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EUROPEAN SOCIAL CHARTER

Second report on the implementation of
the Additional Protocol to the European Social Charter

submitted by

THE GOVERNMENT OF CROATIA

(for the period 01/01/05 to 31/12/06:
Article 1)

Report registered at the Secretariat on 28 April 2008

CYCLE 2008

***Report of the Republic of Croatia
for the period January 2005 to December 2006 in pursuance of
Article 6 of the Protocol to the European Social Charter, on the measures taken
to give effect to the accepted provisions of the Protocol to the European Social
Charter, the instrument of ratification or approval of which was deposited on 26
February 2003***

In accordance with Article 8 of the Protocol and Article 23 of the Charter, copies of this report in the English language have been communicated to:

- *Union of Autonomous Trade Unions of Croatia*
- *Independent Trade Unions of Croatia*
- *Croatian Association of Trade Unions*
- *Federation of Croatian Trade Unions of Public Services*
- *Association of Workers' Trade Unions of Croatia*
- *UNI-Cro Trade Union of Services*
- *Croatian Association of Employers.*

ARTICLE 1: RIGHT TO EQUAL OPPORTUNITIES AND EQUAL TREATMENT IN MATTERS OF EMPLOYMENT AND OCCUPATIONS WITHOUT DISCRIMINATION ON GROUNDS OF SEX

A. Please state the specific provisions in statutes, examples of significant collective agreements, etc. which, in your country, forbid direct and indirect discrimination on grounds of sex in the areas covered by paragraph 1 of Article 1.

No changes have been made to the Croatian legislation in this regard.

B. Please describe all significant case law and other decisions in the field covered by paragraph 1 of Article 1.

It is extremely difficult to describe the significant case law concerning questions of discrimination, given that court statistics in labour disputes are not kept in such a way as to register cases of discrimination in the workplace separately, therefore it is only possible to access information (and case law) by means of research.

However, the Ombudsperson for Gender Equality has been approached by women who have been asked discriminatory questions in pre-employment interviews, for example concerning pregnancy, family and marital status, number and age of children.

There are no actual data on the issue of promotion at work (because the time needed for promotion also needs to be analysed) nor has there been recent research.

The same is true of wage levels, but here one should exercise extreme caution, because without actual statistics one cannot rely solely on research stating that women are paid 15% less than men, since issues of the segregation of men and women into departments and many other factors play a part here.

The National Policy for the Promotion of Gender Equality 2006-2010 aims at solving the problem of insufficient information derived from the case law. Its Measure 1.6.1 defines the activities in this area: Statistics will be kept on the number and types of lawsuits for gender discrimination filed with courts, and of other complaint mechanisms, and an analysis of access to justice and legal protection will be carried out. The implementing subjects for this Measure are the Central Bureau of Statistics, courts, the Ministry of Justice, the Office for Gender Equality

C. Please state the guarantees provided for the recognition of the right to equal treatment to which male and female workers are entitled, in particular the protection provided against possible retaliatory measures taken by an employer following a complaint or legal proceedings for discrimination.

The procedure for the protection of dignity of workers requires employers employing more than 20 workers to pass employment rules governing the procedure and measures for the protection of dignity of workers.

Furthermore, Article 2 of the Gender Equality Act provides that no one shall suffer any harm from giving a statement before the competent body in the capacity of a witness or victim of sexual discrimination or from alerting the public about a case of sexual discrimination.

D. Please state the measures taken and the machinery established in your country to guarantee or promote in practice equality of opportunity and equal treatment. This information should be specified according to the various areas listed in paragraph 1 of Article 1.

Along with the measures in the National Policy for the Promotion of Gender Equality mentioned in the Report for Article 1 of the Charter, and with the goal of respecting the principle of equal opportunities for women and men in the pension scheme of generational solidarity referred to by Council Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security, which allows different retirement ages for women and men in the general scheme, but does not allow such

inequality in exercising the right to retirement within the military and police, plans have been made to amend the Act on Rights Arising from Pension Insurance for Military Personnel, Police Officers and Authorised Officials. This Act regulates rights to pension insurance on the basis of generational solidarity for military personnel, police officers and authorised officials differently than in the general scheme regulated by the Pension Insurance Act, therefore it is necessary to equate the conditions of age and qualifying periods for exercising the right to retirement and early retirement for men and women.

At the same time, amendments to the Pension Insurance Act will be made, with the aim of harmonising with the Council Directive 97/81/EC of 15 December 1997 concerning the Framework Agreement on part-time work concluded by UNICE, CEEP and ETUC, in order to guarantee equal opportunities of access to pension insurance rights for those working part time. Under the Pension Insurance Act, which is currently in force, insured employees who work part time are treated on an equal footing with those in full-time employment, on the issue of receiving the right to old-age pension. However, planned amendments to the Pension Insurance Act will also guarantee them equal access to exercising the right to early retirement, disability pension or survivors' pension, as insured full-time employees, with the proviso that the level of pension will depend on the amount paid into the fund and the length of the period of part-time employment.

An unemployment benefit is granted to an unemployed person who has completed 9 months of employment in the 24 months preceding the termination of employment.

A woman who has a child under one year of age at the time when her employment is terminated does not have to comply with the condition of previous employment. Nevertheless, such a woman must meet all other conditions for unemployment benefit provided for by the Act and may not exercise the right to cash benefit under other regulations.

An unemployed person has to register with the Employment Service within 30 days of the date of the termination of his or her employment, or after the expiration of the sick or maternity leave after the termination of employment, and has to file a claim for unemployment benefit. If the 30-day deadline is missed for justified reasons, the person concerned may register and file a claim within 8 days of the end of the reason that accounted for the deadline being missed, but no later than within 60 days of missing the deadline.

An unemployed person is entitled to unemployment benefit for a period of 78 to 390 days, depending on the total time spent at work. Persons exempted from this rule include: unemployed men who have spent 35 years at work and unemployed women who have spent 30 years at work, and a woman who, at the time when her employment was terminated, had a child under one year of age is entitled to unemployment benefit until the child's first birthday.

E. Please supply information on de facto situation which, in your country, constitute inequalities in matters covered by paragraph 1 of Article 1 and state the specific measures taken to remedy those situations.

Women form 52.8% of the total population of the Republic of Croatia. In spite of this, when speaking of the percentage of employed and unemployed women, this is 44.8% and 52.4% respectively, compared to 55.2% and 47.6% respectively as far as men are concerned.

Unemployment and employment by education level and sex in 2005 and 2006

		Monthly average		No education or unfinished elementary school		Elementary school		Vocational secondary school up to 3 yrs and school for skilled (KV) and highly skilled (VKV) workers		Vocational secondary school lasting 4 yrs and <i>gymnasium</i> school		Two-year post-secondary education, 1 st level of college education and professional studies		Faculty, academy, master's degree, doctor's degree	
		Total	Women	Total	Women	Total	Women	Total	Women	Total	Women	Total	Women	Total	Women
Average number of unemployed	2006	291 616	175 097	19 311	10 503	69 775	42 907	107 293	56 622	74 234	51 469	9 195	6 095	11 808	7 501
	2005	308 738	180 796	19 679	10 594	71 240	42 793	120 930	62 026	75 867	52 065	9 001	5 794	12 021	7 524
	Index	94.5	96.8	98.1	99.1	97.9	100.3	88.7	91.3	97.8	98.9	102.2	105.2	98.2	99.7
Average number of first time job seekers	2006	65 982	40 220	7 633	5 191	15 109	10 002	19 239	9 427	18 300	11 791	2 148	1 467	3 553	2 342
	2005	71 591	42 566	7 822	5 252	16 216	10 417	22 591	10 788	19 564	12 562	1 994	1 327	3 404	2 220
	Index	92.2	94.5	97.6	98.8	93.2	96.0	85.2	87.4	93.5	93.9	107.7	110.6	104.4	105.5
Total number of those on the unemployment register who have found a job	2006	149 460	84 016	2 741	1 281	23 546	13 130	60 388	27 853	43 666	28 310	7 929	5 923	11 190	7 519
	2005	140 890	77 203	2 167	1 043	21 366	11 681	60 181	27 102	41 140	25 745	6 703	4 828	10 333	6 804
	Index	106.1	108.8	126.5	122.8	110.2	112.4	100.3	102.8	108.8	110.0	118.3	122.7	108.3	110.5
Total number of those who were cancelled from the unemployment register for other reasons	2006	98 401	47 641	5 228	2 675	21 734	11 131	36 171	14 307	27 503	15 148	3 145	1 744	4 620	2 636
	2005	100 900	47 563	4 698	2 335	20 561	10 264	40 458	15 598	27 084	14 956	2 992	1 627	5 107	2 783
	Index	97.5	100.2	111.3	114.6	105.7	108.4	89.4	91.7	101.5	101.3	105.1	107.2	90.5	94.7
Average number of the unemployment benefit recipients	2006	66 407	40 894	3 403	1 647	14 824	9 841	28 028	15 532	16 041	11 349	2 039	1 298	2 072	1 227
	2005	72 802	43 035	3 426	1 634	15 090	9 643	32 859	17 363	16 885	11 702	2 106	1 264	2 436	1 429
	Index	91.2	95.0	99.3	100.8	98.2	102.1	85.3	89.5	95.0	97.0	96.8	102.7	85.1	85.9

Source: Central Bureau of Statistics

The main problems which are apparent when discussing discrimination against women in the workplace and in employment are:

1. They are harder to employ
2. Lower wages
3. Gender segregation of occupations

According to the official figures from the Central Bureau of Statistics for 2005, the percentage proportion of women's salaries to men's salaries was 89.4. However, a recent survey conducted by the "Moj posao" internet portal has revealed even greater differences. This portal has carried out an extensive study on 7,203 subjects of both sexes at 147 workplaces, and the results obtained have shown that women are, on average, paid 19.4% less than men performing the same job. The smallest difference is at the beginning of one's working career (13%), and the greatest is between the 8th and the 11th year of service (20%).

Salary differences at a young age result in pension differences at old age. According to the data obtained from the Women's Section of the Union of Autonomous Trade Unions of Croatia for 2004, old-age pensions of women were 26% lower than old-age pensions of men.

As regards concrete measures relating to the Item E of the Additional Protocol, we would like to note that the National Employment Action Plan 2005-2008 has integrated the EU Guideline No. 6, which relates to gender equality, and in this way Croatia has taken on an obligation to implement specific measures aimed at promoting the integration of women into the labour market and at significantly reducing the gap between the employment and unemployment rates and the salary levels of women and men, by the year 2010. Special efforts will be undertaken to achieve a major reduction in the gap between salaries earned by women and men by using a multi-faceted approach, and taking into consideration the most important features of wage differences between sexes, including the sectoral and occupational segregation, training and education, occupational classification and pay scales, awareness raising and transparency. Special attention will be directed at harmonising work and family responsibilities, in particular, by the provision of child care services and services for other dependent family members, by the promotion of equal sharing of family and professional responsibilities, and by facilitating return to work after periods of absence.

At the end of the implementation period, it will be very important to assess the effects of the National Employment Action Plan, and in particular on the basis of three priority indicators – the employment rate difference between men and women, the wage difference between men and

women, and the professional structure by gender (the proportion of women in managerial positions).

F. Please indicate if, in your country, social security matters and the other provision listed in the Appendix are excluded from the scope of the Protocol.

G. Please state the specific measures taken in accordance with Article 1, paragraph 2, to protect women in employment or occupations, particularly with respect to pregnancy, confinement and the post-natal period.

H. Please state whether other specific measures for protecting women¹ or men in matters covered by paragraph 1 of Article 1 exist and explain the reasons for such measures and their scope.

I. Please indicate whether there are occupations (if so, which ones) that are reserved exclusively for one or other sex, by specifying if it is because of the nature of the activity or the conditions in which it is carried out.

In 2005, the Central Bureau of Statistics recorded 59.6% of women and 40.4% of men with university degrees.

There are more women in **institutes of higher education for training social workers and other social welfare services**, and in 2005 there were 98.8% female graduates compared to a mere **1.2% male graduates** from such institutions.

The gender structure in faculties training nursery teachers and primary school teachers is no better, for statistics show that **as many as 94.6% of graduates** are women. Female students also predominate in the biological sciences. In 2005, only 18.2% of graduates were male.

Health care, the humanities and social sciences belong unreservedly to women, who also predominate in art academies, while equal numbers of men and women graduate in the physical science faculties, manufacturing industries, agriculture, forestry and fishing, veterinary services, and those institutions considered places of higher education for personal services and environmental protection.

Considering this phenomenon, it is interesting to note the gender structure **following level seven (VII) of education**. Although this has changed during the past thirty years, women still do not dominate. In 1962, for example, there were only **20.4% women** with master's degrees and master's of science degrees. In 1990, this had risen to 38% and in 2005 it **was 48.6%, compared to 51.4% men**.

There are most women with master's degrees in the natural sciences and the humanities, followed by biomedicine, health care and the social sciences, while they are fewest in the technical and biotechnical sciences.

It can be seen that women have succeeded in penetrating all the echelons of university education from the number of women with doctoral degrees. In 1964, there were only two women doctors out of ten, but by 2005 the numbers had almost drawn equal. In that year the number of men with doctoral degrees was **54.8% while the number of women was 45.2%**.

However, the reason for a drop in the number of women continuing their education after graduating in comparison to the total can be traced to new roles which come with family responsibilities, by which women are traditionally allowed less space than men to engage in the area of further development, which includes the area of education.

Statistical data

Statistical data can be found at www.dzs.hr – Released data/Women and men in Croatia