

CROATIA

I. Legal notice – disclaimer

This sheet aims to provide a general overview of the main substantive rules concerning terms and conditions of employment to be respected in accordance with the legislation transposing Directive 96/71/CE concerning the posting of workers in the framework of the provision of services (OJ L 18 of 21.1.1997). By its very nature, such a sheet can only summarise and does not necessarily contain all information relevant in this context. In no way can it replace legislative, regulatory or administrative texts, or applicable collective agreements. The information below has been provided by the authorities of the Member States, who have made every effort to ensure its accuracy. Neither the Commission nor the Member States concerned can, however, guarantee that the information provided is always precise, complete, accurate and up to date. Furthermore, publication on the portal of the European Commission does not imply in any way that the latter or its services consider the rules presented in this way to be in conformity with Community law.

II. Instrument transposing Directive 96/71/EC concerning the posting of workers

- The Aliens Act, published in the Official Gazette No. 130/2011 and 74/2013, Articles 86-89, penal provision Article 288
(Zakon o strancima, „Narodne novine“ broj 130/2011 i 74/2013)

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

III. Information on legislation applicable in accordance with the Directive

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

Website: <http://www.mrms.hr/posting/>

contact E - mail address:

info@mrms.hr

croliaisionoffice@mrms.hr

Information can also be obtained at:

Ministarstvo rada i mirovinskoga sustava

Uprava za rad i zaštitu na radu

Ulica grada Vukovara 78

10 000 Zagreb

Hrvatska

Fax: +385 1 6109 171

Website: <http://www.mrms.hr/>

Ministry of Labour and Pension System

Directorate for Labour and Safety at Work

Ulica grada Vukovara 78

10 000 Zagreb

Croatia

For social security information: <http://www.mirovinsko.hr/>

For information on temporary stay permit :

Ministarstvo unutarnjih poslova

Uprava za upravne i inspeksijske poslove

Služba za strance i azil

Ministry of Interior

Administrative and Inspection Affairs Directorate

Service for aliens and asylum

Ilica 335
10 000 Zagreb
Hrvatska
Tel: + 385 1 3788 646
Fax: + 385 1 3788 187
Website: <http://www.mup.hr/>

Ilica 335
10 000 Zagreb
Croatia

IV. Failure to comply with the prescribed terms and conditions of employment

Cases of failure to comply with the prescribed terms and conditions of employment in Croatia and possible cases of illegal transnational activities can be reported to the Labour Inspectorate, which is a part of the Ministry of Labour and Pension System, at the following address:

E-mail address: prijave.sredisnjiured@mrms.hr
info@mrms.hr

Ministarstvo rada i mirovinskoga sustava
(za Inspektorat rada)
Petračićeva 4
10 000 Zagreb
Hrvatska
Tel: +385 1 3696 400
Fax: +385 1 36 96 498
Website: <http://www.mrms.hr>

Ministry of Labour and Pension System
Labour Inspectorate
Petračićeva 4,
10 000 Zagreb
Croatia

In the cases of discrimination on the grounds of race, ethnic affiliation, colour, gender, language, religion, political or other belief, national or social origin, property, education, social status, marital or family status, age, health condition, disability, genetic heritage, native identity or expression, sexual orientation, or other characteristics, information can be obtained at:

Ombudsman's Office
Pučki pravobranitelj
Trg hrvatskih velikana 6
10 000 Zagreb, Hrvatska
E-mail: info@ombudsman.hr
Tel: +385 1 4851 855, +385 1 4851 853
Fax: + 385 1 6431 628
Website: www.ombudsman.hr
Ombudsman for gender equality
Pravobraniteljica za ravnopravnost spolova
Preobraženska 4/1
10 000 Zagreb, Hrvatska
Tel: : + 385 1 4848 100
Fax: +385 1 4844 600
E-mail address: ravnopravnost@prs.hr
Website: <http://www.prs.hr>
Ombudsman for persons with disability
Pravobraniteljica za osobe s invaliditetom
Savska cesta 41/3

10 000 Zagreb, Hrvatska
Tel. : + 385 1 6102 170
Fax : + 385 1 6177 901
E-mail address: ured@posi.hr
Website: <http://www.posi.hr>

V. Situations constituting a posting [Article 1 of the Directive]

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

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

VI. Posted workers [Article 2 of the Directive]

Directive 96/71/EC applies to workers who, for a limited period of time, carry out their work on the territory of a Member State other than the State in which they normally work.

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

According to the case law of the Court of Justice of the European Communities, the temporary nature of an activity carried out on the territory of a Member State in the context of free provision of services can not be determined abstractly, but should be judged on a case by case basis, depending on the duration and frequency and whether it is periodic or continuous. So it should be noted that if a professional activity in Croatia can no longer be regarded as temporary, taking into account the above criteria, but as a fixed and continuous employment, all the binding rules and regulations in force in Croatia apply.

VII. Maximum work periods and rest periods [Article 3(1)(a) of the Directive]

- Labour Act, (published in the Official Gazette No 93/2014), Part 8. Working hours (Articles 60-72), and Part 9. Rest periods and leaves (Articles 73-87) (Zakon o radu, "Narodne novine" broj 93/2014)

Website: <http://www.mrms.hr/wp-content/uploads/2012/11/labour-act.pdf>.

Full-time working hours must not be longer than 40 hours a week. If the worker works overtime, the total working time of the worker may not exceed 50 hours a week.

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

The worker who works at least 6 hours a day shall be entitled to a daily period of rest (a break) of minimum 30 minutes. The minor who works at least 4 and half hours a day shall be entitled to a daily period of rest (a break) of minimum 30 consecutive minutes.

The break shall be counted in working time.

The worker shall be entitled to a minimum daily rest period of 12 consecutive hours per 24-hour period. The worker shall be entitled to a weekly minimum uninterrupted rest period of 24 hours plus the hours of daily rest. A minor shall be entitled to a weekly rest in the continuous duration of no less than 48 hours.

VIII. Paid annual holidays [Article 3(1)(b) of the Directive]

- Labour Act, Articles 76 – 87

Website: <http://www.mrms.hr/wp-content/uploads/2012/11/labour-act.pdf>

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

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

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

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

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

IX. Pay [Article 3(1)(c) of the Directive]

The national minimum wage was set by the:

- Minimum Wage Act, published in the Official Gazette No 39/2013
- Regulation on the Minimum Wage and the Labour Act (Part 11. Salary and salary compensation, Articles 90-97)
(Zakon o minimalnoj plaći „ Narodne novine“ broj 39/2013, Uredba o visini minimalne plaće „ Narodne novine“ broj 151/2014, Zakon o radu „Narodne novine“ broj 93/2014)

It is set on annual basis and covers all workers and sectors.

The gross (bruto) minimum wage for 2015, from the 1 January 2015 until the 31 December 2015 is **HRK 3.029,55**

(From the 1st January 2014 until the 31st December 2014 the minimum wage was HRK 3,017.61 gross, and in the period from the 1 January 2013 until the 31 December 2013 was HRK 2.984,78 gross)

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

All workers working in Croatia have the right on minimum wage, irrespective of the employer's seat or registration. By the way of exception, the lower amount of the minimum wage can be established by the collective agreement, but not lower than 95 % of the amount prescribed by the Regulation on the Minimum Wage.

X. Rules concerning hiring-out of workers and terms and conditions which apply to temporary workers [Articles 3(1)(d) and 3(9) of the Directive]

- Labour Act – Part 6 Temporary employment, Articles 44-52 and in Aliens Act

Website: <http://www.mrms.hr/wp-content/uploads/2012/11/labour-act.pdf>

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

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

According to the Labour Act, the agreed pay and other working conditions which include working time, breaks and rest periods, safety at work protection measures, protection of pregnant workers, parents, adoptive parents and youth, and non-discrimination, in accordance with specific anti-discrimination regulations, that are applicable to the assigned workers may not be lower or less favourable when compared to the pay or working conditions applicable to the worker employed with the user undertaking for the performance of the same tasks, which would be applicable to the assigned worker should he or she have concluded an employment contract with the user undertaking.

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

Where the pay and other working conditions cannot be determined in accordance with above mentioned criteria, they shall be determined by the worker's assignment contract.

XI. Health, safety and hygiene at work [Article 3(1)(e) of the Directive]

The applicable rules are set out in the Health and Safety Act and Ordinances.

- Health and Safety Act, published in the « Official Gazette No 71/2014, 118/2014, 154/2014)
- (Zakon o zaštiti na radu »Narodne novine » broj : 71/2014, 118/2014, 154/2014)

<http://www.mrms.hr/wp-content/uploads/2015/03/ohs-act.pdf>

<http://www.mrms.hr/ministarstvo-rada-i-mirovinskoga-sustava/rad/katalog-zakona-i-propisa/>

<https://osha.europa.eu/en/oshnetwork/focal-points/croatia>
<https://osha.europa.eu/fop/croatia/hr/zakoni/drzavni-zakoni/zakoni>

Information can also be obtained at:

Ministarstvo rada i mirovinskoga sustava	Ministry of Labour and Pension System)
Uprava za rad i zaštitu na radu	Directorate for Labour and Safety at Work
Sektor za zaštitu na radu	Sector for Safety at Work
Ulica grada Vukovara 78	Ulica grada Vukovara 78
10 000 Zagreb	10 000 Zagreb
Hrvatska	Croatia
Tel: +385 1 6106 641	
Fax: +385 1 6109 171	
Website: www.mrms.hr	
E-mail: info@mrms.hr	
croliaisnonoffice@mrms.hr	

XII. Rules concerning terms and conditions of employment of pregnant women and women who have recently given birth [Article 3(1)(f) of the Directive]

- Labour Act, published in the Official Gazette No. 93/2014, Part 8. Working hours and Part 9. Rest periods and leaves
- Maternity and Parental Benefits Act, published in the Official Gazette No. 85/2008, 110/2008, 34/2011, 54/2013, 152/2014 (Zakon o roditeljnim i roditeljskim pravima, "Narodne novine" broj 85/2008, 110/2008, 34/2011, 54/2013, 152/2014)

<http://www.mrms.hr/wp-content/uploads/2012/11/labour-act.pdf>

<http://zakon.hr/z/214/Zakon-o-roditeljnim-i-roditeljskim-potporama>

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

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

An employee- parent is entitled to:

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

Break for nursing

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

right may be used once or twice during the day for a period of one hour. The absence time is included in working hours. For a break during which is breastfeeding a child, female worker shall be entitled to salary compensation.

Maternity leave

Employed pregnant woman or a mother during pregnancy, childbirth and care for a newborn child, is entitled to maternity leave for a period of 28 days before the expected birth to 6 months of age of the child, which consists of compulsory and additional maternity leave. A working mother can also use the additional maternity leave as a right to work half-time.

Further information can be obtained at:

Croatian Health Insurance Fund: <http://www.hzzo-net.hr/>

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

Night work/women

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

XIII. Rules concerning terms and conditions of employment of children and young people [Article 3(1)(f) of the Directive]

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

<http://www.mrms.hr/wp-content/uploads/2012/11/labour-act.pdf>

<http://zakon.hr/z/214/Zakon-o-rodiljnim-i-roditeljskim-potporama>

A minor may not be employed to perform works likely to harm their safety, health, morals or development. Minors may not work more than 8 hours in a 24-hour period. Overtime work by minor workers shall be prohibited. The minor who works at least 4 and half hours a day shall be entitled to a daily period of rest (a break) of minimum 30 consecutive minutes. Minors are entitled to a minimum daily rest period (between two working days) of 12 consecutive hours per 24-hour period, and to a weekly rest in the continuous duration of no less than 48 hours. Minor has the right to paid annual leave in the duration of at least five weeks for each calendar year. Night work by minors shall be prohibited, unless such a work is a pressing need in business activities regulated by special legislation and where it may not be performed by adult workers; in such a case the minor may neither work between midnight and 4 a.m. nor may he work longer than 8 hours in any period of 24 hours during which he performs night work. the employer shall ensure that such a work is performed under the surveillance of an adult.

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

Night work/women

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

More information is available at:

<http://www.mrms.hr/posting/>

XIV. Equality and non-discrimination [Article 3(1)(g) of the Directive]

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

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

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

Further details are available at:

Ombudsman

Pučki pravobranitelj

Trg hrvatskih velikana 6

10000 Zagreb, Hrvatska

contact E-mail: info@ombudsman.hr

Tel: +385 1 4851 855, +385 1 4851 853

Fax: + 385 1 6431 628

www.ombudsman.hr

Ombudsman for gender equality

Pravobraniteljica za ravnopravnost spolova

Preobraženska 4/1

10000 Zagreb, Hrvatska

Tel: :+ 385 1 4848 100

Fax: :+ 385 1 4844 600

contact E-mail: ravnopravnost@prs.hr

<http://www.prs.hr>

Ombudsman for persons with disability

Pravobraniteljica za osobe s invaliditetom

Savska cesta 41/3

10 000 Zagreb, Hrvatska

Tel. : + 385 1 6102 170

Fax : + 385 1 6177 901

contact E-mail: ured@posi.hr

www.posi.hr

XV. Terms and conditions of employment concerning other matters [Article 3(10) of the Directive]

- Aliens Act, Art. 86, para. 6

The working conditions referred to in Article 3(1)(a) of the Directive shall be guaranteed at the level of the rights laid down by legal regulations of the Republic of Croatia, that is, collective agreements which have been declared universally applicable to all employers and workers in a specific area, branch or activity (applicable not only in construction sector).

XVI. Procedural and administrative requirements

- The Aliens Act, published in the Official Gazette No. 130/2011 and 74/2013, Articles 86-89

When providing services in the Republic of Croatia, a service provider (an employer) is obliged to submit a posting declaration before the commencement of posting to inform Croatian authorities about his intention to post workers.

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

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

The employer established in a state which is not an EEA Member State is also obliged to submit a posting declaration before the commencement of posting.

More information is available at:

<http://www.mrms.hr/posting/>

The form of the Posting declaration is available [here](#).

Posting declaration should be submitted in writing and electronically to the following address:

E-mail: postingdeclaration.inspektorat@mrms.hr

Address:

Ministarstvo rada i mirovinskoga sustava
(za Inspektorat rada)
Petračićeva 4
10 000 Zagreb
Hrvatska

Ministry of Labour and Pension System
Labour Inspectorate
Petračićeva 4,
10 000 Zagreb
Croatia

Administrative requirements

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

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

Employees who are third country nationals additionally must hold a work /residence permit in the home state (state of the establishment) of their employer.

Further information can be obtained at: <http://www.mrms.hr/posting/posted-workers/>

XVII. Mediation mechanisms in case of conflict

- Mediation Act (Zakon o mirenju) and
- Civil Procedure Act (Zakon o parničnom postupku) Art 186 d - 186 g

<http://www.zakon.hr/z/169/Zakon-o-mirenju>

<http://www.zakon.hr/z/134/Zakon-o-parni%C4%8Dnom-postupku>

More information can be obtained at: pitanja@pravosudje.hr

Ministarstvo pravosuđa
Ulica grada Vukovara 49
10 000 Zagreb
Hrvatska
Tel: +385 1 3714 000
Fax: +385 1 3714 507

Ministry of Justice
Ulica grada Vukovara 49
10 000 Zagreb
Croatia

If a complaint is brought before the competent court, a conciliation is first held to discuss the issue for the purpose of amicable settlement of the legal dispute.

XVIII. Information on judicial enforcement procedures

For the purpose of ensuring protection and enjoyment of the rights to guaranteed working conditions, the posted worker may initiate a court procedure against a legal or natural person of the foreign employer or service recipient in the Republic of Croatia before the competent court in the Republic of Croatia, in accordance with the regulations of the Republic of Croatia.

In labour disputes, first instance competent courts are municipal courts.

Information on possible judicial remedies in Croatia can be obtained from the following address: pitanja@pravosudje.hr

List of courts is available at: <http://sudovi.pravosudje.hr/>

Information can be also obtained at:

Ministarstvo pravosuđa
Ulica grada Vukovara 49
10 000 Zagreb
Hrvatska
Tel: +385 1 3714 000
Fax: +385 1 3714 507
E-mail: pitanja@pravosudje.hr
<https://pravosudje.gov.hr/>

Ministry of Justice
Ulica grada Vukovara 49
10 000 Zagreb
Croatia