

To: Mr. Andrej Plenković, Prime
Minister of the Republic of Croatia

To: Mr. Marin Piletić, Minister of
Labour, Pension System, Family
and Social Policy of the Republic
of Croatia

[Letter sent by email]

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Dear Prime Minister Plenković,
Dear Minister Piletić,

We have learned from our Croatian affiliate Union of Autonomous Trade Unions of Croatia (SSSH) that Croatia is amending its Labour Act to include a chapter on platform work. The chapter is also expected to include a presumption of employment relationship, based on the solution from the proposal of Directive on improving working conditions in platform work, which is currently being discussed. The ETUC finds it very important that the presumption of the employment relationship, both on EU level as well as national level, brings positive changes for the workers and allows for fair competition between digital labour platforms and the traditional companies operating in their respective sector. This means that this presumption should not be reduced to a mere possibility of individual workers bringing their case to the court, which is already an existing option under national legislation, including Croatia.

In this light, the ETUC would like to express an additional concern regarding the position of 'aggregators' in the draft proposal of Labour Act. We fear that legalizing the 'aggregators' in the legislation, would only further shield the digital platforms from their labour law obligations as employers (including enforcing such obligations through litigation). Workers employed by the 'aggregator' would be excluded from the possibility of application of presumption of employment relationship in relation to digital labour platforms. We also understand that a large majority of platform workers in Croatia are currently working under such status. This means that amended legislation would have a direct detrimental effect on their rights to fight for and exercise their labour rights in relation to their true employer, including the rights to collective representation and collective bargaining. The ETUC in general opposes the use of artificial intermediary companies used by digital labour platforms to avoid compliance with the legislation and circumventing fiscal and social security obligations on account of workers.

Dear Prime Minister, dear Minister, we therefore ask you to rethink your proposal to introduce the 'aggregators' within the scope of the employment relationship, and to strengthen the presumption of employment relationship in a way to prevent that this institute is only effectively operated by tax authorities and in tax procedures, without any clear and foreseeable labour right implications and effects. We would also like to ask you to take an ambitious approach in the negotiations at the level of the Council of the European Union, for which we would like to recall the request submitted by ETUC to the members of the Committee of the Permanent Representatives to the European Union on September 23rd (and which we enclosed to this letter).

Lastly, we remain at your disposal for a meeting to discuss this issue further, should you be interested to do so.

Yours truly,

Ludovic Voet
ETUC Confederal Secretary