

Social Dialogue mapping

Description scheme for country overviews

CROATIA

Sources:

1/ Eurofound Working Life Profiles <https://www.eurofound.europa.eu/country/croatia#actors-and-institutions>

2/OSH WIKI https://oshwiki.eu/wiki/OSH_system_at_National_Level_-_Croatia

3/ ESENER-2 <https://osha.europa.eu/en/surveys-and-statistics-osh/esener/2014>

Introduction on Social Dialogue in MS (1)

The Act on the Criteria for Participation in Tripartite Bodies and Representativeness for Collective negotiation (OG 82/12 and 88/12) introduced new criteria for representativeness of the social partners' organisations for tripartite consultations. For employees, the legislation on representativeness of unions has introduced detailed provisions covering which unions are entitled to conclude collective agreements.

The new Act on Representativeness of Employers' Associations and Trade Unions adopted in 2014 regulates the criteria and procedures for establishing representativeness of employers' associations and higher level trade unions for their participation in tripartite bodies at the national level. It also sets out criteria and procedures for the representativeness of trade unions for collective bargaining and the entitlements of representative associations/trade unions.

Trade Unions (1)

- **About trade union representation**

Freedom of association and the right to organise is set by the Constitution (Article 43 and 60), the Labour Act, ILO Conventions No 98 and 87 and other international treaties to which the Republic of Croatia is a party. All employees, except active military staff, have the right to establish and join trade unions. According to the new Labour Act (OG 93/14), Article 165, workers have the right, according to their own free choice, to establish and join a trade union, subject to only such requirements which may be prescribed by the statute or internal rules of this trade union.

- **Main trade union confederations and federations**

There are no new trends regarding development in the past three years, but there was a new Act on Representativeness of Employers' Associations and Trade Unions from 2014 (OG 93/14). With the new act, the Government wanted the process of representativeness to be based on precise and objective criteria, in order to avoid any possibility of bias or abuse.

Long name	Abbreviation	Members	Year	Involved in collective bargaining (*)
Independent Trade Unions of Croatia (Nezavisni hrvatski sindikati)	NHS/ITUC	100,000	2015	Yes
Union of Autonomous Trade Unions of Croatia (Savez samostalnih sindikata Hrvatske)	SSSH/UATUC	105,000	2015	Yes
MATICA Association of Croatian Trade Unions (Matica hrvatskih sindikata)	Matica	55,000	2015	Yes
Croatian Association of Trade Unions (Hrvatska udruga radnickih sindikata)	HUS	48,000	2015	Yes

Employers' organisations (1)

- About Employers' organisations**

Freedom of association and the right to organise is set by the Constitution (Article 43 and 60), Labour Act, ILO Conventions and other international treaties to which the Republic of Croatia is a party. Employers have the right, without any distinction whatsoever, and which may be according to their own free choice, to establish and join an employers' association. Employers may freely decide on their membership in an association and leaving such association. Associations may create federations or other forms of association in order to pursue their interests together at a higher level. Higher level associations enjoy all the rights and freedoms granted to association. They all have the right to freely join federations.

- Main Employers' organisations**

According to the Decision on Representativeness of Employers' Associations in Croatia, from July 2007 only the Croatian Employers' Association (CEA) fulfilled the required criteria while the Confederation of Croatian industry and entrepreneurs did not.

However, the 2014 Act on representativeness stipulates in Article 2 the requirements of employers' association representativeness. Thus, currently Croatian Employers' Association (CEA) is the only employers' representative within the national Social-Economic Council, the highest tripartite social body for social dialogue in Croatia.

The CEA has four regional offices, while 29 branch associations of CEA advocate for the specific economic interests of different sectors. The CEA is voluntary, independent and legitimate association with the legitimate right to negotiate in the process of collective bargaining and to sign Collective Agreements. The CEAs' members may also actively participate in all local and/or regional Economic-Social councils in order to improve the conditions of their businesses.

Long name	Abbreviation	Members	Year	Involved in collective bargaining (*)
Croatian Employers Association (Hrvatska Udruga poslodavaca)	HUP – CEA	6,000	2015	Yes

Social Dialogue on OSH (2)

• General Remarks on Social Dialogue on OSH

In socio-economic fields such as economic policy, social policy and OSH, the employers' association and four union confederations are the main players in the Croatian system of social dialogue at national, sectoral and company levels^[24]:

- SSSH (Union of Autonomous Trade Unions of Croatia, Savez samostalnih sindikata Hrvatske) 123,465 members in 23 unions (mainly private sector),
- NHS (Independent Croatian Trade Unions, Nezavisni hrvatski sindikati) 116,837 members in 59 affiliated unions (covers all sectors),
- MHS (Association of Croatian Unions, Matica hrvatskih sindikata) also known as Matica, with 57,990 members in 10 unions (mainly public sector)
- HUS (Croatian Trade Union Association, Hrvatska udruga sindikata), with 54,009 members in 57 unions (larger membership from the industry and the private sector)
- HUP (Croatian Employers' Association, Hrvatska udruga poslodavaca) comprising 25 affiliates. Smaller associations had demanded less stringent criteria, and subsequently the requirements for the representativeness of the employers' side were lowered, but still only HUP is able to meet the criteria.^[25]

• National level

The Croatian Economic and Social Council was established in 1994 as a central body for tripartite dialogue between the government, employers and trade unions. The aim was to provide opinions, suggestions and evaluations on various issues of common interest. There are regular consultations and a significant policy impact, as Eurofound notes.^[26] The government's Office for Social Partnership was formed as a professional and logistic support to the Council. In 2012, however, this office was abolished and transmuted into the Autonomous Service for Social Partnership at the Ministry of Labour and Pension System, without consultations with social partners. This, according to the Annual Review 2010

on Labour Relations and Social Dialogue in South East Europe: Croatia' Friedrich Ebert Foundation, is seen as evidence that the Government considers social dialogue to be 'owned' by the ministry.^[26]

The Council's role is set out in the 2011 Labour Law, including monitoring the effects of economic and social policy and making proposals to the government, employers and unions for a coordinated price and salary policy, as well as commenting on draft legislation in the area of social and labour policy. It also has a role in identifying mediators for dispute resolution.^[24]

There are five sub-committees, covering wage policy, taxes and living standards, social policy, education, the labour market, collective bargaining and employment rights, and sustainable development. There are also local economic and social councils at county level. The work of the Economic and Social Council, at both national and local level is supported by a department for social partnership within the Ministry of Labour and Pensions.^[24]

Representatives of the social partners are actively involved in the work of governing councils of institutions such as the Croatian Pension Insurance Fund, Croatian Health Insurance Fund, Croatian Employment Service, Croatian Institute for Health Insurance of Health Protection at Work, and Croatian Privatisation Fund.^[25]

However, as the above-mentioned annual review notes, the social partners criticised the government for increasing its own influence in the bodies.^[25]

As well as the tripartite economic and social council, there are also bipartite social councils between the employers and unions for three areas: railways, tourism, and construction.^[24]

In line with the Act on safety and health protection at the workplace^[1], the Government set up a National Council for Safety and Health at Work in 2000. It had the following tasks^[7]:

- To critically evaluate the OSH system and policy and inform the government about its findings and conclusions
- To follow closely all OSH laws and regulations and, whenever necessary, suggest mutual harmonization and harmonization with international regulations
- To submit proposals relevant for OSH policy and suggest measures to be implemented, in cooperation with employers and workers.

According to the 2003 amendment, the Council consists of a president and ten members, representatives of the state (2), of the employers (2), of the employed (2) and outstanding specialists in OSH (5). The president and members of this National Council are appointed for a 4 year term and may be re-appointed. In line with the above decision, the members of this National Council are: one representative of the Croatian Trade Unions, one representative of the Union of Independent Trade Unions of Croatia, and two representatives of the Croatian Employers' Union. The drafting of the national OSH programme is regarded as the greatest achievement in this policy field.^[7]

• Sectoral level

Under the guidance of the Economic and Social Council, three national sectoral councils have also been set up, and councils have been established at regional level.^[24]

Bipartite social councils, i.e. between the employers and unions are established in three sectors, namely railways, tourism and construction.^[24]

• Enterprise level

Social dialogue at enterprise level can be in the form of negotiations for labour agreements, although in practice they hardly touch OSH issues. They can also be directly between the employer and the works

council, the trade union representative and/or the OSH representative. The lack of competence among representatives is considered to be the biggest problem. The unions have seemingly reacted, increasing their efforts to raise awareness and offering courses. These efforts will hopefully improve worker participation and, in turn, the OSH situation.