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EUROPEAN SOCIAL CHARTER

15th National Report on the implementation of the European
Social Charter

submitted by

THE GOVERNMENT OF CROATIA

Articles 2, 3, 4, 5, 6, and 20

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CYCLE 2026



Ministry of Labour, Pension System, Family and Social Policy

**Answers to questions from the European Committee of Social Rights for the
statutory report**

Group 1

December 2025

Article 2§1 Reasonable daily and weekly working hours

a) Please provide information on occupations, if any, where weekly working hours can exceed 60 hours or more, by law, collective agreements or other means, including:

- information on the exact number of weekly hours that persons in these occupations can work;

According to Croatian Labour Act, which is general regulation act, standard full-time working hours are 40 hours per week.

There are no special regulations governing the performance of certain activities in which the duration of regular weekly work would be longer than 60 hours per week (e.g. seasonal activities). Under unequal/redistributed working time schedules, agreed upon by law, collective agreement, or contract, work can extend up to 50 hours per week, or 60 hours per week if a collective agreement allows it.

- information on any safeguards which exist in order to protect the health and safety of the worker, where workers work more than 60 hours.

b) Please provide information on the weekly working hours of seafarers.

The standard working hours of seafarers, in accordance with the provisions of the national Ordinance on the Conditions and Procedures for Maintaining Watch, as well as Performing Other Duties on Ships Ensuring Safe Navigation and Protection of the Sea from Pollution (Official Gazette Nos. 125/05, 126/08, 34/11, 155/13, 29/16) are generally based on an eight-hour working day, with one day of rest per week and rest on public holidays. The maximum permitted number of working hours for a seafarer shall not exceed 14 hours in any 24-hour period.

Furthermore, in line with the provisions of Section A-VIII/1, paragraph 2 of the STCW Convention 1978, as amended, and Standard A2.3, paragraph 5 of the MLC Convention 2006, as amended, a seafarer must be provided with a minimum of 10 hours of rest in any 24-hour period and 77 hours of rest in any 7-day period.

c) Please provide information on how inactive on-call periods are treated in terms of work or rest time.

According to Article 60 of the Croatian Labour Act, the period during which the worker is available for the employer's request for performance of works, should a need arise, shall not be regarded as working time, where the worker is neither located at his working place nor at another place determined by the employer. The availability period and remuneration shall be regulated by the employment contract or collective agreement. The period during which the worker is at work upon the employer's request shall be deemed working time, notwithstanding whether the work is performed at the place determined by the employer or the place selected by the worker.

Article 5 – The right to organise

Article 6 – The right to bargain collectively

Explanatory remarks:

Questions concerning the long-term decline in unionisation and collective bargaining coverage rates across Europe from a social rights perspective are proposed. While the causes of low trade union density rates are complex, these include deindustrialization and globalization, as well as the presence of large non-unionized segments of the workforce, including many workers who are low paid and/or have a precarious contractual situation. One of the questions under Article 5 seeks to articulate the scope of State Party obligations in arresting that decline, without unduly interfering with trade union freedom. Another question looks at some of the reported ways in which unionisation at the workplace has been undermined, for instance by the promotion of alternative sources of representation that are more prone to being controlled by the employer. The decline in trade unionisation is accompanied in many places by the demotion of joint consultation mechanisms in bipartite and tripartite mechanisms, by diluting the contents of the matters of joint interest addressed or downgrading the status of these exchanges.

The decline in collective bargaining coverage has been uneven, with some countries more affected than others. However, in many cases the decline has been associated with a decentralisation of collective bargaining arrangements and an increase in the discretion afforded to employers in terms of fixing the terms and conditions of the employment relationship. The targeted questions seek to uncover some of the common elements underpinning this process, including, for example, the way in which collective bargaining is articulated across different bargaining levels. They also seek to ascertain what measures are taken by States Parties to arrest and reverse this decline, in line with their duty under Article 6§2 to promote collective bargaining. The questions under Article 6§4 take a closer look at some of the restrictions to the right to strike reported in many States Parties, including the minimum service requirement or the availability of injunctive relief for preventing a strike from taking place.

Questions:

Article 5 Right to organise

a) Please indicate what measures have been taken to encourage or strengthen the positive freedom of association of workers, particularly in sectors which traditionally have a low rate of unionisation or in new sectors (e.g., the gig economy).

The Labor Act stipulates that workers may establish a union of their own free will, with ten workers being sufficient to establish a union. The regulations governing labour relations allow all workers to freely join unions of their own choosing, in accordance with the rules of each union. Workers' associations can be established without any prior approval.

Furthermore, workers may not be placed in a disadvantageous position due to membership in a union, or participation or non-participation in the activities of the union.

Gig economy workers have the same rights of association and access to unions as all other workers in the Republic of Croatia.

b) Please describe the legal criteria used to determine the recognition of employers' organisations for the purposes of engaging in social dialogue and collective bargaining.

Every employer may conclude a collective agreement with a trade union, regardless of whether it is a member of an employers' association or not. However, employers may, in accordance with the Labour Act, form associations of employers.

Employers have the right, at their own free choice, to establish an employers' association and to become members of it, subject to conditions that may only be prescribed by the statute or rules of that association.

An employers' association may be established by three legal entities or by natural persons of legal age with legal capacity, without any prior approval.

Act on representativeness of employer organisations and trade union organisations -

The criteria for representativeness of higher-level employer organisations participating in tripartite bodies at national level (Article 2).

A higher-level representative employer organisation participating in tripartite bodies at national level, shall mean an employer organisation of a higher level that cumulatively fulfils the following conditions:

- 1) it is entered in the register of employer organisations of a higher level at least 6 months prior to applying for recognition of a representative status,
- 2) at least 3 000 employers are its members, or its member employers have at least 100 000 employees,
- 3) at least five employer organisations are its members and are active in various areas of activities as set out in the National Classification of Activities,
- 4) the higher-level employer organisation or its member organisations have regional offices in at least four counties,
- 5) it has the premises and other material conditions necessary to carry out its activities and it employs at least five employees with a full-time employment contract, concluded for indefinite duration.

c) Please describe the legal criteria used to determine the recognition and representativeness of trade unions for the purposes of engaging in social dialogue and collective bargaining.

Criteria for representativeness of higher-level trade union organisation participating in tripartite bodies at national level (Article 3)

- (1) A higher-level representative trade union organisation participating in tripartite bodies at national level, shall mean a trade union organisation of a higher level that cumulatively fulfils the following conditions:

- 1) it is entered in the register of trade union organisation of a higher level at least six months prior to applying for recognition of a representative status
- 2) its member trade unions represent at least 50 000 unionised employees
- 3) at least five trade unions are its members and are active in various areas of activities as set out in the National Classification of Activities
- 5) the higher-level representative trade union organisation or its member unions have regional offices in at least four counties
- 6) it has the premises and other material conditions necessary to carry out its activities and it employs at least five employees with a full-time employment contract, concluded for indefinite duration.

(2) The number of unionised employees referred to in paragraph 1 subparagraph 2 of this Article include unionised employees who:

- 1) have submitted to their employer a written consent for their union membership fee to be deducted from their salary
- 2) exercise their rights to maternity and parental benefits in accordance with special regulations
- 3) personally pay their union membership fee.

Representativeness of trade unions for collective bargaining (Article 7)

- (1) Where there is only one trade union at the level for which collective bargaining is being conducted, the trade union in question shall be deemed representative and its representative status need not be subject to the recognition procedure.
- (2) Where there are several trade unions at the level for which collective bargaining is being conducted, all trade unions active at that level may recognize, by means of a written agreement, which trade unions shall be deemed representative, and the representativeness of those unions need not be subject to recognition procedure.
- (3) Where there are several trade unions at the level for which collective bargaining is being conducted, and the trade unions fail to conclude a written agreement, every trade union may initiate before the Commission a procedure for the recognition of a trade union's representative status.

Criteria for representativeness of a trade union in collective bargaining (Article 8)

In the procedure for recognition of representativeness of trade unions referred to in Article 7(4) hereof, a representative trade union shall be the trade union that, at the level for which representativeness is being recognized, has a minimum of 20% of members of the total number of unionised employees employed at the level for which representativeness is to be recognized.

Please provide information:

- on the status and prerogatives of minority trade unions;

The union negotiating committee shall inform, during collective bargaining, other unions which are not representative or represented on the negotiating committee, of the negotiation developments and allow them to voice their opinions and proposals which are of special interest for their members.

- on the existence of alternative representation structures at enterprise-level, such as elected worker representatives.

d) Please indicate whether and to what extent the right to organise is guaranteed for members of the police and armed forces.

Article 15 of the Act on Service in the Armed Forces of the Republic of Croatia (Official Gazette Nos. [73/13](#), [75/15](#), [50/16](#), [30/18](#), [125/19](#), [155/23](#), [158/23](#), [14/24](#), [136/25](#)) stipulates that active military personnel are prohibited from organizing trade unions and strikes.

In accordance with Article 40 of the Police Act (Official Gazette Nos. [34/11](#), [130/12](#), [89/14](#), [151/14](#), [33/15](#), [121/16](#), [66/19](#), [155/23](#)) – which has been in force since 2011), police officers have the right to organize in unison. In accordance with Art. 37. (3.) A police officer may, outside regular working hours and with the prior written approval of the Director-General or a person authorized by him, perform tasks or provide services to legal persons founded by a trade union operating within the Ministry, which have been established with the aim of improving the social position of members or strengthening the institutions of trade unions.

Article 6§1 Joint consultation

a) Please state what measures are taken by the Government to promote joint consultation.

Joint consultations were conducted with the social partners for all regulations adopted during 2025. In addition, at the request of the social partners, certain regulations and policies were discussed within the Economic and Social Council, as the highest body of tripartite social dialogue. At the same time, a National Programme for the Promotion of Collective Bargaining was being intensively prepared, and as a basis for improving negotiations, a new electronic database system of collective agreements was established.

During 2025, as part of the promotion of the System for e-Delivery and e-Database of Collective Agreements, 15 webinars were held. These webinars promoted the importance of collective bargaining, with emphasis placed on collective bargaining practices in the Republic of Croatia, as well as on comparing the negotiation process with processes in other European Union member states.

The Government of the Republic of Croatia established the Office for Social Partnership through the Decree on the Office for Social Partnership Official Gazette Nos. 8/25) in 2025. The tasks of this Office include, among others: mediating in the

resolution of specific problems of interest to social partners that require the participation and coordination of several different state administration bodies; monitoring national and foreign regulations, conventions, and recommendations of the International Labour Organization, the Council of Europe, and the European Union in the field of social dialogue; monitoring and coordinating the work of the Economic and Social Council at the national and local levels; coordinating the cooperation between state administration bodies and social partners at the national level; managing administrative tasks related to the mandatory mediation procedure in collective labour disputes, etc.

b) Please describe what issues of mutual interest have been the subject of joint consultation during the past five years, what agreements have been adopted as a result of such discussions and how these agreements have been implemented.

No information can be given on the suggested time frame because the Office for Social Partnership was established in 2025., and the promotion of importance of collective bargaining was held in 2025.

c) Please state if there has been any joint consultation on matters related to (i) the digital transition, or (ii) the green transition.

There were no joint consultations regarding the above-mentioned topics.

Article 6§2 Collective bargaining

a) Please provide information on how collective bargaining is coordinated between and across different bargaining levels, including information on:

- the operation of factors such as *erga omnes* clauses and other mechanisms for the extension of collective agreements;
- the operation of the favourability principle and the extent to which local/workplace agreements may derogate from legislation or collective agreements agreed at a higher level.

Collective bargaining agreements can be conducted at levels such as *in-house* collective agreements, sectoral collective agreements, collective agreements for employers' associations, collective agreements applicable to public institutions, and collective agreements applicable to all employees of public or state services.

In accordance with the provisions of the Labor Act, if a right is regulated differently by law, a collective agreement, work regulations, or an agreement concluded between the works council and the employer, the most favorable right shall apply to the employee (unless otherwise provided by law).

Furthermore, the Minister of Labor may, at the proposal of all parties to a collective agreement, extend the application of a collective agreement concluded with an employers' association or a higher-level employers' association to an employer who is not a member of the employers' association or a higher-level employers' association that is a signatory to that collective agreement.

The Minister will decide on the extension if there is a public interest in extending the collective agreement and if the collective agreement has been concluded by the trade unions with the largest number of members and the employers' association with the largest number of workers, at the level to which it is being extended.

b) Please provide information on the obstacles hindering collective bargaining at all levels and in all sectors of the economy (e. g. decentralization of collective bargaining).

One of the main obstacles to concluding collective agreements is the failure to recognize the importance of sectoral and cross-sectoral bargaining, which leads to the conclusion of many collective agreements at the level of a single employer that can have very different effects on the position of workers.

Also, an important obstacle in negotiations is the distrust between unions and employers and the misunderstanding of each other's positions. In such a way of negotiating, unions and employers do not see each other as partners but as opponents.

During negotiations, both parties often go through the entire text of the collective agreement, not just the provisions that are important to both parties. This leads to delays in the negotiation process and frequent conflicts over the wording of the text.

c) Please provide specific details on:

- the measures taken or planned in order address those obstacles;
- the timelines adopted in relation to those measures;
- the outcomes achieved/expected in terms of those measures.

While promoting the importance of collective bargaining, mentioned in our answer on joint consultations, it was underlined how important the dialogue is while negotiating the provisions of a collective agreement.

During the lectures, proposals were presented on how to improve negotiations between employers and union representatives, such as focusing on essential worker's rights, the amount of salary, clear wording of collective agreement provisions, the importance of sectoral negotiations etc.

Giving that proposals were directed to improved communication and dialogue between employers and union representatives, no timeline was set to implement those proposals.

The expected outcome of suggestions to employers and union representatives is to enhance communication while negotiating.

d) Please provide information on the measures taken or planned to guarantee the right to collective bargaining of (i) economically dependent (self-employed) persons showing some similar features to workers and (ii) self-employed workers.

With respect to the provisions of the Labour Act, collective bargaining is not applicable to self-employed workers because it is a bipartite process which includes an employer and union representative.

Article 6§4 Collective action

a) Please indicate:

- the sectors in which the right to strike is prohibited;
- those sectors for which there are restrictions on the right to strike;
- sectors for which there is a requirement of a minimum service to be maintained.

Please give details about the relevant rules concerning the above and their application in practice, including relevant case law.

The fundamental right to strike arises from the Constitution of the Republic of Croatia as well as from international regulations (International Covenant on Economic, Social and Cultural Rights, European Charter for Human Rights and Convention Concerning Freedom of Association and Protection to the Right to Organise – No 87 and Convention Concerning the Application of the Principles of the Rights to Organise and to Bargain Collectively – No 98 (ILO). According to Article 61, Paragraph 1 of the Constitution of the Republic of Croatia, the right to strike is guaranteed. Paragraph 2 of the same article stipulates that the right to strike may be restricted in the armed forces, law enforcement, state administration, and public services as determined by law. Therefore, outside of the state administration and public services, the right to strike cannot be restricted.

Strikes by active military personnel are prohibited.

Employees of security and intelligence agencies also do not have the right to strike, although there is no explicit legal provision for this.

Judicial officials (judges and prosecutors) do not have rules in the applicable laws regarding the right to strike.

Art. 198 of the Health Care Act (Official Gazette Nos. [100/18](#), [125/19](#), [147/20](#), [119/22](#), [156/22](#), [33/23](#), [36/24](#), [102/25](#)) stipulates that a strike in the Croatian Institute of Emergency Medicine, institutes of emergency medicine of regional self-government units or the City of Zagreb and contracted emergency medicine services of health institutions is not allowed.

Article 214 of the Labour Act stipulates that, at the employer's proposal, the employer and the trade union shall jointly draft and adopt rules on production-maintenance and essential operations that must not be interrupted during a strike or lockout.

These are tasks that are strictly necessary to prevent endangerment of life, health, or the personal safety of the population (essential services), such as emergency medical care, basic electricity distribution, and fire protection.

They also include activities that are required to enable the immediate resumption of operations after the strike or lockout ends.

Article 199 of the Health Care Act reads as follows:

- (1) A strike in health care activities of health care institutions may not commence before the completion of the conciliation procedure in accordance with the general labour regulations.
- (2) For health care activities of health care institutions, except for emergency medicine activities, the Ministry and the trade union shall, at the proposal of the Ministry, mutually determine the necessary tasks that must be performed continuously to prevent endangering the life or occurrence of disability of the patient.
- (3) If the Ministry and the trade union fail to reach the agreement referred to in Paragraph 2 of this Article within 15 days from the date of submission of the Ministry's proposal, the Ministry or the trade union may request that arbitration decide on these matters within a further 15 days.
- (4) If the Ministry has not proposed the determination of the tasks referred to in Paragraph 2 of this Article by the day of the completion of the conciliation procedure, the procedure for determining these tasks may not be initiated until the day of the end of the strike.
- (5) The provisions of the General Labour Regulation shall apply to all proceedings related to the arbitration referred to in Paragraph 3 of this Article and other procedures in the conduct of a strike.
- (6) Health care workers who perform tasks for which it is determined that they must be performed during a strike pursuant to Paragraph 2 of this Article, shall be obliged to implement the orders issued by the Ministry during the strike.
- (7) Failure to implement the order referred to in Paragraph 6 of this Article shall constitute a breach of work obligation and shall constitute a particularly justified reason for termination of the employment contract.

Article 66 The Fire Brigade Act (Official Gazette Nos. [125/19](#), [114/22](#), [155/23](#)) reads as follows:

A strike in firefighting is not allowed in the event of:

1. a state of war or an imminent threat to the independence and unity of the state
2. armed rebellion, insurrection and other forms of violent endangerment of the constitutional order of the Republic of Croatia or fundamental freedoms and rights of man and citizens
3. an extraordinary event, accident or disaster
4. other extraordinary events that interfere with the normal course of life and endanger the safety of people and property.

Article 39 The Police Act reads as follows:

A police officer does not have the right to strike in the event of:

1. a state of war or an imminent threat to the independence and unity of the state,
2. armed rebellion, insurrection and other forms of violent endangerment of the constitutional order of the Republic of Croatia or fundamental freedoms and rights of man and citizens,
3. declared natural disaster or direct danger of its occurrence in the territory of two or more counties or in the entire territory of the Republic of Croatia,
4. other disasters and accidents that interfere with the normal course of life and endanger the safety of people and property.

A police officer shall also be obliged to exercise police powers during participation in a strike if necessary to:

1. protection of life and safety of people,
2. arresting and bringing to the competent authority a person caught in a criminal offence for which he or she is prosecuted ex officio,
3. preventing the commission and detection of the perpetrator of the criminal offence for which he is prosecuted ex officio.

In accordance with Article 15, paragraph (6) of the Law on the Armed Forces in the Republic of Croatia, civil servants and employees serving in the Armed Forces of the Republic of Croatia are not allowed to strike:

- in a state of war or in a state of immediate threat to the independence, unity and survival of the Republic of Croatia (hereinafter: the state of immediate threat)
- which is directly related to preparedness measures
- which is directly related to the combat readiness of the Armed Forces
- which endangers the vital functions of the Armed Forces.

b) Please indicate whether it is possible to prohibit a strike by seeking injunctive or other relief from the courts or other competent body (administrative body or arbitration body). If affirmative, please provide information on the scope and number of decisions in the last 12 months.

Injunctive relief is possible in Croatia to prevent, suspend, or prohibit a strike under certain legal grounds. The employer, or the employers' association, may request from the competent court to prohibit the organization and undertaking of a strike contrary to the provisions of the law.

We do not possess information on the scope and number of decisions in the last 12 months.

At the end, we would like to add reply to question b) Please indicate whether the notion of equal work and work of equal value is defined in domestic law or case law, under the Article 4§3 Right of men and women to equal pay for work of equal value (even that Republic of Croatia did not ratify it yet).

According to Article 91 of the Croatian Labour Act, the employer shall pay equal salary to the female and male worker for the equal work or for the work of equal value.

The equal work within the meaning of Article 91 paragraph 1 shall be performed by two persons of different sex, if:

1. they perform the same work under the same or similar conditions or could replace each other in relation to the work they perform
2. work performed by one of them is similar in nature to work performed by the other, and the differences between the work performed and the conditions under which each of them performs it have no significance in relation to the nature of the work in its entirety or occur so rarely that they do not affect the nature of the work in its entirety.

Work of equal value within the meaning of Article 91 paragraph 1 shall be performed by two persons of different sexes if the work performed by one of them is of the same value as the work performed by the other, taking into account the qualification acquired by a certain level of education and the nature of the work determined according to objective criteria such as the necessary knowledge, skills, responsibility and autonomy and the conditions in which the work is performed.