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1961 EUROPEAN SOCIAL CHARTER

9th National Report on the implementation
of the European Social Charter

submitted by

THE GOVERNMENT OF CROATIA

Articles 2, 4, 5, 6, and Article 2 and 3 of the
1988 Additional Protocol

for the period 01/01/2013 - 31/12/2016

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The Ministry of Labour and Pension System

11th National Report on the implementation of the European Social Charter for the period between 1st January 2015 and 31st December 2016 (Articles 2, 5 and 6 of the Charter and Articles 2 and 3 of the Additional Protocol to the European Social Charter)

REPORT ON THE IMPLEMENTATION OF THE EUROPEAN SOCIAL CHARTER

The report, for the period from 1 January 2015 to 31 December 2016, submitted by the Republic of Croatia pursuant to Article 21 of the European Social Charter, on the measures taken to give effect to the accepted provisions of the European Social Charter (Articles 2,5 and 6) and the Additional Protocol to the European Social Charter (Articles 2 and 3), the instrument of ratification or approval of which was deposited on 26 February 2003.

In accordance with Article 23 of the Charter, copies of this report have been communicated to:

- *Union of Autonomous Trade Unions of Croatia,*
- *Independent Trade Unions of Croatia,*
- *Croatian Trade Unions Association,*
- *Association of Croatian Trade Unions*,
- *Croatian Employers' Association.*

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Legislation

The right to work in the Republic of Croatia is regulated by the Constitution of the Republic of Croatia ("Official Gazette", No. 56/90, 135/97, 8/98 - consolidated text, 113/00, 124/00 - consolidated text, 28/01, 41/01 - consolidated text, 55/01 - corrigendum 76/10, 85/10 - consolidated text and 05/14) and by laws and regulations. Article 54 of the Constitution of the Republic of Croatia stipulates that all persons are entitled to work and freedom to work. In the period from 1st January 2015 until 31st December 2016, the following regulations were in force:

Regulations:

1. The Labor Act ("Official Gazette", No. 93/14)
2. The Act on Driving Times, Compulsory Rest Period for Mobile Workers and Recording Equipment in Road Transport ("Official Gazette", No. 75/13 and 36/15)
3. The Act on Safety and Interoperability of the Railway System ("Official Gazette" No. 82/13, 18/15 and 110/15)
4. The Air Traffic Act ("Official Gazette" No. 69/09, 84/11, 54/13, 127/13, and 92/14)
5. The Trade Act („Official Gazette“, No. 87/08, 96/08, 116/08, 76/09, 114/11, 68/13 and 30/14)
6. The Act on Public Holidays, Memorial Days and Non-Working Days in the Republic of Croatia („Official Gazette“ No. 33/96, 96/01, 13/02, 136/02 – consolidated text, 112/05, 59/06, 55/08, 74/11 and 130/11)
7. The Mine Action Act („Official Gazette“, No. 110/15)
8. The Minimum Wage Act („Official Gazette“, No. 110/15)
9. The Anti-discrimination Act ("Official Gazette", No. 85/08 and 112/12)
10. The Act on Representativeness of Employer Associations and Trade Unions („Official Gazette“, No. 93/14 and 26/15)
11. The Act on the Basis for Calculating the Remuneration in the Public Services („Official Gazette“, No. 39/09 and 124/09)
12. The Act on Services in the Armed Forces of the Republic of Croatia („Official Gazette“, No. 73/13, 75/15 and 50/16)
13. The Police Force Act („Official Gazette“, No. 34/11, 130/12, 89/14, 151/14, 33/15 and 121/16)
14. The Civil Servants Act ("Official Gazette", No. 92/05, 107/07, 27/08, 34/11, 49/11, 150/11, 34/12, 49/12, 37/13, 38/13 and 138/15 - Decision of the Croatian Constitutional Court)
15. The Act on the Implementation of the State Budget for 2015 ("Official Gazette" No. 148/14 and 103/15)
16. The Act on the Implementation of the State Budget for 2016 ("Official Gazette" No. 26/16 and 111/16)
17. The Aliens Act („Official Gazette“, No. 130/11 and 74/13)
18. The Labor Inspectorate Act ("Official Gazette", No. 19/14)

19. The Act on the Rights of Croatian Homeland War Veterans and the Members of Their Families (“Official Gazette”, No. 174/04, 92/05, 2/07, 107/07, 65/09, 137/09, 146/10, 55/11, 140/12, 33/13 and 148/13)
20. The Act on Protection of Military and Civilian War Invalids (“Official Gazette”, No. 33/92, 77/92, 86/92, 27/93, 58/93, 2/94, 76/94, 108/95, 108/96, 82/01, 103/03 and 148/13)
21. The Act on Promotion of Employment ("Official Gazette", No. 57/12 and 120/12)
22. The Occupational Safety and Health Act („Official Gazette“, No. 71/14, 118/14 - corrigendum and 154/14 - Regulation)
23. The Enforcement Act ("Official Gazette", No. 112/12, 25/13 and 93/14)
24. The Criminal Code ("Official Gazette" No. 125/11, 144/12, 56/15, 51/15- corrigendum)

Ordinances

1. The Ordinance on the contents and the method of recordkeeping on associations („Official Gazette“, No. 32/15)
2. The Ordinance on the submission and the method of keeping records on collective agreements („Official Gazette“, No. 32/15)
3. The Ordinance on the method of selecting the mediators and the employment dispute mediation procedure (“Official Gazette”, No. 130/15)
4. The Ordinance on the contents and the method of recordkeeping on associations („Official Gazette“, No. 32/15)
5. The Ordinance on permitting certain works and activities by minors („Official Gazette“, No. 62/10)
6. The Ordinance on the Contents and Form of Contracts for Seasonal Work in Agriculture and Vouchers (“Official Gazette”, No. 64/12)
7. The Ordinance on the contents of accounts of payroll and severance pay (“Official Gazette”, No. 32/15 and 102/15)
8. The Ordinance on the contents and the method of recordkeeping on workers (“Official Gazette”, No. 32/15 and 97/15)

Other

1. The Collective Agreement for Servants and Employees in Public Services (“Official Gazette”, No. 104/13, 104/13- Annex I, 150/13- Annex II, 71/16- Annex III and 123/16)
2. The Collective Agreement for the Sector of Health Care and Health Insurance ("Official Gazette", No. 143/13 and 96/15)
3. The Agreement on the Establishment of the Economic and Social Council (“Official Gazette”, No. 89/13)
4. The Regulation on Tasks and Special Working Conditions in the Public Service (“Official Gazette”, No. 74/02, 58/08, 119/11, 33/13 and 65/15).

PROVISIONS OF THE EUROPEAN SOCIAL CHARTER OF 1961 AND ADDITIONAL PROTOCOL OF 1988

Article 2 - The right to just conditions of work

In the period covered in this report no amendments were made to the Labour Act („Official Gazette", No. 93/14), basic regulation in respect of employment relationships, which came into force in August, 2014. The Labour Act is a general regulation governing employment relationships in the Republic of Croatia, unless otherwise regulated by another regulation or international treaty. It is applicable in the entire territory of the Republic of Croatia and to all persons, including aliens and persons without citizenship who meet the employment requirements in line with special regulation[1].

Article 2 paragraph 1 - Reasonable working hours

Pursuant to the provision of Article 61 paragraph 1 of the Labour Act, full-time work may not exceed 40 hours a week. The duration of worker's working time may be either evenly or unevenly distributed over days, weeks or months. Where the working time is unevenly distributed, the worker may not, in any period of four successive months, work more than 48 hours a week on average, including overtime work.[2] Pursuant to the provision of Article 73 paragraph 1 of the Labour Act, an employer must allow all workers working for a minimum of six hours a day to have rest period (break) of a minimum 30 minutes. Rest period (break) is included in the working hours and is paid.

Pursuant to the provision of Article 74 paragraph 1 of the Labour Act, the worker is entitled to a minimum daily rest period of 12 consecutive hours per 24-hour period. Exceptionally, the daily rest period may be shorter in case of seasonal workers who work in split shifts (in two parts during a working day). An employer must provide them with a daily rest period of a minimum 8 consecutive hours. The worker is to be afforded periods of compensatory daily rest right after the end of period at work due to which the worker used a shorter daily rest.

Moreover, the provision of Article 89 of the Labour Act provides for the possibility of a different working time arrangement:

(1) Unless otherwise provided for by specific provisions, the employer may for his adult workers provide for derogations from the provisions on duration of working time for night worker, daily or weekly rest, provided that the worker is afforded equivalent periods of compensatory rest in accordance with paragraphs 2 and 3 of this Article, and particularly:

> *1) when the worker's place of work and his place of residence are distant from one another, or where the worker's different places of work are distant from one another,*
>
> *2) in the case of security and surveillance activities requiring a permanent presence in order to protect property and persons,*
>
> *3) in the case of activities involving the need for continuity of service or production, particularly:*
> *- services relating to the reception, treatment and/or care provided by hospitals or similar establishments, residential institutions and other legal entities performing social care-related activities, and prisons,*

[1]The Aliens Act („Official Gazette", No. 130/11 and 74/13)
[2]Provision of Article 66 paragraph 8 of the Labour Act

- dock or airport workers,
- in the case of services directly related to the press, radio, television, cinematographic production, postal and telecommunications services, ambulance, fire and civil protection services
- gas, water and electricity production, transmission and distribution, household refuse collection and incineration plants
- industries in which work cannot be interrupted on technical grounds
- research and development activities
- workers concerned with the carriage of passengers on regular urban transport services

4) where there is a foreseeable surge of activity, particularly in:
- agriculture,
- tourism,
- postal services,

5) in the case of workers in railway transport, whose activities are intermittent, and who spend their working time on board trains or whose activities are linked to transport timetables

6) in the case of force majeure and where occurrences are due to unusual and unforeseeable circumstances.

(2) In the case referred to in paragraph 1 of this Article, a daily rest afforded to the worker may not be less than 10 consecutive hours, or a weekly rest of less than 20 consecutive hours.

(3) By way of derogation from paragraph 2 of this Article, a daily rest of at least 8 hours may be provided for by means of collective agreement.

(4) The worker shall be afforded periods of compensatory daily or weekly rest right after the end of period at work due to which the worker used a shorter daily or weekly rest.

This provision specifies that in specifically listed cases (numerus clausus), the employer may provide for derogations from the provisions on daily rest, provided that the worker is afforded equivalent periods of compensatory rest. A daily rest period afforded to the worker may not be less than 10 consecutive hours, and the worker must be afforded periods of compensatory daily rest right after the end of period at work due to which the worker used a shorter daily rest.

Taking into consideration the provisions on full-time working hours, daily rest period and derogations from the provisions on daily rest periods, the general rule is that the employer must provide workers with a daily rest period of a minimum 12 consecutive hours. Therefore, the employer may not schedule working hours exceeding 12 consecutive hours.

Where an employer applies derogation from the provision of Article 74 paragraph 2 of the Labour Act and the possibility of different regulation of daily rest period referred to in the provision of Article 89 of the Labour Act, the worker may not work 14 consecutive hours as he must be afforded compensatory daily rest period.

Eurofound[3]'s European Working Conditions Survey conducted in Croatia in 2015 showed that as many as 73 % of workers did not have to work longer than 10 hours on any day in a given month. Accordingly, only 27 % of workers worked longer than 10 hours a day at least once in a given month. The survey data showed

[3] European Foundation for the Improvement of Living and Working Conditions. (2017). European Working Conditions Survey, 2015. [data collection]. 4th Edition. UK Data Service. SN: 8098, http://doi.org/10.5255/UKDA-SN-8098-4

that 55 % of workers in Croatia, as a rule, work between 35 and 40 hours a week, 12 % work fewer than 35 hours a week, while 33 % of workers work more than 40 hours in a week. As for working time schedule, 67 % work the same number of hours per day, while 64 % of them work the same number of hours per week.

According to the data of the Croatian Bureau of Statistics gathered in the Labour Force Survey[4], average working hours on the main job in the reference week, broken down by business activities, were, in case of agricultural activities, 31.1 hours and 34.7 hours in 2015 and 2016 respectively. In non-agricultural activities (industry), workers on average worked 38.9 hours and 40.1 hours in 2015 and 2016 respectively. In service activities, workers on average worked 38.7 hours and 38.9 hours in 2015 and 2016 respectively.

Table 1 Average hours actually worked on a main job during reference week, according to NKD 2007 activity sections and by sex.

	2015	***2016***
Total	*38.1*	*38.9*
Agricultural activities	*32.1*	*34.7*
Non-agricultural activities (industry)	*38.9*	*40.1*
Service activities	*38.7*	*38.9*
Men		
Total	*39.0*	*39.7*
Agricultural activities	*35.2*	*36.9*
Non-agricultural activities (industry)	*39.1*	*40.5*
Service activities	*39.6*	*39.6*
Women		
Total	*37.1*	*37.9*
Agricultural activities	*26.8*	*30.3*
Non-agricultural activities (industry)	*38.2*	*39.0*
Service activities	*37.9*	*38.3*

[4] First release of the Croatian Bureau of Statistics, Year: LIV, Number: 9.2.7. of 4th May 2017

The activities of the Labour Inspectorate in 2015 and 2016

In respect of working hours and rest periods in 2016, labour inspectors identified, with reasonable doubt, that in 9 instances employment contracts were concluded with full-time working hours exceeding those legally permitted, which constitutes an offence (in 2015: 2), 288 instances of unlawful overtime work, which constitutes an offence (in 2015: 184), 19 instances of unlawful work with rescheduled working hours, which constitutes an offence (in 2015: 20), 213 instances where workers were denied their rights to daily rest periods, which constitutes an offence (in 2015: 20), 130 instances where workers were denied their rights to weekly rest periods, which constitutes an offence (in 2015: 141), 43 instances where workers were denied their annual paid leave in a manner and under conditions set out in the Labour Act, which constitutes an offence (2015: 46), and 402 instances of failing to keep records on workers and working time or for failing to keep records in a prescribed manner, or for failing to provide information on workers and working time upon labour inspector's request, which constitutes an offence (in 2015: 441).

Article 2 Paragraph 2 - Paid public holidays

Pursuant to the provision of Article 94 of the Labour Act, a worker is entitled to an increase in salary for their work on public holidays and on days prescribed by law as non-working days. The amount of this increase is not specified by law, but may be regulated by means of employment contracts, rules of procedure, collective agreements which are binding for the employer, or by any other law or regulation. This provision stipulates that where a worker does not work on public holidays or non-working days prescribed by law, and this is a day which is not a working day according to their regular schedule (the worker is not required to work on that day in line with his working hours schedule), the worker is not entitled to a salary compensation. Where a worker is required to work on these days according to their regular schedule and be paid remuneration, but the worker does not work because it is a public holiday or non-working day prescribed by law, the worker is entitled to remuneration amount equivalent to the amount he would have received had he worked. Where a public holiday falls on the worker's regular working day and the worker works on that day, he is entitled to increased salary for their work on public holidays.

Article 94 Entitlement to remuneration increase

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

Accordingly, a worker who works on a public holiday, as specified in the Act on Public Holidays, Memorial Days and Non-Working Days in the Republic of Croatia, is entitled not only to regular salary but also to an increase in salary for working on a public holiday. The Labour Act and the Act on Public Holidays, Memorial Days and Non-Working Days in the Republic of Croatia apply to all workers in Croatia, so all workers in the Republic of Croatia who work on public holidays are entitled to an increase salary for such work.

This entitlement is prescribed by the Labour Act, however, the amount of such increase is not provided for in any provision and the employer is required to determine such an increase in salary by means of its general acts or agreements with trade unions. The collective agreement for civil servants and employees specifies that the basic salary of civil servants and employees is increased by 150 % for every hour of work on a public holiday. Pursuant to the provisions of the Basic Collective Agreement for Civil Servants and Employees in Public Services (health care, schools, public institutions, etc.), the workers are entitled to a salary increase of 150 % for their work on public holidays. In 2015 and 2016, there were, in the Republic of

Croatia, two collective agreements with extended application to all employers in the specified business activity. The Collective agreement for hospitality sector and Collective agreement for construction industry provide for a 150 % increase of basic salary for the work on public holidays. Other employers in the Republic of Croatia are required to determine the amount of salary increase for work on public holidays by means of employment contracts, rules of procedures or collective agreements.

Article 2 paragraph 3 - Minimum period of paid annual leave

Annual leave in the Republic of Croatia is regulated by provisions of the Labour Act which was not amended in 2015 and 2016. Pursuant to the provision of Article 77 paragraph 1 of the Labour Act, a worker is entitled to paid annual leave of a minimum four weeks in each calendar year, and in line with paragraph 2, annual leave duration may be granted for a longer period than the minimum period prescribed, by means of collective agreements, rules of procedure or employment contract. The minor and the worker engaged in works involving exposure to harmful effects in spite of the implementation of health and safety at work protection measures are entitled to a paid annual leave of a minimum five weeks in each calendar year. The worker who does not satisfy the condition for entitlement to annual leave is entitled to a proportion of annual leave, which is determined as a period of one twelfth of annual leave for each elapsed month of employment relationship.

The provision of Article 80 of the Labour Act states that an agreement under which a worker waives his entitlement to annual leave or to payment in lieu of annual leave is null and void. This provision stipulates that an employer is required to provide every worker with paid annual leave. Consequently, the employer may not decide, unilaterally or with the consent of a worker, to pay compensation in lieu of annual leave.

Where a worker goes on sick leave, on the grounds of temporary incapacity to work, during the period of annual paid leave, the days of sick leave are not considered as days spent on paid leave. Similarly, a worker who was unable to use the annual paid leave due to illness is entitled to carry over the unused portion of annual leave to the next calendar year and use it by 30 June of that year.

In 2016, labour inspectors indentified, on reasonable grounds, that in 43 instances the workers were denied the right to use paid annual leave in a manner and under conditions prescribed by the Labour Act, which constitutes an offence, whereas in 2015 there were 46 of such instances. While carrying out their inspections in 2016, labour inspectors issued 10 decisions instructing the employers to prepare annual leave schedule in line with the Labour Act or to inform a worker of the duration and period of their annual leave. 7 decisions were issued in 2015.

Article 2 paragraph 4 - Additional paid annual leave for employees who work in occupations deemed hazardous

Pursuant to the provision of Article 64 paragraph 1 of the Labour Act, for jobs involving exposure to harmful effects in spite of the implementation of health and safety at work protection measures, the working time is shortened in proportion to the harmful effects on the worker's health and capacity for work. Such occupations are determined by special regulations. The mechanism of short-time work in the Republic of Croatia is regulated by the Mine Action Act specifying that deminers carrying out demining operations are not to work longer than five hours per day, and such work is legally equivalent to prescribed full-time work.

Article 52

(1) During their working hours, while carrying out additional general checks, technical checks and demining operations, deminers may work a maximum of five hours per day.

(2) Working hours referred to in paragraph 1 hereof shall begin to run once a deminer arrives at the starting point of the demining area, in line with the working time schedule set by the employer and overtime work is not allowed.

(3) The performance of activities referred to in paragraph 1 of this Article and supporting activities shall be demonstrated by presenting a personal supervisory booklet. The deminers and the supporting staff shall enter daily activities carried out at MSA into the booklet and shall be obliged to present a true and fair account of their work. The team leader shall be obliged to enter data on the number of deminers and other supporting technical staff in his demining unit into his control register, the authenticity of which he shall verify with his signature.

(4) The MSA manager shall be obliged to keep records of working hours of all employees engaged at the MSA and to conduct daily authentication of the data referred to in paragraph 3 of this Article.

(5) By way of derogation from paragraph 1 of this Article, in the event when operations are interrupted either due to force majeure or MSA work organisation (weather conditions, traffic regulations) or suspended until adequate working conditions are met, the duration of the break may be extended for up to one hour.

(6) The employer shall be obliged to provide the employees with adequate protection from the weather conditions (rainfall, coldness, high temperatures) during work interruptions and/or suspensions from paragraph 5 of this Article.

Article 53

(1) The Croatian Action Mine Centre, the accredited legal entities and sole-proprietors shall provide and ensure the presence of an emergency response medical team during additional general survey, technical survey, demining operations and final quality control in order to provide emergency medical assistance in the shortest possible time and in the manner set forth by the ordinance regulating the methods of demining operations, quality control, general survey, technical survey and marking of the mine suspected areas.

(2) The emergency response medical team shall be composed of a licensed medical practitioner, a nurse-paramedic, a driver and an emergency response vehicle with specified emergency equipment.

(3) The medical vehicle referred to in paragraph 2 of this Article shall meet the minimum technical specifications and minimum requirements for medical equipment pursuant to HRN EN 1789; 2011 and HRN EN 1865-1.

(4) The Croatian Action Mine Centre, the accredited legal entities and sole-proprietors may either provide their own emergency response vehicle and medical team or lease them from the county departments for Emergency Medicine.

(5) The accredited legal entities and sole-proprietors shall ensure continuous and direct communications system between the MSA managers, the demining team leaders and the medical teams.

(6) In the event where medical assistance cannot be provided in line with paragraph 1 of this Article, the MSA manager shall summon assistance from competent emergency response services.

The Croatian Mine Action Centre carries out the accreditation procedure of authorised legal entities for humanitarian mine search and demining operations. At the beginning of 2015, 40 legal entities employing 650 deminers had been accredited. At the end of 2015, this number increased to 46 accredited legal entities employing 653 deminers. The majority of the accredited legal entities employ between 10 and 20 deminers.

Moreover, the National Collective Agreement for the Employees in the Health Care and Health Insurance stipulates that full-time work for certain jobs shall be reduced and shall not exceed 35 hours a week. The jobs which are entitled to reduced working hours are those where the workers risk exposure to the sources of ionizing radiation and jobs in the intravenous application of cytostatic drugs. According to the data collected by the Croatian Institute for Health Protection and Safety at Work for 2016, 2000 workers have been exposed to the sources of ionizing radiation, while 801 have been exposed to cytostatics.

Pursuant to Article 77 paragraph 1 of the Labour Act the worker shall be entitled to a paid annual leave of at least four weeks in each calendar year, and the minor and the worker engaged in works involving exposure to harmful effects in spite of the implementation of occupational health and safety protection measures shall be entitled to at least five weeks of paid annual leave. Therefore, the Labour Act provides that workers who are engaged in jobs involving exposure to harmful effects despite the implementation of occupational health and safety measures shall be entitled to an annual leave which exceeds, by one week, the minimal legal requirement for all other workers. This enables a particular category of workers to take a longer rest period in respect of greater mental and physical exertion, stress and harmful impacts in the workplace.

Article 2, paragraph 5 - Weekly rest

Pursuant to the provisions of the Labour Act of the Republic of Croatia the worker shall be entitled to a weekly rest that shall be taken on Sunday or the day before or day after Sunday. Therefore, the general principle is that weekly rest shall be taken on Sunday, which is traditionally deemed as a day of rest. Where such practice is not possible, the employer shall provide the worker with weekly rest period on Saturday or Monday. Where the worker is not in a position to take the rest period as defined in the Article 2 of the Labour Act, he shall be afforded equivalent periods of compensatory weekly rest right after his working time with no weekly rest, or with a shorter period of rest. Arising from the aforementioned provisions, an agreement under which a worker waives his entitlement to annual leave in return for compensation shall be null and void; even in the event when the worker consents to or requires such an agreement.

During supervisions carried out in 2016 the labour inspectors responsible for labour relations established, with reasonable doubt, that in 130 instances workers had been denied the right to weekly rest by their employers, which constitutes an offense as set forth by the Labour Act. In 2015, 141 such instances had been registered.

Article 5 - The right to associate

The legislative framework has not changed since the last report had been issued. As per Article 165 of the Labour Act: workers shall have the right, according to their own free choice, to found and join a trade union,

subject to only such requirements which may be prescribed by the articles of association or internal rules of this trade union. In line with Articles 165 and 166 of the Labour Act the worker shall have the right to freely decide, at any time, to take up or terminate membership in an association. The trade union shall have the right to freely regulate membership conditions by statute or regulations. The corresponding rights are afforded to employers i.e. employers' associations. No one shall be discriminated on the grounds of his membership or non-membership in an association or participation or non-participation in its activities. Actions contrary to the above-mentioned provisions shall constitute discrimination. The provisions of the Anti-Discrimination Act specify legal remedies in events of discrimination. In order to establish associations of trade unions or employers, the founders shall submit an application for registration in a register of associations. No other prior permission, license or any other formality whatsoever is required. The competent body shall render a general administrative decision on application for registration within a maximum of thirty days following the submission of a compliant application. This deadline corresponds to other formal deadlines in general administrative procedures carried out by the Ministry of Labour and Pension System. In practice, however, the decisions on application for registration in a register of associations are generally rendered in significantly shorter time-frames. In the event where the competent body fails to issue a decision within the stipulated deadline, it shall be deemed that the association is registered as of the day following the expiration of this deadline. In 2015 and 2016 the Ministry of Labour and Pension System has not rejected any application for registration in a register of associations submitted by trade unions, employers' associations, higher-level unions or higher-level employers' associations.

The work of workers' and employers' associations is afforded legal protection. As per Article 183, paragraph 1 of the Labour Act employers and their associations shall not exercise control over establishment and operations of trade unions, or their higher-level associations. In the event where the employer attempts to exercise or exercises prohibited control over the establishment and operations of trade unions, he shall be committing a serious offense that shall be sanctioned by law. In line with Article 183, paragraph 1 of the Labour Act employers and their associations shall not exercise control over the establishment and operations of trade unions, or their higher-level associations, nor shall they finance or in any other way support trade unions or trade union associations of a higher level in order to exercise such control. The labour inspectors had identified 3 violations related to the above mentioned provisions in 2015.

Pursuant to Article 134, paragraph 2 of the Labour Act the employer employing at least 20 workers shall be obliged to appoint a person who would, in addition to him, be authorised to receive and deal with grievances related to the protection of the workers' dignity. Paragraph 8 stipulates that all information collected in the procedure for the protection of workers' dignity shall be confidential. In 2016, the labour inspectors rendered 10 oral decisions to the employers, to appoint, within the time limits determined by the inspector, a person who would, in addition to the employer, be authorised to receive and deal with grievances related to the protection of the workers' dignity. In 2015, the labour inspectors had rendered 11 such oral decisions.

The representation of higher-level trade unions associations and higher-level employers' associations in tripartite bodies on the national level, as well as the criteria and the procedure for determining representation of trade unions for collective bargaining and the rights of representative associations, are regulated by the Act on the Representation of Trade Union and Employers' Associations in Tripartite Authorities. The Act has not been amended in 2015 and 2016.

Registered associations in the Republic of Croatia:

	Trade union associations	Employers' associations	Higher-level trade union associations	Higher-level employers' associations
At county level	297	6	3	0
At national level	328	55	25	3
In total	625	61	25	3

In 2015 and 2016 4 higher-level trade union associations and 1 higher-level employer's associations had met all the statutory conditions for representation in bodies at the national level,

as follows;

1. Union of Autonomous Trade Unions of Croatia
2. Independent Trade Unions of Croatia
3. Association of Croatian Unions
4. Workers' Trade Union Association of Croatia
5. Croatian Employers' Association

The scope of work and methods employed by the Economic and Social Council are defined in the Agreement on the Economic and Social Council and Other Forms of Social Partnership in the Republic of Croatia ("Official Gazette", No. 89/2013).

The latest available research[5] from 2014 has found a decrease in the union density from 35 % in 2009 to 26 %. The research has also found that 50 % of workers are subject to collective bargaining agreements.

Taking into consideration the available data on the registered employers' associations and trade unions, as well as trade union density data, we may assert that trade union movement in the Republic of Croatia is highly fragmented. The high level of fragmentation of the trade union scene in the Republic of Croatia could contribute to weakening of the trade union influence in the sphere of public policy, differences in opinions, rivalry over the existing membership, reduced possibilities of membership mobilisation for the purpose of realising union objectives and financial instability. On the other hand, the Croatian Employers' Association tends to dominate as the only nationally representative association of employers. Additionally, the public perception has been that SMEs make up a smaller percentage of the Association and that larger employers account for the majority of the membership.

[5]Dialogue to success - How to get it (even) better: insights, conclusions and recommendations of the project "Strengthening social dialogue in the Republic of Croatia" (page 25).

Article 6 - Right to collective bargaining

Article 6 paragraph 1 - Joint consultation

Workers in the Republic of Croatia are entitled to exercises their rights to participation in co-decision making process by virtue of **meetings of workers, works councils** and **workers' representatives in the employers' body which supervises business management.** Article 163 paragraph 1 of the Labour Act stipulates that meetings of workers employed with an employer shall be held twice a year, in about equal time intervals in order to ensure full scale reporting and discussions on employer's status and development and on activities of the works council. Workers employed with an employer who employs at least 20 workers, shall have the right to take part in decision making on issues related to their economic and social rights and interests, by virtue of establishing a works council. The employer shall be obliged to inform, consult and engage in the process of co-decision making with the works council. Articles 149, 150 and 151 of the Labour Act specify the procedure:

Duty to inform

Article 149

(1) The employer shall be obliged to inform the works council at least every three months about:

1) business situation, results and work organization,

2) expected business developments and their impact on the workers' economic and social status,

3) trends and changes in salaries,

4) the extent of and the reasons for the introduction of overtime work,

5) the number and type of workers employed, employment structure (the number of fixed-term workers, workers at alternative workplaces, workers assigned by temporary-work agencies, workers temporarily posted to/from an associated company, etc.) as well as employment development and policy,

6) the number and type of workers to whom they have given a written consent to additional job referred to in Article 61 (3) and Article 62 (3) of this Act,

7) health protection and safety at work policy and measures taken in order to improve working conditions,

8) outcomes of inspections of work and safety at work conditions,

9) other issues bearing particular importance for the economic and social position of workers.

(2) The employer shall be obliged to inform the works council about the issues from paragraph 1 of this Article in such a manner in terms of timeliness and the level of detail so as to enable the members of the works council to evaluate possible impact and prepare for negotiations with the employer.

Duty to consult before rendering a decision

Article 150

(1) Before rendering a decision that is relevant for the position of workers, the employer must consult the works council about the proposed decision and must communicate to the works council the information important for rendering a decision and understanding its impact on the position of workers.

(2) In instances referred to in paragraph 1 of this Article, the employer shall be obliged to enable the works council to organize meetings, upon their request and before their final response about the employer's intended decision, in order to obtain additional answers and explanations related to their statement.

(3) Important decisions referred to in paragraph 1 of this Article shall include in particular decisions on:

1) the adoption of working regulations,

2) employment policy development plan, and dismissal,

3) transfers of undertakings, businesses or parts of undertakings or businesses, as well as transfer of workers' employment contracts to a new employer, and its impact on workers affected by the transfer,

4) the measures related to the protection of health and safety at work,

5) the introduction of new technologies and change of organization and method of work,

6) annual leave schedules,

7) working hours patterns,

8) night work,

9) compensations for inventions and technical innovations,

10) collective redundancies referred to in Article 127 of this Act and all other decisions that, under this Act or a collective agreement, must be rendered in consultation with the works council.

(4) The complete information related to the proposed decision must be delivered to the works council in good time, so as to enable the works council to put forward comments and proposals stemming from the discussion that could have substantial effect on decision-making process.

(5) Unless otherwise specified by an agreement between the employer and the works council, the works council shall provide the employer with a feedback concerning the proposed decision within eight days. In case of an extraordinary dismissal, the deadline shall be five days.

(6) If the works council does not provide its feedback on the proposed decision within the deadline referred to in paragraph 5 of this Article, it shall be presumed that it has no comments or proposals.

(7) The works council may oppose to a dismissal if the employer does not have just cause for the dismissal, or if the dismissal procedure is not conducted in compliance with this Act.

(8) The works council must give reasons for its opposition to the employer's decision.

(9) If the works council opposes to an extraordinary notice of dismissal and the worker brings legal action to challenge the permissibility of dismissal and requests the employer to retain him at work, the employer

shall be obliged to admit the worker to work within eight days of the information about the initiation of legal action and retain him at work pending the final judicial decision on the merits.

(10) In cases referred to in paragraph 9 of this Act, if the employer terminates an employment by giving extraordinary notice of dismissal, the employer shall be allowed to suspend the worker pending the final judicial decision on permissibility of dismissal. In this case, the employer shall be obliged to pay the worker monthly remuneration in the amount of one-half of the average salary paid to the worker in the preceding three months.

(11) If the works council's opposition to an extraordinary notice of dismissal is manifestly not founded on the provisions of this Act, the employer may move the court to issue an interim measure releasing him from the obligation to admit the worker to work and pay the worker remuneration, pending the final judicial decision on the merits.

(12) A decision rendered by the employer contrary to the provisions of this Act governing consultations with the works council shall be null and void.

Co-decision making

Article 151

(1) The employer's decisions that may be rendered only with a prior consent of the works council shall include the decisions on:

1) dismissing a member of the works council,

2) dismissing a candidate for the works council who was not elected, for a period of three months following the establishment of the election results,

3) dismissing a worker with reduced capacity for work due to an injury at work or occupational disease and dismissing a disabled person,

4) dismissing a worker over 60 years of age,

5) dismissing a workers' representative in an employer's body,

6) including persons referred to in Article 34 (1) of this Act in collective redundancy, except in cases when the employer has initiated or is conducting liquidation proceedings in accordance with specific provisions,

7) collecting, processing, using and disclosing the information about a worker to third parties,

8) appointing a person authorized to supervise whether personal information about workers is collected, processed, used or disclosed to third parties in accordance with the provisions of this Act.

(2) By way of exception, an employer may, without previous consent of the works council, render a decision from paragraph 1, subparagraphs 1 to 6 of this Article, if the decision pertains to the rights of a worker who is also a trade union commissioner subject to the protection referred to in Article 188 of this Act.

(3) If the works council fails to grant or deny its consent within eight days, it shall be presumed to have consented to the employer's decision.

(4) If the works council refuses to give its consent, the refusal shall be explained in writing, and the employer may, within fifteen days of the receipt of the statement on refusal to give consent, ask that such consent be replaced by an arbitration award.

(5) The arbitration referred to in paragraph 4 of this Article shall be conducted by an arbiter who is selected from the list defined by the Economic and Social Council, or determined in agreement by the opposing parties.

(6) The list of arbiters shall be determined and managed by the Economic and Social Council.

(7) The Minister shall, alongside a prior opinion of the Economic and Social Council, regulate the method of arbiter selection, arbitral proceedings and method of performing administrative tasks related to these proceedings, by virtue of an ordinance.

(8) The minister shall, with a prior opinion of the Economic and Social Council and opinion of the minister responsible for finance, determine an amount and payment method for costs of the arbitral proceedings as well as the compensation for the arbiter, by virtue of a decision.

(9) An agreement between the employer and the works council may also regulate other issues in which the employer may render a decision only subject to prior consent of the works council.

In 2016 the labour inspectors responsible for labour relations established with reasonable doubt, that in 9 instances the employers had failed to inform the works council on the issues on which they are obliged to inform them (compared to 12 instances in 2015) and that in 9 instances the employers had failed to consult with the works council on the issues on which they are obliged to consult with them (compared to 16 in 2015). The labour inspectors did not establish any instances of employers rendering a decision without obtaining the works council's consent when such a decision may be rendered only subject to prior consent of the works council (9 such instances had been established in 2015).

Workers are afforded the right to participate in the work of the employer's body which supervises business management. The participation of worker representative in the employer's body constitutes an institutionalized form of participation in decision-making relevant to the business management. The Labour Act regulates the criteria for the employer's duty to enable the worker's representation in the employer's body which supervises business management. Pursuant to Article 164 paragraph 1 of the Labour Act this right shall be exercises by workers employed at: a) a company, b) a cooperative society and c) a public institution.

The workers shall be entitled to participation in co-decision making where a body that supervises business management is established in accordance with specific provisions. In a company or a cooperative society this body shall be the supervisory board, the management board or another competent body, whereas in public institutions this body shall generally be the governing council. In the event when the above-mentioned legal entities do not establish a separate body to supervise business management, the employer shall not be obliged to enable the employees to participate in co-decision making as set forth in the Article 64 of the Labour Act. There is, therefore, no regulatory obligation on part of the employer to establish a body solely for the purpose of worker representation. The workers exercise their right to participate in co-decision making in the employer's body irrespective of the total number of the workers employed by the employer. Therefore, this right is not limited in the legislation by provisions that condition a certain minimum requirement in the number of employees. The elections are, however, carried out in the

same manner as the elections for works council where one representative is to be elected. The provisions stipulating that the employer shall employ at least 20 workers (which are relevant for the establishment of works council) are not applied in such instances.

In 2015 and 2016 the labour inspectors responsible for labour relations have established, with reasonable doubt, that in 2 separate instances employers had committed an offense by failing to allow an appointed or elected worker's representative to participate in the employer's body.

The employees may exercise their right to co-decision making at company level and at industry (sectoral) level. The Government and social partners have jointly agreed to promote development of bipartite social dialogue, and have maintained their commitment to meeting all necessary organisational, professional, administrative and other conditions for active and efficient participation of representatives in social dialogue at all levels and in all bodies. With these objectives in mind, several industry (sectoral) social councils have been established:

1. Social Council for Textile, Leather, Footwear and Rubber Industry (established on 20 April 2010)
2. Social Council for Forestry and Wood Industry (established on 6 December 2010)
3. Social Council for Road Transport Industry (established on 9 December 2011)
4. Social Council for Railway Transport Industry (established on 30 May 2012)
5. Social Council for Construction Industry (established on 26 September 2012)
6. Social Council for Catering and Tourism Industry (established on 26 September 2012)
7. Social Council for Food Industry and Agriculture (established on 10 November 2016).

In 2015 and 2016 only one bipartite body at industry level has been established. In the Republic of Croatia bipartite social dialogue at industry level has been significantly underrepresented in relation to social dialogue at national level. Industry social councils have failed to take on significant activities in the reporting period.

County Economic and Social Councils have been set up for the purpose of establishing and developing tripartite dialogue in the bodies of local and regional (county) government. Up to now, 17 Counties and the City of Zagreb have entered into agreements to establish Economic and Social Councils, while 3 Counties have failed to do so.

The national Economic and Social Council has been established by the Agreement on the Economic and Social Council and Other Forms of Social Partnership in the Republic of Croatia. The Council is composed of 6 representatives of the Government of the Republic of Croatia, 4 representatives of the employers' associations (Croatian Employers' Association) and 4 representatives of trade unions (Union of Autonomous Trade Unions of Croatia, Independent Trade Unions of Croatia, Association of Croatian Unions and Workers' Trade Union Association of Croatia).

The joint consultation and social dialogue regulations apply both to employees of public institutions which are beneficiaries of the state budget and employees of state-owned companies. The provisions on works council do not apply to workers employed at state administration bodies. However, the Collective

Agreement for Civil Servants stipulates the duty to inform. Prior to rending decisions of importance to the position of civil servants and civil service employees, the head of the state administration body shall have the duty to inform the trade union representative or other authorised union representative about the decision and provide information relevant for the decision and its impacts.

Article 6, paragraph 2.- Establishing the machinery for voluntary negotiations

Labour Act, as a general legal act regulating the terms and conditions of employment, provides freedom of operations of employers' associations and associations of workers. Pursuant to Article 167 of the Labour Act, the operations of an association may not be temporarily prohibited nor may an association be disbanded by virtue of a decision by executive authorities. Employers and their associations as well as trade unions may freely and voluntary negotiate about salaries, the content of employment contract, social security issues as well as other matters relating to labour relations.

The rights, obligations and responsibilities on the basis of work of civil servants and civil service employees in state administration bodies are prescribed by the provisions of the Collective Agreement for Civil Service.

Annex III to the Collective Agreement was signed in August 2016, setting out certain material rights of civil servants and civil service employees. The Annex was signed by the government of the Republic of Croatia and the trade unions (Civil service trade union, Union of Police of Croatia, Union of the Ministry of Interior). In December 2016, an amendment to the stated Annex was signed establishing the basis for salary calculation for the year 2017.

Article 6, paragraph 3 - conciliation and voluntary arbitration

The provision of Article 206 of the Labour Act stipulates mandatory mediation phase. In case of dispute which could result in a strike or other form of industrial action, the mediation procedure must be conducted. The mediation shall be conducted by the mediator selected by the parties to a dispute from the list established by the Economic and Social Council or determined by mutual agreement.

Disputes in which mediation is mandatory

Article 206

(1) In case of dispute which could result in a strike or other form of industrial action, the mediation procedure must be conducted as prescribed by this Act, except when the parties have reached an agreement on an alternative method for its resolution.

(2) The mediation referred to in paragraph 1 of this Article shall be conducted by the mediator selected by the parties to a dispute from the list established by the Economic and Social Council or determined by mutual agreement.

List of mediators is regulated by Article 207 of the Labour Act and it is established and kept by the Economic and Social Council. Ordinance on the method of selecting the mediators and the employment dispute mediation procedure in collective labour disputes stipulates rules on the list of mediators and mediation procedure. The request for mediation is presented in writing by either party to the dispute, by submitting the information about the dispute to the Economic and Social Council, or to a state administrative office in a county or the City of Zagreb responsible for labour affairs.

A state administrative office in a county or the City of Zagreb responsible for labour affairs must immediately upon receipt of the notification, submit it to the Economic and Social Council at the national level. The party initiating the mediation procedure must, in a written request for the initiation of these proceedings, state the name, address, phone and fax number of the parties to a dispute, the date of submitting the request for mediation, reasons for initiating mediation and the mediator's proposal. Economic and Social Council submits a request for mediation to the other party to a dispute immediately upon receipt, and no later than one day after receiving the written notice.

The parties to a dispute may agree on the choice of mediators who will conduct the mediation process. If the parties fail to agree on choice of mediator, the decision on the appointment of a mediator to a dispute shall be made by the President of the Economic and Social Council, and if it is not established, then the decision shall be made by the Minister.

The mediation must be completed within five days following the submission of information about the dispute to the Economic and Social Council. Where the mediation process is not completed within the stated term, it is considered to have failed.

In addition to mediation, the parties to a dispute may agree to bring their collective labour dispute before an arbitration body. The appointment of an individual arbiter or an arbitration board and other issues related to the arbitration procedure may be regulated by a collective agreement or by an agreement of the parties made after the dispute has arisen.

Collective agreement for state civil servants and employees stipulates mandatory mediation in the event of collective labour dispute. Mediation procedure is conducted by mediation council which comprises five members. Each party appoints two members, and the appointment of the fifth member, who will act as a president of the mediation council, is entrusted to the Dean of the Faculty of Law or to another person authorized by him. Mediation procedure is initiated at the written request of one of the signatories of the collective agreement and must be completed within five days from the day of initiating the mediation procedure. The mediation council shall draw up a written proposal for a settlement, and the mediation is considered to have succeeded if both parties accept a written proposal for a settlement. The settlement has binding legal force and the legal effect of the collective agreement.

The collective agreement for state civil servants and employees which is applied to all public employees, stipulates that, in the event of collective labour dispute that could result in a strike, a mediation procedure is to be carried out pursuant to the provisions of the Labour Act and the Ordinance on the method of selecting the mediators and the employment dispute mediation procedure. This collective agreement provides a possibility for resolving disputes by arbitration. Where the parties agree to arbitration, but otherwise fail to agree on the structure and procedure for arbitration, the rules applicable to activities which must not be stopped specified in the provisions of the Labour Act will be applied. Where a ban on strike in a certain public service is determined by law, a collective dispute will be brought before an arbitration body.

MEDIATION STATISTICS

Number of mediation procedures from 2015 - 2016

Year	2015	2016	Total
Number of mediation procedures	66	27	93

Mediation statistics by efficacy:

Year	2015	2016	Total
Resolved	26	12	38
Unresolved	33	11	44
Grounds no longer exist	7	4	11

Mediation statistics by type of dispute:

Year	2015	2016	Total
Legal - based	35	11	46
Interest - based	31	16	47
Legal and interest - based	0	0	0

Overview of mediation procedures, by month:

Year	2015	2016	Total
January	3	2	5
February	11	4	15
March	2	7	9
April	7	5	12
May	2	1	3
June	4	1	5
July	8	3	11
August	5	1	6
September	6	0	6
October	11	0	11
November	7	2	9
December	0	1	1
Total	66	27	93

Article 6, paragraph 4 - The right to collective action

The right to strike in the Republic of Croatia is prescribed by Article 205 of the Labour Act.

Strike and solidarity strike

Article 205

(1) Trade unions shall have the right to call and undertake a strike in order to protect and promote the economic and social interests of their members or on the ground of non-payment of remuneration and compensation, or a part thereof, if they have not been paid by their maturity date.

(2) In the event of any dispute related to conclusion, amendment or renewal of a collection agreement, the right to call and undertake a strike shall have trade unions which have been determined as representatives, under specific provisions, for collective bargaining and conclusion of a collective agreement and which have negotiated the conclusion of a collective agreement.

(3) A strike must be announced to the employer, or to the employers' association, against which it is directed, whereas a solidarity strike must be announced to the employer on whose premises it is organized.

(4) A strike may not begin before the conclusion of the mediation procedure, when such a procedure is provided for by this Act, or prior to the completion of other amicable dispute resolution procedures agreed upon by the parties.

(5) A solidarity strike may begin even if the mediation procedure has not been conducted, but not before the expiration of two days from the date of commencement of the strike in whose support it is organized.

(6) A letter announcing the strike must state the reasons for the strike, the place, date and time of its commencement, as well as the method of its execution.

The strike can be undertaken due to legal dispute, non-payment of salary, or in cases of interest dispute concerning the conclusion, amendment or renewal of a collective agreement.

The right to strike is an exclusive right of trade unions. Thus, only unions have the right to call and undertake a strike. In the event of an interest dispute, the right to call and undertake a strike shall have trade unions which have been determined as representatives, under specific provisions, for collective bargaining and conclusion of a collective agreement and which have negotiated the conclusion of a collective agreement. In accordance with the provisions of the Labour Act, a trade union may be established by at least ten adult persons with legal capacity. The union is required to bring the articles of association, and it acquires legal personality on the date of entry in the register of associations. The application filed for registration into register is submitted by its founders and it must be accompanied by the deed of foundation, the minutes taken at the founding assembly, the articles of association, the list of founders and member of the executive body, and full name(s) of the person(s) authorized to represent the association. The body responsible for registration shall issue a decision on application for registration in a register of associations no later than thirty days from the date of filing the application. The stated period is in accordance with all other time limits stipulated in administrative procedures and is in no way discriminatory in relation to other procedures which include processing of requests. The deadline of thirty days for issuing a decision on application for registration in a register of associations is in line with national legislation and legal culture, and therefore presents no obstacle to the activities of the unions. In practice, the above decision is brought much sooner than the expiry of the deadline.

Additional Protocol

Article 2 - The right to information and consultation

The Labour Act enables participation of workers in decision-making through three legal mechanisms: works council, workers' assemblies and employers' bodies. The works council presents a form of institutionalized participation of workers at the company's level.

Duty to inform arises pursuant to Article 149, paragraph 1 of the Labour Act, where the employer has a duty to inform the workers' council at least every three months about business situation and results, development plans and their impact on the economic and social position of workers, trends and changes in salaries, the extent of and the reasons for the introduction of overtime work, the number and type of workers working for them, structure of employment and employment policies, protection and safety at work and measures taken in order to improve working conditions and other issues bearing particular importance for the economic and social position of workers.

Pursuant to Article 150 Paragraph 1 before rendering a decision that is relevant for the position of workers, the employer must consult the works council about the proposed decision and must communicate to the works council the information important for rendering a decision and understanding its impact on the position of workers. Important decisions are deemed to include those on: the adoption of employment rules, recruitment plan, transfers to another job and dismissals, the expected legal, economic and social consequences for the workers in the cases of transferring of contract to a new employer, the measures related to the protection of health and safety at work, the introduction of new technologies and change of organisation and methods of work, annual leave plans, working hours schedules, night work, compensation for inventions and technical innovations, the adoption of redundancy social security plans and other decisions which, under this Act or a collective agreement, must be rendered in consultation with the works council, transfer of company, part of the company, industry or part of the industry as well as worker's employment contract to the new employer, and the impact of such transfers on workers.

The provision of Article 151 stipulates the obligation of co-decision making. The decisions an employer may render only subject to prior consent of the workers' council are decisions on: dismissing a member of the workers' council, dismissing a candidate for the workers' council who was not elected, and a member of the electoral committee for a period of three months following the establishment of the election results, dismissing a worker with reduced ability to work or in immediate danger of disability, dismissing a worker with disability, dismissing a worker over sixty years of age, dismissing a workers' representative on the supervisory board, including persons referred to in Article 34, paragraph 1 of this Act in the redundancy social security plan, unless the employer has, in accordance with a special regulation initiated or carried out the Company liquidation process, collecting, processing, using and sending to third parties the information about a worker, appointing a person authorised to supervise whether personal information about workers is collected, processed, used or sent to third parties in accordance with the provisions of this Act.

Workers' meetings present direct participation of workers in decision-making at the company's level. Pursuant to provision in Article 163 paragraph 1 of the Labour Act, in order to ensure full scale reporting and discussions on employer's status and development and on activities of the works council, meetings of workers employed with an employer shall be held twice a year, in equal time intervals. Workers' meetings shall be convened by the works council, with prior consultations with the employer. If there is no works council established with an employer, the workers' meetings shall be convened by the employer.

The provision of Article 164 of the Labour Act stipulates the obligation of having workers' representative in the employer's body. In a company or a cooperative society, where a body (supervisory board, management board, namely another appropriate body) that supervises business management is established in accordance with specific provisions, and in a public institution, a workers' representative shall be one member of the company's or cooperative's body that supervises business management, namely one member of a public institution's body (governing council, namely another appropriate body).

Article 3 - Right of workers to take part in the determination and improvement of the working conditions and working environment

Articles 32 and 33 of the Occupational Health and Safety Act ("Official Gazette", No. 71/14 and 118/14) stipulate the obligations of the employer with regard to providing information and conducting consultation with workers or their representatives about issues of safety at work

Information
Article 32

(1) The employer shall be obliged to inform the employees, the employees' commissioner for occupational health and safety, the occupational health and safety specialist, the authorized person if the performance of occupational health and safety tasks was contracted with him, and other persons of all the risks and changes which might affect the health and safety of employees, in particular of:

1) risks associated with the workplace and the nature or type of work, of possible damage to health and of protective and preventive measures and activities in every work process,

2) first aid measures, protection against fire, employees' protection and rescue as well as of the employees who implement them.

(2) The employer shall by means of written instructions be obliged to ensure the implementation of work process in accordance with the occupational health and safety rules and shall be required to give the employees instructions in accordance with paragraph 1 of this Article.

(3) In the workplaces the employer shall be obliged to visibly display written instructions about the work environment, means of work, hazardous chemicals, biological harms, occupational hazards, sources of physical harms and other risks at work and in relation to work, in accordance with the risk assessment.

(4) In workplaces where work with special conditions is performed, the employer shall be obliged to ensure access only to employees who have received written instructions for work in a safe manner and have personal protective equipment whose mandatory usage results from risk assessment.

(5) The employer shall be obliged to make available the appropriate documentation to the occupational health and safety specialist, to the authorized officer and to the employees' commissioner for occupational health and safety, in particular:

1) risk assessment and the list of measures being implemented for the purpose of eliminating or reducing the estimated risks

2) records and documents which he shall be obliged to keep in line with the provisions of Article 61, paragraph 1 of this Act

3) administrative measures ordered by the authorized inspector.

(6) The employer who is not obliged to set up a committee for occupational health and safety and with whom a works council was set up or has a union commissioner with all the rights and obligations of the works council, shall be obliged to inform employees' commissioners for occupational health and safety on the state of occupational health and safety and planned activities for the next reporting period at least every three months in writing.

(7) The employer who is not obliged to set up a committee for occupational health and safety and with whom a works council was not set up or does not have a union commissioner with all the rights and obligations of the works council, shall be obliged to inform employees' commissioners for occupational health and safety on the state of occupational health and safety and planned activities for the next reporting period at least every six months in writing.

(8) Notwithstanding the provisions of paragraphs 6 and 7 of this Article, in the event of any fatal or severe injury at work, an identified case of occupational disease or where a competent inspector identifies a failure in the implementation of occupational health and safety, the employer shall be obliged to inform the employees' commissioner for occupational health and safety immediately after the occurrence of the event.

(9) In the event of any fatal or severe injury, the employer shall be obliged to call the employees' commissioner for occupational health and safety to carry out the investigation at the workplaces.

(10) The employer shall be obliged to give an employee timely instructions on procedures in the event of an immediate risk to human life and health to which the employee is or could be exposed, as well as on possible measures to be taken in this case in order to prevent or reduce risks.

Consultation

Article 33

The employer shall be obliged to, in advance and in a timely manner, consult with the employees' commissioner for occupational health and safety on:

1) the employment of an occupational health and safety specialist and the tasks he shall perform

2) entrusting the implementation of occupational health and safety matters to the authorized person and on the tasks he shall perform

3) drafting the risk assessment and modifications, i.e. amendments to the risk assessment

4) the selection of the employees who shall provide first aid and the employees who shall implement measures for protection against fire, evacuation and rescue

5) safety and risks prevention at work and on prevention and reduction of risks

6) the prevention of accidents, injuries at work and occupational diseases

7) changes in the work process and technology

8) planning and conducting training in occupational health and safety

9) the improvement of working conditions and on planning and introducing new technologies

10) the impact of working conditions and working environment on the health and safety of employees

11) the choice of work equipment and personal protective equipment

12) the exposure of employees to monotonous work, work at a set pace, result-based work in a given period of time (normative work) and other exertions.

In performing inspections, labour inspectors for occupational health and safety determined the existence of reasonable suspicion of commission of 10 offenses during the course of 2014 and 14 offenses during 2016, due to the employer failing to ensure access only to employees who have received written instructions for work in a safe manner and have personal protective equipment whose mandatory usage results from risk assessment, in accordance with the provision of Article 32, paragraph 4 of the Labour Act ("Official Gazette", No. 71/14, 118/14).