Re: Croatian labour legislation changes

Dear Minister,

The European Trade Union Confederation (ETUC) expresses its deep concern at the worsening of labour and social legislation and of the social dialogue in Croatia, which brings into question the attachment of the Croatian Government to the undertakings it gave so recently when joining the European Union and its Social Model. We extend our full support to our affiliates, the Union of Autonomous Trade Unions of Croatia (SSSH) and the Independent Trade Unions of Croatia (NHS), in their efforts on behalf of Croatian workers and their families.

We have been monitoring closely the process of amendments of the Labour Act, as well as the whole package of legislation which is being amended. The ETUC is deeply concerned at the proposals of the Croatian Government, particularly its Ministry of Labour and Pensions, which clearly degrade the level of workers’ rights and employment protection, as well as trade union rights in Croatia. We are particularly worried by the poor level of social dialogue. Not only have the constructive trade union proposals fallen on deaf ears, but the agreement that had already been achieved and signed has not been respected by the Ministry. This does not reflect the spirit of trust, confidence and mutual understanding which should be the essence of social dialogue in a European country.

In particular, trade unions cannot accept the proposed provisions of the Labour Act on the organisation and redistribution of working time, which allows as much as 56 hours’ work a week (or up to 60 on the basis of collective agreement), regulated autonomously by the employer, in all sectors, for all workers, and at the same time overtime work of an individual worker which may be longer than 180 hours a year. The ETUC regards it as completely unacceptable that in this respect the role and influence of trade unions and collective bargaining has been reduced to the minimum.

The weakening of labour and social legislation, the lowering of employment protection, the dismantling of collective bargaining and of the role of trade unions and the weakening of social dialogue are wrong and failed practices, which will in no way ensure sustainable growth and competitiveness, or attract foreign investment and increase the competitiveness of an economy. The OECD itself has abandoned the index of legal protection of employment as a key measurement of the so-called rigidity of labour legislation because it has nowhere been proved that easier firing leads to greater employment. We must not ignore the key role of management in ensuring the implementation of labour legislation and increasing competitiveness.
The proposed liberalisation and flexibilisation of the organization of working time is a huge step away from Social Europe and the objectives identified in the Treaties in the field of social policy, whose aim is to improve the working and living conditions of EU workers and citizens. Furthermore, the European Social Charter and the Charter on Fundamental Rights guarantee all workers the protection of their health and safety by limiting the number of working hours and providing for the minimum rest periods.

The ETUC is also concerned with the proposed lowering of the rights of agency workers, and thus also of other workers employed in the user undertaking and workers in general. Agency workers must be guaranteed equal and fair treatment and must be protected from discrimination in the workplace. We insist that legislation – that had been negotiated by the social partners and enforced in law – should be fully respected.

Sadly, these downward pressures do not stop there. A number of other rights are being lowered: narrowing of rights to employment on other jobs; no obligation on the employer to offer another job or train workers in case of business and personally conditioned dismissal; notice periods that do not run during temporary inability to work but end after 6 months from the date of delivering the notice (regardless of the duration of sick leave); decreasing the maximum amount a court may grant in favour of a worker illegally dismissed; no substitution of the consent of the works council for dismissal of the worker belonging to a protected category or of the trade union for the dismissal of a shop steward by court verdict but only by arbitration. The ETUC especially strongly rejects the possibility that additional limitations to the right to strike will be introduced.

The ETUC supports the Croatian trade unions in their demand that the Ministry should withdraw the Act on temporary “mini-jobs” as well as the provision of the Pension Insurance Act which raises the retirement age to 67. Mini-jobs provide no security and rights for workers and are a dumping threat to all. Not covering such workers by the Labour Act and hiring workers on an hourly basis, on the principle of vouchers is completely unacceptable – workers are not a commodity and Europe-wide experience shows that such policies lead to fragmentation and the splitting of jobs and to poverty, and do not prevent but rather encourage undeclared work.

Dear Minister, the European Trade Union Confederation is deeply convinced that deregulation and dismantling of social achievements are not an adequate response to economic and social problems. The European Trade Union Confederation urges you to withdraw these laws from the legislative procedure and to confirm in practice to your stated commitment to genuine and substantive social dialogue, based on trust and mutual understanding. We hope that Croatia, as the newest member of the European Union, will be fully committed to preserving and promoting the European Social standards.

Yours faithfully,

Bernadette Ségol,
General Secretary