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Croatia: Working time flexibility

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Phase:

Type:

Management

Working time flexibility

Last modified: 17 June, 2021

Native name:

Zakon o Radu 93/2014, 127/17, 98/19

English name:

Labour Act 93/2014, 127/17, 98/19

Article

Articles 60, 61 (1), 65 (3), 66 (1, 5, 6, 7, 8, 9, 10), 67 (1, 3, 4, 5)

Description

Overtime, organisation and rescheduling of working time

Article 60 establishes that a normal working week consists of 40 hours, which may be evenly or unevenly distributed. In the latter case, working time can be either longer or shorter than 8 hours per day. The arrangements are defined by individual employment contracts, agreements between the works council and the employer, collective bargaining and laws.

Articles 65 and 66 limits overtime work on a weekly and annual basis. If a worker works overtime, the total duration of the worker's work must not exceed 50 hours per week. As the full-time weekly working time in Croatia is 40 hours (daily breaks are included), a worker with a contracted full-time work can work a maximum of 10 hours overtime in a week, while a worker with a contracted part-time work of 20 hours per week is able to work also 50 hours a week, but 20 hours will be his or her regular working hours and 30 hours will be overtime. Exceptions to the maximum 50-hour working week are prescribed only in the case of unequal distribution and redistribution of working hours, and only with the fulfilment of certain conditions prescribed in Art. 66, paragraphs 7 to 10 and 67, paragraph 5. At the annual level, the overtime work of an individual worker may not last longer than 180 hours, unless agreed in a collective agreement, in which case it may not last longer than 250 hours per year. The Labour Act does not provide for any exceptions to this restriction, which means that no worker may work longer than stated.

Comments

Legislative regulation on working time in Croatia faces serious implementation problems due to rigid employment legislation and excessive bureaucratic obligations for employers and high fines. Furthermore, the wording is sometimes unclear and complicated, which causes difficulty in complying with legal obligations (Potočnjak, 2015; Potočnjak and Gotovac, 2009; Potočnjak and Vukorepa, 2011). Similar remarks have been expressed by the World Bank in the Doing Business Report. The amendments introduce few novelties in relation to flexibility for employers while including derogations only by collective agreements. Trade union SSSH and NGO CESI have criticised the working time provisions from a gender perspective for not taking into account the fact that in Croatia the majority of household responsibilities (including family care) still fall on women.

Until 2017, companies could take advantage of a measure called non-working Fridays (for instance, Law on the Support for Preservation of Jobs 93/2014). If employers had been able to prove that they were facing financial difficulties, the public employment service would have paid the difference between a full working week's wage and a four-day working week's one for employees. The difference could not overcome the minimum net salary, employers were still obliged to pay all social security contributions for a full working week and could use the measure only temporarily (up to six months). According to the public employment service's annual reports, job preservation subsidies amounted to HRK 20,139 (€2,700) in 2009 and HRK 26,409 (€3,515) in 2010. The law provided monetary support to 703 employees in 2012 and to 1,310 employees in 2013. No expenditures were accounted for this measure between 2014 and 2016.

The tool was intended for companies in financial difficulties to retain the workforce which was prepared to continue working full-time when the need occurred. Ultimately, the law aimed at preventing dismissals, as well as long-term damage for businesses. The instrument was abolished in 2017 because it was claimed that it did not yield desired outcomes. Elements of weakness pointed to cumbersome procedures for documentation, to potential risks and to insufficient funds available to employers. Moreover, monitoring mechanisms were not able to detect misuses of the policy as a cost-saving opportunity.

Cost covered by

Not applicable





Involved actors other than national government

Works council

Thresholds

No, applicable in all circumstances

Sources

-  Zakon o Radu (Labour Act) 93/2014, 127/2017) consolidated text
-  Zakon o očuvanju radnih mjesta (Law on the Support for Preservation of Jobs) 93/2014
-  ERM database on restructuring support instruments
-  Zakon o prestanku važenja Zakona o potporama za očuvanje radnih mjesta (OG 016/2017)
-  Godišnjak Zavoda za zapošljavanje 2011 (the Annual reports of the Croatian employment service for 2011)
-  Godišnjak Zavoda za zapošljavanje 2012 (the Annual reports of the Croatian employment service for 2012)
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-  Potočnjak Željko (2015) Razvoj i novi izazovi daljnjeg razvoja hrvatskog radnog zakonodavstva (Development and New Challenges in Further Development of the Croatian Labour Legislation)
-  Željko Potočnjak and Ivana Vukorepa: Zakon o radu i drugi izvori (The Labour Act and other sources) r
-  Željko Potočnjak and Viktor Gotovac Rad i pravni oblici rada u Republici Hrvatskoj (Labour and Legal Forms of Labour in the Republic of Croatia)
-  Savez samostalnih sindikata Hrvatske (SSSH), 2014. O dvostrukoj potlačenosti žena (Double oppression of female in Croatia)
-  CESI, 2015. Rodni jaz u plaćama u Hrvatskoj (Gender Gaps in Wages in Croatia)
-  World Bank, 2019. Doing Business 2019 Croatia

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