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Croatia: Staff information and consultation on restructuring plans

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Croatia

Phase:

Anticipation

Type:

Staff information and consultation on restructuring plans

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 127, 128, 140, 149, 150 (1, 3)

Description

Article 149 stipulates that the employer is obliged to inform the works council at least every three months about:

- business conditions, results and work organisation;
- expected business developments and their impact on employees' economic and social status;
- trends and changes in salaries;
- extent of and reasons for the introduction of overtime work;
- total number and categories of employees, employment structure (for instance, fixed-term employees, employees at alternative workplaces, employees assigned by employment agencies, employees temporarily posted to/from an associated company);
- employment development and policy;
- number and categories of employees to whom they have given a written consent for additional work;
- policies and measures on health protection and safety at work taken to improve working conditions;
- outcomes of labour inspections on health and safety;
- working conditions and other issues bearing relevance for the economic and social position of employees.

The employer is obliged to inform the works council about the above mentioned issues in a timely fashion and at the level of detail as to enable the members of the works council to evaluate any possible impact and prepare for negotiations with the employer.

According to article 150, before rendering a decision relevant to the employment situation of employees, the employer must inform and consult the works council about the proposed decision, taking into account its impact on employees. In these cases, the employer must enable the works council to organise meetings upon its request and before its final response about intended decision, in order to obtain additional answers and explanations related to its statement.

According to article 127, if the employer plans to make at least five employees redundant due to business-related reasons (out of at least 20 employees to be dismissed on any other grounds) within a period of 90 days, the employer needs to consult with the works council in order to find alternative solutions. The employer is obliged to supply the works council with all relevant information and notify them in writing about:

- the reasons for the projected redundancies;
- the total number and categories of employees;
- the number and categories of employees to be made redundant;
- the criteria proposed for the selection of employees that are likely to be made redundant;
- the amounts and methods for calculating severance pay and other payments to employees;
- the measures designed to alleviate the consequences of redundancy for employees.

The works council may send any comments and suggestions it may have to the employer as well as to the competent public employment service. However, negative opinions, comments and suggestions from the works council do not prevent the employer from proceeding with the projected redundancies.

Employers must inform the competent public employment service on consultations with the works council and disclose to them the same document detailing the reasons and criteria of dismissals provided to the works council. In addition, the employment service needs to be informed of the duration of consultations with the works council, results of the consultations and written remarks of the works council related to dismissals. The employment service may request the employer to postpone either collective or individual redundancies for up to 30 days, if the service believes that the employer can ensure the continuation of employment for the employees during this extended period.

Article 150 defines that other important decisions include in particular those on:

- the adoption of working regulations;
- employment plans, developments, policies and dismissal procedures;
- business transfers and its impact on affected employees;
- measures related to the protection of health and safety at work;
- the introduction of new technologies and change of organisation and method of work;
- annual leave schedules;
- working hours patterns;
- night work;
- compensations for inventions and technical innovations;
- collective redundancies and all other decisions that, under the law or collective agreements, must be rendered in consultation with the works council.

Comments

The establishment of a works council is not an obligation but a right given to employees in all companies except public administration and institutions with fewer than 20 employees. Employees have the right to elect, in free and direct elections, by secret ballot, one or more of their representatives in the works council, which represents them before their employer in relation to the protection and promotion of their rights and interests. If there is no works council in the company, affected workers can demand legal aid and forms of help from the responsible (authorised) trade union.

Cost covered by

Not applicable

Involved actors other than national government

Public employment service
Trade union
Works council

Thresholds

Company size by number of employees:

20

Number of affected employees:

20

Sources

 [Labour Act 93/2014](#)

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