

# KNOW YOUR RIGHTS

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# **KNOW YOUR RIGHTS**

**The ins and outs  
of working in Croatia  
as migrant workers**



# WHY THIS MANUAL - INTRODUCTION

*“When you start working, no one pays attention to the working hours. We worked in two shifts: from 11 am to 4 pm and from 7 pm until the end of the shift. The ending hours of the shift were not fixed, it seemed like there was no end to it. The longest we stayed was 2 o'clock after midnight. I had one day off per week.*

*The only thing that was OK was the fact that our salary was paid to our bank accounts and that the employer paid for our pension and social security. The only reason they did that was because former workers sent the inspection to them. But they neither kept track of, nor paid overtime. We had basic accommodation, and out of three meals a day which were promised, they only gave us lunch.”*

This is the experience of one woman worker who came to Croatia in 2019 for a seasonal job as a kitchen worker.

The previous quote contains several violations of workers' rights, like unpaid overtime which is also not recorded and working hours longer than law allows. Unfortunately, her example is just a drop in the ocean of violations of workers' rights that happen on a daily basis either to Croatian or foreign workers.

In order to protect and improve their rights, workers need to be informed: they should know where these rights come from, whom they should ask for help and how they can protect themselves. This manual is dealing primarily with issues faced by migrant workers, i. e. third country nationals – that is why we included summaries of national law and mechanisms that regulate their work and residence status.

However, migrant workers have the same rights as Croatian workers. That is why we hope that this manual will inform you about the rights to which you're legally entitled and help you detect illegal practices of employers. Also, we hope that it will be useful in your everyday struggle and that it will help in improving your position and position of your colleagues in the workplace.

# NATIONAL LAW AND MECHANISMS

Main documents that regulate the status of third country nationals are the Foreigners Act and Ordinance on the status and work of third country nationals in the Republic of Croatia.

## FOREIGNERS ACT<sup>1</sup>

Conditions for approving the entry, stay and work of third country nationals are prescribed by the provisions of the Foreigners Act. It contains provisions concerning validity and issuance of passports and residence permits, as well as entering and leaving Croatia. It also defines your residence, according to its purpose: family reunification, secondary school education, studying, research, humanitarian reasons, life partnership and work. There are chapters that define short-term stay, temporary stay, as well as residence and work permits. Those can also be found in shortened form in English on the official pages of Ministry of Foreign and European Affairs,<sup>2</sup> together with information concerning travel, visas, citizenship, legalization of documents etc.

## ORDINANCE ON THE STATUS AND WORK OF THIRD-COUNTRY NATIONALS IN THE REPUBLIC OF CROATIA<sup>3</sup>

This regulation defines some of the more technical issues, like methods of determining the conditions for residence and work of foreigners, the appearance and content of application forms for issuing temporary and permanent residence permits, identity cards, travel documents etc.

<sup>1</sup> The Aliens Act (in Croatian): [www.zakon.hr/z/142/Zakon-o-strancima](http://www.zakon.hr/z/142/Zakon-o-strancima) [Official Gazette 133/2020] <sup>2</sup> [www.mvep.hr/en/consular-information/stay-of-foreigners/granting-stay-in-croatia/](http://www.mvep.hr/en/consular-information/stay-of-foreigners/granting-stay-in-croatia/)

<sup>3</sup> Ordinance on the status and work of third country nationals (in Croatian):

[https://narodne-novine.nn.hr/clanci/sluzbeni/2012\\_05\\_52\\_1279.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2012_05_52_1279.html) [Official Gazette 52/2012]

# WORK OF MIGRANT WORKERS IN CROATIA

The Foreigners Act also regulates your employment. To be able to work in Croatia you need to have a stay and work permit or a work registration certificate, unless provided otherwise by the Foreigners Act.

Information about an application for a stay and work permit can be found in English on the web pages of Ministry of Interior,<sup>4</sup> which deals with such issues.

If you are a seasonal worker (if you have a work permit issued for a period of 90 days to six months), your rights are defined in Article 108 of the Foreigners Act. If you have a stay and work permit, and a working contract signed with the employer for a period longer than 6 months, your rights are defined in Article 138 of the Foreigners Act.

You have the same rights as Croatian citizens, including the right to regular salary, occupational health and safety, education, acknowledgement of qualifications, social security, tax reliefs, access to public goods and services and freedom of association.

<sup>4</sup> <https://mup.gov.hr/aliens-281621/281621>

**Your work in Croatia is restricted – you are allowed to do only those jobs for which you have been granted a stay and work permit or a work registration certificate and only with the employer who hired you.**

# **BEFORE BEGINNING OF THE WORK**

When you find an employer and agree to work for him or her, you need to sign an employment contract. It needs to be in a written form, and it should include most important information about the employment. Those are your name, surname and residence, name and headquarters of employer, place of work and the description of tasks that you will be doing, salary, wage benefits and period of payment, as well as duration of the working day or working week.

## **WHAT TO BE ON THE LOOKOUT FOR**

There were cases of workers being tricked by the employer. The employer would offer a certain sum of money, which to the worker seemed like a fair amount, but the workers were not informed of the fact that the amount offered is actually gross amount (which means that tax and other expenses need to be deducted from this amount). Thus they had to stay in Croatia for a year working for less money than it was promised to them.

In order to avoid that from happening, you need to know that in Croatia salary is calculated and presented in two ways: as gross and net salary.

Gross salary is the total amount that you earn. It includes taxes and health and pension insurance. This is the salary which will usually be written on your working contract.

Net salary is the amount that you receive on your bank account. It's the take-home pay.



# WORKING CONTRACTS

There are two main types of working contracts: fixed-term contracts (temporary contracts) and permanent contracts.

Fixed-term contracts can be extended every one, two, three, six etc. months for a period of three consecutive years. If the employer doesn't want to continue employing a certain worker anymore, he just has to wait for the time period stipulated in the work contract to expire. This kind of contract brings insecurity for workers, because they are constantly afraid if the employer will extend their contract or not.

However, some collective agreements have provisions that define a shorter period in which the employer is allowed to prolong contracts, which can make the situation easier for the worker.

After that certain period expires, the employer should offer you permanent employment. If he tries to offer you a short-term contract again, he is breaking the law. Additionally, if your employer fails to notify you about your three year period ending and you continue to work past the contract expiry date, you have an automatic right to permanent employment.



# WORKERS' RIGHTS

## ACCORDING TO CROATIAN LABOUR ACT,<sup>5</sup> YOU HAVE THE RIGHT TO:

### FULL WORK TIME

Maximum duration of full work time in Croatia should be 40 hours per week.

### PAID ADDITIONAL HOURS OF WORK

Working longer than the full-time working hours is considered overtime work. It shouldn't exceed additional 10 hours per week and 180 hours per year. In some cases more overtime hours per week or per year can be agreed upon through collective agreements, but only if workers want that.

Overtime must always be paid – the replacement of overtime hours with days off instead of cash compensation is not allowed, and the employer who does so is committing a serious violation of the Labor Act.

Working between 10 o'clock in the evening and 6 o'clock in the morning of the following day and, in the case of work in agriculture, between 10 o'clock in the evening and 5 o'clock in the morning of the following day, is considered night work.

You have the right to an increased salary for those hours. The increase should be defined through workers contract or collective agreement.

### REST PERIOD

When working full-time you are entitled to a 30-minute break every working day. You are also entitled to daily rest between two consecutive working days, lasting a minimum of 12 hours without interruption, as well as to a weekly minimum rest of 24 hours.

There is one exception: workers who perform a seasonal job on two occasions per day have the right to a rest period between two consecutive working days of a minimum of at least 8 hours without interruption.

<sup>5</sup> Labour Act: [www.vsrh.hr/CustomPages/Static/HRV/Files/Legislation\\_\\_Labour-Act.pdf](http://www.vsrh.hr/CustomPages/Static/HRV/Files/Legislation__Labour-Act.pdf)



**Annual leave is a constitutional category. Article 56 of the Constitution of Republic Croatia defines that a worker cannot give up this right. It also must not be taken away from the worker!**

## **PAID ANNUAL LEAVE**

You have the right to paid annual leave for a period of 4 weeks minimum for each calendar year. This right is acquired after six months of uninterrupted work. If the six-month time-limit didn't expire, you have the right to a proportion of annual leave — one twelfth of annual leave for each full month of work. When using up annual leave, you are required to take a minimum of two weeks off at once. Salary paid for the annual leave amounts to the average salary calculated for the last three working months.

## **PAID DAYS OFF**

You have the right to be free from work obligations and receive salary compensation for a maximum of seven working days for important personal needs, and, in particular, those related to marriage, childbirth, serious illness or death of a member of the immediate family.

If you need additional days off work, you can request unpaid leave. During that period the rights and obligations arising from employment are suspended.

## **SALARY**

Employer should pay the salary amount stipulated in the collective agreement, work regulations or working contract. He/she must pay equal salary to women and men for equal work and for work of equal value. Salary should be paid after the work has been done and always in the form of money, not in vouchers for stores or other similar compensation. It should be paid in intervals lasting not longer than one month, and always until the fifteenth day of the current month for the previous month. For example, salary for January should be paid until 15th February.

When you work in Croatia, you have the right to a minimum wage. That is the lowest amount that an employer can pay for full time work (8 working hours per day). Salary increases should be agreed upon in a working contract or in collective agreements. If such exists, employer must respect them. He/she has to give you a payslip from which it is clear how salary is calculated.

**Minimum gross wage for 2021 is 4250 Croatian kuna (562,62 euros), and minimum net wage is 3400 Croatian kuna (449,80 euros).**

## **INCREASED SALARY**

In addition to overtime, night work and work on days that are usually not working days, you also have the right to an increased salary for arduous working conditions. Such wage supplements/bonuses are regulated with collective agreements.

For example, if you work in a construction sector, a bonus should be paid to you if you work in environments with temperatures under -5 or above +35 degrees Celsius or if you work in an environment in which noise is higher than allowed, even with protective equipment.<sup>6</sup> You should check the information about the special conditions with a union that is active in the sector.

## **MATERNITY AND PARENTAL LEAVE<sup>7</sup>**

Pregnant woman has the right to maternity leave during her pregnancy, childbirth and care for her child. Maternity leave can be compulsory and additional. Compulsory maternity leave lasts 28 days before the expected date of childbirth and 70 days after the birth of the child. Additional maternity leave lasts 28 days before the expected date of childbirth until the child is 6 months old.

The father can also exercise the right on maternity leave, after the expiration of compulsory maternity leave.

Parental leave can be used after the child is six months old. It can last 8 months for first and second born child and 30 months for born twins, third and every other child.

The employer is not allowed to refuse to employ a woman because of her pregnancy, nor can he offer her less favorable conditions or terminate her contract during her pregnancy and up to 6 months after the child is born, or longer if she has two or more children. Furthermore, employers are not allowed to ask for information about a woman's pregnancy.

<sup>6</sup> Collective agreement for construction sector: [https://narodne-novine.nn.hr/clanci/sluzbeni/2020\\_08\\_93\\_1778.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2020_08_93_1778.html) <sup>7</sup> Law on maternity and parental leave, art. 12 and 14: [www.zakon.hr/z/214/Zakon-o-rodiljnim-i-roditeljskim-potporama](http://www.zakon.hr/z/214/Zakon-o-rodiljnim-i-roditeljskim-potporama)

## **TERMINATION PERIOD**

If you have been fired or you have quit your job, you have the right to termination period. It starts on the day on which you are dismissed or quit the job, and its duration depends on the number of days you worked for a certain employer (minimum is two weeks if you worked less than a year).

You have to work during the termination period, but you have the right to be absent from work minimum 4 hours per week in order to look for a new job.

## **SEVERANCE PAY**

If you have worked for two years without interruption in one company, you have the right to severance pay. Severance pay is a form of compensation paid by an employer to an employee after employment has ended. It should be paid in money, and the amount is calculated according to your previous working days. Minimum severance pay is defined by the Labour Act.

You can get severance pay if your employer terminates the contract for a business-related reason, for example if the work you do for the company is no longer required. But, you cannot get severance pay if the employer charges you for inappropriate behavior.

Also, if you suffered an injury at work, or if you have fallen ill with an occupational disease and the employer cannot provide you with appropriate workplace after recovery, you have right to a double severance pay (under the above described conditions).

# RIGHT TO ASSOCIATION IN TRADE UNIONS AND COLLECTIVE BARGAINING

Besides the Labour Act, organizing in unions is guaranteed by the Constitution of the Republic of Croatia and international laws.

Organizing and unity can bring benefits for you and your working colleagues and improve your position as worker. The most important benefits of organizing in unions are collective agreements – documents in which higher level of rights than those defined by the Labour Act can be agreed upon.

Collective agreements can be concluded on a sectoral level – those are called branch collective agreements, and those negotiated between union and single employers are company level agreements.

Collective agreements can, for example, define higher salaries, bonuses on a salary, increased number of days of annual leave, number of allowed paid days off, improved occupational health and safety etc.

**Labour Act provides the protection of rights agreed in a collective agreement before the competent court. Collective bargaining and workers' association are also protected by international regulations that are ratified by Croatia. Those are Convention 87 on Freedom of Association and Protection of the Right to Organize and Convention 98 on the application of the principles of the Right to Organize and Collective Bargaining.**

**These conventions provide a legal basis for workers' struggle for better working conditions than those specified by existing regulations.**

Basically, any problem concerning the workplace you and your colleagues have can and should be discussed within the union and included in the collective bargaining process. Prerequisites for successful collective bargaining are strong unions and workers willing to fight for their rights.

Employers very often try to prevent organizing in unions with various tactics – that’s why it’s very important to know your rights and to fight for them. Successful examples of workers’ and union fights are collective agreements for construction sector and service industry (links below), which give better protection to the workers employed in mentioned sectors. If you are interested in rights improved by the collective agreement, you should contact the sectorial union.

## USEFUL LINKS

In order to protect your rights and to find out if you have additional workers’ rights, you should check if there is agreement in force at your company or at branch level.

Database of collective agreements:

[www.kolektivni-ugovori.info/baza-kolektivnih-ugovora/](http://www.kolektivni-ugovori.info/baza-kolektivnih-ugovora/)

Extended collective agreements exist for two branches where most workers from third countries are employed:

Collective agreement for construction sector:

[https://narodne-novine.nn.hr/clanci/sluzbeni/2020\\_08\\_93\\_1778.html](https://narodne-novine.nn.hr/clanci/sluzbeni/2020_08_93_1778.html)

Collective agreement for service industry:

[https://narodne-novine.nn.hr/clanci/sluzbeni/full/2020\\_01\\_5\\_76.html](https://narodne-novine.nn.hr/clanci/sluzbeni/full/2020_01_5_76.html)



# CONTACTS FOR HELP

## LABOUR INSPECTION

If you have experienced a violation of your rights, you can file a report against your employer to the State Inspectorate (<https://dirh.gov.hr/podnosenje-prijava/83>). A report is anonymous, unless you want the inspectorate to notify you about the results of their investigation.

## UNIONS

### **Trade Union of Construction Industry of Croatia**

(Sindikat graditeljstva Hrvatske)

Address: Zagreb Trg Petra Krešimira IV/2 Zagreb

E-mail: [sgh@sgh.hr](mailto:sgh@sgh.hr)

Phone number: 01 4655017 or +385 99 2536590 for Zagreb,

Čakovec: 099 2658575, Osijek: 031 209511, Rijeka: 051 330 733, Split: 01 4655014

Webpage: [www.sgh.hr](http://www.sgh.hr)

Facebook page: [www.facebook.com/SindikatGraditeljstvaHrvatske/](https://www.facebook.com/SindikatGraditeljstvaHrvatske/)

### **Tourism and Services Trade Union**

(Sindikat turizma i usluga Hrvatske)

Address: Krešimirov trg 2./3, Zagreb

E-mail: [stuh@stuh.hr](mailto:stuh@stuh.hr)

Phone number: + 385 1 46 55 620

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