March 2019

1961 European Social Charter

European Committee of Social Rights

Conclusions XXI-3 (2018)

CROATIA

This text may be subject to editorial revision.

The following chapter concerns Croatia which ratified the 1961 Charter on 6 November 2009. The deadline for submitting the 9th report was 31 October 2017 and Croatia submitted it on 19 January 2018.

In accordance with the reporting system adopted by the Committee of Ministers at the 1196th meeting of the Ministers' Deputies on 2-3 April 2014, the report concerns the following provisions of the thematic group "Labour Rights" :

- the right to just conditions of work (Article 2),
- the right to a fair remuneration (Article 4),
- the right to organise (Article 5),
- the right to bargain collectively (Article 6),
- the right to information and consultation (Article 2 of the Additional Protocol),
- the right to take part in the determination and improvement of the working conditions and working environment (Article 3 of the Additional Protocol).

Croatia has accepted all provisions from the above-mentioned group except Article 4.

The reference period was 1 January 2013 to 31 December 2016.

The conclusions relating to Croatia concern 12 situations and are as follows:

–9 conclusions of conformity: Articles 2§2, 2§3, 2§4, 2§5, 5, 6§1, 6§2, 6§3 and 2 of the Additional Protocol;;

– 2 conclusions of non-conformity: Articles 2§1 and 6§4.

In respect of the situation related to Article 3 of the Additional Protocol, the Committee needs further information in order to examine the situation. The Committee considers that the absence of the information requested amounts to a breach of the reporting obligation entered into by Croatia under the Charter. The Committee requests the authorities to remedy this situation by providing the information in the next report.

During the current examination, the Committee noted the following positive developments:

Article 2 of the Additional Protocol

In 2014 entered in to force the Labour Act 93/2014 that regulates employment relationships in Croatia. The Labour Act 93/2014 contains provisions on the right to information and consultation and enables participation of workers in decision-making through three legal mechanisms: 1. works council, 2. workers' assemblies and 3. employers' bodies.

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The next report to be submitted by Croatia will be a simplified report dealing with the follow up given to decisions on the merits of collective complaints in which the Committee found a violation.

The deadline for submitting that report was 31 October 2018.

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Conclusions and reports are available at www.coe.int/socialcharter as well as in the HUDOC database.

Article 2 - Right to just conditions of work

Paragraph 1 - Reasonable working time

The Committee takes note of the information contained in the report submitted by Croatia.

The Committee concluded previously that the situation was not in conformity with Article 2§1 of the Charter on the ground that regulations permitted daily working time of 14 hours over long periods in various seasonal occupations (Conclusions XIX-3). Due to the fact that Croatia did not submit the national report, the Committee was not able to examine the situation in 2014 (Conclusions XX-3).

The report indicates that under the Labour Act (Official Gazette, No. 93/2014) which came into force in August 2014, full-time work may not exceed 40 hours per week (Article 61 (1) of the Labour Act). 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 (Article 66 (8) of the Labour Act). This reference period can be increased to six consecutive months by collective agreements.

The Committee notes that according to the Labour Act, where the working time is unevenly distributed, the worker may work up to 50 hours a week, including overtime work, or up to 60 hours a week, if it is agreed upon by collective agreement, including overtime work (Article 66 (6) and (7) of the Labour Act). Working time may not exceed 56, or 60 hours a week if the employer performs seasonal business activities, under the assumption that it is provided for in collective agreement and that the worker gives to the employer a written statement of his voluntary consent to such work (Article 67(5) of the Labour Act). Generally, an employee cannot work more than 180 hours of overtime a year unless stipulated otherwise in the collective agreement, although even then the maximum is 250 hours (Article 65 (4) of the Labour Act).

The report further indicates that under Article 74 (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 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 equivalent periods of compensatory rest right after his working time with no rest, or with a shorter period of rest (Article 74 (2) and (3) of the Labour Act. The worker is entitled to a weekly minimum uninterrupted rest period of 24 hours (Article 75 (1) of the Labour Act).

Moreover, the report indicates that Article 89 of the Labour Act provides for the possibility of a different working time arrangement. This provision specifies that in specifically listed cases (e.g. dock or airport workers, gas, water and electricity production, transmission and distribution, household refuse collection and incineration plants, agriculture, tourism, postal services etc.) 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, or a weekly rest of less than 20 consecutive hours (Article 89 (2) of the Labour Act). The Committee notes that by way of derogation from the latter rule, a daily rest of at least 8 hours may be provided for by means of collective agreement (Article 89 (3) of the Labour Act). 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 (Article 89 (4) of the Labour Act).

The Committee notes that according to the Labour Act, in some areas or seasonal work, workers can work up to 14 hours per day and even 16 hours per day (Articles 74 (2) and 89 (1) – (3) of the Labour Act). The Committee recalls that daily working time should in all circumstances amount to less than 16 hours per day in order to be considered reasonable under the Charter (Conclusions XIV-2, General Introduction). Exceptions are only allowed in extraordinary circumstances. This is a limit which must be respected and cannot be waived by foreseeing compensatory measures (Conclusions 2014, Norway, Slovak Republic).

It is the Committee's understanding that in practice wherever the rest period between the shifts is reduced to 8 hours, the remaining time (16 hours) will be considered as available working time in any single 24-hour period. The Committee considers that working days of up to 16 hours over extended periods of time in specified areas and seasonal occupations cannot be deemed as reasonable under this provision. Whilst statutory provisions authorising flexibility of working time do not as such breach the Charter, the Committee finds that in the instant case the limit on daily working time is too flexible, especially considering that the workers concerned can be required to work up to 16 hours in specified or seasonal activities. Such working arrangements could therefore be detrimental to the health and safety of workers. Therefore, the Committee concludes that the situation is not in conformity with Article 2§1 of the Charter on the ground that daily working hours may go up to 16 hours.

The Committee takes note of the data of the Croatian Bureau of Statistics provided in the report according to which the average weekly working time has increased slightly. However according to Eurofound's European Working Conditions Survey conducted in Croatia in 2015, 73% of workers did not have to work longer than 10 hours on any day in a given month and only 27% of workers worked longer than 10 hours a day at least once in a given month.

The Committee reiterates its request for information on the rules applicable to on-call service and asks whether inactive periods of on-call duty are considered as a rest period in their entirety or in part.

The Committee takes note of the information on the supervision of working time regulations by the Labour Inspectorate, including the number of breaches identified in this area during the reference period.

Conclusion

The Committee concludes that the situation in Croatia is not in conformity with Article 2§1 of the 1961 Charter on the ground that the working hours in a 24-hour period may be up to 16 hours.

Article 2 - Right to just conditions of work

Paragraph 2 - Public holidays with pay

The Committee takes note of the information contained in the report submitted by Croatia.

In reply to questions raised previously by the Committee (Conclusions XIX-3 (2010)), the report states that under Article 94 of the Labour Act, a worker who works on a public holiday is entitled not only to a regular salary but also to an increase in salary, as determined by collective agreements. The rule applies to all workers in Croatia, both to the public and to the private sector. The report presents examples of such agreements (for civil servants and employees in public services, for construction industry), the amount of the increase being 150% of the average hourly pay for each hour of work. The Committee understands that it is supplementary to the usual pay and asks the next report to confirm this assumption.

The report provides no data on the number of workers affected. The Committee thus asks for numbers or percentages of workers involved in order to assess whether the right enshrined in Article 2§2 is enjoyed by at least 80% of workers. It also asks for information whether any collective agreement provides for an increase of the average pay for work on a public holiday of less than 100%.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Croatia is in conformity with Article 2§2 of the 1961 Charter.

Article 2 - Right to just conditions of work

Paragraph 3 - Annual holiday with pay

The Committee takes note of the information contained in the report submitted by Croatia.

The situation, which the Committee previously found to be in conformity (Conclusions XIX-3 (2010)) is unchanged. The report confirms that the leave entitlement cannot be waived to a payment in lieu, unilaterally or with the consent of a worker. Leave impossible to use due to illness is carried over to the next calendar year.

Conclusion

The Committee concludes that the situation in Croatia is in conformity with Article 2§3 of the 1961 Charter.

Article 2 - Right to just conditions of work

Paragraph 4 - Elimination of risks in dangerous or unhealthy occupations

The Committee takes note of the information contained in the report submitted by Croatia.

Article 2§4 requires states to grant workers exposed to residual risks one form or another of compensation if the risks have not been eliminated or sufficiently reduced despite the full application of the prevention and protection measures deriving from Articles 3 and 11, or if such measures have not been applied. The aim of these measures should be to afford the persons concerned sufficient regular rest time to recover from the stress and fatigue caused by their occupation and thus maintain their vigilance or limit their exposure to the risk. Article 2§4 mentions two forms of compensation, namely reduced working hours and additional paid holidays. In view of the emphasis the article places on health and safety objectives, the Committee considers that other approaches to reducing exposure to risks may also be in conformity with the Charter.

Elimination or reduction of risks

The Committee previously (Conclusions XVIII-1 (2006) and XIX-3 (2010)) noted the measures provided in respect of the maximum permitted levels of harmful substances in the workplace and asked for detailed information on the implementation of measures taken to eliminate risks in dangerous or unhealthy occupations where it has not yet been possible to eliminate or sufficiently reduce these risks. It also requested information on the activities of the labour inspection in supervising compliance with the rules on reduced working hours, additional paid holidays or other relevant measures reducing the length of exposure to risks. As the report does not provide any updated information in this respect, the Committee reiterates its request.

Measures in response to residual risks

The Committee previously noted (Conclusions XVIII-1 (2006) and XIX-3 (2010)) that the Labour Act provided that where it was impossible to protect the worker from the harmful effects of working conditions, despite the application of occupational safety and health measures, the working hours be shortened in proportion to such harmful effects on the worker's health and working ability, and requested more detailed information on the actual application of these provisions.

In response to this question, the report provides information on the reduction of working time applicable to miners, under the Mine Action Act (their working time should not exceed five hours per day) and to workers exposed to sources of ionizing radiation or dealing with the intravenous application of cytostatic drugs, under the National Collective Agreement for the Employees in the Health Care and Health Insurance (their working time shall not exceed 35 hours a week).

Article 77§1 of the Labour Act entitles the miners and workers exposed to harmful effects to a paid annual leave of at least five weeks (one week more than for others).

In this regard, the Committee asks the next report to provide detailed information and statistical data, where possible, on the application of reduced working hours and/or other compensation measures (additional benefits) on other workers exposed to residual risks.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Croatia is in conformity with Article 2§4 of the 1961 Charter.

Article 2 - Right to just conditions of work

Paragraph 5 - Weekly rest period

The Committee takes note of the information contained in the report submitted by Croatia.

In its previous conclusion (Conclusions XIX-3 (2010)), the Committee asked whether no worker is allowed to work more than twelve days consecutively before being granted a two-day rest period.

In reply, the report submits that under the Labourt Act, workers are entitled to a weekly rest that shall be taken on Sunday, traditionally deemed as a day of rest, or, if not possible, the day before or after. When the worker is not in a position to take the rest on these days, he shall be afforded equivalent periods of weekly rest right after his working time. The worker may not waive the right to the leave entitlement in return for compensation.

Labour Inspectors are tasked with supervision of the application of the above mentioned principles in practice, violation of which constitutes an offence under the Labour Act. In 2015, 141 instances of a breach of the right to weekly rest were registered.

The Committee requests that the next report give full and detailed updated information on the situation and clarify, in particular, whether it is specifically considered an offence under the Labour Act when a worker may be required to work more than twelve consecutive days before benefiting from two days' rest.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Croatia is in conformity with Article 2§5 of the 1961 Charter.

Article 5 - Right to organise

The Committee takes note of the information contained in the report submitted by Croatia.

The Committee already examined the situation with respect to the right to organise (forming trade unions and employer associations, freedom to join or not join a trade union, trade union activities, representativeness, and personal scope) in its previous conclusions. It will therefore only consider recent developments and additional information .

The report states that there has been no change to the legal framework governing the right to organise.

Representativeness

The Committee reiterates its question as to who decides on the representativeness of employers associations and whether there is any judicial supervision.

Personal scope

The Committee refers to its general question on the right of members of the armed forces to organize.

Conclusion

The Committee concludes that the situation in Croatia is in conformity with Article 5 of the 1961 Charter.

Article 6 - Right to bargain collectively

Paragraph 1 - Joint consultation

The Committee takes note of the information contained in the report submitted by Croatia.

The Committee previously requested information on bipartite consultation (Conclusions XIX-3).

The report provides detailed information on bipartite consultation at both the company level and sectoral level. It states in addition that the Government and social partners have jointly agreed to promote the development of bipartite social dialogue, several industry (sectoral) social councils have established.

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 report provides information on the duty of employers to inform and consult worker representatives (works councils) on a wide range of issues, such as business development, working time, salaries, health and safety etc. The Committee refers to its conclusion under Article 2 of the Additional Protocol in this respect. The Committee asks whether similar issues are discussed with trade unions, as the focus of Article 5 is on trade unions and seeks confirmation that such issues are also discussed at the sectoral and national level.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Croatia is in conformity with Article 6§1 of the 1961 Charter.

Article 6 - Right to bargain collectively

Paragraph 2 - Negotiation procedures

The Committee takes note of the information contained in the report submitted by Croatia.

The Committee refers to it previous conclusions (Conclusions XVIII-1, XX-3) for a description of the rules governing collective bargaining as well as to its conclusion under Article 5 as regards representativeness criteria.

The Committee previously requested information on the proportion of employees covered by collective agreements.The reports states that approximately 50% of employees are covered by a collective agreement.

The Committee previously concluded the situation was not in conformity with the 1961 Charter on the grounds that that it had not been established that civil servants are entitled to participate in the processes that result in the determination of the regulations applicable to them (Conclusions XIX-3).

The report states that 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). From the information at the Committee's disposal, it notes that the collective agreement applicable to civil servants covers issues in addition to salaries.

The Committee had noted previously that the Government may modify the substance of a collective agreement in the public sector for financial reasons and that public sector workers can negotiate on their basic salaries only. The Committee asked the Government to clarify the situation in this regard.

The Committee recalls that in the complaint ***Matica Hrvatskih Sindikata*** **v. Croatia** Complaint No. 116/2015, decision on the merits of 21 March 2018 it considered that the adoption in 2012 of the Act on Withdrawal of Certain Material Rights of the Employed in Public Services (Official Gazette No. 143/2012) (outside reference period) amounted to an interference in the collective bargaining process.

It recalls that it has previously held (in the context of the private sector) that direct state intervention in the collective bargaining process is a very serious measure which could only be justified according to the relevant conditions laid down in Article 31 of the 1961 Charter (Conclusions XII-1 (1991)). The Committee has also stated that "certain limitations on the right to collective bargaining of public employees, may not be incompatible with the Charter, but where a general agreement has been concluded and duly adopted by the authorities – as in the given case – any unilateral interventions into its terms could only be justified with reference to Article 31" (Conclusions XI-1, Spain (2000)).

The Committee asks the next report to provide information as to whether there have been any incidences of government intervention in collective bargaining during the reference period.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Croatia is in conformity with Article 6§2 of the 1961 Charter.

Article 6 - Right to bargain collectively

Paragraph 3 - Conciliation and arbitration

The Committee takes note of the information contained in the report submitted by Croatia.

The Committee previously found the situation as regards conciliation and meidation in the private sector to be in conformity with the Charter (Conclusions XIX-3)

However the Committee previously found the situation not to be in conformity with the 1961 Charter on the grounds that it had not been established that conciliation and arbitration procedures exist in the public sector.

According to the report the collective agreement for state civil servants and employees stipulates mandatory mediation in the event of collective labour dispute. Mediation 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 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 the written proposal for a settlement. The settlement has binding legal force and the legal effect of the collective agreement.

The collective agreement applicable to state civil servants and employees provides a possibility for resolving disputes by arbitration. The Committee seeks confirmation that abitration is always voluntary and asks for further clarification of the rules applicable to those sectors where the right to strike is prohibited or where a minimum service is reqired.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Croatia is in conformity with Article 6§3 of the 1961 Charter.

Article 6 - Right to bargain collectively

Paragraph 4 - Collective action

The Committee takes note of the information contained in the report submitted by Croatia.

Collective action: definition and permitted objectives

The Committee previously found the situation to be in conformity in this respect (Conclusions XIX-3 (2010)).

Entitlement to call a collective action

The Committee previously found the situation not to be in conformity with the 1961 Charter on the grounds that the right to call a strike is reserved to trade unions, the registration of which of may take up to 30 days, which the Committee found excessive (Conclusions XIX-3 (2010)).

The Committee recalled its case law on this point: the decision to call a strike may be reserved to a trade union provided that forming a trade union is not subject to excessive formalities. It noted that in order to form a trade union, it had to be registered in the register of associations and that a decision on an application for registration has to be issued no later than 30 days following its filing. The Committee recalls that it has previously found that where the right to strike is reserved to trade union, and the formation of the union may take up to thirty days this is not in conformity with the Charter (Portugal XVII-1). Therefore it concluded that the situation is not in conformity in this respect.

The report indicates that the situation has not changed in this respect however it repeats that in practice registration is completed well under thirty days. Therefore the Committee reiterates its previous conclusion.

Specific restrictions to the right to strike and procedural requirements

The Committee recalls that pursuant to Section 228 of the Labour Act, strikes in the armed forces, police, state administration and public services is regulated by a separate law. The report states in this context that, although Article 60 of the Constitution allows the right to strike to be restricted in the armed forces, the police, the public administration and the public services, the legislator has not made use of this authorisation with respect to employees in public administration and the public services who therefore have an unrestricted right to strike in accordance with the provisions of the Labour Act. The Committee asked previously whether this means that all civil servants have the right to strike. No information is provided in this respect. **The Committee further requests information on the right of the poice to strike. The Committee recalls its question and underlines that should the next report not provide comprehensive information in this respect, there will be nothing to show that the situation is in conformity with the Charter on this point.**

The Committee further recalls that pursuant to Section 222 of the Labour Act, upon a proposal by the employer, the trade union and the employer must agree on the provision of those services which must not be interrupted during a strike or a lock-out such as (i) production maintenance services with the aim of enabling the restoration of regular work immediately after the strike and (ii) essential services required for the prevention of risks to life, personal safety or health of the population. The Labour Act explicitly states that the imposition of such services may not prevent or substantially restrict the employees' right to strike.

If the trade union and the employer do not reach an agreement on the determination of the services to be maintained within 15 days after the employer's proposal was forwarded to the trade union, the employer or the trade union may, within the next 15 days, request that these assignments be defined by an arbitration body. This arbitration body consists of one representative of the trade union, one representative of the employer and an independent

chairperson who is appointed subject to an agreement between the trade union and the employer.

The arbitration body must render a decision on the services to be provided within 15 days following the institution of the arbitration procedure. In order to be able to assess whether the restrictions to the right to strike in connection with the determination of minimum services fell within the limits of Article 31 of the Charter and were in conformity with Article 6§4, the Committee asked for information in the next report on what are the criteria used to determine whether a minimum service has to be introduced and what would be its scope, what are the sectors concerned and what are the possibilities of appeal against a decision rendered by the arbitration board in this respect. No information is provided in this respect. The Committee concludes that it has not been demonstrated that the sectors in which the right to strike may be restricted are not overly wide and that these restrictions satisfy the conditions laid down in Article 31 of the 1961 Charter.

Consequences of a strike

The Committee recalls that pursuant to Section 223 of the Labour Act, the organisation or participation in a lawful strike does not constitute a ground for dimssal and may not trigger any other disadvantage for the worker

Conclusion

The Committee concludes that the situation in Croatia is not in conformity with Article 6§4 of the 1961 Charter on the ground that the right to call a strike is reserved to trade unions, and the time frame for registering a trade union, which may take up to thirty days, infringes the right to strike.

Article 2 of the 1988 Additional Protocol - Right of workers to be informed and consulted

The Committee takes note of the information contained in the report submitted by Croatia.

Legal framework

The report indicates that during the reference period entered in to force the Labour Act 93/2014 that regulates employment relationships in Croatia.

The Labour Act 93/2014 enables participation of workers in decision-making through three legal mechanisms: 1. works council, 2. workers' assemblies and 3. employers' bodies. The works council represents a form of institutionalized participation of workers at the company's level. In this respect the Committee, since the report doesn't contain information on workers' assemblies and employers' bodies, would like to know what is their function and role played in decision-making procedure.

The right to information and consultation is provided for under Article 149 paragraph 1 of the Labour Act 93/2014 where the employer has a duty to inform the works 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. According to Article 150 paragraph 1 before rendering a decision that is relevant for the employment situation of workers, the employer must consult the works council about the proposed decision and must communicate to the works council the information important for the decision and taking into account its impact on the workers employment status.

Scope

In its previous conclusions XIX-3 (2010) the Committee asked whether the scope of Croatia's legislation falls under the minimum framework adopted for Article 2 of the additional Protocol of the Charter which is in line with Directive 2002/14/EC particularly as regards the calculation of the minimum threshold. According to Article 140 of the Labour Act the information and consultation rights, which the Croatian Labour Code defines as the "workers' participation in decision-making", apply to workers in companies employing more than 20 workers, with the exception of workers employed at state administration bodies. It gives workers "the right to take part in decision-making on issues related to their economic and social rights and interests". This is typically exercised through the right of workers to elect one or more representatives. In this respect the Committee asks that the next report provides information on the rights to information and consultation for the workers employed at state administration bodies.

In its previous conclusions XIX-3 (2010) the Committee asked that the report provide an estimate of the proportion of the labour force which enjoys the right to information and consultation. The report has no information as to the question posed. The Committee reiterates therefore its question.

In its previous conclusions XIX-3 (2010) the Committee asked whether legal provisions governing the information and consultation of workers cover all categories of workers and whether they cover all undertakings, including companies controlled by public authorities. The report contains no information as to the question posed. The Committee reiterates therefore its question and in particular would like to know what happens in companies employing less than 20 workers including companies controlled by public authorities.

Remedies

Since the last information on what remedies and sanctions are applicable in case of violation by an employer of the information and consultation obligations is from conclusions XIX-3 (2010), the Committee asks that the next report provides updated information on remedies and sanctions as well as statistics on cases of violation of the workers right to information and consultation.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Croatia is in conformity with Article 2 of the Additional Protocol to the 1961 Charter.

Article 3 of the 1988 Additional Protocol - Right of workers to take part in the determination and improvement of working conditions and working environment

The Committee takes note of the information contained in the report submitted by Croatia.

The new health and safety legislation, introduced in 2014 Occupational Health and Safety Act ("Official Gazette", No. 71/14 and 118/14) placed increased emphasis on psychosocial risks. It stated that the employer should implement measures to prevent stress in particular with reference to work organisation and working conditions (from European Trade Union Institute website).

Working conditions, work organisation and working environment

The report indicates that Articles 32 and 33 of the Occupational Health and Safety Act 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 .

In its previous conclusions (XIX-3) (2010) the Committee asked what was the proportion of enterprises where health and safety committee have been established. The report doesn't reply to the question. From another source, a research by the European Agency for Safety and Health at Work in 2014 found that 55% of workplaces in Croatia had health and safety representatives and 15% had a health and safety committee. These are both below the EU-28 averages, which are 58% for health and safety representatives and 21% for health and safety committees. In this respect the Committee asks in the next report to be updated on the proportion of enterprises where health and safety committee have been established and reserves its position on this point.

Protection of health and safety

The report indicates that Article 32 of the Occupational Health and Safety Act, provides for the different obligations of the employer to providing information about issues of safety at work. The employer is responsible for the organisation and implementation of health and safety measures in all areas of work. Collective agreements can be part of the basis of regulation for health and safety, alongside legislation and regulations.

The report indicates that Article 33 of the Occupational Health and Safety Act, provides for the different obligations of the employer to conducting consultation about issues of safety at work. There is a general obligation on the employer to ensure that there are procedures in place, which allow workers and their representatives to be consulted on all matters related to health and safety so that they can influence decisions relating to health and safety issues and play a part in making these decisions.

Organisation of social and socio-cultural services and facilities

The Committee reiterates its request for information on whether workers participate in the organisation of social and socio-cultural services and facilities within their undertaking where those exist.

Enforcement

The Ministry of Labour and the Pension System is responsible for workplace health and safety, and the Labour Inspectorate is responsible for monitoring compliance with health and safety laws. Trade Unions and employers are able to influence policy on health and safety through their participation in the National Council for Work Safety .

The report provides statistics on inspections and indicates that labour inspectors for occupational health and safety, in performing inspections, found 10 cases of violations in 2014 and 14 in 2016. These violations were mainly due to the employer failing to ensure access only to employees who had received written instructions for work in a safe manner

and had 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). In this respect the Committee asks for confirmation that works council and trade unions may challenge any violation of a worker's right of participation before competent courts or administrative bodies. It also asks for information on which courts or administrative bodies are competent in this field and what remedies are available.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.