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Croatia: Notice period to employees

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Croatia

Phase:

Management

Type:

Notice period to employees

Last modified: 22 March, 2023

Native name:

Zakon o radu 93/2014, 127/17; Stečajni zakon 71/2015, 104/17; Pravilnik o sadržaju i obliku obrazaca na kojima se podnose podnesci u predstečajnom i stečajnom postupku 107/2015

English name:

Labour Act 93/2014, 127/17; Bankruptcy Act 71/2015, 104/17; Regulation on the contents and forms which are submitted in the pre-bankruptcy and bankruptcy procedure 107/2015

Article

Labour Act: Article 121, 122; Bankruptcy Act: Article 119; Regulation on the contents and forms which are submitted in the pre-bankruptcy and bankruptcy procedure: Article 1

Description

The notice period begins on the day on which the written notice of termination of the employment contract is delivered to the employee. The notice is suspended during the following circumstances:

- pregnancy, maternity, parental or adoption leave;
- half-time work;
- part-time work due to intensive childcare and leave;
- part-time work required for caring responsibilities for children with severe developmental disabilities;
- temporary incapacity for work during treatment or recovery from injury at work or an occupational disease;
- service in national defence forces.

In the case of suspension of notice due to temporary incapacity for work, the employment relationship is terminated at the latest on expiry of six months after the date of notice of termination of the employment contract. Unless otherwise provided for in collective agreements, work regulations or employment contract, the notice shall not be suspended during annual and paid leave, and period of temporary work incapacity for work of the worker released by the employer from obligation to work during the notice period.

In case of ordinary dismissal, the length of the notice period depends on the duration of the employment relationship. The standard notice period lasts:

- two weeks for employees with a year or more of continuous service;
- a month and a half for employees with two years of continuous service;
- two months for employees with five years of continuous service;
- two months and a half for employees with 10 years of continuous service;
- three months for employees with over 20 years of continuous service.

The standard termination period is increased by two weeks if the redundant employee is aged over 50 years and by a month if she is aged over 55 years. This applies to employees with permanent contracts and also to workers on fixed-term contracts with a tenure of more than two years. If the employment contract is terminated due to the breach of employment obligations, the notice period shall be half the length of the standard notice period described above.

The employer is allowed to terminate the employment contract for legitimate reasons by giving either the statutory notice or the notice stated in the contract of employment (regular notice of dismissal) in the following cases:

- cancellation due to business reason – where there is no longer the need to perform certain work due to economic, technological or organisational reasons;
- dismissal on personal grounds – where the employee is no longer able to fulfil employment obligations due to her specific permanent

characteristics or abilities;

- dismissal due to misconduct – where the employee violates her employment obligations;
- dismissal due to incompetence during probationary period – where the employee did not satisfactorily perform her duties during the probationary period.

Both the employer and the employee have a justified reason to terminate a permanent or fixed-term employment contract without observing the statutory notice or the notice stated in the contract (extraordinary notice of termination), when the continuation of the employment relationship is regarded as impossible due to a severe breach of employment obligations or any other fact of critical importance, and recognising all the circumstances or interests of both contracting parties. The employment contract may be subject to an extraordinary notice of termination solely within 15 days from the date when the party concerned gained knowledge of the fact constituting the ground for the termination.

If the employer undergoes a bankruptcy process, there is a justifiable reason to terminate the existing employment contracts regardless of contract types, regulatory prescriptions and contract clauses on protection of employees' rights. Under these circumstances, the termination period is a month. Employees to be made redundant can check their rights with the works council within the company or with the accredited trade union.

Comments

The notice periods apply with regular cancellation, while the extraordinary cancellation comes into effect at the time of delivery. This is a general regulation, applicable when employers terminate employment contracts and it is not specific to restructuring. It looks like the system is applied successfully in most cases.

Cost covered by

Not applicable






Involved actors other than national government

National government only

Thresholds

No, applicable in all circumstances

Sources

-  [Labour Act 93/2014](#)
-  [Bankruptcy Act, 71/2015](#)
-  [Bankruptcy Act, consolidated text](#)
-  [Regulation on the contents and forms which are submitted in the pre-bankruptcy and bankruptcy procedure 107/2015](#)
-  [Zakon o radu \(Labour Act - consolidated text\)](#)

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