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EUROPEAN SOCIAL CHARTER

13th National Report on the implementation of the European
Social Charter

submitted by

THE GOVERNMENT OF CROATIA

Follow-up to Collective Complaints

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Ministry of Labour, Pension System, Family and Social Policy

**15th Report on the Application of the European Social Charter in the Republic of
Croatia**

Simplified Report

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Introduction

In accordance with the changes in the reporting system, adopted at the 1196th meeting of the Committee of Ministers of the Council of Europe held on 2 and 3 April 2014, the Republic of Croatia was exempted from reporting on the provisions that were the subject of the Conclusions for 2018.

However, the Republic of Croatia was invited to provide information on the measures taken after the decision in the proceedings of collective complaints in which the European Committee for Social Rights found a violation of the provisions of the European Social Charter.

Accordingly, the Republic of Croatia is obliged to provide information on the subject:

- University Woman of Europe – UWE, versus the Republic of Croatia, complaint no. 126/2016.

The European Committee of Social Rights made the final decision in the case of University Women of Europe versus Croatia on 5 December 2019. The Decision was delivered on February 28, 2020, and published on June 29, 2020. The Decision states that the European Committee of Social Rights has concluded that the Republic of Croatia:

- did not violate the provisions of Article 1c of the Additional Protocol to the European Social Charter on the recognition of the right to equal pay in legislation,
- violated the provisions of Article 1c of the Additional Protocol to the European Social Charter by failing to ensure access to effective legal remedies,
- violated the provisions of Article 1c of the Additional Protocol to the European Social Charter by failing to ensure transparency in the pay system,
- did not violate the provisions of Article 1c of the Additional Protocol to the European Social Charter by establishing effective competent bodies,
- violated the provision of Article 1c of the Additional Protocol to the European Social Charter by failing to make measurable progress in promoting equal opportunities for women and men with regard to equal pay,
- violated the provision of Article 1d of the Additional Protocol to the European Social Charter on the basis of insufficient progress in ensuring equal representation of women in management positions in private companies.

Within the competent bodies of the Council of Europe, the Republic of Croatia expressed satisfaction that the European Committee of Social Rights has established the existence of a comprehensive legal and institutional framework that ensures the principle of equal pay. Also, the European Committee of Social Rights noted that the pay gap is not solely the result of discrimination, but is often the result of underrepresentation of women in certain industries or occupations.

Given that gender equality is one of the most important principles of the legal order of the Republic of Croatia, special attention is paid to the decision of the European Committee of Social Rights, and the competent state administration bodies will continue to work hard to achieve equal pay as a fundamental value of the constitutional order of the Republic of Croatia.

Article 3 of the Constitution of the Republic of Croatia states:

*Freedom, equal rights, national and **gender equality**, peace-making, social justice, respect for human rights, inviolability of ownership, conservation of nature and the environment, the rule of law and a democratic multiparty system are **the highest values of the constitutional order of the Republic of Croatia** and the basis for interpreting the Constitution.*

Namely, gender equality is one of the fundamental values both in the European Union and in the Republic of Croatia, but for decades complete equality between men and women has not been achieved. Aware of the complexity of the situation, the Government of the Republic of Croatia has decided to comprehensively approach this issue in the coming period. The Government of the Republic of Croatia Programme 2020-2024 clearly emphasises the importance of further promoting equality between women and men in society and in the labour market. In order to achieve this goal, the competent bodies have started drafting the National Plan for Promotion of Gender Equality and the associated Action Plan.

Although gender equality is one of the highest values of the constitutional order of the Republic of Croatia and is the basis for the interpretation of the Constitution, it is also a fundamental right and one of the most important values of the European Union and the principles of the European Pillar of Social Rights.

The proposal of the National Plan for Promotion of Gender Equality is the basic medium-term strategic document of the Government of the Republic of Croatia which will be adopted with the aim of eliminating all forms of gender discrimination and establishing real gender equality by implementing equal opportunities policies. It contains a vision of the development of society based on Article 5 of the Gender Equality Act (Official Gazette, No. 82/08 and 69/17), according to which conditions should be created for women and men to be equally present in all areas of public and private life, to have equal status, equal opportunities for exercising all rights, as well as equal benefit from the achieved results.

This medium-term vision of development is harmonised with long-term acts of strategic planning, i.e., ***National Development Strategy of the Republic of Croatia by 2030*** (hereinafter: *the National Development Strategy*) which contains the vision of the Republic of Croatia as a society free from discrimination on any grounds, including gender and sexual orientation. As a welfare state, the Republic of Croatia's National Development Strategy seeks to further approximate the ideal of equal opportunities and the inclusion of young, unemployed, excluded and elderly people, and has already launched a series of initiatives that have contributed to the protection of women's rights and the advancement of women in the labour market and provided support to vulnerable groups.

The aim is for the labour market and social systems to continue to focus on reducing the risk of poverty and social exclusion and to completely eliminate inequalities between men and women in terms of pay and management positions and participation in the labour market.

The National Development Strategy also starts from the *Action Plan for the Implementation of the European Pillar of Social Rights* of the European Commission, which emphasises the Gender Equality Strategy as one of the most important principles.

The legal basis for the adoption of the future National Plan for Promotion of Gender Equality is contained in the provisions of Article 18 of the Gender Equality Act (Official Gazette, No. 82/08 and 69/17), which sets out the general basis for protecting and promoting gender equality as fundamental values of the constitutional order of the Republic of Croatia, and the Gender Equality Office of the Government of the Republic of Croatia is in charge of drafting and supervising its implementation.

The mentioned National Plan will also be adopted based on the Decision of the Government of the Republic of Croatia from October 2020 on determining strategic planning acts related to the conditions enabling the implementation of European Union funds in the period from 2021 to 2027.

In the annual Strategic Division Plans of the Government of the Republic of Croatia for the period from 2016 to 2022, one of the priority goals is “Elimination of gender discrimination and creating conditions for real equality of women and men in society”, with sub-goals:

- Awareness of the public about the still present various forms of discrimination in private and public life and about the legal mechanisms of protection and
- Gradual creation of conditions for the introduction of the principle of gender equality in public policies at all levels.

The proposal of the National Plan builds on previous national strategic documents in this area, and on *the National Policy for Gender Equality for the period 2011-2015* (Official Gazette 88/11), redefining national priorities, methods of implementation and taking special measures in accordance with the changed social and political circumstances, the achieved progress and further challenges in establishing gender equality.

The proposal of the National Plan will include seven development directions, ie critical areas of action:

1. promoting human rights of women and gender equality,
2. improving the position of women in the labour market,
3. combating violence against women,
4. gender sensitive education,
5. equalities in places of political and public decision-making,
6. introductions of the principle of gender equality in public policies and methods of implementation, and
7. international politics and cooperation.

The selected key areas of the National Plan are complementary to the priorities of the *EU Gender Equality Strategy 2020-2025*, which include the following thematic units:

- 1 Freedom from gender-based violence and gender stereotypes,
- 2 Thriving in a gender equal economy,
- 3 Equality in leading positions in all areas of society,
- 4 Gender mainstreaming and intersectional perspective in EU policies,
- 5 Funding measures for progress in gender equality in the European Union and
- 6 Advocating for gender equality and the empowerment of women around the world

In doing so, the European Commission advises the use of a dual approach to the implementation of gender equality, by:

- a) defining special measures to eliminate existing inequalities between women and men, and
- b) integrating the perspective of gender equality as the so-called horizontal issue in all projects and programmes, which is the approach followed in the proposal of the National Plan.

The goals of the future National Plan, in addition to being based on national legislative and other regulations, are in line with the priorities of the *Council of Europe's Gender Equality Strategy 2018-2023*, and confirm the contents of gender equality guarantees that are an integral part of international law and the *acquis communautaire* of the European Union, i.e., the *European Convention on Human Rights*, the *Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)*, the *Beijing Declaration and Platform for Action*, the *UN Agenda 2030 for Sustainable Development - Sustainable Development Goal 5 - Gender Equality* and the *Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence - Istanbul Convention*.

The proposal of the National Plan will be based on the analysis of the situation in the mentioned key areas, including the achievements so far, the identified existing obstacles and challenges, as well as on the available possibilities and opportunities for their solution. As an integral part of the National Plan, and for the purpose of its effective implementation, two separate *Action Plans for Gender Equality* will be adopted, the first for the period until 2024 and the second for the period until 2027, to achieve the goals defined in this strategic document through defining measures and activities, the implementing body, deadlines and indicators of progress.

The European Committee of Social Rights has ruled that the provision of Articles 1c and 1d of the 1988 Additional Protocol was violated. The provision reads as follows:

Article 1

RIGHT TO EQUAL OPPORTUNITIES AND EQUAL TREATMENT IN MATTERS OF EMPLOYMENT AND OCCUPATION WITHOUT DISCRIMINATION ON THE GROUNDS OF GENDER

With a view to ensuring the effective exercise of the right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of gender, the Parties undertake to recognise that right and to take appropriate measures to ensure or promote its application in the following fields:

- access to employment, protection against dismissal and occupational resettlement;
- vocational guidance, training, retraining and rehabilitation;
- **terms of employment and working conditions including remuneration;**
- **career development including promotion.**

Article 1c - Terms of Employment and Working Conditions Including Remuneration

a) Ensured access to effective legal remedies

Regarding the issue of discrimination against victims in terms of pay, we would like to emphasise that it is regulated by special regulations, primarily the Anti-Discrimination Act (Official Gazette, No. 85/08 and 112/12) and the Labour Act (Official Gazette, No. 93/14, 127/17 and 98/19).

Victims of discrimination (and based on unequal pay) are provided with legal protection within the provisions of the Civil Procedure Act (Official Gazette, No. 53/91, 91/92, 58/93, 112/99, 88/01, 117 / 03, 88/05, 02/07, 84/08, 96/08, 123/08, 57/11, 148/11, 25/13, 89/14 and 70/19).

Discrimination and employment proceedings are considered urgent proceedings. In employment proceedings, the proceedings before the court of first instance must be completed within six months from the day the lawsuit was filed, while the court of second instance must decide on the appeal filed against the decision of the court of first instance within thirty days of receiving the appeal (Article 434 of the Civil Procedure Act).

Pursuant to a provision of Article 20, paragraph 1 of the Anti-Discrimination Act, if a party makes it probable that discrimination has occurred, in that case the burden of proof that there was no discrimination is on the opposing party, thus placing the victims of discrimination in a more favourable position than the general rule on the burden of proof.

Regarding the issue of shifting the burden of proof, we would like to emphasise that it is an instrument for overcoming factual uncertainty (*non liquet* situation) because it empowers the judge to decide in case of doubt as if the fact to be proved does not exist, i.e., to establish the fact to the detriment of the party who was required to prove said fact.

In cases when the judge fails to form a certain belief in the existence of facts with the available evidence, he then applies the rule on the burden of proof (*onus probandi*) – to achieve legal certainty.

The burden of proof in the sense of Article 221a of the Civil Procedure Act is applied only at the end of the evidentiary proceedings, but also in the case when the court could not make a conclusion on the existence or non-existence of facts on the basis of presented evidence or when neither party has presented evidence to establish the fact that is decisive for the application of the rule of law. At various stages of the proceedings, the need to present evidence obliges alternately one party and then the other (first the plaintiff and then the defendant).

General rules on the burden of proof:

- the existence of a fact stated in the proceedings must be proved by the person who derives his or her rights from that fact,
- the party is obliged to prove those facts that are necessary for the success of his or her claim,
- the burden of proof should be borne by the party in whose interest it is for the court to take a certain fact as true (proven),
- those facts on which a certain right is based should be proved by the party invoking that right, and those facts which exclude the creation of that right or revoke that right should be proved by the party who disputes that right,
- the truth of a certain statement should be proved by the one who claims that a fact exists, and not the one who denies its existence.

The administrative procedure and the administrative dispute require that the party is obliged to present evidence establishing the facts on which he or she bases his or her claim (in relation to the claim, it is the plaintiff), or to refute the allegations and evidence of other parties.

The Labour Act stipulates that the burden of proof in labour disputes lies with the party whose right has been violated, i.e., who initiates the dispute.

Furthermore, pursuant to Article 219 of the Civil Procedure Act, each party is obliged to state the facts and propose evidence on which to base their claims or to refute the allegations and evidence of the opponent, and the court may, until the conclusion of the previous proceedings, when it deems it expedient for the proper resolution of the dispute, warn the parties about this duty, and in particular to the need to present decisive facts and propose certain evidence, and to state the reasons why it deems it necessary. Now, the parties can request the acquisition of data from the employer on the pay of a comparative worker within the court proceedings for the purpose of proving in a specific case (Article 232, paragraph 3 and Article 233 of the Civil Procedure Act).

Regarding the costs of the proceedings, we point out that the provision of Article 154 of the Civil Procedure Act stipulates that the costs of the proceedings are reimbursed by the losing

party, so the costs of the proceedings cannot be considered an aggravating circumstance for ensuring access to effective remedies if the party succeeds in proving discrimination.

In addition, certain categories of persons are provided with free legal protection or free legal aid if certain preconditions are met. The Institute of Free Legal Aid is regulated by the Act on Free Legal Aid (Official Gazette, No. 143/13 and 98/19).

The aim of this institute is to achieve equality before the law, to ensure the effective exercise of legal protection for the citizens of the Republic of Croatia and other persons and access to court and other public bodies under equal conditions.

The institutional framework of the free legal aid system consists of:

- counties, i.e., the City of Zagreb, within the scope of which is the performance of entrusted tasks of state administration related to the provision of free legal aid, and which in the first instance decide on applications for the approval of secondary legal aid; and
- The Ministry of Justice and Administration, which as a second-instance body decides on appeals filed against decisions of first-instance bodies.

Funds for organising and providing legal aid are provided in the state budget and can also be provided from the bodies of local and regional self-government units, as well as donations and other revenues in accordance with the law.

Types of free legal aid are primary and secondary legal aid.

Primary legal aid includes general legal information, legal advice, drafting of submissions before public bodies, the European Court of Human Rights and international organisations in accordance with international treaties and rules of procedure, representation in proceedings before public bodies and legal aid in out-of-court peaceful settlement of disputes.

The procedure is initiated by directly addressing the provider of primary legal aid (authorized associations, legal clinics or administrative bodies of counties or the City of Zagreb).

Primary legal aid may be provided under the following conditions: if the applicant does not have sufficient knowledge and ability to exercise his or her rights, if the applicant has not been provided with legal aid on the basis of a special regulation, if the submitted claim is not obviously unfounded, if the material circumstances of the applicant are such that the payment of professional legal aid could jeopardize the livelihood of the applicant and members of his or her household.

Secondary legal aid includes legal advice, drafting submissions proceedings of protection of rights of workers before the employer, representation in court proceedings, legal aid in the peaceful settlement of disputes, exemption from court fees and exemption from costs of court proceedings.

The procedure is initiated by submitting a claim to the competent administrative body of counties or the City of Zagreb, whose integral part is the consent of the applicant and members of his or her household on allowing access to all data on total income and assets according to the applicant's place of residence. The administrative body shall decide on the claim by a

decision within 15 days from the day of submitting a proper claim. The applicant may file an appeal against the decision of the administrative body within 15 days from the day of delivery of the decision. The Ministry of Justice and Administration shall decide on the appeal no later than eight days from the day of receipt of the proper appeal.

Secondary legal aid shall be granted depending on the financial status of applicants and household members under the following conditions: if the total income of applicants and household members per month does not exceed the amount of the budgetary base (HRK 3,326.00) and if the total value of assets owned by applicants and household members does not exceed 60 budgetary bases (HRK 199,560.00). The law prescribes exceptions to meeting these conditions. The applicant's financial status shall be determined 12 months before the beginning of the month in which the claim is submitted.

Providers of free legal aid - administrative bodies of counties or the City of Zagreb, authorized associations and legal clinics provide primary legal aid, while lawyers provide secondary legal aid.

Beneficiaries of free legal aid are:

- Croatian citizens,
- children who do not have Croatian citizenship and are found in the Republic of Croatia unaccompanied by an adult responsible under the law,
- aliens on temporary residence subject to reciprocity and aliens on permanent residence,
- aliens under temporary protection,
- aliens residing illegally and aliens on short-term stays in the proceedings of deciding on forcible removal or leaving the Republic of Croatia,
- asylum seekers, asylum seekers and aliens under subsidiary protection and members of their families legally residing in the Republic of Croatia, in proceedings in which legal aid is not provided to them by a special law.

Below is information on the funds disbursed for the provision of free legal aid.

In 2017, HRK 2,964,246.51 was disbursed, in 2018, HRK 3,304,406.33 was disbursed, in 2019, HRK 3,819,693.91 was disbursed, and in 2020, HRK 3,655,408.67 was disbursed.

Regarding access to legal remedies, we would like to emphasise that victims of discrimination, as well as other parties in proceedings, have the right to file legal remedies against first-instance decisions, as well as the right to file extraordinary legal remedies. Pursuant to the provisions of Article 382a of the Civil Procedure Act, parties may exceptionally file a revision against a second-instance judgment, without the permission of the Supreme Court of the Republic of Croatia, in disputes over anti-discrimination lawsuits (extraordinary revision allowed), which also indicates a more favourable procedural position of these parties.

Furthermore, with regard to claims related to discrimination, it is possible to file lawsuits for the protection of collective interests and rights against a natural or legal person who, by performing a certain activity or work in general, with his or her acts, including omissions, seriously violates or seriously endangers such collective interests and rights, by associations, bodies, institutions or other organisations established in accordance with the law, which within their registered or regulated activities deal with the protection of collective interests determined by law and rights of citizens, when such authority is explicitly provided by special act and with conditions provided by that Act.

Interests may be interests related to the human surroundings and the living environment, then moral, ethnic, consumer, anti-discriminatory and other interests, which are legally guaranteed, and which must be seriously harmed or seriously endangered by the activity or general conduct of the person against whom the lawsuit is filed.

Regarding the availability of case law, there is a publicly available portal “Case Law” (Croatian: *Sudska praksa*) on the website of the Supreme Court of the Republic of Croatia. On that portal, the Supreme Court of the Republic of Croatia publishes all decisions, and other courts the most important decisions. Access to this portal is free.

In 2019, the Office for Human Rights and the Rights of National Minorities of the Government of the Republic of Croatia conducted training for employers and workers' representatives on “Discrimination in the field of labour and employment”, aimed at introducing employers and workers' representatives to anti-discrimination legislation and practice.

Furthermore, to raise awareness and level of knowledge about individual rights and responsibilities when it comes to non-discrimination and inclusion in the workplace and employment, the Office for Human Rights and the Rights of National Minorities of the Government of the Republic of Croatia in December 2021 organised an online training on non-discrimination for human resources development experts, private enterprise managers and union employees who provide legal aid. The first online training was organised for human resources development experts and managers in private companies. Participants were informed about anti-discrimination legislation, discrimination in employment, in the workplace, and examples of good practice in promoting equality.

The second on-line training on non-discrimination, organised for union employees who provide legal assistance, informed participants about anti-discrimination legislation and practice, i.e., the provisions of the Anti-Discrimination Act and the Gender Equality Act and their use for better protection of workers.

During 2022, online lectures, together with the accompanying examination of knowledge and working materials, will be made available to all interested representatives of employers, union employees and representatives of workers (dignity commissioners, union commissioners and members of workers' councils).

Trainings on the same topic, which should cover a much wider range of employers and workers' representatives, will be an integral part of the projects of the Office for Human Rights and the Rights of National Minorities of the Government of the Republic of Croatia, funded by the European Social Fund Plus in the framework of programme perspective 2021-2027.

b) Ensured pay transparency

In order to effectively influence the elimination of the gender pay gap, specific targeted research from previous years¹ have been designed and projects of the Gender Equality Ombudswoman² and Gender Equality Office³, have been carried out, resulting in several important publications and recommendations for action⁴.

In order to implement a number of measures from the Recommendation CM/RecChS (2021)3 – Recommendation of the University Woman of Europe (UWE) versus The Republic of Croatia, it was proposed that the *Action Plan for Gender Equality for the Period by 2024*, which is in its final draft phase, includes measures to increase pay transparency. The Gender Equality Office of the Government of the Republic of Croatia as the body responsible for approving action plans for the promotion and establishment of gender equality in predominantly state-owned enterprises (Articles 11 and 18 of the Gender Equality Act) is the implementing body drafting this *Action Plan*. The draft of the mentioned *Action Plan* identifies 7 specific objectives, including specific objective no. 2, which aims to improve the position of women in the labour market. The key measures aimed at achieving this specific objective are: increasing the pay transparency, the need to revise the pay system in a gender-neutral way, enabling a better balance of business and private life and strengthening women's competencies to enter entrepreneurship. Through these measures, the gender pay gap between men and women strives to be reduced to 7% by 2027.

Also, by 2027, the aim is to increase the activity rate of women from 45.2% to 60% and increase the share of women who estimate that they could be entrepreneurs (from 42% to 60%).

¹ In 2007, an empirical survey “Identification of standards of discrimination against women in employment” was conducted with the aim of adopting a code on the employment of women within companies and interest organisations. The survey was commissioned by the Gender Equality Office of the Government of the Republic of Croatia and the Employment Service, and the sample included 1,017 unemployed women registered with the Employment Service. The results of the survey showed, among other things, that there is a number of different forms of violations of the Labour Act and the Gender Equality Act witnessed by women in employment procedures. (http://www.ured-ravnopravnost.hr/slike/File/istravizivanja/istr_izvj_ident_sand_dis.pdf)

² - EU project “Equal Rights – Equal Pay – Equal Pensions – Expanding the Scope of Implementation of Gender Equality Actions and Legal Standards towards Achieving Gender Equality and Combating Poverty in Croatia”, source: Report on the Work of the Gender Equality Ombudswoman p. 21-23.

(https://www.prs.hr/application/images/uploads/IZVJESCE_O_RADU_2020_Pravobranit.pdf)

- Project “Dismantling the Glass Labyrinth – Equal Opportunity Access to Economic Decision-making in Croatia” (<https://staklenilabirint.prs.hr/>)

³ Twinning Project “Support to the Gender Equality” (<https://ravnopravnost.gov.hr/twinning-projekt-podrska-ravnopravnosti-spolova/2878>)

⁴ - “Research on Representation of Women And Men on Executive And Managerial Positions in Business Entities in the Republic of Croatia” (https://staklenilabirint.prs.hr/wp-content/uploads/2014/08/PRSRH_Izvesce_muskarci-zene500_web.pdf)

- “Tools for Promoting Gender Balance in Business Entities in the Republic of Croatia”

(https://staklenilabirint.prs.hr/wp-content/uploads/2014/08/alati_za_promicanje_spolne_uravnotezenosti.pdf)

- Publications within the project “Equal Rights, Equal Pay, Equal Pensions” https://gppg.prs.hr/?page_id=2129

- “Gender Equality Law in Practice - A Manual for Judges and Legal Practitioners”, authors: Dieter Schindlauer, Domagoj Franjo Frntic and Julia Planitzer – as part of the project of the Gender Equality Office “Support to the Gender Equality” (<https://ravnopravnost.gov.hr/twinning-projekt-podrska-ravnopravnosti-spolova/2878>)

Thus, the said Action Plan sets measurable criteria and objectives that will enable clear monitoring of whether progress is being made in the field of gender equality.

c) Progress in promoting equal opportunities for women and men in terms of equal pay

We emphasise that the Republic of Croatia supports the objectives arising from the Proposal for a Directive of the European Parliament and of the Council to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms COM/2021/93 final and considers it important to continue work on abolishing all types of pay discrimination and thus gender pay discrimination. In addition to the Proposal for a Directive, the existing legislation of the Republic of Croatia will need to be amended, primarily the Labour Act, the Anti-Discrimination Act and the accompanying bylaws and acts. At the meeting of the Employment, Social Policy, Health and Consumer Affairs Council (EPSCO) held on 6 December 2021, the Republic of Croatia supported the proposal for the said Directive.

We note that in 2022 the Republic of Croatia will adopt a new Labour Act that will be harmonised with the Directive (EU) 2019/1152 on transparent and predictable working conditions in the European Union and Directive (EU) 2019/1158 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU. It is expected that when transposing Directive (EU) 2019/1158 on work-life balance, optimally created new legal provisions will make it easier for parents to balance family and private life with professional life.

Article 1d - Career Development Including Promotion

Equality in decision-making positions

Equal participation of women and men in decision-making positions and in decision-making is not only a matter of respect for fundamental rights, but also of good governance, as pluralism of attitudes and solutions leads to a more prosperous society, contributing to economic growth and competitiveness. Despite continuous efforts and some encouraging improvements, men continue to outnumber women in decision-making positions and positions of power. Stereotypes, patriarchal culture, and numerous prejudices are the causes of such a situation, with women consequently making it much harder than men to decide to pursue politics and climb the career ladder to the highest management positions. Therefore, measures are being taken to systematically empower women to participate in such processes, and efforts are being made to create systemic preconditions for women to realize their potential.

As an example of these measures, we would like to mention the project: “Re-create work and life for women and men.” The aim of this project is to encourage companies to introduce new business practices that will encourage the reconciliation of family and business life for women and men, promote more equal participation of mothers in the labour market and the active role of fathers in childcare.

The project coordinator is the Ministry of Labour, Pension System, Family and Social Policy, and the partners are the Croatian Association of Counties and the company Spona Code.

The value of the project is EUR 324,518.06, of which the European Commission participates with EUR 241,675.13. The project is implemented in the period from 1 June 2020 to 31 May, 2022.

Decision-making positions in the economy

The shift towards greater representation of women in decision-making positions in the economy is visible in the European Union after 2010, when the European Commission announced targeted actions to achieve gender balance in companies. However, women still face obstacles in their advancement, or a so-called glass ceiling.

The European Institute for Gender Equality (EIGE) has published data on women and men in decision-making positions across the European Union. In October 2019, the share of women on the boards of the largest companies in the European Union more than doubled, rising from 11.9% in 2010 to 28.8%. However, seven of the ten board members are still men.

France is the only country where gender balance has been achieved on boards of directors (45.2%). Since 2010, countries that have taken legislative action have seen an increase of 27.2 percentage points, resulting in 36.5% of women on the boards. Countries that have implemented non-regulatory measures have made half of that progress since 2010, with an increase of 14.3 percentage points, resulting in 28.1% of women on the boards. Countries that have done nothing have made almost no progress.

In the European Union, women hold only 18.6% of management positions in the largest companies. Countries that have taken legislative action and have the highest share of women among board members have the lowest share of women in leadership positions (14.7%). Of the ten largest companies in the European Union listed on the market, less than one has a female director or board president.

In the companies listed on the stock exchange in Croatia, only 10% of women are in the highest decision-making positions, 9.5% are women in the position of a CEO, 26.7% are members of the company's management board and 4.8% are board presidents⁵.

In 2018, 24% of women were in the highest decision-making positions in trade unions⁶.

There were no women in the leading positions in the decision-making positions among the social partners in the organisations representing employers, but 50% of them were among the members of the highest decision-making bodies.

In the field of media, 60% of women are represented in media houses, among members of the management board, i.e., in the highest decision-making body, but there is not a single woman among the presidents of media house management boards⁷.

The Electronic Media Council (EMC), which is an independent regulatory body in the field of electronic media in the Republic of Croatia, has seven members, including two women (28.6%). The President of the Council is also the director of the Agency.

⁵ Source: EIGE <https://eige.europa.eu/gender-statistics/dgs>

⁶ Source: EIGE https://eige.europa.eu/gender-statistics/dgs/indicator/bpfa_g_offic_g14__wmid_socp_nat_empee_bm

⁷ https://eige.europa.eu/gender-statistics/dgs/indicator/wmidm_med_pbrc__wmid_media_pbrc_bm

Since 2019, there have been five people on the Board of the Croatian Academy of Sciences and Arts (CASA), one of whom is a woman, and in the presidency as the executive body of the CASA Assembly there were 17 people, 2 of whom were women (11.7%).

However, we note that in some state and public services in the past twenty years there has been a significant increase in the share of women in the total number of employees, and the number of women in management positions has also increased.

Presidents of courts by type of court in 2019, in%		
	Women	Men
County courts	26.7	73.3
Municipal and municipal misdemeanour courts	73.5	26.5
Commercial courts	77.8	22.2

State Attorney's Office		
Gender distribution in%		
	Women	Men
2001	24.0	76.0
2010	43.5	56.5
2015	54.2	45.8
2019	66.7	33.3
2020	80.5	19.5

County State Attorney's Office		
Gender distribution in%		
	Women	Men
2001	38.6	61.4
2010	53.0	47.0
2015	58.4	41.6
2019	61.0	39.0
2020	75.5	24.5

Municipal State Attorney's Office		
	Gender distribution in%	
	Women	Men
2001	61.0	39.0
2010	69.8	30.2
2015	72.3	27.7
2019	74.0	26.0
2020	82.8	17.2

Office for the Suppression of Corruption and Organised Crime		
	Gender distribution in%	
	Women	Men
2001	16.7	83.3
2010	78.6	21.4
2015	62.5	37.5
2019	60.6	39.4
2020	72.6	27.4

Ambassadors					
	Total	Women	Men	Gender distribution in%	
				Women	Men
2000	33	1	32	3.0	97.0
2010	52	8	44	15.4	84.6
2015	58	14	44	24.1	75.9
2019	63	20	43	31.7	68.3
2020	62	19	43	30.6	69.4

Judges of county courts		
	Gender distribution in%	
	Women	Men
2000	42.0	58.0
2010	57.1	42.9
2015	63.3	36.7
2019	64.1	35.9
2020	64.8	35.2

Judges of commercial courts		
	Gender distribution in%	
	Women	Men
2000	52.4	47.6
2010	67.4	32.6
2015	73.1	29.6
2019	75.5	24.5
2020	74.5	25.5

Judges of municipal and municipal misdemeanour courts		
	Gender distribution in%	
	Women	Men
2000	63.7	36.3
2010	70.1	29.9
2015	71.9	28.1
2019	74.0	26.0
2020	74.4	25.6

Judges of misdemeanour courts		
	Gender distribution in%	
	Women	Men
2000	72.9	27.1
2010	72.5	27.5
2015	73.2	26.8
2019	- ⁸	-

Judges of high misdemeanour courts		
	Gender distribution in%	
	Women	Men
2019	72.0	28.0
2020	63.6	36.4

The basic structural barriers and challenges faced by women ascending to the highest decision-making positions are very complex. They are mostly very closely related to gender stereotypes and most often relate to inequality in the division of responsibilities in the family and the reconciliation of private and business obligations, long working hours and instability of working hours, gender criticism and hostility in the work environment, proving leadership skills built on a model of masculine leadership and at the same time showing the expected “feminine characteristics” such as warmth and understanding in communication. Other, specific barriers are related to specificities in certain areas. Thus, for example, in the field of public policy, women are more often subjected to harassment, online violence and criticism, and proving leadership skills and political thinking skills is a long and difficult process for them. There is a small number of those political parties whose internal acts regulate the equality of women and men on the political scene.

The forthcoming period will increase further challenges and needs for expanding the strategic and legal framework in terms of increasing the representation of women in decision-making positions, primarily in the possible introduction and legal regulation of the obligation to respect the alternating order of men and women on the electoral lists, as the next phase after abandoning the so-called “quota model”.

In addition, public awareness and harmonisation of legislation and national practice with the documents of the Council of Europe, the European Commission and the European Parliament will continue.

⁸ With the entry into force of the new Territories and Seats of Courts Act (Official Gazette 67/18), the work of misdemeanour courts was taken over by municipal courts. Given that some judges who worked in misdemeanour courts, now deal with misdemeanour cases alongside cases of other legal areas, it is not possible to show them separately in a separate table

Supervision over the application of regulations in the field of labour relations is performed by the Labour Inspectorate of the State Inspectorate, unless otherwise prescribed by a special law, which expresses certain data and offences by gender determined by the inspection supervision.

Furthermore, supervising the application of the provisions of the Labour Act, the labour inspectors-initiated misdemeanour proceedings in the reporting period because during inspection they found reasonable suspicion of committing the following offences that potentially relate to the subject matter (irregularities related to employment contract, employment relationship, dismissal...):

Violations of regulations	2019	2020	Total
Article 14 paragraph 3 of the Labour Act, punishable under Article 229 point 3 and paragraph 2 of the said Act	584 <i>(Committed in relation to 396 men and 326 women)</i>	472 <i>(Committed in relation to 307 men and 226 women)</i>	1,056 <i>(Committed in relation to 703 men and 552 women)</i>
Article 25 paragraph 1 of the Labour Act, punishable under Article 228 point 3 and paragraph 2 of the said Act	3	-	3
Article 30 paragraph 1 of the Labour Act, punishable under Article 229. point 8 and paragraph 2 of the said Act	1	-	1
Article 34 paragraph 1 of the Labour Act, punishable under Article 229 point 9 and paragraph 2 of the said Act	3	5	8
Article 30 paragraph 2 of the Labour Act, punishable under Article 228 point 5 and paragraph 2 of the said Act	-	-	-
Article 36, paragraphs 1 and 2 of the Labour Act, punishable under Article 228 point 6 and paragraph 2 of the said Act	-	1	1
Article 41 paragraph 1 of the Labour Act, punishable under Article 228 point 8 and paragraph 2 of the said Act	-	-	-
Article 120 of the Labour Act, punishable under Article 229 point 35 and paragraph 2 of the said Act	100	89	189

Below are the data we have, which are based on the number and gender of workers, in relation to which certain offenses related to illegal overtime work, disabling the use of daily and weekly leave and non-payment of the minimum pay:

Year	Overtime work		Daily leave		Weekly leave		Non-payment of the minimum pay	
	Men	Women	Men	Women	Men	Women	Men	Women
2019	97	168	85	167	42	76	5,539	2,191
2020	84	126	83	109	42	35	855	834
<i>Total</i>	<i>181</i>	<i>294</i>	<i>168</i>	<i>276</i>	<i>84</i>	<i>111</i>	<i>6,394</i>	<i>3,025</i>

Regarding the supervision of the application of the provisions of the Anti-Discrimination Act, labour inspectors initiated 1 misdemeanour proceeding in the reporting period because they established a reasonable suspicion of committing a violation of Article 4, paragraph 2 of the said Act, which is punishable under Article 28.

Furthermore, regarding the supervision of the application of Article 9 of the Act on Vocational Rehabilitation and Employment of Persons with Disability, which prescribes the right of priority in the employment of persons with disabilities (Official Gazette 157/13, 152/14, 39/18 and 32/20), labour inspectors acted as follows:

- In 2019, labour inspectors issued 9 decisions based on the provisions of Article 9, which decided on the applicant's claims, namely 2 decisions establishing a violation of the right to priority in employment of a person with disabilities who filed a claim for supervision and 7 decisions rejecting the claim of a person with a disability who has filed a claim for supervision due to a possible violation of the right to priority in employment. Based on the factual situation established in the supervisions carried out at the claim of persons referred to in Article 9 of the Act on Vocational Rehabilitation and Employment of Persons with Disabilities, labour inspectors submitted two indictment proposals to the competent courts for reasonable suspicion of committing an offense referred to in Article 9, paragraph 1, punishable under Article 41, paragraph 1, item 1 of the same Act.

- In 2020, labour inspectors issued 7 decisions based on the provisions of Article 9 of the Act on Vocational Rehabilitation and Employment of Persons with Disabilities, which decided on the applicant's claims, namely 3 decisions establishing a violation of the right to priority in employment of persons with disabilities who filed a claim for supervision (on which the parties in the procedure filed appeals, and of which two decisions in the second-instance administrative proceedings were annulled and returned for retrial, while one second-instance proceeding or resolution of the appeal is pending) and 4 decisions rejecting the claim from a person with a disability who filed a claim for supervision due to a possible violation of the right to priority in employment. Based on the factual situation established in the supervisions carried out at the claim of the persons referred to in Article 9 of the said Act, labour inspectors submitted one proposal for indictment to the competent court for reasonable suspicion of committing an offence referred to in Article 9, paragraph 1, punishable under Article 41, paragraph 1, item 1 of the same Act.

Statistical data on pay

- *Measures aimed at reducing and eliminating the gender pay gap*

Despite clear legislative measures and different public policy attempts, the pay gap between women and men persists in all EU Member States. Gender segregation of occupations and sectors, difficulties in reconciling private and business life, underestimation of women's skills are just some of the complex reasons for the persistent pay gap.

The pay gap in 2019 in the Republic of Croatia was 11.5%, and in the EU-27 it was 14.1%. The difference is larger in the private sector than the public sector by 3.3 percentage points⁹.

The Report on the Work of the Gender Equality Ombudswoman for 2020¹⁰ shows that the share of women among the victims of discrimination is 76%, and the area to which the largest number of complaints refers is the area of work. The analysis shows that ¼ cases (131) of

⁹ Average gross earnings per hour - unadjusted form. Source: Eurostat https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Gender_pay_gap_statistics#Possible_causes_of_the_unadjusted_gender_pay_gap

¹⁰ https://www.prs.hr/application/images/uploads/IZVJESCE_O_RADU_2020_Pravobranit.pdf

discrimination are related to work and working conditions; the possibility of self-employment of employment, including selection criteria and conditions for employment and promotion; access to all types of vocational guidance, professional training and advanced training, and retraining.

In the construction, electricity, mining, auditing, social networking or invoicing occupations, women's monthly earnings are higher than men's earnings for the same jobs, but for other male occupations and jobs, earnings are higher for men than for women. The average monthly paid net earnings per person employed in legal entities in the Republic of Croatia for 2019 was HRK 5,934.00 for employed women and HRK 6,788.00 for employed men. This difference is visible in all industries and even in those where the female workforce predominates. Thus, for example, in education the difference is 14.35% (HRK 5,889.00 compared to HRK 6,876.00), in health care and social care 24.2% (HRK 6,561.00 compared to HRK 8,657.00), and in other service occupations, the difference is 19.09% (HRK 5,132.00 compared to HRK 6,343.00)¹¹.

Due to lower salaries, shorter work experience and career breaks due to family obligations, women's pensions are lower than men's pensions and amount to 89.4% of men's pensions (HRK 2,487.15 compared to HRK 3,137.79)¹². Equalizing the retirement age for men and women will reduce this gap over the next few years, but the continuity of lower pay will continue to be a factor influencing the sustainability of the gap.

Research shows that even when the basic characteristics of employment are the same, such as length of service, age, sector or activity, occupation, level of education, women earn less than men. Lower pay often acts as a disincentive to include women in the labour market.

The Republic of Croatia has several obligations to the European Union related to monitoring and closing the pay gap, of which it is important to mention reporting on the application of Article 157 of the Treaty on the Functioning of the European Union on equal pay for equal work. Article 157 (4) of the Treaty even allows for the introduction of special measures to eliminate the disadvantages of women in their professional careers. The European Commission's 2014 recommendation on pay transparency¹³ includes four key measures to implement the principle of equal pay: the right of workers to request information on pay grades, reporting on company-level pay, pay audits and collective bargaining on equal pay. Member States of the European Union are required to implement at least one of these measures.

However, despite the convergence of values in the employment rate, gender segregation in areas of work is still a major problem. Thus, for example, 28.8% of women are employed in agriculture, forestry, and fishing, 12.9% in mining and quarrying, 35.7% in manufacturing, 10.1% in construction, 23.7% in transport and storage, 28.9% in computer programming, consultancy and related activities, and 24.8% in the repair of computers and personal and household items. However, 80.5% are employed in the field of education; 74.7% in health care

¹¹ Source: Croatian Bureau of Statistics for 2019.

https://www.dzs.hr/Hrv_Eng/menandwomen/men_and_women_2021.pdf

¹² Source: Croatian Bureau of Statistics for 2020

https://www.dzs.hr/Hrv_Eng/menandwomen/men_and_women_2021.pdf

¹³ Commission Recommendation on strengthening the principle of equal pay between men and women through transparency (2014/124/EU)

occupations; 84% in social welfare occupations and 76.7% of women work in other personal service occupations¹⁴.

Gender segregation in occupations is related to several factors such as differences in skills, knowledge and abilities arising from education, gender roles in the family and distribution of unpaid work at home, barriers to entry due to organisational culture and customs, gender identities, norms, attitudes, and stereotypes.

Accelerated technological changes are creating an uncertain environment in which the lifespan of skills is shortened and anticipating the necessity of certain future skills becomes very difficult. To support the employability of workers and the full participation of women and men in the labour market requires smart long-term investment in skills driven by an analysis of existing demand and emerging trends. Employers and educational institutions are expected to invest in the training of workers and help them master new skills such as STEM occupations (science, technology, engineering, and mathematics). To increase the availability and completion of higher education in STEM areas, direct financial support has been provided through state scholarships for students of STEM study programmes (biotechnical, technical, biomedical, natural and interdisciplinary). The project implementation period is from August 2017 to June 2022. EU funding for the project is 85% and amounts to HRK 158,158,012.50, while the share of national co-funding is 15% and amounts to HRK 27,910,237.50. The number of scholarships is 3,400 per year (HRK 17,000.00 over 5 years) and the amount of the scholarship is HRK 1,200.00 (9 months).

Since the beginning of June 2021, the Croatian Bureau of Statistics, within its competence, has further improved labour market statistics, primarily in the field of gender pay statistics, by processing data from the Uniform Form on Pay and Paid Contributions (JOPPD) and publishing them monthly which significantly shortened data availability period.

Also, for the first time, average hourly pay data were published, by gender, and data by month are published regularly every three months.

Average pay data by gender were available from the annual survey on employees and pay, of which the latest available data is for 2019.

With this improvement, the annual dynamics were changed to the monthly one, and the publication periods were significantly shortened.

The following statistics is provided below:

- Average monthly net pay paid per employee in legal entities

	I 2021	II 2021	III 2021	I-III 2021
Total	6,979.00	7,038.00	7,138.00	7,052.00
Men	7,185.00	7,220.00	7,381.00	7,262.00
Women	6,740.00	6,824.00	6,853.00	6,806.00

¹⁴ Croatian Bureau of Statistics - employees by occupations in December 2019

- Average monthly gross pay paid per employee in legal entities

	I 2021	II 2021	III 2021	I-III 2021
Total	9,373.00	9,467.00	9,601.00	9,480.00
Men	9,651.00	9,714.00	9,943.00	9,770.00
Women	9,049.00	9,177.00	9,198.00	9,141.00

- Average monthly net pay paid per hour in legal entities

	I 2021	II 2021	III 2021	I-III 2021
Total	40.87	43.32	38.48	40.81
Men	42.02	44.48	39.71	41.95
Women	39.54	42.18	37.03	39.46

- Average monthly gross pay paid per hour in legal entities

	I 2021	II 2021	III 2021	I-III 2021
Total	54.89	58.41	51.75	54.86
Men	56.44	59.84	53.49	56.44
Women	53.08	56.72	49.70	53.01

Following all the data presented in this Report although there are still differences in the pay of women and men, there are indications of a possible reduction in the gap. Data in the first 3 quarters of 2021 indicate a reduction in the pay gap between men and women. The Republic of Croatia is committed to reducing pay gap in all segments.

There is still room for improvement and in the coming period the Republic of Croatia will make additional efforts to further reduce the pay gap, with the goal of achieving equal pay for women and men in all sectors and occupations.

Conclusion

Gender equality is one of the highest values of the constitutional order of the Republic of Croatia, based on which women and men should have the opportunity to be equally represented in all areas of public and private life. First, the Republic of Croatia has shown a strong political commitment in the field of gender equality, by including the promotion of equality of women and men in society and the labour market in the Government of the Republic of Croatia Programme 2020-2024. The National Development Strategy of the Republic of Croatia by 2030, as a long-term act of strategic planning, also contains a vision of Croatia as a society in which there will be no discrimination on any grounds, including gender and sexual orientation. Based on these documents, the development of the National Plan for Promotion of Gender Equality has begun, which will contain clearly measurable goals to be achieved. This National Plan, through key performance indicators, will enable clear monitoring of progress in the field of gender equality.

In the short period since the decision in the case of *University Women of Europe versus The Republic of Croatia*, the competent authorities have made significant efforts to facilitate victims of pay discrimination in access to effective remedies through existing institutes.

Pursuant to the provisions of the Civil Procedure Act, the parties can currently request the acquisition of data from the employer on the pay of a comparative worker within the court proceedings for the purpose of presenting evidence in a specific case.

Since the beginning of June 2021, the Croatian Bureau of Statistics, within its competence, has further improved labour market statistics in the field of gender pay statistics and their publication monthly has significantly shortened the availability of data. These statistics indicate positive trends in reducing the pay gap between women and men.

Several projects are currently being implemented to contribute to progress in the field of gender equality. Among them are the project “Re-create work and life for women and men” which aims to promote more equal participation of mothers in the market and direct financial support through state scholarships for women in study programmes in STEM areas.