.

(5) The contract referred to in paragraph 1 of this Article shall not be binding on the worker if its objective is not to protect the legitimate business interests of the employer or if it disproportionately restricts the work and promotion of the worker in relation to the area, time and aim of the prohibition, and in relation to the legitimate business interests of the employer.

(6) The contract referred to in paragraph 1 of this Article shall be null and void if it is concluded by a minor or a worker who, at the time of concluding that contract, receives a salary less than the average salary in the Republic of Croatia.

(7) In the case referred to in paragraph 6 of this Article, the nullity of the contractual prohibition of competition may not be invoked by the employer.

Compensation in case of contractual prohibition of competition

Article 103

(1) Unless otherwise provided by this Act for a particular case, the contractual prohibition of competition shall be binding on the worker only if the employer has contracted an obligation to pay the worker compensation for the duration of the prohibition at least in the amount of half of the average salary paid to the worker in the three months prior to the termination of the employment contract.

(2) The employer shall pay the compensation referred to in paragraph 1 of this Article to the worker no later than the fifteenth day of the month for the previous month.

(3) If a part of the worker's salary is intended to cover certain costs related to the performance of work, the compensation may be reduced proportionately.

Cessation of the contractual prohibition of competition

Article 104

(1) If the worker terminates the employment contract by extraordinary notice because the employer has seriously violated the obligation under the employment contract, the contractual prohibition of competition shall cease to apply if, within one month from the date of termination of the employment contract, the worker declares in written form that he or she is not considered bound by that contract.

(2) The contractual prohibition of competition shall cease to be valid when the employer terminates the employment contract by means of notice and there is no justified reason for this by this Act, unless within fifteen days from the termination of the contract he or she informs the worker that he or she will be paid the compensation referred to in Article 103 of this Act during the contractual prohibition of competition.

Withdrawal from the contractual prohibition of competition

Article 105

(1) The employer may withdraw from the contractual prohibition of competition provided that he or she notifies the worker in written form.

(2) In the case referred to in paragraph 1 of this Article, the employer shall not be obliged to pay the compensation referred to in Article 103 of this Act after the expiry of the period of

three months from the date of delivery of the written notice of withdrawal from the contractual prohibition of competition to the worker.

Contractual penalty

Article 106

(1) In the event of non-compliance with the contractual prohibition of competition, a contractual penalty may be contracted.

(2) If, in the event of non-compliance with the contractual prohibition of competition, only a contractual penalty is provided for, the employer may, in accordance with the legal acts and regulations of mandatory law, claim only the payment of that penalty, and not the fulfilment of the obligation or indemnity for major damage.

(3) The contractual penalty referred to in paragraph 1 of this Article may also be agreed in the event that the employer does not assume the obligation to pay salary compensation during the contractual prohibition of competition, if at the time of concluding such a contract the worker received a salary higher than the average salary in the Republic of Croatia.

## 14 INDEMNITY

Liability of the worker for damage caused to the employer

Article 107

(1) A worker who, at work or in connection with work, intentionally or due to gross negligence causes damage to the employer shall be obliged to indemnify for the damage.

(2) If the damage is caused by more than one worker, each worker shall be liable for the part of the damage caused by him or her.

(3) If it is not possible to determine for each worker the part of the damage caused by him or her, it shall be considered that all workers are equally liable and shall indemnify for the damage in equal parts.

(4) If multiple workers have caused damage by a criminal offence committed intentionally, they shall be jointly and severally liable for the damage.

Predetermined amount of indemnity

Article 108

(1) If the determination of the amount of damage would cause disproportionate costs, the amount of indemnity may be predetermined for certain harmful acts.

(2) Harmful acts and indemnity referred to in paragraph 1 of this Article may be provided for by a collective agreement or an working regulation.

(3) If the damage caused by the harmful act referred to in paragraph 2 of this Article exceeds the determined amount of indemnity, the employer may claim indemnity in the amount of the actually suffered and determined damage.

Recourse liability of workers

Article 109

A worker who, at work or in connection with work, intentionally or due to gross negligence causes damage to a third party, and the damage was indemnified by the employer, is obliged to indemnify the employer for the amount of indemnity paid to the third person.

Reduction or exemption of workers from the obligation to indemnify

Article 110

A collective agreement, an working regulation or an employment contract may lay down the conditions and manner of reducing or relieving workers from their obligation to indemnify.

Liability of the employer for damage caused to the worker

Article 111

(1) If the worker suffers damage at work or in connection with work, the employer shall indemnify the worker in accordance with the legal acts and regulations of mandatory law.

(2) The right to indemnity referred to in paragraph 1 of this Article shall also apply to damage caused by the employer to the worker in violation of his or her employment rights.

## 15 TERMINATION OF EMPLOYMENT CONTRACT

Manners of termination of employment contract

Article 112

The employment contract shall be terminated:

1. upon the death of the worker

2. upon the death of the employer who is a natural person

3. upon the death of the employer who is a sole proprietor, if there has been no transfer of sole proprietorship in accordance with a special regulation

4. upon the cessation of sole proprietorship by force of law in accordance with a special regulation

5. upon the expiry of the time for which the fixed-term employment contract has been concluded

6. when the worker reaches 65 years of age and 15 years of pensionable service, unless otherwise agreed between the employer and the worker

7. by agreement of the worker and the employer

8. on the day of notification to the employer of the finality of the decision on the recognition of the right to disability pension due to complete loss of working capacity

9. by means of notice

10. by a decision of the competent court.

(2) If the employment contract has not been terminated in the liquidation or dissolution proceedings of the company by summary proceedings without liquidation in accordance with the company regulation, the employment contract shall be terminated at the latest by deleting the company from the court register.

Form of the agreement on termination of employment contract

Article 113

Agreement on termination of employment contract must be concluded in written form.

Notice

Article 114

The employer and the worker may terminate the employment contract by means of notice.

Regular notice

Article 115

(1) The employer may terminate the employment contract with the prescribed or agreed notice period (regular notice of dismissal), if he or she has a justified reason for doing so, as follows:

1) if the need to perform a particular job ceases due to economic, technological or organisational reasons (business-conditioned dismissal)

2) if the worker is not able to properly perform his or her obligations from the employment relationship due to certain permanent characteristics or abilities (personally conditioned dismissal)

3) if the worker violates the obligations arising from the employment relationship (dismissal due to misconduct of the worker) or

4) if the worker did not satisfy during probationary period (dismissal due to dissatisfaction during probationary period).

(2) When deciding on business-conditioned dismissal, the employer shall take into account the duration of employment relationship, age and maintenance obligations charged to the worker.

(3) The provisions of paragraph 2 of this Article shall not apply to employers employing less than twenty workers.

(4) The worker may terminate the employment contract with the prescribed or agreed notice period, without stating the reason.

(5) An employer who has dismissed a worker through a business-conditioned notice shall not, for six months from the date of delivery of the decision on termination of the employment contract to the worker, employ another worker in the same jobs.

(6) If, within the period referred to in paragraph 5 of this Article, the need for employment arises due to the performance of the same jobs, the employer shall offer the conclusion of an employment contract to a worker whom he or she has dismissed through a business-conditioned notice.

Extraordinary notice

Article 116

(1) The employer and the worker shall have a justified reason for termination the employment contract concluded for an open-ended or fixed-term period, without the obligation to comply with the prescribed or agreed notice period (extraordinary notice), if due to a particularly serious breach of the employment obligation or some other particularly

important fact, taking into account all the circumstances and interests of both parties, the continuation of the employment relationship is not possible.

(2) The employment contract may be terminated exceptionally only within fifteen days from the day of becoming aware of the fact on which the extraordinary notice is based.

(3) The party to the employment contract who, in the case referred to in paragraph 1 of this Article, extraordinarily terminates the employment contract shall be entitled to claim indemnity from the party responsible for the termination due to the failure to perform the obligations assumed by the employment contract.

Unjustified grounds for dismissal

Article 117

(1) Temporary absence from work due to illness or injury is not a justified reason for dismissal.

(2) Filing a complaint or an action, or participating in proceedings against an employer for violating an act, other regulation, collective agreement or working regulation, or addressing of workers to competent bodies of state authorities, shall not constitute a justified reason for dismissal.

(3) Addressing of workers on reasonable suspicion of corruption, or filing a report on that suspicion in good faith to responsible persons or competent bodies of state authorities, shall not constitute a justified reason for dismissal.

Article 118

Repealed.

Pre-dismissal procedure

Article 119

(1) Before regular notice due to the misconduct of the worker, the employer shall warn the worker in written form of the obligation arising from the employment relationship and indicate to him or her the possibility of dismissal in the event of continued breach of that obligation, unless there are circumstances that do not justify expecting the employer to do so.

(2) Prior to the regular or extraordinary notice due to the misconduct of the worker, the employer is obliged to allow the worker to present his or her defence, unless circumstances exist due to which the employer cannot be reasonably expected to do so.

Form, reasoning and delivery of notice

Article 120

(1) A notice of termination must be in written form.

(2) The employer shall state in written form the reasons for the dismissal.

(3) A notice of termination must be submitted to the person being dismissed.

Notice period

Article 121

(1) The notice period shall start from the date of delivery of the notice of termination.

(2) By way of derogation from paragraph 1 of this Article, the notice period for a worker who is temporarily incapacitated for work at the time of delivery of the decision on dismissal shall start from the date of cessation of his or her temporary incapacity for work.

(3) The notice period shall not run during:

1. pregnancy

2. the use of maternal, parental, adoptive and paternity leave or leave which, in terms of content and manner of use, is equivalent to the right to paternity leave, part-time work, part-time work for the purpose of increased child care, leave of a pregnant worker, leave of a worker who has given birth or a worker who is breastfeeding a child and leave or part-time work for the purpose of nursing care and care of a child with severe developmental disabilities in accordance with the regulation on maternal and parental benefits

3. temporary incapacity for work during treatment or recovery from an injury at work or an occupational disease

4. performing the duties and rights of citizens serving in national defence forces.

(4) By way of derogation from paragraph 3 of this Article, the notice period shall run in the event of termination of the worker's employment contract during the liquidation or dissolution proceedings of the company by summary proceedings without liquidation in accordance with the company regulation.

(5) The notice period shall not run during the period of temporary incapacity for work.

(6) By way of derogation from paragraph 5 of this Article, the notice period shall run during the period of temporary incapacity for work of a worker whose employment contract was terminated by the employer before the beginning of that period and with that decision, the worker was released from the obligation to work within the notice period, unless otherwise regulated by a collective agreement, an working regulation or an employment contract.

(7) The notice period shall run during annual leave and paid leave.

(8) If there has been an interruption of the period of notice due to temporary incapacity for work of a worker who has not been released from the obligation to work by the employer, the employment relationship with that worker shall be terminated at the latest six months after the date of the beginning of the notice period.

Minimum duration of the notice period

Article 122

(1) In the case of regular notice, the notice period shall be at least:

1) two weeks, if the worker continuously spent less than one year in employment relationship with the same employer

2) one month, if the worker continuously spent one year in employment relationship with the same employer

3) one month and two weeks, if the worker continuously spent two years in employment relationship with the same employer

4) two months, if the worker continuously spent five years in employment relationship with the same employer

5) two months and two weeks, if the worker continuously spent ten years in employment relationship with the same employer

6) three months, if the worker continuously spent twenty years in employment relationship with the same employer.

(2) The notice period referred to in paragraph 1 of this Article shall be increased by two weeks if the worker has reached the age of fifty, and by one month if he or she has reached the age of fifty-five.

(3) A worker whose employment contract is terminated due to a breach of an employment obligation (notice due to the misconduct of the worker) shall be given a notice period of half of the notice periods set out in paragraphs 1 and 2 of this Article.

(4) The employer shall pay the worker who is exempt from the obligation to work during the notice period the salary compensation and recognise all other rights as if he or she had worked until the expiry of the notice period.

(5) During the notice period, the worker shall be entitled to be absent from work for at least four hours a week for the purpose of seeking new employment.

(6) A collective agreement or employment contract may provide for a shorter notice period for the worker than for the employer than the deadline specified in paragraph 1 of this Article, in the case when the worker terminates the employment contract.

(7) If the worker terminates the employment contract, the notice period may not exceed one month, if he or she has a particularly important reason for doing so.

(8) By way of derogation from paragraph 1 of this Article, a worker who, at the time of termination of the employment contract has reached 65 years of age and 15 years of pensionable service, shall not be entitled to a notice period.

Dismissal with an offer of an amended contract

Article 123

(1) The provisions of this Act relating to dismissal shall also apply to the case when the employer terminates the contract by means of notice and at the same time proposes to the worker the conclusion of an employment contract under amended conditions (dismissal with an offer of an amended contract).

(2) If, in the case referred to in paragraph 1 of this Article, the worker accepts the employer’s offer, he or she shall reserve the right to challenge the permissibility of such dismissal before the competent court.

(3) The worker must respond to the offer for the conclusion of an employment contract under amended conditions within a deadline set by the employer, which may not be shorter than eight days.

(4) In the case of dismissal referred to in paragraph 1 of this Article, the period referred to in Article 133, paragraph 1 of this Act shall run from the day when the worker has declared his or her rejection of the offer to conclude the employment contract under the amended

conditions or from the day of expiry of the deadline set by the employer for the response to the submitted offer, if the worker has not declared his or her opinion on the received offer or has declared himself or herself after the expiration of the deadline.

Return of a worker to work in the event of an impermissible dismissal

Article 124

(1) If the court finds that the dismissal of the employer is impermissible and that the employment relationship has not been terminated, it shall order the return of a worker to work.

(2) A worker who disputes the permissibility of dismissal may request that the court temporarily order his or her return to work until the end of the dispute.

Judicial rescission of the employment contract

Article 125

(1) If the court finds that the dismissal of the employer is not permitted and it is not acceptable for the worker to continue the employment relationship, the court shall, at the request of the worker, determine the date of termination of employment relationship and award him or her indemnity in the amount of at least three, and at most eight prescribed or contracted monthly salaries of that worker, depending on the duration of employment relationship, age and maintenance obligations charged to the worker.

(2) The court may also adopt the decision referred to in paragraph 1 of this Article at the request of the employer, if there are circumstances that justifiably indicate that the continuation of the employment relationship, taking into account all the circumstances and interests of both contracting parties, is not possible.

(3) The employer and the worker may file a request for rescission of the employment contract, in the manner referred to in paragraphs 1 and 2 of this Article, until the conclusion of the main hearing before the court of first instance.

Severance pay

Article 126

(1) For the purposes of this Act, severance pay shall be the amount of money paid by the employer to a worker who was dismissed after two years of continuous work as a means of securing income and mitigating the adverse consequences of the dismissal.

(2) By way of derogation from paragraph 1 of this Article, severance pay shall not be obtained by a worker who was dismissed due to his or her misconduct and by a worker who at the time of dismissal is at least 65 years old and has 15 years of pensionable service.

(3) The amount of severance pay shall be determined by reference to the length of the previous continuous employment relationship with that employer, and may not be contracted, i.e., determined in the amount of less than one third of the average monthly salary earned by the worker in the three months before the termination of the employment contract, for each completed year of work with that employer.

(4) Unless otherwise provided by law, collective agreement, employment regulation or employment contract, the total amount of severance pay referred to in paragraph 3 of this

Article may not exceed six average monthly salaries earned by the worker in the three months prior to the termination of the employment contract.

Collective redundancy

Article 127

(1) An employer with whom, within a period of ninety days, the need for the work of at least twenty workers could cease to exist, of which the business-conditioned notice would terminate the employment contracts of at least five workers, shall be obliged to consult the works council in a timely manner and in the manner prescribed by this Act in order to reach an agreement for the purpose of eliminating or reducing the need for the termination of the work of workers.

(2) The redundancy referred to in paragraph 1 of this Article shall include workers whose employment relationship will be terminated by the business-conditioned notice and the agreement between the employer and the worker at the proposal of the employer.

(3) In order to implement the obligation of consulting referred to in paragraph 1 of this Article, the employer shall provide the works council with appropriate information in written form on the reasons why the need for workers' work could cease, the number of total employed workers, the number, occupation and jobs of workers for whose work the need could cease, the criteria for the selection of such workers, the amount and manner of calculation of severance pay and other benefits to workers and the measures taken by the employer to take care of redundant workers.

(4) During the consult procedure with the works council, the employer shall consider and explain all possibilities and proposals that could eliminate the intentional termination of the need for workers' work.

(5) The employer shall inform the competent public employment service of the conducted consult referred to in paragraph 1 of this Article and submit to it the data referred to in paragraph 3 of this Article, data on the duration of the consult with the works council, the results and conclusions of the conducted consult, and enclose a written statement of the works council, if it is submitted to him or her.

(6) The works council may send its comments and proposals to the competent public employment service and the employer to the notice referred to in paragraph 5 of this Article.

(7) The employer shall conduct the consult procedure referred to in paragraph 1 of this Article even if, after the consult on the redundancy of workers with that employer and the termination of the need for their work, the employer who has a dominant influence over them in accordance with a special regulation shall decide.

Dismissal in the collective redundancy procedure

Article 128

(1) Workers made redundant shall not have their employment relationship terminated during a period of thirty days from the date of delivery of the notice referred to in Article 127, paragraph 5 of this Act to the competent public employment service.

(2) The competent public employment service may, no later than the last day of the period referred to in paragraph 1 of this Article, order the employer in written form to postpone the implementation of the dismissal of all or particular workers determined by redundancy for a maximum of thirty days, if during the extended period he or she can ensure the continuation of the worker's employment relationship.

Article 129

Repealed.

Issuance of a letter of engagement and return of documents

Article 130

(1) The employer shall, within eight days at the request of the worker, issue a letter of engagement on the type of work performed and the duration of the employment relationship.

(2) The employer shall, within fifteen days from the date of termination of employment relationship, return to the worker all his or her documents and a copy of deregistration from compulsory pension and health insurance and issue him or her a letter of engagement on the type of work he or she performed and the duration of employment relationship.

(3) The employer may not indicate in the letter of engagement referred to in paragraphs 1 and 2 of this Article anything that would make it difficult for the worker to conclude a new employment contract.

**16 EXERCISE OF RIGHTS AND OBLIGATIONS ARISING FROM EMPLOYMENT RELATIONSHIP**

Deciding on rights and obligations arising from employment relationship

Article 131

(1) An employer who is a natural person may authorise another legally competent adult person by written power of attorney to represent him or her in the exercise of rights and obligations arising from employment relationship or in connection with employment relationship.

(2) If the employer is a legal person, the authority referred to in paragraph 1 of this Article shall be vested in the person or body authorised by statute, articles of association, statement of establishment or other rules of the legal person.

(3) The person or body referred to in paragraph 2 of this Article may transfer its powers by written power of attorney to another legally competent adult.

Delivery of the decision on rights and obligations arising from the employment relationship

Article 132

(1) The delivery of decisions on the dismissal, decisions taken in the proceedings referred to in Article 133 of this Act and the delivery of letters of engagement , documents, acts and other documents sent by the employer to the worker may be regulated by a collective agreement, an agreement concluded between the works council and the employer or an working regulation.

(2) If the delivery of decisions on the dismissal and decisions taken in the proceedings referred to in Article 133 of this Act is not regulated in the manner referred to in paragraph 1

of this Article, the provisions on delivery from the regulations governing civil proceedings shall apply accordingly.

(3) The employer may deliver letters of engagement , documents, acts and other documents sent by the employer to the worker, if they are not regulated in the manner referred to in paragraph 1 of this Article, in written form, or in electronic form, provided that they are available to the worker, that they can be printed and stored and that the employer retains evidence that they were delivered to the worker or received by the worker.

Judicial protection of the rights arising from employment relationship

Article 133

(1) A worker who considers that his or her employer has violated a right from an employment relationship may, within fifteen days from the delivery of the decision violating his or her right, or from the knowledge of the violation of rights, request the employer to exercise that right.

(2) If the employer fails to comply with this request within fifteen days from the submission of the worker's request referred to in paragraph 1 of this Article, the worker may request the protection of the violated right before the competent court within a further period of fifteen days.

(3) The protection of the violated right before the competent court may not be requested by a worker who has not previously submitted a request referred to in paragraph 1 of this Article to the employer, except in the case of a worker's request for indemnity or other monetary claim arising from an employment relationship.

(4) If the law, other regulation, collective agreement or working regulation provides for a procedure for the amicable settlement of the dispute, the period of fifteen days for filing an action with the court shall run from the date of completion of that procedure.

(5) The provisions of this Article shall not apply to the procedure for protecting the dignity of workers referred to in Article 134 of this Act.

(6) Unless otherwise provided by this or other act, the competent court, within the meaning of the provisions of this Act, is the court competent for labour disputes.

(7) A worker may not be put at a disadvantage because of the submission of a request for the exercise of the rights of workers prescribed by this Act, another act or regulation, a collective agreement, an agreement concluded between the works council and the employer, an working regulation or an employment contract, because of the use of these rights, or because of the submission of a request and participation in the procedure for the protection of the rights of that worker.

Protecting the dignity of workers

Article 134

(1) The procedure and measures for protecting the dignity of workers from harassment and sexual harassment shall be regulated by a special act, a collective agreement, an agreement concluded between the works council and the employer or an working regulation.

(2) An employer who employs at least 20 workers shall, with the prior written consent of the person for whom he or she proposes the appointment, appoint one person, and an

employer who employs more than 75 workers shall appoint two persons of different sex who, in addition to him or her, are authorised to receive and resolve complaints related to the protection of the dignity of workers.

(3) The persons referred to in paragraph 2 of this Article may be workers or persons not employed by the employer.

(4) The employer shall, within eight days from the date of appointment of the person referred to in paragraph 2 of this Article, notify the workers of the appointment.

(5) The employer or the person referred to in paragraph 2 of this Article shall, within the period laid down in the collective agreement, an agreement concluded between the works council and the employer or an working regulation, and no later than eight days from the submission of the complaint, examine the complaint and take all necessary measures appropriate to the individual case in order to prevent the continuation of harassment or sexual harassment, if he or she determines that it exists.

(6) If the employer fails to take measures to prevent harassment or sexual harassment within the deadline referred to in paragraph 3 of this Article, or if the measures taken by the employer are evidently inadequate, the worker who is harassed or sexually harassed shall have the right to stop work until protection is provided, provided that he or she has requested protection before the competent court within a further period of eight days.

(7) If there are circumstances for which it is not justified to expect that the employer will protect the dignity of the worker, the worker shall not be obliged to submit a complaint to the employer and shall have the right to terminate work, provided that he or she has requested protection before the competent court and notified the employer thereof within eight days from the date of the interruption of work.

(8) During the interruption of work referred to in paragraphs 4 and 5 of this Article, the worker shall be entitled to salary compensation in the amount of salary he or she would have earned if he or she had worked.

(9) If a final court decision determines that the dignity of the worker has not been violated, the employer may request the reimbursement of the paid compensation referred to in paragraph 6 of this Article.

(10) All information determined in the procedure for the protection of the dignity of workers shall be kept secret.

(11) The conduct of workers that constitutes harassment or sexual harassment is a violation of the obligation arising from employment relationship.

(12) Opposition of workers to conduct which constitutes harassment or sexual harassment shall not constitute a breach of an obligation arising from an employment relationship, nor shall it constitute grounds for discrimination.

Burden of proof in labour disputes

Article 135

(1) In the event of a dispute arising from an employment relationship, the burden of proof shall lie with the person who considers that a right arising from an employment relationship

has been violated, or who initiates a dispute, unless otherwise regulated by this or another act.

(2) In the event of a dispute over the putting of a worker in a more disadvantageous position than other workers because of addressing of the worker due to a justified suspicion of corruption or in good faith filing a report on that suspicion to responsible persons or competent bodies of state authorities, which led to a violation of one of the rights of the worker from employment relationship, if the worker makes it probable that he or she was placed in a disadvantageous position and that one of his or her rights from employment relationship was violated, the burden of proof shall pass to the employer who must prove that he or she did not put the worker in a more disadvantageous position than other workers, or that he or she did not violate his or her right from employment relationship.

(3) In the event of a dispute due to the dismissal, the burden of proving the existence of a justified reason for the dismissal shall be on the employer if the employment contract was terminated by the employer, and on the worker only if he or she terminated the employment contract by extraordinary notice.

(4) In the event of a dispute regarding working time, if the employer does not keep the records referred to in Article 5, paragraph 1 of this Act in the prescribed manner, the burden of proving working time shall be on the employer.

(5) In the event of a dispute concerning the disadvantage of a worker who has submitted a request for the exercise of maternal and parental rights in accordance with the regulation on maternal and parental benefits or rights related to the provision of personal care pursuant to this Act, which has led to a violation of one of the rights of the worker from employment relationship, if the worker makes it probable that he or she has been placed in a disadvantage for these reasons, the burden of proof shall pass to the employer who must prove that he or she did not put the worker in a disadvantage for these reasons or that he or she did not violate his or she right from employment relationship.

(6) In the event of a dispute about the existence of an agreement for work at an alternative place of work referred to in Article 17, paragraph 6 of this Act, the burden of proof of such an agreement shall be on the employer.

Arbitration and mediation

Article 136

(1) The contracting parties may, by mutual agreement, entrust the settlement of the labour dispute to arbitration or mediation.

(2) The collective agreement may regulate the content, procedure and other issues important for the operation of arbitration or mediation.

Transferring the contract to a new employer

Article 137

(1) If an undertaking is transferred through a status change or legal transaction to a new employer, part of an undertaking, an economic activity or part of an economic activity, which retains its economic integrity, all employment contracts for workers working in the undertaking or part of the undertaking that is the subject of the transfer, or which are

related to the performance of the economic activity or part of the economic activity that is the subject of the transfer, shall be transferred to the new employer.

(2) The worker whose employment contract has been transferred in the manner referred to in paragraph 1 of this Article shall retain all rights arising from the employment relationship that he or she acquired until the date of transfer of the employment contract.

(3) The employer to whom the employment contracts are transferred in the manner prescribed in paragraph 1 of this Article shall, as of the date of transfer, in the unchanged form and scope, assume all rights and obligations from the transferred employment contract.

(4) An employer who transfers to a new employer an undertaking, a part of an undertaking, the performance of an economic activity or a part of an economic activity shall be obliged to fully and truthfully inform the new employer in written form about the rights of workers whose employment contracts are transferred.

(5) Failure of the employer to report in written form to the new employer on the rights of workers whose contracts are transferred shall not affect the exercise of the rights of workers whose employment contracts have been transferred to the new employer.

(6) The employer shall be obliged to notify in written form the works council and all workers covered by the transfer in good time, before the day of the transfer, of the transfer of the undertaking, part of the undertaking, economic activity or part of the economic activity to the new employer.

(7) The notification referred to in paragraph 6 of this Article shall include information on:

1) the day of transfer of the employment contract

2) the reasons for the transfer of the employment contract

3) the impact of the transfer of the employment contract on the legal, economic or social status of the worker

(4) the measures provided for in respect of the workers whose contracts are to be transferred.

(8) The employment contracts referred to in paragraph 1 of this Article shall be transferred to the new employer on the day of the occurrence of the legal consequences of the transfer, in accordance with the regulations governing the legal transaction on the basis of which the transfer of an undertaking, part of an undertaking, performance of an economic activity or part of an economic activity is carried out.

(9) If the transfer of an undertaking, part of an undertaking, the performance of an economic activity or part of an economic activity is carried out in bankruptcy or resolution proceedings, the rights transferred to the new employer may be reduced in accordance with a special regulation, a collective agreement or an agreement concluded between the works council and the employer.

(10) Where a works council is established in an undertaking, part of an undertaking, an economic activity or part of an economic activity which has been transferred and which has maintained its autonomy, the said council shall continue to operate until the end of the term of mandate for which it has been elected at the latest.

(11) If the undertaking, part of the undertaking, the economic activity or part of the economic activity which has been transferred does not retain its autonomy and the continuation of the work of the works council is not possible, the workers whose contracts are transferred retain the right to representation until the conditions for the election of a new works council have been created, or until the expiry of the term of mandate of their former representative.

(12) Where a collective agreement has been concluded in an undertaking, part of an undertaking, in connection with the performance of an economic activity or part of an economic activity which has been transferred, workers shall continue to be subject to the collective agreement applicable to them prior to the change of employer until the conclusion of a new collective agreement, for a maximum period of one year.

(13) Where an undertaking, a part of an undertaking, an economic activity or a part of an economic activity is transferred to a new employer, the new employer shall be jointly and severally liable for the obligations towards workers arising up to the date of the transfer of the undertaking, a part of the undertaking, the performance of an economic activity or a part of an economic activity, jointly and severally with the employer transferring the undertaking, a part of the undertaking, the performance of an economic activity or a part of an economic activity.

(14) The provisions of paragraphs 1 to 10 of this Article shall apply mutatis mutandis to institutions and other legal persons.

(15) A person who by transferring an undertaking, a part of an undertaking, an economic activity or a part of an economic activity or otherwise maliciously avoids fulfilling his or her obligations towards the worker shall be bound by the competent court, at the request of the worker, to fulfil his or her obligations even if the employment contract has not been concluded with that person.

Presumption of consent to the decision of the employer

Article 138

(1) If the employer has requested the consent of the works council or the trade union for its decision, it shall be their obligation, within eight days from the submission of the employer's request, to provide the statement on the granting or refusal of that consent, unless otherwise provided by this Act for a particular case.

(2) If, within the period referred to in paragraph 1 of this Article, the works council or trade union fails to submit to the employer its statement on the granting or refusal of consent, it shall be deemed that they consent to the decision of the employer.

Statute of limitations on claims arising from employment relationship

Article 139

Unless otherwise provided by this or any other act, claims arising from the employment relationship shall be subject to statute of limitations in five years.

## TITLE III PARTICIPATION OF WORKERS IN DECISION-MAKING

### 1 WORKS COUNCIL

## Right to participate in decision-making

### Article 140

Workers employed by an employer who employs at least twenty workers, except for workers employed in state administration bodies, have the right to participate in decision-making on issues related to their economic and social rights and interests in the manner and under the conditions prescribed by this Act.

## Right to elect a works council

### Article 141

(1) Workers shall have the right, by free and direct elections, by secret ballot, to elect one or more of their representatives (hereinafter: the works council) to represent them with the employer in the protection and promotion of their rights and interests.

(2) The procedure for the establishment of a works council shall be initiated at the proposal of a trade union or at least twenty percent of workers employed by a particular employer.

## Number of members of the works council

### Article 142

(1) The number of members of the works council shall be determined according to the number of workers employed by a particular employer, as follows:

1) up to seventy-five workers, one representative

2) from seventy-six to two hundred and fifty workers, three representatives

3) from two hundred fifty-one to five hundred workers, five representatives

4) from five hundred one to seven hundred fifty workers, seven representatives

5) from seven hundred and fifty-one to a thousand workers, nine representatives.

(2) For every subsequent thousand workers started, the number of members of the works council shall be increased by two.

(3) When nominating members of the works council, it is necessary to take into account the equal representation of all organisational units and groups of employed workers (by gender, age, professional qualifications, jobs on which they work, etc.).

## General works council

### Article 143

(1) If the employer's business is organised in several organisational units, workers may choose one works council at the level of all organisational units or they may choose works councils in each individual organisational unit.

(2) If, after the establishment of the works councils, elections have been held in individual organisational units and the works council has been established at the level of the employer, mandate of the works councils established in individual organisational units shall cease on the day of the establishment of that works council.

(3) When workers establish a works council in a particular organisational unit, the General Works Council may be organised only if the works councils are established in all organisational units, in such a way that such works council is composed of representatives of the works councils of all organisational units.

(4) The agreement between the employer and the works councils shall regulate the composition, authority and other issues important for the work of the General Works Council.

Election period

Article 144

(1) The works council shall be elected for an election period of four years from the date of publication of the final results of the elections.

(2) By way of derogation from paragraph 1 of this Article, the election period may be shorter if the election for the works council was conducted due to the annulment of previous elections or the dissolution of the works council during its mandate and it shall last until the end of the election period of the works council which was dissolved or which was elected in the annulled elections.

(3) When there is a change in membership during the election period of the works council, the mandate of the new member of the works council shall last until the end of the mandate of the works council.

(4) Regular elections shall normally be held in the period from 1 March to 31 May.

Voting right

Article 145

(1) All workers employed by a particular employer shall have the right to vote and be elected.

(2) Members of the management and supervisory bodies of the employer and members of their families and workers referred to in Article 131, paragraphs 1 and 2 of this Act shall not be entitled to vote and be elected.

(3) Family members within the meaning of paragraph 2 of this Article shall be members of the immediate family referred to in Article 86, paragraph 3 of this Act.

(4) The provision of paragraph 2 of this Article shall not apply to workers' representatives in the employer's bodies.

(5) The electoral board shall establish a list of workers who have the right to vote.

Lists of candidates

Article 146

(1) Lists of candidates for the election of workers' representatives may be proposed by trade unions that have their members employed by a particular employer or a group of workers supported by at least twenty percent of workers employed by a particular employer.

(2) Each list of candidates shall have the same number of candidates and substitutes as the number of representatives of the workers to be elected.

(3) The Minister shall prescribe in an ordinance the procedure for the election of works councils, obligees, deadlines and the manner of submitting information on elected works councils.

Determination of election results

Article 147

(1) If one representative is elected, the candidate who received the largest number of votes from the workers who voted shall be elected.

(2) If, in the case referred to in paragraph 1 of this Article, two or more candidates receive the same number of votes, a candidate who has been employed continuously by the employer for a longer period shall be elected.

(3) If three or more representatives are elected, the number of representatives elected from each list shall be determined in such a way that the total number of votes received by each list (the electoral roll of each list) shall be divided by the numbers from one to up to the number of representatives to be elected; all the results thus obtained shall be ordered from the largest to the smallest, and the result corresponding to the number of representatives to be elected shall be the common divisor; each list shall receive as many representative seats as the number of times its total number of votes obtained (the electoral roll of each list) contains the whole number of the common divisor; if the votes are so divided that it is not possible to determine which of the two or more lists would receive which representative seat, it shall belong to the list which received more votes.

(4) A list which receives less than five percent of the votes of the workers who voted shall not participate in the division of representative seats.

(5) In the case referred to in paragraph 3 of this Article, candidates from ordinal number one to the ordinal number corresponding to the number of representative seats received by a particular list shall be elected from each list.

(6) The substitute representatives from each list shall be candidates who have not been elected, from the first unelected up to the maximum number of representative seats a particular list won, and after the list of candidates has been exhausted, the substitute representatives shall be persons from the list of substitute candidates.

(7) The election committee shall submit information on the conducted elections to the employer and to the trade unions that submitted the list of candidates.

Basic authorities of the works council

Article 148

(1) The works council shall protect and promote the interests of workers employed by a particular employer by advising, co-deciding or negotiating with the employer or a person provided with power of attorney by him or her on matters important to the position of the workers.

(2) The works council shall observe compliance with this Act, working regulations, collective agreements and other regulations.

(3) The works council shall ensure that the employer duly and accurately fulfils the obligations to calculate and pay contributions in accordance with a special regulation, and shall have the right to inspect the relevant documentation for this purpose.

(4) The works council may not participate in the preparation or realisation of a strike, exclusion from work or other industrial action, nor may it interfere in any way in a collective labour dispute that may lead to such action.

Obligation to inform

Article 149

(1) The employer shall, at least every three months, inform the works council of:

1) the state, results of operations and organisation of work

2) the expected development of business activities and their impact on the economic and social position of workers

3) trends and changes in salaries

4) the scope and reasons for the introduction of overtime work

5) the number and type of workers employed by him or her, the employment structure (number of fixed-term workers, workers at an alternative place of work, remote work, work through a temporary employment agency, who are temporarily assigned to an affiliated company, or who are temporarily assigned to the employer from an affiliated company, the number of night workers), the employment structure by sex and the development and employment policy

6) the number and type of workers who, before starting work with another employer, informed the master employer about the contract on additional work concluded with another employer

7) protection of occupational health and safety and measures to improve working conditions

8) results of conducted supervision in the field of work and occupational health and safety

9) other issues of particular importance to the economic and social position of workers.

(2) On the issues referred to in paragraph 1 of this Article, the employer shall inform the works council at the time, in the content and in a manner that allows members of the works council to carry out an assessment of the possible impact and to prepare for consult with the employer.

Obligation to consult before rendering a decision

Article 150

(1) Before rendering a decision important for the position of the workers, the employer must consult the works council on the intended decision and must provide the works council with information relevant for rendering the decision and considering its impact on the position of the workers.

(2) In the case referred to in paragraph 1 of this Article, the employer shall, at the request of the works council, prior to the final statement of the employer's intended decision, allow a meeting to be held for additional answers and explanations to their expressed opinion.

(3) Important decisions referred to in paragraph 1 of this Article shall include in particular decisions on:

1) adoption of the working regulation

2) the plan and the development and policy of the employment and dismissal

3) the transfer of the undertaking, part of the undertaking, economic activity or part of the economic activity, as well as the employment contract of the worker to the new employer and the impact of such transfer on the workers covered by the transfer

4) measures related to the protection of occupational health and safety

5) introduction of new technology and changes in organisation and manner of work

6) annual leave plan

7) pattern of working time

8) night work

9) remuneration for inventions and technical improvement

10) the collective redundancy referred to in Article 127 of this Act and any other decisions for which this Act or the collective agreement prescribes the participation of the works council in their rendering

11) the appointment of a person who is authorised to receive and resolve complaints related to the protection of the dignity of workers.

(4) The information on the intended decision must be provided to the works council in a complete and timely manner, so as to enable it to make objections and proposals, so that the results of the discussion can truly influence the rendering of the decision.

(5) Unless otherwise provided by the employer's agreement with the works council, the works council shall, within eight days, and in the event of extraordinary notice within five days, submit its statement of the intended decision to the employer.

(6) If the works council fails to submit a statement on the intended decision within the deadline referred to in paragraph 5 of this Article, it shall be deemed that there are no objections and proposals.

(7) The works council may object to dismissal if the employer does not have a justified reason for dismissal or if the dismissal procedure provided for in this Act has not been carried out.

(8) The works council must explain its objection to the employer's decision.

(9) If the works council objects extraordinary notice, and the worker in a court dispute disputes the permissibility of dismissal and asks the employer to keep him or her at work, the employer shall return the worker to work within eight days from the date of delivery of the notice and evidence of filing of the action and keep him or her at work until the end of the court dispute.

(10) In the case referred to in paragraph 9 of this Article, if the employer dismisses the worker through extraordinary notice, he or she may temporarily remove the worker from work until the end of the court dispute on the permissibility of dismissal, with the obligation

to pay a monthly salary compensation in the amount of half of the average salary paid to that worker in the previous three months.

(11) If the objection of the works council to extraordinary notice is evidently unfounded, or contrary to the provisions of this Act, the employer may request the court to temporarily, until the end of the court dispute, release him or her from the obligation to return the worker to work and pay salary compensation.

(12) The decision of the employer rendered contrary to the provisions of this Act on the obligation to consult the works council shall be null and void.

Co-deciding

Article 151

(1) The employer may, only with the prior consent of the works council, render a decision on:

1) dismissal of a member of the works council

2) dismissal of a candidate for a member of the works council who has not been elected, within a period of three months after the determined final election results

3) dismissal of a worker whose work capacity has been reduced due to a work injury or occupational disease with remaining work capacity or reduced work capacity with a partial loss of work capacity, i.e., dismissal of a worker with a disability

4) dismissal of a worker of 60 years of age, except for dismissal of a worker of 65 years of age and 15 years of pensionable service

5) dismissal of the workers' representative in the employer's body

6) the inclusion of the persons referred to in Article 34, paragraph 1 of this Act in the collective redundancy of workers, except in the case where the employer has initiated or is conducting the liquidation procedure in accordance with a special regulation

7) collecting, processing, using and providing third parties with information on the worker

8) the appointment of a person who is authorised to supervise whether personal information of workers is collected, processed, used and provided to third parties in accordance with the provisions of this Act.

(2) The employer may exceptionally, without the prior consent of the works council, render the decision referred to in paragraph 1, items 1 to 6 of this Article, if the decision decides on the rights of the worker who is also a trade union commissioner who enjoys the protection referred to in Article 188 of this Act.

(3) If the works council fails to declare or withhold its consent within eight days, it shall be deemed to be in agreement with the decision of the employer.

(4) If the works council withholds consent, the withholding must be justified in written form, and the employer may, within fifteen days from the date of delivery of the statement of withholding the consent, request that this consent be substituted by a court decision or arbitration award.

(5) In the case referred to in paragraph 4 of this Article, the court of first instance shall decide on the action of the employer within thirty days from the date of filing the action.

(6) The employer's agreement with the works council may also specify other issues on which the employer may render a decision only with the prior consent of the works council.

Obligation to inform workers

Article 152

The works council is obliged to regularly inform workers and the trade union about its work and to receive their incentives and proposals.

Relationship with the trade union

Article 153

(1) For the purpose of protecting and promoting the rights and interests of workers, the works council shall cooperate in full confidence with all trade unions having their members employed by a particular employer.

(2) A member of the works council may continue to work in the trade union without hindrance.

(3) If the works council is not established with the employer, the trade union commissioner shall assume all the rights and obligations of the works council prescribed by this Act, except for the right referred to in Article 164, paragraph 2 of this Act to appoint a worker's representative to the employer's body referred to in Article 164, paragraph 1 of this Act.

(4) If more than one trade union operates with the employer, trade unions shall agree on the trade union commissioner or commissioners who shall have the rights and obligations referred to in paragraph 3 of this Article, and trade unions shall inform the employer in written form of the agreement reached.

Work of the works council

Article 154

(1) If the works council has three or more members, it shall perform work in sessions.

(2) The works council shall adopt the rules of procedure for its work.

(3) Representatives of trade unions with members employed by the employer may be present at the sessions of the works council, without the right to participate in decision-making.

(4) The works council may request the opinion of experts on matters within its scope.

(5) The costs of expert advice referred to in paragraph 4 of this Article shall be borne by the employer in accordance with the agreement concluded between the employer and the works council.

Appearance before the court

Article 155

(1) The works council may sue or be sued only on the basis of the authority or obligations laid down by this or other act, other regulation or collective agreement.

(2) The works council may not have its own assets.

(3) The works council, as well as its members, shall not be held liable by civil law for the decisions it renders.

Conditions for the work of the works council

Article 156

(1) The works council shall hold sessions and otherwise perform its duties during working time.

(2) For work in the works council, each member shall be entitled to remuneration for six working hours per week.

(3) Works council members may assign working hours referred to in paragraph 2 of this Article to each other.

(4) If the number of available working hours permits so, the duties of the chairperson or member of the works council may be performed full-time.

(5) The employer must provide the works council with the necessary space, staff, resources and other working conditions.

(6) The employer must provide the members of the works council with training for work in the works council.

(7) The employer shall also bear other costs incurred in accordance with this Act, another regulation or collective agreement by the activities of the works council.

(8) The chairperson or a member of the works council who performed full-time work for the works council shall, after the termination of the performance of such work, have the right to return to the work on which he or she previously worked, and if the need to perform such work has ceased, the employer shall offer him or her the performance of other equivalent work.

(9) The agreement concluded between the employer and the works council shall regulate the working conditions of the works council in more detail.

(10) The relationship between the works council and the employer is based on trust and mutual cooperation.

Prohibition of unequal treatment of members of the works council

Article 157

The employer must not privilege the members of the works council or put them in a more disadvantageous position than other workers.

Prohibition of unequal treatment of workers by the works council

Article 158

In its activities, the works council may not privilege workers or a certain group of workers, nor put them at a disadvantage than other workers.

Trade secret

Article 159

(1) A member of the works council shall keep a trade secret which he or she has learned in the exercise of the authorities conferred on him or her by this Act.

(2) The trade secret referred to in paragraph 1 of this Article shall consist of information which is determined as a trade secret by law, other regulation or legal act of a company, institution or other legal person, and which represents a production secret, the results of research or construction work and other information the disclosure of which to an unauthorised person could have adverse consequences for his or her economic interests.

(3) The obligation referred to in paragraph 1 of this Article shall exist even after the end of the electoral period.

Works council agreement with employer

Article 160

(1) The works council may conclude a written agreement with the employer, which may contain legal rules governing employment relationship issues.

(2) The agreement referred to in paragraph 1 of this Article shall apply directly and mandatory to all workers employed by the employer who concluded the agreement.

(3) The agreement referred to in paragraph 1 of this Article shall not regulate the issues of salaries, the duration of working time and other issues that are regularly regulated by a collective agreement, unless the parties to the collective agreement authorise the parties to that agreement to do so.

Increasing the number of members and authority of the works council

Article 161

(1) The agreement concluded between the works council and the employer may increase the number of members of the works council beyond the number determined by this Act, and may also increase the scope of the exemption of members of the works council from the obligation to work, in addition to the salary compensation.

(2) The agreement of the works council with the employer or a collective agreement may extend the authority of the works council.

Annulment of elections, dissolution of the works council and exclusion of its member

Article 162

(1) The works council, election committee, employer, trade unions having their members employed by a particular employer or candidate for a works council may, within ninety days from the date of publication of the final election results, request the competent court to annul the conducted elections in the event of a serious breach of the obligation under this Act on conducting elections for the works council, which affected the results of the elections.

(2) If the works council or a member of it seriously violates the obligations given to it by this Act, another regulation or collective agreement, or if during the election period, in relation to a member, obstacles arise for his or her membership in the works council, unions that

have members employed by a particular employer may request the competent court to dissolve the works council or to exclude a certain member, and the same may request at least twenty-five percent of workers employed by the employer or the employer.

(3) If the provision of Article 142, paragraph 3 of this Act is not ensured in the election of members of the works council, the dissolution of the works council may request at least twenty-five percent of all workers employed by the employer.

(4) Judicial jurisdiction and deadlines for the adoption of a decision on the annulment of elections, dissolution of the works council and exclusion of its member shall be determined by the appropriate application of the provisions of Article 219 of this Act.

## 2 ASSEMBLY OF WORKERS

Assembly of workers

Article 163

(1) In order to comprehensively inform and discuss the status and development of the employer and the work of the works council, assembly of workers employed by a particular employer must be held twice a year, at equal intervals.

(2) If the size of the employer or other special features so require, the assembly referred to in paragraph 1 of this Article may be held by departments or other organisational units.

(3) The assembly of workers referred to in paragraph 1 of this Article shall be convened by the works council, with prior consultation with the employer, taking into account that the selection of the time and place of the workers' assembly shall not harm the employer's business.

(4) If there is no works council established with the employer, the assembly of workers referred to in paragraph 1 of this Article shall be convened by the employer.

(5) Without prejudice to the right of the works council to convene an assembly of workers referred to in paragraph 1 of this Article, the employer may, if he or she deems it necessary, convene the assembly of workers, taking into account that this does not limit the authority of the works council established by this Act.

(6) The employer shall consult the works council on the convening of the assembly referred to in paragraph 5 of this Article.

## 3 WORKERS' REPRESENTATIVE IN THE EMPLOYER'S BODY

Workers' representative in the employer's body

Article 164

(1) In a company or cooperative in which a body supervising the conduct of business (supervisory board, board of directors, or other appropriate body) is established in accordance with a special regulation, and in a public institution, one member of the body of the company or cooperative supervising the conduct of business, or one member of the body of a public institution (administration council, or other appropriate body) shall be a workers' representative.

(2) The workers' representative in the body referred to in paragraph 1 of this Article shall be appointed and revoked by the works council.

(3) If the employer does not establish a works council, the workers' representative in the body referred to in paragraph 1 of this Article shall be elected and revoked by workers in free and direct elections by secret ballot, in the procedure prescribed by this Act for the election of a works council with one member.

(4) A member of the body referred to in paragraph 1 of this Article appointed in the manner prescribed in paragraph 2 or elected in the manner prescribed in paragraph 3 of this Article shall have the same legal status as other appointed members of that body.

## TITLE IV COLLECTIVE EMPLOYMENT RELATIONSHIPS

### 1. TRADE UNIONS AND EMPLOYERS ASSOCIATIONS

Right of association

Article 165

(1) Workers shall have the right, at their free choice, to form a trade union and to join it, subject to conditions which may be prescribed only by the articles of association or by the rules of that trade union.

(2) Employers shall have the right, at their free choice, to form an association of employers and to join it, subject to conditions which may be prescribed only by the articles of association or by the rules of that association.

(3) The associations referred to in paragraphs 1 and 2 of this Article (hereinafter: associations) may be established without any prior approval.

Voluntary membership in the association

Article 166

(1) The worker or the employer shall freely decide on his or her joining the association and leaving the association.

(2) No one shall be placed in a disadvantageous position because of membership in the association or participation or non-participation in the activity of the association.

(3) Acting contrary to paragraphs 1 and 2 of this Article shall constitute discrimination within the meaning of a special act.

Prohibition of temporary or permanent action by a decision of the executive authority

Article 167

The activity of the association may not be temporarily prohibited nor may the association be dissolved by a decision of the executive authority.

Higher-level associations

Article 168

(1) Associations may establish their alliances or other forms of association in which their interests are connected at a higher level (higher-level associations).

(2) Higher-level associations shall enjoy all rights and freedoms guaranteed to associations.

(3) Associations and higher-level associations shall have the right to freely associate and cooperate with international organisations established to promote the same rights and interests.

Authority of associations

Article 169

(1) An association may be a party to a collective agreement only if it is incorporated and registered in accordance with the provisions of this Act.

(2) In labour disputes before the employer, before the court, in mediation and arbitration, and before state bodies, the association may represent its members.

Establishment of other legal persons

Article 170

Associations may, in order to achieve their objectives and tasks provided for in the articles of association or rules, establish other legal persons in accordance with special regulations.

**2 ESTABLISHMENT AND REGISTRATION OF ASSOCIATIONS**

Establishment of associations

Article 171

(1) The trade union may be established by at least ten adult natural persons with legal capacity.

(2) The employers' association may be established by three legal persons or adult natural persons with legal capacity.

(3) A higher-level association may be established by at least two associations referred to in paragraphs 1 or 2 of this Article.

(4) The name of the association, i.e., the higher-level association, must be clearly distinguished from the name of already registered associations, i.e., the higher-level association.

Articles of associations

Article 172

(1) The association, i.e., a higher-level association, shall have articles of association based on and adopted on the principles of democratic representation and democratic expression of the will of members.

(2) The articles of association shall determine the purpose of the association, name, registered office, indication of whether it operates in one or more counties or in the territory of the Republic of Croatia, sign, bodies of the association, manner of election and revocation of these bodies, authority of the bodies of the association, membership procedure and cessation of membership, manner of adopting and amending articles of association, rules and other legal acts and cessation of the activities of the association.

(3) The articles of association must contain provisions on the bodies authorised to conclude collective agreements and the conditions and procedure for organising industrial actions.

(4) The articles of association define the purpose of the association as the conclusion of collective agreements.

Legal personality of associations

Article 173

(1) An association and a higher-level association shall acquire legal personality on the date of entry in the register of associations.

(2) The articles of association shall determine whether the association has branches or other forms of internal organisation and which authority the branch or other forms of internal organisation have in legal transactions.

(3) A branch or other form of internal organisation shall acquire authorisations in legal transactions referred to in paragraph 2 of this Article on the day determined by the decision on its establishment in accordance with the articles of association.

Register of associations

Article 174

(1) Associations and higher-level associations operating in only one county shall be entered in the register of associations kept in the competent administration body.

(2) Associations and higher-level associations operating in the territory of the Republic of Croatia or in two or more counties shall be entered in the register of associations kept in the Ministry.

(3) The following shall be entered in the register: the date of establishment, name, registered office, indication of whether the association operates in one or more counties or on the territory of the Republic of Croatia, the name of the executive body, the names of the persons authorised for representing and the cessation of the activities of the association or higher-level association.

(4) The Minister shall prescribe in an ordinance the content and manner of keeping the register of associations.

Request for registration in the register of associations

Article 175

(1) At the request of the founder, the association shall be entered in the register.

(2) The request for registration shall be accompanied by: the decision on the establishment, the minutes of the general meeting of the founders, the articles of association, the list of founders and members of the executive body, the name and surname of the person or persons authorised to represent it.

(3) The founders shall submit a request for registration in the register of associations within thirty days from the date of holding the general meeting.

(4) The body competent for registration shall issue a confirmation of receipt of the request for registration in the register of associations.

(5) The procedure for registration in the register of associations shall be governed by the regulation on general administrative procedure.

Decision on the request for registration in the register of associations

Article 176

(1) A decision shall be adopted on the request for registration of the association.

(2) The decision referred to in paragraph 1 of this Article shall compulsorily contain: the number under which the association is registered, the name of the association, the registered office, information on whether the association operates in one or more counties or on the territory of the Republic of Croatia and the name and surname of the person or persons authorised to represent it.

Removal of deficiencies in the articles of association or the establishment procedure

Article 177

(1) If the body authorised for registration finds that the attached articles of association are not in accordance with this Act or that the submitted request does not contain evidence of the fulfilment of the conditions provided for by this Act for the establishment of the association, it shall invite the applicants to align the articles of association with this Act or submit appropriate evidence and shall set a deadline for it that cannot be shorter than eight or longer than fifteen days.

(2) If, within the deadline referred to in paragraph 1 of this Article, the applicants do not remedy the deficiencies in the articles of association or do not submit evidence of the fulfilment of the conditions prescribed by this Act for the establishment of an association, the body authorised for registration shall by decision reject the submitted request or reject the request for registration in the register of associations.

Deadline for adopting a decision on the request for registration in the register of associations

Article 178

(1) The body authorised for registration shall issue a decision on the request for registration in the register of associations no later than thirty days from the date of submission of a duly filed request.

(2) If the authorised body fails to adopt a decision within the deadline referred to in paragraph 1 of this Article, the association shall be deemed to be registered on the day following the expiry of that deadline.

(3) In the case referred to in paragraph 2 of this Article, the body authorised for registration shall, within seven days from the expiry of the deadline for the adoption of the decision, issue a confirmation of registration of the association with the content prescribed in Article 176, paragraph 2 of this Act.

Rejection of registration request

Article 179

(1) The body authorised for registration shall issue a decision rejecting the request for registration in the register of associations if the association is not established in accordance with Articles 171 and 172 of this Act.

(2) The decision rejecting the request for registration shall be substantiated.

(3) The Ministry shall decide on the complaint against the decision of the competent administration body.

(4) If the Ministry adopts a decision in the first instance, it shall be enforceable and an administrative dispute may be initiated against it.

Reporting a change of information

Article 180

(1) Any change in the name of the association, registered office, information on the activities in one or more counties or in the territory of the Republic of Croatia, the name of the body, persons authorised for representing and the cessation of the activities of the association must be registered in the register of associations.

(2) The person authorised to represent the association shall report the changes referred to in paragraph 1 of this Article to the body keeping the register of associations within thirty days from the date of the change.

(3) The provisions of this Act on the registration of associations in the register shall apply to the entry of changes in the information referred to in paragraph 1 of this Article.

**3 ASSETS OF ASSOCIATIONS**

Collection and protection of assets from enforcement

Article 181

(1) Associations may, by collecting enrolment fees and membership fees and by purchasing, donating or otherwise, lawfully acquire assets without any prior approval.

(2) Enforcement may not be carried out on immovable and movable assets of associations necessary for holding meetings and conducting educational activities and on libraries of associations.

Division of assets of the association

Article 182

(1) If an association is divided or a substantial part of membership is divided into a new association, the assets of the association shall be divided among the associations, in proportion to the number of members, unless otherwise provided by the articles of association, contract or other agreement.

(2) If the association ceases to operate, the assets of the association shall be treated in the manner prescribed by the articles of association.

(3) If the association ceases to operate, the assets of the association may not be distributed to the members of the association.

**4 ACTIVITIES OF ASSOCIATIONS**

Prohibition of supervision

Article 183

(1) Employers and their associations may not supervise the establishment and operation of trade unions or their higher-level associations, nor may they finance or otherwise support trade unions or their higher-level associations in order to exercise such supervision.

(2) The prohibition of supervision referred to in paragraph 1 of this Article shall also apply to the attitude of trade unions or their higher-level associations towards employers and their associations.

Judicial protection of membership rights

Article 184

A member of the association may seek judicial protection in the event of violation of his or her rights determined by the articles of association or other rules of the association.

Judicial protection of the right of association

Article 185

(1) A higher-level association or association may require the court to prohibit an activity that is contrary to the right to free association of workers or employers.

(2) A higher-level association or association may claim indemnity for damage it suffered as a result of the activities referred to in paragraph 1 of this Article.

Prohibition of unequal treatment due to trade union membership or activity

Article 186

(1) A worker shall not be placed in a more disadvantageous position than other workers due to membership in a trade union, and in particular it shall not be allowed to:

1) conclude an employment contract with a particular worker under a condition that he or she does not enter into a trade union, or under a condition that he or she leaves the trade union

2) terminate the employment contract by means of notice or otherwise put the worker at a disadvantage in relation to other workers due to his or her membership in the union or participation in union activities outside working time, with the consent of the employer and during working time.

(2) Trade union membership and participation in trade union activities shall not be a circumstance on which the employer bases the decision on concluding an employment contract, changing the work assigned to a worker or a place of work , vocational education, promotion, payment, social expenditures and termination of the employment contract.

(3) The employer, the director or any other body and the employer's representative shall not use coercion in favour of or against any trade union.

Trade union commissioners and representatives

Article 187

(1) Trade unions shall independently decide on the manner of their representation with the employer.

(2) Trade unions with at least five employees with a particular employer may appoint or elect one or more trade union commissioners.

(3) Unions that have members with a particular employer may appoint or elect one or more trade union representatives.

(4) A trade union commissioner is a worker who is employed by the employer.

(5) Trade union commissioners or trade union representatives shall have the right to protect and promote the rights and interests of trade union members with the employer.

(6) The employer shall enable the trade union commissioner or trade union representative to exercise the rights referred to in paragraph 5 of this Article in a timely and effective manner and to have access to information relevant for the exercise of that right.

(7) The trade union commissioner or trade union representative shall exercise the right referred to in paragraph 5 of this Article in a manner that does not harm the employer's business.

(8) The trade union shall inform the employer in written form of the appointment of the trade union commissioner or trade union representative.

(9) The trade union representative shall have all the rights and obligations of the trade union commissioner established by this Act, except for the rights and obligations that the trade union commissioner has from employment relationship or in connection with employment relationship, and the rights referred to in Article 153, paragraph 3 of this Act.

Protection of trade union commissioners

Article 188

(1) During the performance of his or her duty and six months after the cessation of such duty, and without the consent of the trade union, it shall not be possible to subject the trade commissioner to the following:

1) termination of the employment contract by means of notice or

2) otherwise putting him or her in a disadvantageous position compared to the previous working conditions and compared to other workers.

(2) If the trade union fails to declare its consent within eight days, it shall be deemed to be in agreement with the decision of the employer.

(3) If the trade union refuses the consent to dismissal, the refusal must be justified in written form, and the employer may request that the consent be replaced by a court decision within fifteen days from the date of delivery of the trade union's statement.

(4) The protection referred to in paragraph 1 of this Article shall be enjoyed by at least one trade union commissioner, and the maximum number of trade union commissioners who enjoy protection with a particular employer shall be determined by the appropriate application of the provisions of this Act on the number of members of the works council in relation to the number of unionised workers with that employer.

Trade union membership fee

Article 189

Upon request and in accordance with the instructions of the trade union, and with the prior written consent of the worker who is a member of the trade union, the employer is obliged to calculate and withhold from the salary of the worker the trade union membership fee and regularly pay it to the account of the trade union.

## 5 CESSATION OF ACTIVITIES OF THE ASSOCIATION

Manner of cessation of activities of the association

Article 190

(1) The activities of association cease:

1) if it is decided by the body of the association that is authorised by the articles of association to decide on the cessation of the activities of the association

2) if twice as much time has passed since the session of the highest body of the association than the time for which the articles of association stipulate that such a session must be held

3) if the court prohibits the activities of the association.

(2) The association shall, after holding the session of the highest body of the association, submit to the body competent for registration a report on the holding of the session of the highest body of the association and information on the total number of members of the association.

(3) If it follows from the report referred to in paragraph 2 of this Article that the number of members of the association has decreased below the number of members determined by this Act for the establishment of the association, the body competent for registration shall remove the association from the register.

(4) The body competent for registration shall issue a decision on the removal of the association referred to in paragraph 3 of this Article.

(5) The decision on the cessation of the activities of the association in the cases referred to in paragraph 1, items 2 and 3 of this Article shall be taken by the competent court, and the body competent for keeping the register shall remove the association from the register on the basis of a final court decision.

Prohibition of activities of the association

Article 191

(1) The activities of the association shall be prohibited by the judgement of the county court competent according to the registered office of the association if its activity is contrary to the Constitution of the Republic of Croatia and the law.

(2) The procedure for prohibiting the activities of an association shall be initiated at the request of a body authorised to register or an authorised state attorney.

(3) In the explanation of the judgement on the prohibition of activities of the association, the activities for which there is a prohibition shall be indicated.

(4) The court shall decide on the assets of the association in accordance with the articles of association by a judgement prohibiting the activities of the association.

(5) The operative part of the final judgement on the prohibition of the activities of the association shall be published in the »Official Gazette«.

## 6 COLLECTIVE AGREEMENTS

Subject of the collective agreement

Article 192

(1) The collective agreement shall regulate the rights and obligations of the parties that have concluded that agreement, and may also contain legal rules governing the conclusion, content and termination of employment relationship, social security issues and other employment relationship issues or issues related to employment relationship.

(2) The legal rules contained in the collective agreement shall apply directly and compulsorily to all persons to whom the collective agreement applies in accordance with the provisions of this Act.

(3) The collective agreement may also contain rules on the composition and manner of the bodies authorised for amicable settlement of collective labour disputes.

Commitment to collective negotiation in good faith

Article 193

Persons who, in accordance with a special regulation, may be parties to a collective agreement, are obliged to negotiate the conclusion of a collective agreement in good faith, in relation to issues that may be the subject of a collective agreement in accordance with this Act.

Persons bound by a collective agreement

Article 194

(1) The collective agreement shall be binding on all persons who entered into it and on all persons who at the time of entering into the collective agreement were or subsequently became members of the association that entered into the collective agreement.

(2) The collective agreement must indicate the level of its application.

Form of collective agreement

Article 195

The collective agreement must be concluded in written form.

The obligation to fulfil the obligations from the collective agreement in good faith

Article 196

(1) The parties to a collective agreement and the persons to whom it applies shall comply with its provisions in good faith.

(2) As a result of a breach of an obligation from the collective agreement, the injured party or the person to whom it applies may claim indemnity.

Power of attorney to negotiate and conclude a collective agreement

Article 197

(1) Persons representing the parties to a collective agreement shall have written power of attorney to collectively negotiate and conclude a collective agreement.

(2) If the party to the collective agreement is a legal person, the power of attorney referred to in paragraph 1 of this Article shall be issued in accordance with the articles of association of that legal person.

(3) If one of the parties to a collective agreement is an association of employers or a higher-level association of employers, the persons representing that association, with the written power of attorney referred to in paragraph 1 of this Article, shall submit to the other party a list of employers who are members of the association on whose behalf they negotiate or conclude a collective agreement.

Duration for which the collective agreement is concluded

Article 198

(1) A collective agreement may be concluded for an open-ended or fixed-term period.

(2) A collective agreement concluded for a fixed-term period may not be concluded for a period exceeding five years.

Prolonged application of the legal rules contained in the collective agreement

Article 199

(1) After the expiry of the period for which the collective agreement was concluded, the legal rules governing the conclusion, content and termination of employment relationship shall continue to apply as part of the previously concluded employment contracts until the conclusion of a new collective agreement, for a period of three months from the expiry of the period for which the collective agreement was concluded, i.e., three months from the expiry of the notice period.

(2) By way of derogation from paragraph 1 of this Article, a collective agreement may also stipulate a longer period of extended application of the legal rules contained in the collective agreement.

Cancellation of the collective agreement

Article 200

(1) A collective agreement concluded for an open-ended period of time may be cancelled.

(2) A collective agreement concluded for a fixed-term period of time may be cancelled only if the possibility of cancellation is provided for in the agreement.

(3) A collective agreement concluded for an open-ended period of time and a collective agreement concluded for a fixed-term period of time, in which the possibility of cancellation is provided for, must contain contents on the cancellation reasons and notice periods.

(4) If the collective agreement can be cancelled without providing information on the cancellation reasons, the provisions of the mandatory right to amend or cancel the agreement due to changed circumstances shall apply accordingly to the cancellation reasons.

(5) If the collective agreement can be cancelled and does not contain information on the notice period, the notice period shall be three months.

(6) The cancellation must be submitted to all the parties to the collective agreement.

(7) The collective agreement must contain provisions on the procedure for amending and renewing the collective agreement.

Submission of the collective agreement to the competent body

Article 201

(1) Any collective agreement and any change (amendment, supplement or cancellation of the collective agreement shall be submitted to the Ministry within 15 days from the date of conclusion or occurrence of the amendment to the collective agreement.

(2) A collective agreement or an amendment to a collective agreement shall be submitted to the Ministry by the party first mentioned in that agreement, or by the party cancelling the collective agreement.

(3) The higher-level employers' association or employers' association shall submit to the Ministry a list of employers bound by a collective agreement concluded by the higher-level employers' association or employers' association and any changes in the membership of the association occurring during the validity of the collective agreement.

(4) The employer shall notify the worker in written form of the conclusion of the collective agreement, or its amendment or cessation, within 15 days from the conclusion, amendment or cessation of the collective agreement.

(5) The Minister shall prescribe in an ordinance the procedure for the submission of collective agreements or their amendments and the manner of keeping records of such agreements.

Publication of the collective agreement

Article 202

(1) The collective agreement shall be made public.

(2) The Minister shall prescribe in an ordinance the manner of publication of collective agreements referred to in paragraph 1 of this Article.

(3) The failure of an employer to publish a collective agreement binding on him or her shall not affect the performance of his or her obligations under that collective agreement.

Extension of the application of the collective agreement

Article 203

(1) At the proposal of all parties to a collective agreement, the Minister may extend the application of a collective agreement, concluded with an employers' association or a higher-level employers' association, to an employer who is not a member of an employer's association or a higher-level employer association that is a signatory to that collective agreement.

(2) The decision referred to in paragraph 1 of this Article shall be taken by the Minister if there is a public interest for the extension of the collective agreement and if the collective agreement has been concluded by the trade unions with the largest number of members and the employers' association with the largest number of workers, at the level for which it is being extended.

(3) The Minister shall, on the basis of information on the number and structure of employers to whom the collective agreement will be extended, on the basis of information on the number of workers and the level of material rights of workers and after consulting the

representatives of employers to whom the collective agreement will be extended, determine whether there is a public interest referred to in paragraph 2 of this Article.

(4) In the decision referred to in paragraph 2 of this Article, the Minister shall indicate the scope of the collective agreement whose application is extended.

(5) The extended application of the collective agreement referred to in paragraph 4 of this Article shall cease after the expiry of the notice period of the collective agreement that has been cancelled, or the expiry of the period for which the collective agreement was concluded, in which case the legal rules of that collective agreement shall not apply in accordance with Article 199 of this Act.

(6) The Minister may revoke the decision on the extension of the collective agreement, and if the application of the collective agreement has been extended, and there was an amendment, supplement or renewal after its extension, and for which no proposal for extension has been submitted within thirty days from the date of delivery of the amendment, supplement or renewal to the competent body, the Minister shall adopt a decision on revocation of the decision on the extension of the collective agreement that has been amended, supplemented or renewed.

(7) The decision to extend the application of the collective agreement and the collective agreement to be extended, i.e., the decision to revoke the extended application of the collective agreement, must be published in the »Official Gazette«.

(8) Where an employer is obliged to apply two or more extended collective agreements, in the event of a dispute on the application of the collective agreement, the collective agreement applicable to the activity in which, according to the official statistical classification, the employer is classified shall apply.

Judicial protection of collective agreement rights

Article 204

(1) A party to a collective agreement may claim the protection of rights under the collective agreement by an action before the competent court.

(2) In the event of a dispute due to the cancellation of a collective agreement, the provision of Article 219 of this Act shall apply mutatis mutandis.

## 7 STRIKE AND RESOLUTION OF COLLECTIVE LABOUR DISPUTES

Strike and solidarity strike

Article 205

(1) Trade unions shall have the right to call for a strike and implement it for the purpose of protecting and promoting the economic and social interests of their members and for failure to pay a salary, part of a salary or salary compensation, if they have not been paid by the due date.

(2) In the event of a dispute on the conclusion, amendment or renewal of a collective agreement, the right to call for a strike and implement it shall be exercised by trade unions for which, in accordance with a special regulation, representativeness for collective negotiation and concluding a collective agreement has been established and which have negotiated the conclusion of a collective agreement.

(3) The strike must be announced to the employer, i.e., the association of employers against which it is directed, and the solidarity strike to the employer with which that strike is organised.

(4) The strike may not be initiated before the completion of the mediation procedure when such procedure is provided for by this Act, or before the implementation of another procedure for the amicable settlement of a dispute agreed by the parties.

(5) A solidarity strike may be initiated without the implementation of the mediation procedure, but not before the expiry of a period of two days from the date of the start of the strike in support of which it is organised.

(6) The letter announcing the strike must indicate the reasons for the strike, the place, the day and time of the start of the strike and the manner of its implementation.

Disputes in which mediation is mandatory

Article 206

(1) In the event of a dispute that may lead to a strike or other form of industrial action, the mediation procedure prescribed by this Act must be carried out, if the parties to the dispute have not agreed on any other manner of its amicable settlement.

(2) The mediation referred to in paragraph 1 of this Article shall be carried out by a mediator chosen by the parties to the dispute from a list established by the Economic and Social Council or by mutual agreement.

List of mediators

Article 207

(1) The list of mediators established by the Economic and Social Council shall be kept by the Economic and Social Council.

(2) The decision on the amount of reimbursement of the costs of the work of the mediator shall be made by the Minister, with the prior opinion of the Economic and Social Council and with the consent of the Minister competent for finance affairs.

(3) The Minister shall, with the prior opinion of the Economic and Social Council, adopt an ordinance governing the manner of electing mediators, conducting the mediation procedure and performing administrative tasks for the purposes of that procedure.

Deadline for completion of the mediation procedure

Article 208

Unless otherwise agreed by the parties to the dispute, the mediation provided for in this Act must be completed within five days from the date of notice of the dispute to the Economic and Social Council or the competent administration body, which, in carrying out the mediation procedure in collective labour disputes, performs administrative tasks for the purposes of that procedure.

Agreement of the parties and its effects

Article 209

(1) The parties may terminate the mediation procedure by agreement.

(2) The agreement referred to in paragraph 1 of this Article reached in the event of a dispute on the conclusion, amendment or renewal of a collective agreement shall have the legal force and effects of a collective agreement.

(3) The agreement referred to in paragraph 1 of this Article reached in the event of a dispute over salary, part of salary or salary compensation, if they have not been paid by the due date, may stipulate the manner and dynamics of their payment.

Resolution of disputes by arbitration

Article 210

(1) The parties to the dispute may entrust the settlement of the collective labour dispute by mutual agreement to arbitration.

(2) The appointment of an arbitrator or arbitration panel and other matters of arbitration proceedings may be regulated by a collective agreement or agreement of the parties concluded after the dispute has arisen.

Issue to be decided by the arbitration

Article 211

(1) In the agreement on the submission of a dispute before the arbitration, the parties to the dispute shall determine the issue they are presenting before the arbitration.

(2) Arbitration may decide only on the issue raised before it by the parties to the dispute.

Arbitration award

Article 212

(1) In the event of a dispute concerning the application of law, other regulation or collective agreement, the arbitration shall base its award on law, other regulation or collective agreement.

(2) In the event of a dispute concerning the conclusion, amendment or renewal of a collective agreement, the arbitration shall base its award on equity.

(3) Unless otherwise provided by the parties to the dispute in the collective agreement or agreement on the submission of the dispute before the arbitration, the arbitration award shall be reasoned.

(4) No appeal shall be allowed against the arbitration award.

(5) In the case of a dispute concerning the conclusion, amendment or renewal of a collective agreement, the arbitration award shall have the legal force and effects of a collective agreement.

Lockout

Article 213

(1) Employers may initiate lockout of workers from work only in response to an already initiated strike.

(2) Lockout shall not begin before the expiry of a period of eight days from the date of commencement of the strike.

(3) The number of workers locked out from work shall not exceed half of the number of workers on strike.

(4) For workers locked out from work, the employer shall pay contributions to the minimum base determined by a special regulation.

(5) The provisions of this Act on strike shall apply mutatis mutandis to the right of employers to lock out workers in collective labour disputes.

Rules applicable to jobs that must not be interrupted

Article 214

(1) At the proposal of the employer, the trade union and the employer shall by mutual agreement draw up and adopt rules on production, maintenance and vital jobs that may not be interrupted during a strike or lockout.

(2) The rules referred to in paragraph 1 of this Article shall contain in particular provisions on jobs and the number of workers who will perform them during the strike or lockout from work, in order to enable the restart of work immediately after the end of the strike (production and maintenance jobs), or for the purpose of performing jobs that are strictly necessary to prevent endangering the life, health or personal safety of the population (vital jobs).

(3) Determining the jobs referred to in paragraph 1 of this Article shall not preclude or substantially restrict the right to strike.

(4) If the trade union and the employer fail to reach an agreement on determining the jobs referred to in paragraph 1 of this Article within fifteen days from the date of submission of the employer's proposal, the employer or the trade union may request that arbitration decide on these jobs within a further fifteen days.

(5) The arbitration referred to in paragraph 4 of this Article shall consist of one representative of the trade union and one representative of the employer and an independent chairman determined by agreement between the trade union and the employer.

(6) If the trade union and the employer cannot agree on the appointment of the chairman of the arbitration panel, and these matters are not otherwise regulated by a collective agreement or agreement of the parties, he or she shall be appointed by the chairman of the court whose jurisdiction shall be determined in accordance with the provisions of this Act on determining jurisdiction in the first instance for the prohibition of strikes or lockout.

(7) If one of the parties refuses to participate in the arbitration procedure for determining the jobs that may not be interrupted, the procedure shall be conducted without its participation, and the decision on the jobs referred to in paragraph 1 of this Article shall be made by the chairman of the arbitration panel.

(8) The arbitration shall decide on the jobs referred to in paragraph 1 of this Article within fifteen days from the date of initiation of the arbitration procedure.

(9) If the employer has not proposed the determination of jobs referred to in paragraph 1 of this Article by the day of the completion of the mediation procedure, the procedure for determining these jobs may not be initiated until the day of the end of the strike.

Consequences of organisation of a strike or participation in a strike

Article 215

(1) Organising or participating in a strike, organised in accordance with the provisions of the law, the collective agreement and the rules of the trade union, shall not constitute a violation of the obligation arising from the employment relationship.

(2) A worker may not be disadvantaged by organising or participating in a strike organised in accordance with the provisions of the law, the collective agreement and the rules of the trade union.

(3) A worker's employment contract may be terminated by means of notice only if he or she has organised or participated in a strike that is not organised in accordance with the law, collective agreement or trade union rules or if during the strike he or she commits another serious breach of obligations arising from the employment relationship.

(4) The worker shall not in any way be forced to participate in the strike.

Proportional reduction of salary and salary supplements

Article 216

Salary and salary supplements may be reduced for a worker who participated in a strike in proportion to the time of participation in the strike.

Judicial prohibition of unlawful strikes and indemnity

Article 217

(1) An employer or an association of employers may request the competent court to prohibit the organisation and undertaking of a strike in contravention of the provisions of the law.

(2) The employer may claim indemnity for damage suffered as a result of a strike that was not organised and undertaken in accordance with the provisions of the law.

Judicial prohibition of unlawful lockout and indemnity

Article 218

(1) The trade union may require the competent court to prohibit the organisation and undertaking of a lockout from work contrary to the provisions of the law.

(2) The trade union may claim indemnity for damage suffered by it or workers due to lockout from work that was not organised and undertaken in accordance with the provisions of the law.

Judicial competence to prohibit strikes and lockouts

Article 219

(1) If the strike or lockout covers the territory of only one county, the first instance prohibition of strike or lockout shall be decided by the competent county court in a panel composed of three judges.

(2) If the strike or lockout covers the territory of two or more counties, the first instance prohibition of strike or lockout shall be decided by the Zagreb County Court in a panel composed of three judges.

(3) An appeal against a decision rendered in accordance with paragraphs 1 and 2 of this Article shall be decided by the Supreme Court of the Republic of Croatia.

(4) The decision on the request for the prohibition of strike or lockout must be rendered in the first instance within four days from the date of submission of the request.

(5) The decision on the appeal referred to in paragraph 3 of this Article shall be rendered within five days from the date of delivery of the first instance case.

Strike in the Armed Forces, police, state administration and public services

Article 220

The strike in the Armed Forces, police, state administration and public services is regulated by a special act.

## 8 ECONOMIC AND SOCIAL COUNCIL

Authority of the Economic and Social Council

Article 221

(1) In order to identify and achieve coordinated activities for the purpose of protecting and promoting economic and social rights, i.e., the interests of workers and employers, conducting a coordinated economic, social and development policy, encouraging the conclusion and application of collective agreements and their harmonisation with economic, social and development policy measures, an Economic and Social Council may be established at national level.

(2) The activity of the Economic and Social Council of solving economic and social issues and problems shall be based on tripartite cooperation between the Government of the Republic of Croatia (hereinafter: the Government), trade unions and employers' associations, whose representativeness is determined at the national level.

(3) Economic and Social Council at the national level:

1) monitors, studies and evaluates the impact of economic policy and economic policy measures on social stability and development

2) monitors, studies and evaluates the impact of social policy and social policy measures on economic stability and development

3) monitors, studies and evaluates the impact of price and salary changes on economic stability and development

4) provides a reasoned opinion to the Minister on all issues related to the conclusion and application of collective agreements

5) proposes to the Government, employers and trade unions, i.e., their associations and higher-level associations, the conduct of a harmonised price and salary policy

6) establishes the list of mediators

7) provides an opinion on the Ordinance on the manner of electing mediators and conducting the mediation procedure

8) provides an opinion on the Ordinance on the manner of electing arbitrators and conducting the arbitration procedure

9) encourages the amicable settlement of collective labour disputes

10) provides an opinion on the proposed acts in the field of labour and social security

11) promotes the idea of tripartite cooperation between the Government, representative trade unions and representative employers' associations in solving economic and social issues and problems

12) provides an opinion and proposals to the Minister on other issues regulated by a special act.

(4) The Economic and Social Council shall be established by an agreement of the Government, trade unions and higher-level employers' associations.

(5) The agreement referred to in paragraph 4 of this Article shall specify the composition and authority of the Economic and Social Council.

(6) The Economic and Social Council may establish commissions for certain matters within its competence.

(7) The Economic and Social Council shall adopt rules of procedure governing the manner in which decisions are to be made within its competence.

(8) Any member of the Economic and Social Council may submit a proposal for consideration of the issue or for the adoption of a decision within the competence of the Economic and Social Council.

(9) If the Economic and Social Council is not established or has ceased to operate, and for these reasons fails to establish a list of mediators, a list of arbitrators or members of the arbitration panel, or if for these reasons it has not given an opinion on the Ordinance on the manner of selecting mediators and the mediation procedure referred to in Article 207, paragraph 3 of this Act and on the Ordinance on the manner of selecting arbitrators and the arbitration procedure referred to in Article 151, paragraph 7 of this Act, these issues shall be regulated by the Minister.

(10) If the Economic and Social Council is not established or has ceased to operate, the Minister shall, in accordance with the Ordinances referred to in paragraph 9 of this Article, decide on the appointment of a mediator in a collective labour dispute or an arbitrator in an arbitration procedure.

## TITLE IV A WORK THROUGH DIGITAL LABOUR PLATFORMS

### 1 FEATURES OF WORK THROUGH DIGITAL LABOUR PLATFORMS

Arrangement of work through digital labour platforms

Article 221a

This Title of the Act regulates work performed using digital labour platforms, defines the terms and prescribes special rights and obligations arising between the employer and the worker, prescribes a minimum level of rights and working conditions when such work is performed by other natural persons and the rights and responsibilities of digital labour platforms in order to ensure their transparent work.

Work performed using digital labour platforms

Article 221b

Work performed using digital labour platforms is, for the purposes of this Act, a payable work performed by a natural person, on the basis of a contractual relationship, for a digital labour platform or for an aggregator using digital technology or remotely, using electronic means (website, mobile application, etc.) or directly at a specific location between participants in a particular job.

Digital labour platform

Article 221c

(1) A digital labour platform is, within the meaning of this Act, a natural or legal person who provides services provided at the request of the recipient of the service using digital technology, within the framework of the organisation of work in which natural persons perform work remotely using electronic means (website, mobile application, etc.) or directly at a specific location.

(2) For the purposes of this Act, an aggregator is a natural or legal person who performs the activity of representation or intermediation for one or more digital labour platforms referred to in paragraph 1 of this Article.

(3) The provisions of this Act shall apply to the digital labour platforms referred to in paragraph 1 of this Article and to the aggregators referred to in paragraph 2 of this Article, which thus organise the work carried out in the territory of the European Union, regardless of the place of their business establishment and the rights that otherwise apply.

(4) The digital labour platform referred to in paragraph 1 of this Article and the aggregator referred to in paragraph 2 of this Article shall, under the conditions prescribed by this Act, be entered in the records of the Ministry.

(5) The digital labour platform referred to in paragraph 1 of this Article and the aggregator referred to in paragraph 2 of this Article may not perform a registered activity on the market unless they are entered in the records of the Ministry.

(6) When performing intermediation activities for a digital labour platform, the aggregator may not charge the worker an intermediation fee.

(7) The digital labour platform referred to in paragraph 1 of this Article shall not apply to service providers whose primary purpose is to share resources or resell goods or services.

Employer for whom the worker performs work through a digital labour platform

Article 221d

(1) The digital labour platform referred to in Article 221c, paragraph 1 of this Act or the aggregator referred to in Article 221c, paragraph 2 of this Act shall be the employer to the worker who performs the work personally, using the digital labour platform.

(2) If the aggregator is an employer to the worker, the digital labour platform shall be jointly and severally liable for the obligations which that aggregator, as its market intermediary, has towards the worker it employs to perform work for the digital labour platform.

(3) By way of derogation from paragraph 2 of this Article, a digital labour platform may be released from joint and several liability if it proves that an aggregator registered under a

special regulation and with which it has concluded a contract duly fulfils the obligation to register for workers' pension and health insurance, that it regularly covers the cost of workers' salaries and that it has no established tax debt.

(4) For the purpose of proving the facts referred to in paragraph 3 of this Article, the digital labour platform may, before concluding a contract with the aggregator, or once a month during the duration of that contract, request from the aggregator:

1. a confirmation by the competent tax body of the absence of the tax debt of the aggregator

2. a statement by the aggregator that he or she has registered for compulsory pension and health insurance for all workers in accordance with a special regulation

3. proof that the aggregator regularly pays the total cost of workers' salaries.

Worker who performs work using a digital labour platform

Article 221e

A worker who performs work using a digital labour platform is, within the meaning of this Act, a natural person who, on the basis of an employment contract, performs work for a digital labour platform or for an aggregator in an employment relationship.

Other persons who perform work using a digital labour platform

Article 221f

(1) Natural persons who, on the basis of a contractual relationship that did not arise from the conclusion of an employment contract, personally perform work for a digital labour platform or for an aggregator referred to in Article 221c of this Act within the meaning of this Act, shall be considered other persons who perform work using a digital labour platform, if the legal presumption on the existence of an employment relationship prescribed in Article 221m of this Act cannot be applied to such a contractual relationship.

(2) The provisions of this Article shall not apply to natural persons who, within the meaning of Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services (Text with EEA relevance) (OJ L 186, 11. 7. 2019) are considered a business user.

## 2 USE OF AUTOMATED MANAGEMENT SYSTEM IN THE ORGANISATION OF WORK PERFORMED USING DIGITAL LABOUR PLATFORMS

Rights and obligations of the employer

Article 221g

(1) The employer referred to in Article 221d, paragraph 1 of this Act, who uses digital technology and infrastructure in the organisation of work within an automated management system based on algorithms, shall, in accordance with the provisions of this Act, in order to exercise the rights prescribed by this or other regulation:

1. acquaint the worker with the organisation of the work of the digital labour platform and the manner of decision-making in the automated management system

2. ensure the availability and transparency of information on work performed using digital labour platforms

3. appoint an authorised person to supervise the safety and workload of workers who perform work using digital labour platforms

4. appoint an authorised person to conduct the procedure of reviewing decisions made in the automated management system and decide on them at the request of the worker

5. ensure the possibility of establishing professional communication with other workers and participants in the business process, as well as the employer and authorised persons of the employer.

(2) Prior to the commencement of work performed using the digital labour platform, the employer referred to in Article 221d, paragraph 1 of this Act shall enable the worker to become acquainted with the manner in which he or she will assign work or work tasks, supervise the worker and evaluate his or her work.

(3) Prior to the commencement of work performed using the digital labour platform, the employer referred to in Article 221d, paragraph 1 of this Act shall be obliged to enable the worker to get acquainted with all rights arising from the employment relationship, in particular information related to access to work and work tasks, working time and working conditions, occupational health and safety, the possibility of promotion and training, and making decisions related to the calculation and payment of salaries and compensation.

(4) The employment contract referred to in Article 221l of this Act shall stipulate the obligation of the employer to provide the worker with the information referred to in paragraph 1 of this Article.

(5) The employer referred to in Article 221d, paragraph 1 of this Act shall, at the request of the worker, make available the information related to the obligations referred to in paragraph 1 of this Article.

(6) The employer referred to in Article 221d, paragraph 1 of this Act shall, at the request of the trade union commissioner or trade union representative and labour inspection, make available the information referred to in paragraph 1 of this Article during supervision.

Obligation of human supervision in an automated management system to protect the health and safety of workers

Article 221h

(1) The employer referred to in Article 221d, paragraph 1 of this Act shall assess the risks of work and their impact on the health and safety of workers who perform work using a digital labour platform.

(2) The employer referred to in Article 221d, paragraph 1 of this Act shall not allow work intensity that endangers the physical or mental health of workers who perform work using a digital labour platform.

(3) A worker who considers that his or her right to health and safety at work has been violated due to circumstances arising from the use of a digital labour platform shall be entitled to request from the employer the protection of his or her right, i.e., a written explanation and review of a particular measure or decision.

(4) Supervision over the adoption of decisions related to the health and safety of workers and the authority to review and evaluate the measure or decision on occupational health

and safety and decision-making shall be vested in the person referred to in Article 221g, paragraph 1, item 3 of this Act.

Obligation of human supervision in monitoring work and decisions made in the automated management system

Article 221i

(1) A worker who considers that a decision made in an automated management system, in particular a decision regarding access to work tasks, working time, the possibility of promotion and training, and a decision regarding the calculation and payment of salary and compensations violates his or her right from employment relationship, shall be entitled to request from the employer the protection of his or her rights within the deadlines prescribed in Article 133 of this Act and to request a written statement, as well as a review of an individual decision.

(2) After reviewing the decision, the person referred to in Article 221g, paragraph 1, item 4 of this Act shall be authorised to provide an expert statement of the decision and to decide upon the review of the decision.

Protection of privacy and processing of personal data of workers working using a digital labour platform

Article 221j

When processing personal data, in order to protect the privacy of workers in accordance with Article 29 of this Act, the digital labour platform and aggregator shall not:

1. process data on private conversations

2. process data on the emotional or psychological state of the worker

3. process data on the health of workers, except in cases provided for by the regulation on the protection of personal data

4. collect personal data during the period in which the worker does not perform work or offer it.

Obligation to establish a channel for professional communication with other workers and employers and third parties in the business process

Article 221k

The employer referred to in Article 221d, paragraph 1 of this Act shall, for the purpose of unhindered professional communication or connection and exchange of information in the business process with other workers and participants in the business process and the employer and authorised persons of the employer, ensure the possibility of establishing contact with persons who perform work with him or her.

**3 RIGHTS OF WORKERS WHO PERFORM WORK THROUGH DIGITAL LABOUR PLATFORMS**

Mandatory content of a written employment contract for work through a digital labour platform

Article 221l

(1) The employment contract concluded in written form, i.e., the letter of engagement , by which work is contracted between the employer and the worker using a digital labour platform, in addition to the information referred to in Article 15, paragraph 1, items 1 to 11 of this Act, must contain additional information on:

1. the manner of assigning jobs, work tasks and work instructions and evaluating work according to certain criteria

2. the manner of making decisions related to working time and working conditions, for occupational health and safety, for the possibility of promotion and for making decisions related to the calculation and payment of salary and salary compensation

3. the obligation of the employer to inform the worker about the person authorised by the employer to supervise the monitoring of work in the automated management system

4. electronic and other equipment and means of work necessary for the performance of the work

5. opportunities for undisturbed professional communication or connection and exchange of information with other workers and their representatives, the employer and third parties in the business process

6. the means of work for performing the work that the employer is obliged to procure, install and maintain, i.e., the use of workers' own means of work

7. the reimbursement of costs to the worker related to the performance of work and depreciation of costs of own vehicles and other equipment, if used

8. the obligation to contract accident insurance and liability insurance at the expense of the employer if the contracted work is performed by participating in traffic by a means which, in terms of road traffic safety regulations, are considered a vehicle and which is not subject to the obligation of registration

9. the manner of training and advanced training of workers

10. the manner of exercising the right to information and participation in decision-making.

(2) If, due to an unpredictable pattern of working time , work is contracted at the invitation of the employer, the employment contract concluded in written form, i.e., the letter of engagement referred to in paragraph 1 of this Article, shall also contain additional information on:

1. a changing pattern of working time with regard to the organisation of workers' working time which is wholly or mainly unpredictable

2. the reference period in the days and hours within which the employer has the right to request and the worker has the duty to perform the work

3. the minimum number of working hours within the period referred to in item 2 of this paragraph that the employer is obliged to pay the worker, regardless of whether he or she has requested the worker to perform the work, unless the employer has requested the performance of the work, and the worker has refused to perform it without a justified reason

4. the right of the worker to refuse the work task without adverse consequences, if the notice of the need to perform it is given within a period within which it is not possible to perform it

5. the period within which it is possible to revoke the work task accepted by the worker, the failure of which entitles the worker to the payment of salary compensation as if he or she had been working.

(3) The unpredictable form of work referred to in paragraph 2 of this Article, within the meaning of this Act, is a form of organisation of work and working time that fully or mainly arises according to unpredictable work needs, as a result of which it is not possible to determine in advance the beginning and end of the working day or the week of the worker, but, according to the nature of things, it is determined by the employer.

(4) In the case of concluding the contract referred to in paragraph 2 of this Article, the minimum number of guaranteed paid working hours may not be less than five hours per week.

Presumption of the existence of an employment relationship in work performed using a digital labour platform

Article 221m

(1) If a digital labour platform or aggregator referred to in Article 221c of this Act enters into a contract with a natural person for the performance of work using a digital labour platform that, given the nature and type of work and the authority of the digital labour platform or aggregator, has the characteristics of the work for which the employment relationship is concluded, it shall be considered that such digital labour platform or such aggregator, as an employer, entered into an employment contract with the worker, unless it is proven otherwise.

(2) The facts on the basis of which the existence of an employment relationship may be presumed within the meaning of paragraph 1 of this Article shall be:

1. personal performance of a payable work

2. giving orders and instructions for the performance of work to a natural person, within the framework of the organisation of work and subordination of work

3. limiting the freedom to refuse to execute orders or making such freedom subject to sanctions or other measures

4. determining in detail the time, place and manner of performing the work of a natural person, regardless of whether he or she uses his or her own means of work

5. supervising the performance of work and monitoring the effectiveness of a natural person, in order to evaluate his or her work and the possibility of promotion

6. prohibiting the conclusion of transactions for one's own or someone else's account by using the services of other platforms.

(3) The burden of proof shall be on that digital labour platform or on the aggregator that disputes the legal presumption referred to in paragraph 1 of this Article.

(4) A natural person who considers that he or she is not a worker within the meaning of this Act may challenge the legal presumption of the existence of an employment relationship referred to in paragraph 1 of this Article, whereby the digital labour platform, i.e., the aggregator, is obliged to provide all the necessary information for the purpose of proving and for the proper resolution of the initiated procedure.

Work through digital labour platforms depending on the extent of income

Article 221n

(1) By way of derogation from Article 221m of this Act, the presumption of the existence of an employment relationship shall not apply to a natural person who has not achieved income in the amount of more than 60% of the gross amount of the three monthly minimum wages determined by a special regulation through work through digital labour platforms in a single quarter of the calendar year.

(2) The digital labour platform or aggregator shall carry out a verification from the competent body which shall, through the E-Tax Administration (ePorezna), keep official records of all payers and of paid income in order to obtain evidence of the state of paid income from which the second income generated by the natural person to whom it assigns work through digital labour platforms is determined.

(3) The competent body that keeps an official record of all payers and generated income through the E-Tax Administration (ePorezna) may provide the digital labour platform or the aggregator with access to data on the status of generated income from which the second income of the natural person to whom it assigns work is determined and which that natural person earned by working through digital labour platforms.

(4) If the digital labour platform or aggregator is enabled to determine on the basis of the performed verification referred to in paragraph 2 of this Article that the income for the performed work of a natural person referred to in paragraph 1 of this Article in a particular quarter of the calendar year exceeds the limit of 60% of the gross amount of the three monthly minimum wages determined by a special regulation, the natural person may perform the work with that employer only on the basis of the concluded employment contract.

(5) In order to verify the balance of generated income of a natural person referred to in paragraph 1 of this Article, the digital labour platform or aggregator shall only be authorised to obtain information on the amount of the unpaid part of the limited amount of the amount of income referred to in paragraph 2 of this Article.

(6) The manner and deadlines for conducting the inspection and verification referred to in paragraphs 2 and 3 of this Article shall be prescribed by the Minister in an ordinance, with the consent of the Minister competent for finance.

Rights and working conditions of other persons working on digital labour platforms

Article 221o

(1) The provisions of Articles 221g to 221k of this Act shall apply mutatis mutandis to the person referred to in Article 221f, paragraph 1 of this Act.

(2) The digital labour platform or aggregator shall contract accident insurance and liability insurance for the person referred to in Article 221f, paragraph 1 of this Act if the contracted

activities are performed by participating in traffic by a means which, in terms of road traffic safety regulations, are considered a vehicle and which is not subject to the obligation of registration.

(3) The person referred to in Article 221f, paragraph 1 of this Act shall be entitled to the protection of rights in accordance with the established contractual relationship with the digital labour platform or aggregator.

## 4 TRANSPARENCY OF WORK PERFORMED USING DIGITAL LABOUR PLATFORMS

Records of work performed using digital labour platforms

Article 221p

(1) Records of work performed using digital labour platforms, in order to ensure transparency of work on digital labour platforms and to strengthen accountability and legal certainty between entities that perform activities and work on the market using digital labour platforms, shall be kept and processed electronically by the Ministry.

(2) The records referred to in paragraph 1 of this Article shall collect and process data on digital labour platforms and aggregators that perform activities as service providers on the market. Data are collected on indicators of the scope of work using digital labour platforms as well.

(3) The digital labour platform referred to in Article 221c, paragraph 1 of this Act and the aggregator referred to in Article 221c, paragraph 2 of this Act, for the purpose of their entry in the records referred to in paragraph 1 of this Article, shall submit a request which must contain:

1. name, registered office and personal identification number of the digital labour platform or aggregator

2. name, surname and personal identification number of the person authorised to represent the digital labour platform or aggregator

3. an email address for the purpose of direct and unhindered access during the prescribed supervision procedures

4. a written statement on the concluded market intermediation agreement with the digital labour platform, if the request has been submitted by the aggregator.

(4) The digital labour platform referred to in Article 221c, paragraph 1 of this Act and the aggregator referred to in Article 221c, paragraph 2 of this Act shall state in legal transactions, in business documents, on each letter and contract the number under which they are entered in the records referred to in paragraph 1 of this Article.

(5) Data on digital labour platforms and aggregators shall be collected by the registration referred to in paragraph 3 of this Article and by submitting data on indicators of the scope of work using digital labour platforms.

(6) Data on indicators of the scope of work using digital labour platforms are in particular the number of workers and persons referred to in Article 221f, paragraph 1 of this Act who work using the platform and the number and type of contractual relationships on the basis of which those persons work using the platform.

(7) The digital labour platform referred to in Article 221c, paragraph 1 of this Act and the aggregator referred to in Article 221c, paragraph 2 of this Act shall submit the data referred to in paragraph 6 of this Article to the Ministry within the prescribed deadline.

(8) The form, content and manner of keeping the records referred to in paragraph 1 of this Article and the deadline for submitting the data shall be prescribed by the Minister in an ordinance.

## TITLE V SUPERVISION OF THE APPLICATION OF LABOUR REGULATIONS

Administrative supervision

Article 222

Administrative supervision over the application of this Act and the regulations adopted on the basis thereof, as well as other acts and regulations governing relationships between employers and workers, shall be performed by the state administration body competent for labour affairs, unless otherwise provided by another act.

Inspection supervision

Article 223

(1) Inspection supervision over the implementation of this Act and the regulations adopted on the basis thereof, as well as other acts and regulations governing relationships between employers and workers, shall be performed by the state administration body competent for labour inspection, unless otherwise prescribed by another act.

(2) In carrying out supervision, the labour inspector shall have the authority laid down by law or by a regulation adopted by law.

(3) The worker, the works council, the trade union and the employer may require the labour inspector to carry out inspection supervision.

## TITLE VI SPECIAL PROVISIONS

Performance of duties and rights of citizens serving in national defence forces and employment relationship

Article 224

(1) During the performance of duties and rights of citizens serving in national defence forces, in accordance with a special regulation, the worker's rights and obligations arising from employment relationship shall be suspended.

(2) By way of derogation from paragraph 1 of this Article, during their absence from work due to a mandatory military service or service in a contractual reserve, reserve workers shall exercise their rights arising from employment relationship as if they were working.

(3) The costs of salary compensation and other material rights of the reservists referred to in paragraph 2 of this Article shall be reimbursed to the employer upon written request by the Ministry competent for defence affairs.

(4) A worker who, after completing a military obligation or serving in the contractual reserve, wishes to continue working with the same employer shall, as soon as he or she finds out the date on which his or her military obligation or serving in the contractual reserve will cease, and no later than thirty days from the date of cessation of the mandatory military service or serving in the contractual reserve, inform the employer of his or her intention.

(5) A worker who has made a statement within the meaning of paragraph 4 of this Article shall be returned by the employer to the jobs on which he or she worked before entering into a mandatory military service, or serving in the contractual reserve, and if the need to perform these jobs has ceased, the employer shall offer him or her the conclusion of an employment contract for the performance of other equivalent work.

(6) If, in the case referred to in paragraph 5 of this Article, the employer cannot return the worker to work, he or she shall be obliged to pay him or her salary compensation for the period of prescribed or contracted notice period and, if the conditions are met, the related severance pay.

(7) The employer shall return the worker referred to in paragraph 1 of this Article to work within thirty days from the date of delivery of the statement of intent to continue working with the same employer, and if it is not possible to return him or her to work, the worker shall have priority in employment with the same employer during the year from the date of cessation of duties and rights of citizens serving in national defence forces.

(8) The performance of duties and rights of citizens serving in national defence forces shall not constitute permissible reasons for dismissal and at that time the employer may not regularly dismiss the worker, and if the employer dismisses the worker contrary to the provisions of this Article, the worker shall have all the rights provided for by this Act in the event of impermissible dismissal.

(9) The provisions of this Article shall apply mutatis mutandis to workers undergoing voluntary military training within the meaning of a special regulation on defence.

### Rights of candidates for President of the Republic of Croatia, representatives, members of assemblies or councils, county prefects, mayors and heads of municipalities and their deputies

### Article 225

(1) During the election campaign, a candidate for the President of the Republic of Croatia shall be entitled to unpaid leave for a maximum of twenty working days.

(2) During the election campaign, a candidate for a representative in the Croatian Parliament shall be entitled to unpaid leave for a maximum of fifteen working days.

(3) During the election campaign, a candidate for a member of the county assembly or a county prefect and his or her deputies shall be entitled to unpaid leave for a maximum of ten working days.

(4) During the election campaign, a candidate for a member of a city or municipal council, mayor or head of a municipality and their deputies shall be entitled to unpaid leave for a maximum of five working days.

(5) The worker shall notify the employer at least twenty-four hours before the use of the leave referred to in paragraphs 1 to 4 of this Article.

(6) The leave referred to in paragraphs 1 to 4 of this Article may not be used by the worker for periods shorter than one working day.

(7) At the request of the worker, instead of the leave referred to in paragraphs 1 to 4 of this Article, the worker may use annual leave under the same conditions, for the duration to which he or she is entitled until the first day of voting.

(8) If the previous duration of the employment relationship with the same employer is important for the acquisition of certain rights, the periods of unpaid leave referred to in paragraphs 1 to 4 of this Article shall be equal to the time spent at work and shall be counted as the pensionable service necessary for the exercise of certain rights arising from the employment relationship or in connection with the employment relationship.

## TITLE VII ADMINISTRATIVE MEASURES

Article 226

(1) In the implementation of inspection supervision in the field of work, the inspector shall, by verbal decision in the inspection report, order the employer within the deadline allowed to:

1. provide the body competent for keeping data on insured persons in accordance with a special regulation on pension insurance, in the manner, in the content and within the deadline, to the electronic database the data on the worker or changes that occurred during the employment relationship (Article 6, paragraph 2)

2. enable the worker to get acquainted with the regulations on employment relationships, i.e., with the organisation of work and the protection of occupational health and safety (Article 8, paragraph 2)

3. regulations on occupational health and safety and the collective agreement and working regulation shall be made available to workers in an appropriate manner (Article 8, paragraph 3)

4. provide the worker with a written and reasoned response on the possibility of concluding an employment contract for an open-ended period of time (Article 13, paragraphs 6, 7 and 8)

5. inform the worker in written form of the name of the body to which the voluntary pension insurance payments are made, if he or she participates in the payment (Article 14, paragraph 6)

6. register with the competent administration body a contract of employment of seafarers and workers on board seagoing fishing vessels (Article 14, paragraph 7);

7. offer to the worker with whom he or she has concluded a written employment contract that does not contain all the contents prescribed by this Act an amendment to the contract that will contain the missing contents, or to supplement the issued letter of engagement that does not contain the contents prescribed by this Act (Article 15)

8. offer to the worker with whom he or she has concluded an employment contract for permanent seasonal fixed-term work that does not contain all the contents prescribed by

this Act an amendment to the contract that will contain the missing contents, or to supplement the issued letter of engagement that does not contain all the contents prescribed by this Act (Article 16, paragraph 7)

9. offer to the worker with whom he or she has agreed on work at an alternative place of work without amending the employment contract, for work longer than 30 days to conclude an employment contract with the mandatory contents of the employment contract in the case of work at an alternative place of work (Article 17, paragraph 6)

10. offer to the worker with whom he or she has concluded an employment contract at an alternative place of work or remote work that does not contain all the contents prescribed by this Act an amendment to the contract that will contain the missing contents, or to supplement the issued letter of engagement that does not contain all the contents prescribed by this Act (Article 17a, paragraphs 1 and 2)

11. provide the remote worker with the protection of privacy and the necessary written instructions regarding the protection of occupational health and safety (Article 17b, paragraph 6)

12. provide the worker with a written statement on the inability to change the employment contract, which would contract work at an alternative place of work for a certain period of time, or on the inability to resume work in the employer's premises even before the expiration of the time for which the amended contract was concluded or on the possibility of amending the employment contract with a delayed commencement of application (Article 17c, paragraph 4)

13. offer the worker with whom he or she has concluded a contract or to whom he or she has issued a letter of engagement on temporary posting to work abroad, which does not contain all the contents prescribed by this Act, an amendment to the contract that will contain the missing contents, or to supplement the issued letter of engagement that does not contain all the contents prescribed by this Act, or to provide the worker with a copy of the registration for compulsory health insurance before being posted to work abroad, if he or she is obliged to provide such insurance (Article 18, paragraphs 2 and 7)

14. in the case of posting abroad, in the context of temporary and occasional cross-border provision of services, provide the worker with written information containing the prescribed data, for a period of less than four consecutive weeks before the commencement of the posting (Article 18, paragraph 4)

15. offer to the worker with whom he or she has concluded an additional employment contract that does not contain all the contents prescribed by this Act an amendment to the contract that will contain the missing contents, or to supplement the issued letter of engagement that does not contain the contents prescribed by this Act (Article 18b, paragraph 1)

16. refer the minor to an authorised doctor for examination if the minor, his or her parent, guardian, works council or trade union suspected that the work performed by the minor endangers his or her safety, health, morals or development and have submitted a request to the employer for the authorised doctor to examine the minor and to assess in the finding and opinion whether the work performed by the minor endangers his or her safety, health, morals or development (Article 22, paragraph 1)

17. offer the minor to conclude an employment contract for the performance of other equivalent work when he or she is obliged to do so on the basis of the findings and opinion of the authorised doctor (Article 22, paragraph 3)

18. adopt and publish an working regulation or to regulate by a rulebook the issues that must be regulated by the rulebook (Article 26, paragraph 1)

19. submit to the Ministry, in the prescribed content, manner and deadline, statistical data on the performance of the jobs of assigning workers (Article 44, paragraph 7)

20. the user and the agency that concluded the contract on the assignment of workers, which does not contain all the contents prescribed by this Act, to amend the contract that will contain the missing contents (Article 45, paragraph 2)

21. offer to the worker with whom he or she has concluded an employment contract for temporary performance of work, which does not contain all the information prescribed by this Act, an amendment to the contract that will contain the missing contents, i.e., to supplement the issued letter of engagement that does not contain all the contents prescribed by this Act (Article 46, paragraphs 3 and 5)

22. supplement the referral of the assigned worker which does not contain the data prescribed by this Act with the missing data (Article 49, paragraph 1)

23. inform the works council on the number and the reasons for taking over the assigned workers or to inform the assigned workers about the vacancies for which they are eligible (Article 50, paragraph 3)

24. provide the worker with a written and reasoned response on the inability to conclude a full-time employment contract (Article 63, paragraphs 6, 7 and 8)

25. provide the worker with a written and reasoned response on the possibility of amending the employment contract, i.e., changing or adjusting the pattern of working time (Article 68, paragraphs 5 and 7)

26. determine the schedule for the use of annual leave in accordance with this Act or inform the worker about the duration and period of the use of annual leave (Article 85)

27. in order to exercise the right to equal pay for women and men, provide the worker with information on the criteria on the basis of which the worker performing jobs of the same or similar nature received a salary, if such a worker exists with him or her (Article 91, paragraph 6)

28. provide the worker with a statement showing how the amount of salary, salary compensation, severance pay or compensation for unused annual leave has been determined, or a statement with the prescribed content (Article 93, paragraphs 1 and 6)

29. submit to the worker, to whom on the due date he or she has not paid the salary, salary compensation, severance pay or compensation for unused annual leave, or has not paid them in full, two calculations, one of which shall be a statement of the total amount of the salary, salary compensation, severance pay or compensation for unused annual leave, and the other calculation of the amount of the salary or part of the salary, salary compensation, severance pay or compensation for unused annual leave that he or she was obliged to pay, with the content in accordance with the ordinance referred to in Article 93, paragraph 6 of this Act (Article 93, paragraphs 2 and 6)

30. issue to the worker, at his or her request, a letter of engagement on the type of work he or she performs and the duration of employment relationship (Article 130, paragraph 1)

31. after the termination of employment relationship, to return to the worker all his or her documents and a copy of the deregistration from compulsory pension and health insurance or issue him or her a letter of engagement on the type of work he or she performed and the duration of employment relationship (paragraph 130, paragraph 2)

32. appoints a person who, in addition to him or her, is authorised to receive and resolve complaints related to the protection of the dignity of workers and to inform workers about the appointment (Article 134, paragraphs 2 and 4)

33. inform the works council or all workers covered by the transfer in written form and fully of the transfer of the undertaking, part of the undertaking, economic activity or part of the economic activity to the new employer (Article 137, paragraphs 6 and 7)

34. inform the worker by written notice on the conclusion of a collective agreement, or its amendment or cessation (Article 201, paragraph 4)

35. publish the collective agreement in the prescribed manner (Article 202, paragraphs 1 and 2)

36. enable the worker to get acquainted with the manner in which work or work tasks will be assigned to him or her, supervise the worker and evaluate his or her work, and with all rights arising from the employment relationship, in particular with information related to access to jobs and work tasks, working time and working conditions, occupational health and safety, the possibility of promotion and training, and making decisions related to the calculation and payment of salaries and compensation (Article 221g, paragraphs 2 and 3);

37. make the requested information available to the worker at his or her request (Article 221g, paragraph 5)

38. ensure unhindered professional communication or connection and exchange of information in the business process with other participants and the employer and authorised persons of the employer (Article 221.k)

39. offer to the worker with whom he or she has concluded an employment contract through a digital labour platform, which does not contain all the contents prescribed by this Act, an amendment to the contract that will contain the missing contents, i.e., to supplement the issued letter of engagement that does not contain the contents prescribed by this Act (Article 221, paragraph 1)

40. offer to the worker with whom he or she has concluded an employment contract through a digital labour platform by which he or she contracts work at the invitation of the employer, and does not contain all the contents prescribed by this Act, an amendment to the contract that will contain the missing contents, i.e., to supplement the issued letter of engagement that does not contain the contents prescribed by this Act (Article 221, paragraph 2)

41. as a digital labour platform or aggregator, submit the necessary data to the Ministry (Article 221p, paragraph 7).

(2) In the implementation of inspection supervision in the field of work, the inspector shall prohibit by verbal decision in the inspection report:

1. additional work of a worker working in jobs with special working conditions in accordance with occupational health and safety regulations or a worker who works short-time referred to in Article 64 of this Act, or a worker whose pensionable service is calculated with increased duration in accordance with a special regulation on pension insurance, if such work is performed with the master employer (Article 18a, paragraph 2)

2. work of a person under the age of 15 or of a person older than 15 and under the age of 18, who attends compulsory primary education (Article 19)

3. work and participation of the child and the minor in activities contrary to special protection (Article 19a, paragraphs 3, 5 and 8);

4. contact with a child or minor by a person who has been convicted by a final judgment or against whom criminal proceedings are being conducted for any of the criminal offences against sexual freedom, sexual abuse and exploitation of a child (Article 19b, paragraph 3)

5. work of minors in jobs that may endanger their safety, health, morals or development (Article 21, paragraph 1)

6. work of minors without prior medical assessment (Article 21, paragraph 3)

7. performing the activities of a minor if it follows from the findings and opinion of the authorised doctor that the activities performed by the minor endanger his or her safety, health, morals or development (Article 22, paragraph 1)

8. the agency to perform the jobs of assigning workers to users, if it is not registered under a special regulation, or registered in the records of the Ministry competent for labour (Article 44, paragraph 3)

9. work of workers in jobs where, in addition to the application of occupational health and safety measures, it is not possible to protect workers from harmful effects, and which is longer than short-time work (Article 64, paragraph 3)

10. overtime work of minors (Article 65, paragraph 5)

11. overtime work of a pregnant woman, a parent with a child up to eight years of age and a part-time worker with several employers, except in the case of force majeure, if they have not provided the employer with a written statement of voluntary consent to such work (Article 65, paragraph 6)

12. overtime work of workers in additional work if they have not submitted to the employer a written statement of voluntary consent to such work, except in the case of force majeure (Article 65, paragraphs 7 and 8)

13. the work of minors lasting more than eight hours in a period of 24 hours (Article 68, paragraph 1)

14. work in an uneven pattern of working time of a pregnant woman, parents with a child up to eight years of age, work of a parent working part-time or working part-time for the purpose of increased child care or working part-time for the purpose of nursing care and care of a child with severe developmental disabilities under a special regulation, a part-time worker with several employers and a worker in additional work, if they have not submitted to the employer a written statement on voluntary consent to such work (Article 68, paragraph 2)

15. performance of work and activities of a child and a minor contrary to the prescribed restrictions (Article 68a)

16. work of a night worker who performs night work if, during a period of four months in night work, he or she works for more than an average of eight hours every 24 hours (Article 69, paragraph 6)

17. a night worker, who is exposed to special danger or severe physical or mental exertion on the basis of a danger assessment, night work longer than eight hours in a 24-hour period (Article 69, paragraph 7)

18. night work of minors if it is contrary to the provisions of this Act or if it is not ensured that such work is carried out under the supervision of an adult (Article 70)

19. night work of workers with the employer with whom the work is organised in shifts, which include night work, and who work during consecutive night shifts for longer than one week (Article 71, paragraph 3).

(3) An appeal filed against the decision referred to in this Article shall not delay its execution.

## TITLE VIII PENAL PROVISIONS

Minor offences committed by the employer

Article 227

(1) A fine ranging from EUR 1320.00 to EUR 3,980.00 shall be imposed on the employer who is a legal person for the following offences:

1. if he or she concludes an employment contract in which the probationary period is contracted for a period longer than permitted by the Act (Article 53, paragraph 3)

2. if he or she does not provide the worker with training in the manner prescribed by this Act (Article 54, paragraph 4)

3. if he or she concludes an employment contract in which the traineeship is contracted for a period longer than the one prescribed by the Act (Article 57).

(2) A fine ranging from EUR 130.00 to EUR 390.00 shall be imposed for an offence referred to in paragraph 1 of this Article on the employer who is a natural person and the responsible person of a legal person.

(3) If the offence referred to in paragraph 1 of this Article is committed in relation to a minor, the amount of the fine shall be doubled.

Major offences committed by the employer

Article 228

(1) A fine ranging from EUR 4110.00 to EUR 7960.00 shall be imposed on the employer who is a legal person for the following offences:

1. if he or she concludes a fixed-term employment contract with the worker for which there is no objective reasons, or if he or she does not state objective reasons in that contract or in

the letter of engagement or if the employment contract is concluded for a period longer than three years (Article 12, paragraphs 1, 2 and 3)

2. if he or she concludes with the same worker several successive fixed-term employment contracts, the total duration of which, including the first employment contract, is uninterrupted for more than three years, unless it is necessary for the replacement of a temporarily absent worker, for the purpose of completing work on a project involving funding from European Union funds, or for some other objective reasons allowed by a special act or collective agreement (Article 12, paragraphs 4 and 7)

Article 12, paragraphs 4 and 7)

3. if he or she concludes a fixed-term employment contract with the worker for seasonal work contrary to the provisions of this Act (Article 12, paragraph 11)

4. if he or she concludes an employment contract with the worker for permanent seasonal work performed in certain parts of the calendar year in annual periods with a total duration of more than nine months (Article 16, paragraphs 1 and 3)

5. if he or she concludes an employment contract with a worker who does not meet the special conditions for entering into an employment relationship prescribed by law, other regulation, collective agreement or working regulation (Article 23)

6. when selecting candidates for the position (interview, testing, questionnaire, etc.) and concluding an employment contract, the requests from the worker information that are not directly related to the employment relationship (Article 25, paragraph 1)

7. if he or she collects, processes, uses and communicates to third parties the personal data of workers contrary to the provisions of this Act or if he or she fails to appoint a person who, in addition to him or her, is authorised to supervise the collection, processing, use and communication of such data to third parties (Article 29, paragraphs 1 and 6)

8. if he or she asks for pregnancy information or instructs another person to request such information, unless the worker personally requests a certain right provided for by law or other regulation for the protection of pregnant women (Article 30, paragraph 2)

9. if, after the expiry of maternal, parental, adoptive and paternity leave or leave which is equivalent in terms of content and manner of use to the right to paternity leave, leave of a pregnant worker, leave of a worker who has given birth or a worker who is breastfeeding a child, leave for the nursing care and care of a child with severe developmental disabilities and the suspension of employment until the third year of age of the child in accordance with a special regulation, under the conditions prescribed by this Act, the employer fails to return the worker to work on which he or she worked before the exercise of these rights or fails to offer him or her the conclusion of the employment contract for the performance of other equivalent work (Article 36, paragraphs 1 and 3)

10. if he or she fails to return a worker who was temporarily incapacitated for work due to an injury or injury at work, illness or occupational disease to work on which he or she previously worked or fails to offer him or her the conclusion of the employment contract for the performance of other equivalent work (Article 40, paragraph 1)

11. if he or she does not offer the worker with a decrease in working capacity with the remaining working capacity, a decrease in working capacity with partial loss of working

capacity or an imminent risk of a decrease in working capacity, in written form, the conclusion of an employment contract for the performance of the work for which he or she is capable, and is able to ensure the worker to perform such work (Article 41, paragraph 1)

12. if he or she assigns the same worker to the user for the performance of the same work for an uninterrupted period of more than three years, except in prescribed cases (Article 48, paragraph 1)

13. in legal transactions, business documents, does not indicate on each letter or contract the number under which the agency is registered in the records of the Ministry (Article 52, paragraph 4)

14. if he or she does not conclude a written contract with a person who is being vocationally trained to work (Article 59, paragraph 5)

15. if he or she does not enable the worker to use the break in the manner and under the conditions prescribed by this Act (Article 73)

16. if he or she does not enable the worker to use the daily rest in the manner and under the conditions prescribed by this Act (Article 74)

17. if he or she does not enable the worker to use the weekly rest in the manner and under the conditions prescribed by this Act (Article 75)

18. if he or she does not enable the worker to use the annual leave in the manner and under the conditions prescribed by this Act, except in the case of termination of the employment contract (Article 18a, paragraph 7, Articles 77, 78, 83 and 84, and Article 85, paragraphs 2 and 4)

19. if he or she does not enable the worker to take paid leave in the manner and under the conditions prescribed by this Act (Article 86)

20. if he or she does not enable the worker to use unpaid leave for the provision of personal care in the manner and under the conditions prescribed by this Act (Article 87, paragraph 3)

21. if he or she does not provide the worker with the right to absence from work in accordance with this Act (Article 87a, paragraph 1)

22. if, without the consent of the worker, he or she collects his or her claim against the worker by withholding the payment of the salary or part thereof, or by withholding the payment of the salary compensation or part of the salary compensation (Article 96, paragraph 1)

23. if, before the expiration of a period of six months from the date of delivery of the decision on dismissal, he or she employs another worker in the same jobs, and he or she has not offered to conclude an employment contract with the worker whom he or she dismissed for business-conditioned reasons (Article 115, paragraphs 5 and 6)

24. if the information established in the procedure for protecting the dignity of workers is not treated as secret (Article 134, paragraph 10)

25. if he or she disables workers in the selection of the works council (Article 141)

26. if he or she fails to submit information on the establishment of the works council or fails to submit it within the prescribed deadline and in the prescribed manner (Article 146, paragraph 3)

27. if he or she fails to inform the works council on the issues on which he or she is obliged to inform it in the manner prescribed by this Act (Article 149)

28. if he or she does not consult the works council on the issues on which he or she is obliged to consult it in the manner prescribed by this Act (Article 150)

29. if, without the prior consent of the works council, he or she adopts a decision that can be made only with the consent of the works council (Article 151, paragraph 1)

30. if he or she does not provide conditions for the work of the works council (Article 156)

31. if he or she does not enable the appointed or elected workers' representative to become a member of the employer's body or other appropriate body of a company, cooperative or public institution (Article 164)

32. if he or she attempts to exercise or exercises prohibited control over the establishment and operation of a higher-level trade union or association of trade unions (Article 183, paragraph 1)

33. if he or she fails to calculate, withholds or does not pay the trade union membership fee (Article 189)

34. if, in the case where he or she is obliged to do so, he or she fails to submit every collective agreement or any change to the collective agreement to the Ministry or fails to submit it within the prescribed deadline (Article 201, paragraph 1)

35. if he or she refuses to participate in the mediation procedure provided for in this Act (Article 206, paragraph 1)

36. if he or she puts the worker who organised the strike or participated in the strike organised in accordance with the provisions of the law, the collective agreement and the rules of the trade union at a disadvantage compared to other workers (Article 215, paragraph 2)

37. it he or she fails to make available the requested data at the request of the trade union commissioner, i.e., the trade union representative and the labour inspection during the supervision (Article 221g, paragraph 6)

38. when processing personal data of workers working through a digital labour platform, he or she processes data that he or she is not allowed to process or collects data that he or she is not allowed to collect (Article 221j)

39. if, for the purpose of uninterrupted professional communication, he or she fails to ensure the possibility of establishing contact with persons performing work with him or her (Article 221k)

40. if he or she concludes a contract with the worker for work through a digital labour platform that contracts work at the invitation of the employer without information on the minimum number of guaranteed paid working hours per week or with the number of guaranteed paid working hours per week less than the prescribed one (Article 221l, paragraphs 2 and 4)

41. if the digital labour platform or aggregator does not carry out the verification in the prescribed manner and within the prescribed deadlines enabled by the competent body that, through the E-Tax Administration (ePorezna), keeps an official record of all payers and of the generated income, or if it does not offer to conclude an employment contract to the natural person for whom it has determined that he or she generated the income for the work performed in a particular quarter of the calendar year greater than the limited amount (Article 221n, paragraphs 2, 3, 4 and 6)

42. if, as a digital labour platform or aggregator in legal transactions, in business documents, it does not indicate the number under which it is registered in the records of the Ministry (Article 221p, paragraph 4)

43. if, as a digital labour platform or aggregator, it fails to submit data to the Ministry's records (Article 221p, paragraph 7).

(2) A fine ranging from EUR 530.00 to EUR 790.00 shall be imposed for an offence referred to in paragraph 1 of this Article on the employer who is a natural person and the responsible person of a legal person.

(3) A fine ranging from EUR 4110.00 to EUR 7960.00 for the offence referred to in paragraph 1, item 1 of this Article shall be imposed on the user who is a legal person and who has used the work of the same assigned worker to perform the same work for an uninterrupted period of more than three years, except in prescribed cases (Article 48, paragraph 1).

(4) A fine ranging from EUR 530.00 to EUR 790.00 for the offence referred to in paragraph 1, item 1 of this Article shall be imposed on a user who is a natural person and who has used the work of the same assigned worker to perform the same work for an uninterrupted period of more than three years, except in prescribed cases (Article 48, paragraph 1).

(5) If the offence referred to in paragraph 1 of this Article is committed in relation to a minor, the amount of the fine shall be doubled.

(6) The employer shall be liable for the offences referred to in paragraph 1, item 29 of this Article even if there is no offence liability of the responsible person.

The gravest offences committed by the employer

Article 229

(1) A fine ranging from EUR 8090.00 to EUR 13,270.00 shall be imposed on the employer who is a legal person for the following offences:

1. if he or she does not keep records of workers and of working time or does not keep them in the prescribed manner, or if he or she does not submit data on workers and on working time at the request of the labour inspector (Article 5)

2. if he or she temporarily assigns the worker to a company that is not affiliated with him or her within the meaning of a special regulation on companies or assigns him or her for a period longer than continuous six months, or assigns him or her without an agreement and written consent of the worker to the agreement (Article 10, paragraph 3)

3. if, in the event that the employment contract is not concluded in written form, he or she does not issue a letter of engagement to the worker before the commencement of work (Article 14, paragraph 3)

4. if he or she fails to provide the worker with a copy of the employment contract and a copy of the registration for compulsory pension and health insurance within the prescribed deadlines (Article 14, paragraph 5)

5. if he or she concludes an employment contract at an alternative place of work for jobs for which he or she is not allowed to conclude it (Article 17, paragraph 4)

6. if he or she posts his or her worker, who, in the context of temporary and occasional cross-border provision of services, to work abroad in a company affiliated with him or her within the meaning of a special regulation on companies without the written consent of the worker (Article 18, paragraph 5)

7. if he or she fails to provide the worker with a copy of the registration for compulsory health insurance during his or her work abroad before going abroad, if he or she is obliged to provide it under a special regulation (Article 18, paragraph 7)

8. if he or she concludes an additional employment contract with a worker who works in jobs with special working conditions in accordance with occupational health and safety regulations, a worker who works part-time referred to in Article 64 of this Act and a worker whose pensionable service is calculated with increased duration according to a special regulation on pension insurance (Article 18a, paragraph 2)

9. if he or she concludes a contract with a worker for additional work, with the contracted working time longer than prescribed (Article 18b, paragraph 4)

10. if the work of the worker who performs additional work and the pattern of working time is not determined as uneven, lasts longer than eight hours per week, including overtime, or if the work of the worker in additional work in an unevenly determined pattern of working time lasts longer than 16 hours per week, including overtime (Article 18b, paragraph 5)

11. if, for a period of four consecutive months, or six months, if this is agreed in the collective agreement, he or she determines the work of workers in additional work that would last longer than the average eight hours per week, including overtime (Article 18b, paragraph 7)

12. if he or she determines an uneven pattern of working time for workers in additional work without their written consent on voluntary consent to work longer than eight hours per week or if he or she fails to submit, at the request of the labour inspector, a list of workers who have given a written statement of voluntary consent to such work (Article 18b, paragraphs 10 and 12)

13. if he or she employs a person under the age of 15 or a person older than 15 and under the age of 18 who attends compulsory primary education or allows the work of a child and a minor who attends compulsory primary education (Article 19 and Article 19a, paragraph 3)

14. if he or she employs a person who has been convicted by a final judgment of a criminal offence against sexual freedom, sexual abuse and exploitation of a child, which was prescribed by law or international law before they were committed, or who is subject to criminal proceedings for the said offences, or does not prevent contact with the child or minor by a person who is aware of the existence of the obstacle (Article 19b, paragraphs 1 and 3)

15. if he or she employs a minor without the written authorisation of his or her legal representative or the approval of the body competent for social welfare affairs (Article 20, paragraphs 1 and 2)

16. if he or she employs a minor in jobs that may endanger his or her safety, health, morals or development or employs him or her prior to the prior medical assessment (Article 21, paragraphs 1 and 3);

17. if, due to pregnancy, he or she refuses to employ a woman or, contrary to the provisions of this Act, due to pregnancy, birth or breastfeeding of a child within the meaning of a special regulation, offers to conclude an amended employment contract under less favourable conditions (Article 30, paragraph 1)

18. if he or she, during pregnancy, use of maternal, parental, adoptive and paternity leave or leave equivalent in content and manner of use to the right to paternity leave, part-time work, part-time work for the purpose of increased child care, leave of a pregnant worker, leave of a worker who has given birth or a worker who is breastfeeding a child, and leave or part-time work for the purpose of nursing care and care of a child with severe developmental disabilities in accordance with a special regulation, or within 15 days from the date of cessation of pregnancy or cessation of the use of these rights, dismisses a pregnant woman or worker exercising any of these rights (Article 34, paragraph 1)

19. if he or she dismisses the worker who is temporarily incapacitated for work due to an injury at work or an occupational disease, due to treatment or recovery, during the period of that incapacity (Article 38, paragraph 1)

20. if, as an employer, he or she performs the jobs of assigning workers to users, and he or she is not registered as an agency in the records of the Ministry (Article 44, paragraph 3)

21. if he or she performs the jobs of assigning workers to the user before being registered into the appropriate records of the Ministry or when performing the jobs of assigning workers to the user charges a fee in the event of concluding an employment contract between the assigned worker and the user (Article 44, paragraphs 5 and 6)

22. if he or she assigns a worker without a contract on assignment or concludes it in cases where he or she may not conclude it (Article 45, paragraphs 1 and 4)

23. if he or she fails to inform the worker about the pattern or change of the pattern of working time, which must contain information on the working time of the worker expressed in days and hours, i.e., days, weeks and months, at least one week in advance (Article 60a, paragraph 5)

24. if he or she concludes an employment contract in which the full-time work of the worker is contracted for a period longer than the Act allows it (Article 61, paragraph 1)

25. if he or she requires workers to work longer than short-time in jobs where, in addition to the application of occupational health and safety measures, it is not possible to protect workers from harmful effects (Article 64, paragraph 3)

26. if the overtime work of a worker lasts for a total of more than 50 hours per week or if the overtime work of an individual worker lasts for more than 180 hours per year, or if the overtime work lasts for more than 250 hours per year when the overtime work exceeding 180 hours per year is contracted by a collective agreement (Article 65, paragraphs 3 and 4)

27. if he or she orders the overtime work of minors (Article 65, paragraph 5)

28. if a pregnant woman, a parent with a child up to eight years of age and a part-time worker with several employers, without their written statement of voluntary consent to such work, are ordered to work overtime, except in the case of force majeure (Article 65, paragraph 6)

29. if the worker in additional work is ordered to work overtime without his or her written statement of voluntary consent to such work, except in the case of force majeure (Article 65, paragraph 7)

30. if the worker performing additional work with him or her is ordered to work overtime, except in the case of force majeure (Article 65, paragraph 8)

31. If, in the event of an uneven pattern of working time, he or she determines the work of workers exceeding 50 hours per week, including overtime, or if he or she determines the work of workers exceeding 60 hours per week, including overtime if contracted by a collective agreement, or for a period of four consecutive months, i.e., six months, if contracted by a collective agreement, he or she determines the work of workers exceeding an average of 48 hours per week, including overtime (Article 66, paragraphs 2, 3, 4 and 6)

32. if, in the event that the redistribution of working time is not contracted and regulated by a collective agreement or agreement concluded between the works council and the employer, he or she fails to determine the plan of redistributed working time with the prescribed content, or if he or she fails to submit such a redistribution plan to the labour inspector beforehand (Article 67, paragraph 2)

33. if the work of workers in redistributed working time lasts longer than permitted by law (Article 67, paragraphs 4, 5 and 8)

34. if, at the request of the labour inspector, he or she fails to submit a list of workers who have given a written statement of voluntary consent to work in redistributed working time (Article 67, paragraph 7)

35. if he or she determines a pattern of working time of more than eight hours for a period of 24 hours for a minor (Article 68, paragraph 1)

36. if he or she orders a pregnant woman, a parent with a child up to eight years of age, a worker working part-time or a worker working part-time for the purpose of increased child care or a worker working part-time for the purpose of nursing care and care of a child with severe developmental disabilities under a special regulation, a part-time worker with several employers and a worker who in additional employment, without their written statement of voluntary consent to such work, to work in an uneven pattern of working time and redistribution of working time (Article 68, paragraph 2)

37. if the night worker performing night work is determined to work longer than an average of eight hours every 24 hours for a period of four months (Article 69, paragraph 6)

38. if the night worker who is exposed to special danger or severe physical or mental exertion on the basis of a danger assessment, the employer does not determine the pattern of working time so that he or she does not work more than eight hours in the period of 24 hours in which he or she works at night (Article 69, paragraph 7)

39. if, contrary to the provisions of this Act, he or she orders night work for a minor or fails to ensure that the night work of a minor is carried out under the supervision of an adult (Article 70, paragraphs 1 and 2)

40. if, in the case of work organised in shifts that include night work, he or she fails to ensure that shifts are changed so that the night shift worker works in night shift consecutively for at most one week (Article 71, paragraph 3)

41. if he or she fails to provide the night worker with a medical examination in accordance with a special regulation prior to the commencement or regularly during the course of that work (Article 72, paragraph 3)

42. if he or she does not ensure a night worker for whom a medical examination carried out prior to the commencement of that work or a regular examination during its duration has been found to have health problems due to such work, the performance of the same work outside night work through a pattern of working time (Article 72, paragraph 6)

43. if he or she fails to offer a night worker, for whom a medical examination carried out before the commencement of that work or a regular examination during its duration has determined that he or she has health problems due to such work, and the pattern of working time cannot ensure the performance of the same work outside the night work, the conclusion of an employment contract for the performance of work outside the night work for which he or she is capable, and which corresponds as much as possible to the work on which the worker previously worked (Article 72, paragraph 7)

44. if he or she concludes an agreement with the worker on the waiver of the right to annual leave, i.e., on the payment of compensation in lieu of the use of annual leave (Article 80)

45. if the worker's salary is not contracted or determined in gross amount (Article 90b, paragraph 1)

46. if he or she fails to submit to the worker, to whom on the due date he or she has not paid the salary, salary compensation, severance pay or compensation for unused annual leave, or has not paid them in full, two calculations, one of which shall be a statement of the total amount of the salary, salary compensation, severance pay or compensation for unused annual leave, and the other calculation of the amount of the salary or part of the salary, salary compensation, severance pay or compensation for unused annual leave that he or she was obliged to pay, with the content in accordance with the ordinance referred to in Article 93, paragraph 6 of this Act (Article 93, paragraphs 2 and 6)

47. if the notice of dismissal is not in written form, if it is not reasoned or if it is not delivered to the worker (Article 120)

48. if he or she indicates in the letter of engagement , in addition to information on the type of work and the duration of the employment relationship, something that would make it difficult for the worker to conclude a new employment contract (Article 130, paragraph 3)

49. in the event of transfer of the employment contract to a new employer, he or she fails to fully and truthfully report in written form to the new employer on the rights of workers whose employment contracts are transferred (Article 137, paragraph 4)

50. if he or she is not entered in the Ministry's records as a digital labour platform or aggregator, under the conditions prescribed by this Act (Article 221c, paragraph 4)

51. as an aggregator, when performing intermediation activities for the digital labour platform, the worker is charged an intermediation fee (Article 221c, paragraph 6).

(2) A fine ranging from EUR 920.00 to EUR 1320.00 for the offence referred to in paragraph 1 of this Article shall be imposed on the employer who is a natural person and the responsible person of a legal person.

(3) A fine ranging from EUR 8090.00 to EUR 13,270.00 shall be imposed on a legal person who organises the participation of a child and a minor attending compulsory primary education for remuneration in film-making activities, advertising, preparing and performing artistic, performance or similar cultural activities and sports competitions, in a manner and to the extent that does not endanger his or her health, safety, morals, education or development without the prior approval of the body competent for social welfare affairs (Article 19a, paragraph 5).

(4) A fine ranging from EUR 920.00 to EUR 1320.00 shall be imposed on a natural person who organises the participation of a child and a minor who attends compulsory primary education with payment in the activities of filmmaking, advertising, preparation and performance of artistic, performing or similar cultural works and sports competitions, in a manner and to the extent that does not endanger his or her health, safety, morals, education or development without the prior approval of body competent for social welfare affairs (Article 19a, paragraph 5).

(5) A fine ranging from EUR 8090.00 to EUR 13,270.00 shall be imposed on a legal person who organises activities involving children and minors and does not prevent contact with a child or minor to a person who has knowledge that there is a prescribed obstacle (Article 19b, paragraph 3).

(6) A fine ranging from EUR 920.00 to EUR 1320.00 shall be imposed on a natural person who organises activities involving children and minors and does not prevent contact with a child or minor to a person who has knowledge that there is a prescribed obstacle (Article 19b, paragraph 3).

(7) A fine ranging from EUR 8090.00 to EUR 13,270.00 for the offence referred to in paragraph 1, item 1 of this Article shall be imposed on the user who is a legal person who does not keep records of working time for the assigned workers for the period in which they were assigned to him or her, if such an obligation was assumed by the contract on the assignment of workers, as well as the responsible person of a legal person (Article 45, paragraph 5).

(8) A fine ranging from EUR 920.00 to EUR 1320.00 shall be imposed on a natural person who does not keep records of working time for the assigned workers for the period in which they were assigned to him or her, if such an obligation was assumed by a contract on the assignment of workers (Article 45, paragraph 5).

(9) A fine ranging from EUR 8090.00 to EUR 13,270.00 shall be imposed on the user who is a legal person if, when concluding the contract referred to in Article 45 of this Act, he or she fails to fully and truthfully inform the agency in written form about the working conditions of the workers employed by the user in the jobs to be performed by the assigned worker (Article 50, paragraph 2).

(10) A fine ranging from EUR 920.00 to EUR 1320.00 shall be imposed on a natural person, if, when concluding the contract referred to in Article 45 of this Act, he or she fails to fully and truthfully inform the agency in written form about the working conditions of workers employed by the user in the jobs to be performed by the assigned worker, as well as the responsible person of a legal person (Article 50, paragraph 2).

(11) A fine ranging from EUR 8090.00 to EUR 13,270.00 shall be imposed on a legal person in respect of whom, within the framework of implementation of work-based learning, a child who has reached the age of 14 years who does not attend compulsory primary education performs work for more than eight hours a day and 40 hours a week, or in which, as part of the occasional work of a regular pupil, in accordance with a special regulation, a child who has reached the age of 14 years who does not attend compulsory primary education performs work for more than seven hours a day and 35 hours a week, or eight hours a day and 40 hours a week if the work is performed by a minor, or if he or she fails to provide them with night work and rest in the prescribed manner and for the prescribed duration (Article 68a).

(12) A fine ranging from EUR 920.00 to EUR 1,320.00 shall be imposed on a natural person in whom, within the framework of implementation of work-based learning, a child of 14 years of age who does not attend compulsory primary education performs work for more than eight hours a day and 40 hours a week, or in which, as part of the occasional work of a regular pupil, in accordance with a special regulation, a child of 14 years of age who does not attend compulsory primary education performs work for more than seven hours a day and 35 hours a week, or eight hours a day and 40 hours a week if the work is performed by a minor, or if he or she fails to provide them with night work and rest in the prescribed manner and for the prescribed duration (Article 68a).

(13) A fine ranging from EUR 8090.00 to EUR 13,270.00 shall be imposed on a legal person who is a digital labour platform or an aggregator if it does not contract accident insurance and liability insurance for a person who works on a digital labour platform and performs contractual work by participating in traffic (Article 221, paragraph 2).

14) A fine ranging from EUR 920.00 to EUR 1320.00 shall be imposed on a natural person who is a digital labour platform or aggregator if it does not contract accident insurance and liability insurance for a person who works on a digital labour platform and performs contractual work by participating in traffic (Article 221, paragraph 2).

(15) If the offence referred to in paragraph 1 of this Article is committed in relation to a minor, the amount of the fine shall be doubled.

Offences of trade unions and higher-level trade union associations

Article 230

A fine ranging from EUR 660.00 to EUR 2650.00 shall be imposed on a higher-level trade union or trade union association for the following offences:

1. if, within 30 days from the date of the change in the register of associations, it fails to report the change in the name of the association, registered office, information on the activities in one or more counties or on the territory of the Republic of Croatia, the name of the body or persons authorised for representing and the cessation of the activities of the association (Article 180, paragraph 2)

2. if it fails to submit to the body competent for registration a report on the holding of the session of the highest body of the association or information on the total number of members of the association (Article 190, paragraph 2)

3. if each collective agreement and any change in the collective agreement, as the party first mentioned in that agreement, or the party cancelling the collective agreement, fails to submit it to the Ministry within the prescribed deadline (Article 201, paragraphs 1 and 2)

4. if it does not announce a strike (Article 205, paragraph 3)

5. if it commences a strike before the conduct of the mediation procedure when such procedure is provided for by this Act, or before the conduct of another procedure for the amicable settlement of a dispute agreed upon by the parties (Article 205, paragraph 4)

6. if the letter announcing the strike does not indicate the reasons for the strike or the place or day or time of the beginning of the strike and the manner of its implementation (Article 205, paragraph 6)

7. if it refuses to participate in the mediation procedure provided for in this Act (Article 206).

Offences committed by employers' associations and higher-level employers' associations

Article 231

A fine ranging from EUR 660.00 to EUR 2650.00 shall be imposed for offences committed by employers' associations or higher-level employers' associations:

1. if, within 30 days from the date of the change, it fails to report the change in the name of the association, registered office, information on the activities in one or more counties or on the territory of the Republic of Croatia, the name of the body or persons authorised for representing and the cessation of the activities of the association (Article 180, paragraph 2)

2. if it fails to submit to the body competent for registration a report on the holding of the session of the highest body of the association or information on the total number of members of the association (Article 190, paragraph 2)

3. if each collective agreement and any change in the collective agreement, as the party first mentioned in that agreement, or the party cancelling the collective agreement, fails to submit it to the Ministry within the prescribed deadline (Article 201, paragraphs 1 and 2)

4. if it fails to submit to the Ministry the list of employers bound by the collective agreement and any changes in the membership of the association that occurred during the validity of the collective agreement (Article 201, paragraph 3)

5. if it does not publish the collective agreement in the prescribed manner (Article 202, paragraphs 1 and 2)

6. if it refuses to participate in the mediation procedure provided for in this Act (Article 206).

7. if it organises or undertakes a lockout from work which is not a response to an already commenced strike (Article 213, paragraph 1);

8. if the lockout of workers from work begins before the deadline prescribed by this Act (Article 213, paragraph 2)

9. if it locks workers out from work in a number larger than one permitted by this Act (Article 213, paragraph 3)

10. if it locks workers out from work in a manner contrary to the provisions of this Act (Article 213, paragraph 5)

11. during the period of lockout from work, it prevents workers from performing work that must not be interrupted (Article 214, paragraph 1).

## TITLE IX TRANSITIONAL AND FINAL PROVISIONS

### Article 232

(1) Procedures for exercising and protecting the rights of workers commenced before the entry into force of this Act shall be completed in accordance with the provisions of the Labour Act (OG 149/09, 61/11, 82/12 and 73/13).

(2) The provisions of this Act on statute of limitations of claims shall not apply to claims arising from the employment relationship of workers, whose statute of limitations of three years expired before the entry into force of this Act.

(3) The procedures for the election of works councils commenced before the entry into force of this Act shall be implemented and completed in accordance with the provisions of the Labour Act (»Official Gazette« No. 149/09, 61/11, 82/12 and 73/13), and the mandate of members of the works councils elected before the entry into force of this Act shall last until its expiry.

(4) The legal rules from collective agreements which have expired and for which they were concluded or were cancelled before the entry into force of this Act, and which are extended as part of previously concluded employment contracts, shall cease to apply in a prolonged manner after the expiration of a period of three months from the date of cessation of the collective agreement.

(5) Decisions on the extension of collective agreements adopted until the date of entry into force of this Act shall cease to be valid upon the expiry of a period of six months from the date of entry into force of this Act.

### Article 233

(1) Employers shall be obliged to harmonise the working regulations with the provisions of this Act, within six months from the date of entry into force of this Act.

(2) The Minister shall, within six months from the date of entry into force of this Act, adopt the ordinances referred to in Article 5, paragraph 4, Article 6, paragraph 3, Article 14, paragraph 7, Article 21, paragraphs 2 and 4, Article 27, paragraph 5, Article 37, paragraph 4, Article 44, paragraph 8, Article 69, paragraph 4, Article 72, paragraph 8, Article 88, paragraph 2, Article 93, paragraph 4, Article 146, paragraph 3, Article 151, paragraph 7, Article 174, paragraph 4, Article 201, paragraph 5, Article 202, paragraph 2 and Article 207, paragraph 3 of this Act.

(3) Until the entry into force of the implementing regulations referred to in paragraph 2 of this Article, the following implementing regulations shall remain in force, insofar as they do not conflict with the provisions of this Act, as follows:

1) Ordinance on prohibiting employment of minors in certain jobs (»Official Gazette« No. 62/10.)

2) Ordinance on permitting employment of minors in certain jobs and participation in certain activities (»Official Gazette« No. 62/10.)

3) Ordinance on the manner of publication of the working regulation (»Official Gazette« No. 67/10.)

4) Ordinance on activities regarded as industry (»Official Gazette« No. 67/10.)

5) Ordinance on jobs on which the worker may work only after prior and regular medical assessment (»Official Gazette« No. 70/10.)

6) Ordinance on the procedure of registration and the content of the register of employment contracts of seafarers and workers on seagoing fishing vessels (»Official Gazette« No. 70/10.)

7) Ordinance on the procedure of delivery and the manner of keeping records of collective agreements (»Official Gazette« No. 70/10.)

8) Ordinance on the manner of publishing collective agreements (»Official Gazette« No. 70/10.)

9) Ordinance on the content and manner of keeping the register of associations (»Official Gazette« No. 70/10)

10) Ordinance on the content and manner of issuing a confirmation of temporary incapacity for work (»Official Gazette« No. 74/10.)

11) Ordinance on the procedure for the election of the works council (»Official Gazette« No. 81/10.)

12) Ordinance on working time, rest and leave of workers on seagoing fishing vessels (»Official Gazette« No. 82/10.)

13) Ordinance on the content and manner of keeping records of workers (»Official Gazette« No. 37/11.)

14) Ordinance on the content of the calculation of salary, salary compensation or severance pay (»Official Gazette« No. 120/12.)

15) Ordinance on the electronic recording of data in the field of employment relationships (»Official Gazette« No. 79/13.)

16) Ordinance on the content, manner and deadlines of medical examinations of night workers (»Official Gazette« No. 122/13.)

17) Ordinance on the content, manner and deadline for submitting statistical data on temporary performance of work (»Official Gazette« No. 122/13.)

18) Ordinance on the manner of selecting mediators and conducting mediation proceedings in collective labour disputes (»Official Gazette« No. 122/10 and 56/11.)

19) Decision establishing the list of mediators of the Economic and Social Council for collective labour disputes (»Official Gazette« No. 146/11.).

Article 234

On the date of entry into force of this Act, all provisions of the Labour Act (OG 149/09, 61/11, 82/12 and 73/13) shall cease to be valid, except for Articles 222, 223, 224 and 225.

Article 235

This Act shall enter into force on the eighth day of its publication in the »Official Gazette«.

**Transitional and final provisions from the OG 127/17**

Article 6

With the entry into force of this Act, the Ordinance on the manner of selecting arbitrators and conducting arbitration procedure in the procedure for substituting consent ceases to be valid (»Official Gazette« No. 37/16.).

Article 7

(1) Procedures for substituting the prior consent of the works council on termination of the employment contract by means of notice to the worker, or substituting the prior consent of the trade union on termination of the employment contract by means of notice to the trade union commissioner, which are in accordance with the provisions of Article 41, paragraph 5, Article 151 and Article 188 of the Labour Act (»Official Gazette« No. 93/14.) commenced before the entry into force of this Act, shall be completed in accordance with the provisions of that Act.

(2) Procedures for substituting the prior consent of the works council to the termination of the employment contract by means of notice to the commissioner for occupational health and safety or for the use of surveillance devices as means of occupational safety, which have been commenced in accordance with the provisions of special regulations in accordance with the provisions of the Labour Act (»Official Gazette« No. 93/14.) before the entry into force of this Act, shall be completed in accordance with the provisions of that Act.

Article 8

This Act shall enter into force on the eighth day of its publication in the »Official Gazette«.

**Transitional and final provisions from the OG 98/19**

Article 11

The Minister shall, within 30 days from the date of entry into force of this Act, harmonise the following ordinances with the provisions of this Act:

1) Ordinance on the manner of selecting mediators and conducting mediation proceedings in collective labour disputes (»Official Gazette« No. 130/15.)

2) Ordinance on the procedure of registration and the content of the register of employment contracts of seafarers and workers on seagoing fishing vessels (»Official Gazette« No. 32/15.)

3) Ordinance on the procedure of delivery and the manner of keeping records of collective agreements (»Official Gazette« No. 32/15.)

4) Ordinance on the content and manner of keeping the register of associations (»Official Gazette« No. 32/15.).

Article 12

This Act shall be published in the »Official Gazette« and shall enter into force on 1 January 2020.

**Transitional and final provisions from the OG 151/22**

Article 63

(1) Procedures for the exercise and protection of workers' rights commenced before the entry into force of this Act shall be completed in accordance with the provisions of the Labour Act (OG 93/14, 127/17 and 98/19).

(2) The procedures for registration in the register of collective agreements commenced before the entry into force of Article 55 of this Act shall be completed in accordance with the provisions of the Labour Act (OG 93/14, 127/17 and 98/19).

Article 64

The provision of Article 2 of this Act shall not apply to fixed-term employment contracts which have not been terminated before the entry into force of this Act until the expiry of the period for which they were concluded.

Article 65

(1) Employers shall be obliged to harmonise the working regulations with the provisions of this Act, within six months from the date of entry into force of this Act.

(2) The Minister shall, within six months from the date of entry into force of this Act, adopt the ordinance referred to in Article 21, paragraph 4 amended by Article 12 of this Act and the ordinance referred to in Article 93, paragraph 6 amended by Article 38 of this Act.

(3) The Minister shall, within six months from the date of entry into force of Article 55 of this Act, adopt the ordinance referred to in Article 201 amended by Article 55 of this Act.

(4) Until the entry into force of the implementing regulations referred to in paragraphs 2 and 3 of this Article, the following implementing regulations shall remain in force:

1. Ordinance on permitting employment of minors in certain jobs and participation in certain activities (»Official Gazette« No. 62/10.), except for the provision of Article 7

2. Ordinance on the content of the calculation of salary, salary compensation or severance pay (»Official Gazette« No. 32/15, 102/15 and 35/17.)

3. Ordinance on the procedure of delivery and the manner of keeping records of collective agreements (»Official Gazette« No. 32/15 and 13/20).

(5) The Minister shall, within six months from the date of entry into force of Article 56 of this Act, adopt the ordinance referred to in Article 221n, paragraph 6 and Article 221p, paragraph 8, which are added by Article 56 of this Act.

(6) Employers referred to in Article 56 of this Act shall be obliged to harmonise their business operations with the provisions of this Act within six months from the date of entry into force of the ordinance referred to in paragraph 5 of this Article.

Article 66

On the date of entry into force of this Act, Article 7 shall cease to be valid. Ordinance on permitting employment of minors in certain jobs and participation in certain activities (»Official Gazette« No. 62/10.).

Article 67

This Act shall be published in the »Official Gazette« and shall enter into force on 1 January 2023, with the exception of Article 55 of this Act which shall enter into force on 1 July 2023 and Article 56 of this Act which shall enter into force on 1 January 2024.