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Croatia: Effects of non-compliance with dismissal regulations

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Croatia

Phase:

Management

Type:

Effects of non-compliance with dismissal regulations

Last modified: 21 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 137 (4, 5, 6), 226 (1.23), 227, 228, 229 (1.37, 2, 7)

Description

In the case of business transfer

Previous employers are obliged to inform new employers in writing, fully and accurately, about the rights of employees whose employment contracts are being transferred. In case of failure to comply, the previous employer is charged with fines ranging from HRK 61,000 (€8,100) to HRK 100,000 (€13,280) for employers who are legal persons and HRK 7,000 (€930) to HRK 10,000 (€1,330) for employers who are natural persons (article 229). Where the mentioned offence is committed in respect of a minor worker (younger than 18 years), the fine shall be double the amount prescribed (article 229). According to article 137, the previous employer is obliged to notify in writing, timely and prior to the date of transfer, the works council and all employees affected by the transfer about the transfer to a new employer. The referred notification must contain information on:

- date of transfer of the employment contracts;
- reasons for the transfer of the employment contracts;
- legal, economic and social implications of the transfer for the employees;
- any measures envisaged in relation to the employees whose employment contracts are being transferred.

During labour inspections, an inspector verbally informs the employer about her decision and instructs the latter to perform, within the time limit determined by the inspector, the activities of consultation with the works council on important matters regarding employees' social and business conditions.

Consequences of minor offences by employers

A fine ranging from HRK 10,000 (€1,330) to HRK 30,000 (€3,980) is imposed on the employer (legal person) for concluding an employment contract in which the duration of the probationary period or the duration of the traineeship is longer than permitted by law. If the employer is a natural person, the responsible staff member who holds the legal responsibility shall be fined for an amount ranging from HRK 1,000 (€130) to HRK 3,000 (€398). Where the referred offence is committed against an underage employee, the amount of the fine is doubled.

Consequences of serious offences by employers

An employer is charged from HRK 31,000 (€4,116) to HRK 60,000 (€7,967) if they:

- conclude the employment contract with an employee who does not meet legal employment requirements;
- request from the employee any information that is not directly related to the employment relationship;
- request information about pregnancy or directing any other person to do so, unless the employee personally demands a particular entitlement provided for by law;
- fail to reinstate an employee after the expiry of maternity, parental and adoptive leave;
- fail to reinstate an employee who suffered from temporary incapacity for work due to injury or injury at work;
- fail to offer, in writing, an employment contract for the performance of tasks in line with the employee's capacity to an employee with reduced capacity for work or a partial loss of capacity.

Comments

Although fines are prescribed in detail, the procedure for employees to report to competent labour inspection authorities is not touched upon in the law, making the control mechanisms for these measures weak. In addition, there are no objective criteria on the choice of the appropriate amount of fines within the range provided (lowest, middle, highest). According to the report by the labour inspectorate for 2018, around 110 in 2,756 cases (4%) of violations of provisions involved employers that did not provide a notice of dismissal in writing, failed to explain the grounds for dismissal or failed to hand over the notice of dismissal to the employee. The report by the labour inspectorate for 2019 is not anymore publicly available, but according to the unofficial information from the inspectorate, the situation regarding the number of cases did not change in 2019.

Cost covered by

Employer

Involved actors other than national government

Works council

Other

Involvement others

Labour inspection authorities

Thresholds

No, applicable in all circumstances

Sources

 [Labour Act 93/2014,](#)

 [Izvešće o radu Inspektorata rada u 2018. god \(The Report on the activities of the Labour Inspectorate in 2018\)](#)

 [Annex to the Labour Act 127/2017](#)

 [Annex to the Labour Act 98/2019](#)

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Contact us

Eurofound, Wyattville Road, Loughlinstown, Co. Dublin, D18 KP65, Ireland

Phone: (00) 353 1 2043100

E-Mail: information@eurofound.europa.eu

Press: media@eurofound.europa.eu



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