

(P4) Faculty of Economics Rijeka

Thematic research report

**„ THE ECONOMIC AND SOCIAL IMPACT OF EAS ENLARGEMENT IN
CROATIA “**

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1. EUROPEAN SOCIAL SYSTEM

1.1. Social Policy in the EU and the European Social Model

The European Union is founded on the principles of freedom, democracy, respect for fundamental human rights and the rule of law. Respectively, the principle of non-discrimination is becoming increasingly important on a continent that is being more and more integrated and not just economically. The European social policy is not just a simple sum of national social policies as these policies have been created based on the compromise of various social groups within individual member countries. The subsidiarity principle is often called upon to prove the benefits of national sovereignty in terms of social issues, especially those pertaining to workers' remuneration. The European integration in this area commenced by the establishment of the three pillars: the Community (supranational) law, the social dialogue between employers associations and trade union groups at European level and subsequently the inter-governmental coordination in the field of employment policy.

The Common social policy of the Union affirmed itself primarily in four key areas: freedom of movement for workers, a common employment policy, education and vocational training policy and common policies related to the improvement of living and working conditions (workers' health, social security, information and consultation of workers, social inclusion, equality and non-discrimination ...). The question that poses itself is the rationale behind this common policy. The main reasons include the following:

- the need to level economic and social imbalances within the Union; the EU consists of different socio-economic units that show unequal economic achievements and that have different needs and goals
- the approximation of social needs and problems faced by member countries, as a result of convergence
- moderate population growth, longer lifetime and shorter working life, longer education, massive entry of women into the labour market, structural changes – primarily the transition from agriculture to industry and later on to the services sector

- increase in the level of wages and social welfare in member countries, which at times was not based on economic surpluses generated in the real sector.

All this would not be possible without the significant economic achievements after World War II (primarily the realization of the European Internal Market), the decades-long process of integration and the development of the European social model founded on the welfare state and social market economy. 'Social Europe' has been evolving with the development of market integration and the strengthening of solidarity among different European nations. The successive Union enlargements led to instability and disagreements between countries of unequal development level, both economic and social. Although it is still controlled by the Member States, the social policy is being developed at supranational level. The EU members have agreed on the basic principles of joint actions in order to encourage employment, mobility of workers, higher levels of training, equal opportunities for all, and generally higher levels of well-being for European citizens, as these are the common goals and interests of all Europeans.

Social Policy is multidisciplinary. It covers a wide range of state and social activities focused on improving social welfare, especially of those individuals and/or groups of unfavourable social and/or economic status. Moreover, it deals with issues such as wages, unemployment benefits, welfare programs, pensions and health insurance, the right of education, inclusion in society, etc. It seeks to look after individuals and groups threatened by the rapid social and economic changes in Europe and worldwide. Social issues are gaining on importance in Europe, which can be seen in the frequent protests across the continent. The "old continent" thus confirms its primacy in the awareness of social justice issues and rights provided by modern society. However, there are significant social, economic and especially demographic challenges of the 21st century that threaten European achievements. Globalisation of production and trade, energy and environmental issues, effects of new technologies on jobs, individuals and society in general, the persistence of high unemployment (especially among youth) and an aging population put unprecedented pressure on the economic and social structure of all countries. Together with the agreed goals of economic, social and territorial cohesion, the Union has been developing a common approach and solidarity mechanisms that require further efforts and sacrifices.

The creation of wealth is crucial for social progress. However, it cannot be achieved solely through economic competitiveness, but also through the efficiency of the entire European society. Efficiency is achieved by a well-educated, highly motivated and adaptable workforce. Economic and social progress must be run parallel in order to preserve the foundations of the European social model which include:

- Market economy
- Democracy and pluralism
- Respect for individual rights
- Free collective bargaining
- Equality of opportunity for everyone
- Social welfare and solidarity.

The modernization of the European social model is necessary because of the aging European population which threatens the financial viability of social systems, and due to globalization, which presents a challenge to European competitiveness. Furthermore, it is needed in order to maintain a high level of prosperity, social cohesion, environmental protection and quality of life in Europe. The weakening of the EU competitiveness demands for a reform of the 'social state' - the welfare state, which promotes social justice and peace, ensures social goals and alleviates the negative economic consequences for the society members (citizens).

1.2. Legal foundations of the European Social Policy

In the Treaty of Rome (1957) the Social Policy was summarized through the introduction of the European Social Fund (ESF). This policy was treated as an addition to economic policy, but was defined by articles governing the free movement of workers within the Community and regulations that encouraged cooperation in the field of social policy – Article 136 defined that "the effects of a common market will enable better working conditions and better living standards for workers" (now Art. 151 TFEU¹). In this initial period, besides the launching of the ESF, the first measures were related to improving the mobility of the workforce through the coordination of social security systems (Regulation 1408/71/EEC) and the harmonization

¹ Treaty on the Functioning of the EU.

of social policy, which was primarily left to the performances of a common market that would lead to structural changes.

Not until, the Paris Summit of Heads of State and Government in 1972, when the Werner Report was accepted, was the progress toward ‘Social Europe’ determined. In January 1974, the Council of Ministers accepted the First Action Programme in the field of social policy and confirmed the provisions of Article 100 of the Treaty of Rome (Article 115 TFEU) relating to the legislative approximation in the form of directives about: the collective dismissal (17 February 1975), equal pay for men and women (10 February 1975), equal treatment (9 February 1976), the rights of workers in case of a company sale or merger (14 February 1977), equal treatment in social protection (19 December 1978) and the protection of wages in case of insolvency of employers (20 October 1980). These different decisions, despite great support, were not integrated into the overall strategy for social policy of the Community.

In the mid 1980s, the deregulation of the labour market of the Community took place through the project creating a Single Market and the Single European Act (1986). The treaties were then supplemented by a new article which allowed harmonization of health and safety conditions at work, and, at the same time, avoiding social dumping. It accentuated the place of social partners in negotiating agreements. It also introduced the goal of economic and social cohesion. At the end of the decade, a new impetus to ‘Social Europe’ was given by launching a large project on the Internal Market and the adoption of the Social Charter of the European Community. Social Europe would eventually come to the fore with the Maastricht and Amsterdam Treaties.

The legal foundations of social and employment EU policies can be found in Articles 2 and 3 of the EU Treaty and articles 2, 4, 5, 8, 19, 45-48, 145 - 150 and 151-166 of the Treaty on the Functioning of the EU. The main objectives include:

- Fostering of employment
- Creating better conditions for life and work
- Providing adequate social protection
- Encouraging dialogue between employers and workers, and
- Developing human resources with special emphasis on sustainable high employment and the fight against exclusion.

The European social policy is an essential part of supranational law as well as the Internal Market. It primarily deals with labour and social rights at the supranational level. Specific areas addressed within the European social policy are:

- Free movement of workers
- Labour conditions
- Commitments on informing and consulting employees
- Safety at work²
- Gender policy³
- Discrimination
- Employment
- Social protection and social inclusion⁴
- Education and training
- System of industrial relations.

In the late eighties of the 20th century, two fundamental documents were adopted within the Community: the Single European Act revised the Treaty of Rome and the ‘Community Charter of the Fundamental Social Rights of Workers’ (the so called ‘Social Charter’).⁵ The Single European Act, enacted on 1 July 1987, provided for new instruments for the European institutions to accelerate the implementation of the Single Market which was established on 1 January 1993. The former Article 118A (partially abolished by the Amsterdam Treaty)

² Framework Directive 89/391/EEC outlines three main principles: (1) the employer has a duty to ensure health and safety in all aspects associated with the work, especially in the prevention of occupational hazards, (2) the employer must inform and train workers, but workers have also the obligation to contribute to their own safety and the safety of others, (3) limited liability of employers for the abnormal and unforeseeable circumstances or exceptional events.

³ Article 8 TFEU clearly states that the task of the Union is the eradication of inequality between women and men, and article 157 binds the member countries to ensure equal pay for equal work of men and women. Directive 86/613/EEC, inter alia, provides for the protection of women during pregnancy and motherhood, and the ECJ's rulings from 1988 (C-177/88 and C-179/88) prohibit discrimination against pregnant women and women with health complications after giving birth regarding their employment.

⁴ For example, food aid collected by the surpluses of the CAP, collaboration with networks of nongovernmental organizations that assist the poor, cultural and educational integration of disabled persons, information literacy, the fight against undeclared labour. The year 2010 was the European Year for Combating Poverty and Social Exclusion.

⁵ It differs from the Council of Europe Social Charter (1961/1996) and the Charter of Fundamental Rights of the EU (2000/2007).

enabled the qualified majority voting for policies related to improving the health and safety of workers. It constitutes the legal basis for a number of directives that were later accepted in this domain.

Pursuant to the Council of Europe Social Charter and the Convention of the International Labour Organisation (ILO), the Social Charter was adopted on 9 December 1989 in Strasbourg by eleven member countries of the Community – without the United Kingdom. It set the ground rules of the European model of workers' rights and the framing of a large market in this sector. The basic principles of European social rights for all citizens were also defined. The programme of social activities that was gradually implemented by the Charter confirmed this option. The main contribution, thanks to qualified majority voting, was increased health protection and safety provisions of the working environment. Consequently, Regulation 91/533/EEC of the Council of Ministers sets an obligation on employers to inform employees about the conditions of employment. Moreover, twenty other directives were also adopted on related issues (e.g. jobs and special categories of workers, protection of workers from hazardous substances related to noise, Asbestos and carcinogenic substances, etc.).

The Lisbon Treaty affirmed the Charter of Fundamental Rights of the EU, which includes all the rights of EU citizens in the area of dignity, freedom, equality, solidarity, civil rights and justice. It is based on the Social Charter, but it transcends and modernizes it.

The Charter of Fundamental Rights of the EU was first officially signed and proclaimed by the EU summit in Nice on 7 December 2000, but as a simple political declaration that formally didn't bound any EU institution or member state. On 12 December 2007 it was finally signed and proclaimed (in line with the Lisbon Treaty), strengthening the protection of fundamental civil, political, economic and social rights of European citizens. The Charter with the new Reform Treaty becomes legally binding for EU member states and EU institutions in the application of European laws. It entered into force on 1 December 2009. The protocol attached to it, however, establishes exceptions for Poland, the Czech Republic and the United Kingdom.

The Agreement on Social Policy clarified three different areas and modalities of intervention of the Union, which now include the core objectives of the common EU social policy (Art. 153 TFEU):

- The first area outside the supranational field is related to wages (the determination of remuneration), the right of association, the right to strike and the right to lock-out – the member states retain the competences.
- The qualified majority voting of the Council of Ministers upon consulting with the Economic and Social Committee (EESC) and the Committee of Regions – health and safety of workers, working conditions, information and consultation of workers, the integration of persons excluded from the labour market, equal opportunities and treatment between men and women in the labour market, the fight against social exclusion and the modernisation of social protection systems.
- Finally, the areas where the Council of Ministers acts unanimously after consulting the European Parliament, the EESC and the Committee of Regions – social security and social protection of workers, protection of workers in the event of termination of the employment contract, representation and protection of collective interests of workers and employers, employment conditions for residents of third countries with a regular stay.

In addition, article 156 TFEU states that the European Commission should encourage cooperation among member states and the coordination of national social policy measures, particularly in the areas of employment, labour rights and working conditions, basic and advanced vocational training, social security, prevention of occupational injuries and diseases, ensuring healthy work environment and the rights of association and collective bargaining between workers and employers.

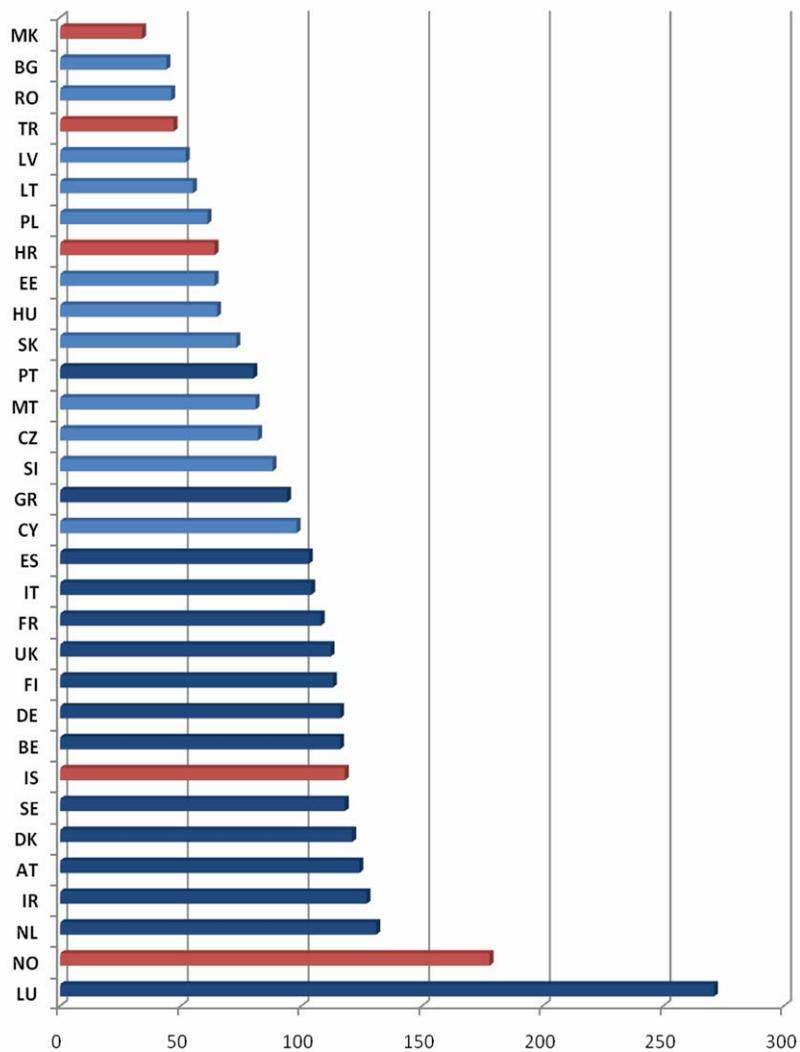
The Social Policy Agenda, first adopted in the year 2000 (in accordance with the objectives of the Lisbon Strategy) brought Guidelines for employment and social policy for a multi-year period. In 2005, a new Agenda was adopted and then in mid-2008 the Renewed Social Agenda. The Agenda seeks to create numerous opportunities for EU citizens, improve access to quality services and to show solidarity with those affected by negative changes associated with aging population, globalization and technological change. Highlighted priority areas of joint action included: children and young people, investment in people (more and better jobs, new skills), mobility, longer and healthier lives, struggle against poverty and social exclusion, action against discrimination and promotion of gender equality, as well as provision of opportunities, access and solidarity on a global level. In addition to the common legislation, the realization of the Agenda should encourage social dialogue, cooperation between member

countries as well as partnership and dialogue with other interested categories of society. The EU has also anticipated the mobilization of the structural funds, the Globalization Fund and of the PROGRESS programme, as well as other new initiatives in the field of social policy and employment.

1.3. European Social Area

As the economies get closer, similar social problems arise and also similar ways of solving them. The problems of employment, social security and vocational training of certain categories of workers are a priority in all Member States of the Union, and elsewhere. However, economic integration does not promote spontaneous deletion of national social systems that are part of the tradition of each country and an important factor in competitiveness and a form of resistance to change. In the process of harmonization of the social systems of member countries national specific features should be taken into account (Figure 1, Table 1, Table 2). Also, the complex and delicate balance between the countries should be relevant.

Figure 1. GDP per capita (PPS) in comparison with EU average (EU27 = 100), 2009



Note: Year 2008 for Croatia, Turkey, Bulgaria and Macedonia.

Source: Eurostat, 2011.

Table 1. The level of national social protection and the risk of poverty in the EU

States:	The share of social protection expenditure in GDP (2007)	Social benefits per capita in PPS * 1 (2007)	The national poverty threshold in PPS * 1 per person (2009)	Share of population with equivalent disposable income below the poverty line (% 2008)
Austria	28,0	8.640,2	11.353	12,4
Belgium	29,5	8.657,6	10.431	14,7
Bulgaria	15,1	1.404,7	3.377	21,4
Cyprus	18,5	4.175,9	11.554	16,2
Czech Rep.	18,6	3.717,8	6.014	9,0
Denmark	28,9	8.630,2	10.553 ^{*2}	11,8
Estonia	12,5	2.156,1	4.775	19,5
Finland	25,4	7.321,2	10.117	13,6
France	30,5	8.264,3	10.705	13,3
Greece	24,4	5.719,9	7.335	20,1
Ireland	18,9	7.054,4	10.663	15,5
Italy	26,7	6.773,3	9.119 ^{*2}	18,7
Latvia	11,0	1.580,0	4.521	25,6
Lithuania	14,3	2.135,9	4.469	20,0
Luxembourg	19,3	13.231,3	16.001	13,4
Hungary	22,3	3.477,8	4.174	12,4
Malta	18,1	3.500,9	7.561	14,6
Netherlands	30,1	9.293,2	11.623	10,5
Germany	28,4	7.943,1	10.748	15,2
Poland	18,1	2.428,7	4.425	16,9
Portugal	24,8	4.700,6	5.712	18,5
Romania	12,8	1.352,2	2.132	23,4
Slovakia	16,0	2.675,1	4.674	10,9
Slovenia	21,4	4.760,5	8.649	12,3
Spain	21,0	5.526,4	8.362	19,6
Sweden	29,7	9.028,0	11.135	12,2
United Kingdom	25,3	7.455,1	11.348 ^{*2}	18,8
EU15	26,9	7.464,3	-	16,4
EU27	26,2	6.521,8	-	16,5

Notes: The national poverty threshold is set at 60% of the national median balanced with equivalent disposable income (after social transfers), expressed in PPS as to equalize differences between the existing levels of national wellbeing; * 1 PPS - Purchasing Power Standards, derived from the methodology made on purchasing power parity, units have been introduced by Eurostat in order to compare price levels between countries, without taking the exchange rate disparity; * 2 year 2008.

Source: Eurostat, 2010.

Table 2. Cost of Social Protection in the Republic of Croatia (1999-2006)

	1999	2000	2001	2002	2003	2004	2005	2006
Total costs	26.2	26.7	26.5	25.0	23.7	23.4	22.1	21.5
Health affairs and services	7.2	7.5	7.2	6.7	6.4	6.6	5.8	5.9
Social security affairs and services	16.3	16.5	16.9	16.0	13.9	13.6	13.2	12.7
Welfare affairs and services	2.1	2.1	2.0	1.8	2.7	2.6	2.7	2.4
Other expenditure on social security and welfare	0.5	0.5	0.4	0.5	0.6	0.6	0.4	0.5

Note: Data until 2004 include expenditure by consolidated central government and costs of non-consolidated local and territorial (regional) self-government. Data for 2005 and 2006 represent non-consolidated sum of costs of the state budget and local and territorial (regional) self-government without the administrative costs of social insurance funds (CIPI, CIHI, CES). Since 2002, data pertaining to local and regional self-government cover only the 53 largest units, which account for 70-80% of the total transactions of local and regional self-government

Source: MF (Classification according to GFS Manual 1986).

The social expenditures in Croatia are higher than in other transition countries (with the exception of Slovenia). However, there is a visible trend of a gradual decline of total social expenditures after 2001. Despite relatively high costs, most of the benefits in the social protection system are low. This is particularly so in the case of pensions, the unemployment benefits and social assistance benefits. The social protection system is predominantly public, but there is an increasing privatisation in some social protection sectors (the pension and health systems and the social services system). The pension system accounts for the largest part of social protection expenditures.

The “European Social Area” began to form in late 1980-ies, especially through incentives of former European Commission president Jacques Delors. However, harmonization was limited by the principle of subsidiarity – per example to the right of association, collective bargaining and collective agreements, the right to strike. Nevertheless, the recognition of diplomas of higher education and vocational training has enabled the development of a European dimension in education. Along with the reform of Structural Funds, which make up the financial framework of economic, social and territorial cohesion in the EU, the European Council agreed on accepting the Community Social Charter (1989), which includes the fundamental rights of workers. The European Social Area was considerably strengthened also by the introduction of the EU Citizenship (1993).

The Council of Ministers by qualified majority, together with the European Parliament, provides guidance on the minimum regulations taking into account the existing technical conditions and provisions in each Member State. The Treaty of Amsterdam (1997) is particularly important for the development of a common social dimension. Specifically, the Agreement on Social Policy was integrated into the Treaties, the competences of the EU institutions were broadened and a new chapter on Employment was integrated into the Treaty to complement the activities of Member States, especially developing a coordinated strategy: the European Employment Strategy. It has also established the Employment Committee of the European Commission. The Treaty of Nice brought a few changes – for example, introduced the Committee for Social Protection.

In 1990 the European Commission launched a system of mutual exchange of information on social protection of member states (MISSOC), which is coordinated by the European Institute of Social Security. The Council of Ministers and the European Commission are assisted by an advisory body – the European Social Protection Committee. Their activities should assist in achieving the aim of harmonizing objectives and policies of social protection in the EU, especially for the normal functioning of the Internal Market and free movement of workers between different member states, along with the maintenance of specific social security systems in individual member states (which is guaranteed by the principle of subsidiarity). The application of the open method of coordination (OMC) is envisaged for the process of modernization of social protection systems, along with the application of three key principles (Moussis, 2010):

- accessibility of social welfare (for all in need)
- appreciation of quality health care with regard to modern technology and the needs of an aging population
- long-term financial sustainability.

The institutional framework of EU social policy is made of the main institutions of the Union, which have decisive legislative, executive and judicial functions at the supranational level (Council of Ministers, European Commission, European Parliament, European Court of Justice), but also numerous advisory and subsidiary bodies at European level, among which the most representative is the European Economic and Social Committee (EESC).

The EESC is a permanent advisory body established by the Treaty of Rome and assembles civil society representatives of the European Union. There are 344 members selected by the Council of Ministers for a period of five years, on the basis of lists presented by the national governments. Committee members are divided into three working groups: employers, workers and various activities (craftsman, farmers, consumers, free professions, etc.). The Committee is organized into separate sections covering the main areas of the Treaty: Agriculture and Fisheries, Industry, Commerce, Finance and Monetary Affairs, Transport and Communications, External Relations, Trade Policy and Development, Energy, Nuclear Issues and Research, Regional Development, Spatial Planning and Urbanism, Environment, Public Health and Consumer Protection. Opinions of the EESC are compulsory or optional for the Council or the Commission (depending on the topic), and after the Amsterdam Treaty also for the European Parliament.

After 1994 another important advisory body was established – the Committee of Regions (CoR), which represents the interests of regional and local authorities of EU member states, especially in matters of:

- economic and social cohesion
- structural funds
- education and culture
- health and environment
- transport and Trans-European networks.

This way the Union is getting closer to its citizens.

EU agencies are decentralized bodies not created by the Treaty, but common decisions or secondary legislation in order to achieve precise objectives and to help member states or citizens of certain specific issues, such as vocational training, judicial cooperation, environmental protection, etc. First such agencies emerged in the mid-1970s:

- The European Centre for the Development of Vocational Training (CEDEFOP) – for the purpose of aiding the Commission and encouraging the development of vocational education and training at European level
- The European Foundation for the Improvement of Living and Working Conditions (EUROFOUND) – which contributes to the planning and achievement of better living and working conditions in the EU.

A number of other agencies were established later, including in the field of social objectives of the Union:

- The European Agency for Safety and Health Protection at Work (EU-OSHA)
- The European Training Foundation (ETF)
- The Agency for fundamental rights (FRA)
- The European Institute for Gender Equality.

EU-OSHA aims to supply the EU bodies, Member States and other institutions with technical, scientific and economic data important for health and safety at work issues. The Agency collects and disseminates information, promotes cooperation and exchange of information and/or experiences, organizes conferences and seminars, and encourages cooperation with international organizations (ILO, WHO)⁶ and third countries.

Besides the EU agencies, other specialized bodies responsible for the problems of employment and social policy have been established:

- Standing Committee on Employment – SCE
- Employment Committee – EMCO
- Social Protection Committee – SPC⁷
- European Employment Services – EURES
- European Employment Observatory – EEO
- European industrial relations observatory – EIRO
- Advisory committees on safety, hygiene and health protection at work, equal opportunities for men and women, freedom of movement for workers and vocational training
- Informal sector groups and committees.

⁶ International Labour Organisation, the oldest UN agency (1919) with the main goal of promotion of opportunities so as to obtain decent and productive work for women and men in conditions of freedom, equality, security and human dignity. WHO (World Health Organization), also operates under the auspices of the UN.

⁷ Legal foundations for EMCO and SPC can be found in articles 150 and 160 TFEU.

1.4. Financial support for employment and other social objectives

The main financial instrument of European Social Policy is the European Social Fund (ESF). ESF is the oldest EU structural fund established by the Treaty of Rome.⁸ Its main objectives are (Article 162 TFEU) to improve employment opportunities for workers on the Internal Market and the adjustment to the industrial changes, as well as increasing geographical and occupational mobility, particularly through vocational training and retraining. Within the objectives of the Union, the Fund contributes to strengthening economic, social and territorial cohesion in the EU by improving employment, i.e. the creation of more and better jobs. The Fund is managed by the European Commission, assisted by a special committee which is administered by a member of the Commission. The committee comprises representatives of governments, trade unions and employers. Implementing decisions are taken by the Council of Ministers.

The EU has a crucial role in investing in human capital. The ESF provides 77 billion euros for a wide range of objectives during the period 2007 – 2013.⁹ They include improving the adaptability of workers and enterprises, and facilitating the access to new employment. They also include: combating discrimination and facilitating access to the labour market for disadvantaged people, improving education and training systems and building institutional capacity in disadvantaged regions.

Until 1970, the ESF financed 50% of the cost of vocational training and assistance for restructuring in the Member States. From 1971 the first reform significantly increased the Funds in order to comply with the objectives of common policies. With the second reform of 1983, guidelines for the training of youth in the fight against rising unemployment were adopted, as well as assistance for regions that need it the most. With the inclusion of the goals of economic and social cohesion, the Single European Act enabled a substantial reform of the Structural Funds (1988). The financial assistance of the ESF doubled and an integrated approach to the financing of Structural Funds was introduced through a unified framework as well as common rules and principles. With the Maastricht Treaty, the Funds became instruments of the Regional Policy, and the funding of the ESF re-doubled. The reform of

⁸ Legal foundations of the ESF: articles 162 - 164 and 174 - 178 TFEU.

⁹ Regulations 1081/2006/EC and 1083/2006/EC of 5 July 2006 (OJ L 210, 31/7/2006).

1996 increased the funding for the most needy regions, established new goals and concentration of assistance for the most evident requirements and most effective projects.¹⁰

During the period 2000 – 2006, the ESF was the main instrument of the European Employment Strategy. In the framework of Regional Policy the ESF helped: regions lagging behind (Objective 1), regions of economic and social convergence (Objective 2) and projects related to human resources (Objective 3 – specifically for the ESF). Specific objectives of the ESF in that period were:

- the development of active labour market policies to combat unemployment and long-term unemployment and the easier integration of long-term unemployed and young people
- promotion of equal opportunities, with special emphasis on those exposed to social exclusion
- promotion and improvement of education and training, as part of a Life-Long Learning Programme
- promotion of professional and adaptable workforce, innovation and entrepreneurship
- improvement of the access of women on the labour market.

ESF interventions included additional "horizontal" goals: support for employment to local authorities, assigning the social dimension of the Information Society, promotion of equal opportunities for men and women. By funding the EQUAL Initiative, the ESF fights discrimination and inequality in the labour market and contributes to social and professional integration of asylum seekers. In addition, the Fund supports innovative operations and pilot projects covered by the labour market, through employment and vocational training.

The framework of ESF interventions in the period 2007 – 2013 is given by the Council Regulation 1081/2006/EC of 5 July 2006. ESF assists the Union's objective to contribute effectively in meeting the employment objectives of the Lisbon Strategy for Growth and Employment, followed by Europe 2020 strategy. Links between the ESF and the European Employment Strategy (EES) were strengthened in order to achieve the goals of employment, particularly full employment, quality and productivity at work, social cohesion and social inclusion. Transnational cooperation is encouraged (joint activities, exchange of experiences

¹⁰ Regulations 2081/93/EEC, 2082/93/EEC and 2084/93/EC of 20 July 1993 (OJ L 193, 31/7/1993).

and best practices), as well as structural adjustments, growth and job creation in the poorest regions and countries of the Union. In accordance with the objective of "Regional competitiveness and employment", ESF assistance is focused (Moussis, 2007):

- to increase adaptability of workers and enterprises
- to strengthen the access of the unemployed and excluded to employment and labour market participation
- to strengthen social inclusion by combating discrimination and facilitating market access of disabled persons
- to promote partnership in the field of reforms of employment and social inclusion
- to strengthen human capital through reforms in education and training systems.

In accordance with the convergence objective, the ESF also supports investment in human capital, especially through education and training, and developing institutional capacity and strengthening the efficiency of public administration at national, regional and local level. The principles of the new ESF are: concentration, simplification and diffusion of responsibility, while maintaining the basic principles of "European added value" through partnership, multi-annual programming, shared management, quality and implementation. Concentration implies enhanced strategic approach to using the guidelines at EU and national level (Community Strategic Guidelines, Strategic Reference Framework), but also alignment of Lisbon and Europe 2020 objectives to cohesion goals as well as consistency of supranational, national and regional priorities. Thematic or geographical operating programmes bringing analysis, strategies and priorities are approved by the Commission, while simplification means: fewer targets, easier programming, national rules of eligibility, flexible management and similar.

Besides the ESF, it is important to mention the joint program for employment and social solidarity – PROGRESS.¹¹ In the period 2007- 2013, the programme includes 734.25 million euros for the financial support of the implementation of EU objectives in the areas of:

- Employment
- Social Protection and Inclusion
- Working Conditions
- Non-discrimination and Diversity
- Gender Equality.

¹¹ **Programme for Employment and Social Solidarity**, Decision 1672/2006/EC from 24 October 2006 (OJ L 315, 15/11/2006).

The program replaces the previously existing Community programmes and budget lines in order to consolidate various programmes into a dynamic one, simplify procedures and strengthen the visibility, clarity and coordination of various policy areas covered by the programme. Also, it supplements the ESF and other financial support programmes for social dialogue, free movement of workers, and education.

Finally, through the European Globalisation Adjustment Fund (EGAF) 500 million euros have been provided annually as personalized assistance to workers who lose their jobs due to trade liberalization and structural changes in EU member states. EGAF is funding: employment search assistance, customized retraining, promoting entrepreneurship, self-employment assistance, specific temporary income supplements (e.g. allowances for job search or mobility, stimulation measures for the elderly or disabled people, etc.).

1.5. Croatian priorities in the development of its Social Model

The developments of social protection are a result of the economic and social situation, but also of Croatia's efforts to harmonise its social protection system with the social model of the EU. On the one hand, the objective is to decrease public social costs and labour costs in order to encourage new investments and new employment. Social reforms in Croatia focus on reducing the responsibility of the state, and increasing the responsibility of the individual, the market, the family and the civil society. Nevertheless, guaranteeing the basic social security remains the responsibility of the state. Against the backdrop of these reforms there is the effort to develop the „welfare mix“ model and make a transition from the „passive“ to the „active“ welfare state. A part of the efforts mentioned above is the „3D“ approach: désétatisation (deetatisation), de-institutionalisation and decentralisation.

In accordance with the constitutional definition of the Republic of Croatia as a welfare state, and directing the policies of the Croatian Government to active a welfare state, which in partnership with all participants helps and protects the vulnerable members of the society, it is important to contribute to the creation of the social system, especially the social care system.

It can assure minimum standards for the wealth of the population, facilitating access to social rights and the appropriate insurance of needs of vulnerable groups. The priorities are:

- to increase the effectiveness of social assistance
- to implement the decentralization of social welfare
- to increase the availability and quality of social services to the regional uniformity
- to stop the trend of institutionalization and encourage deinstitutionalization of conduct and transformation of social welfare and other legal entities
- to implement computerization of the social welfare system
- to improve the foster-care system in Croatia
- to enhance cooperation with civil society organizations
- to strengthen the preventive role of family and legal protection
- to ensure the requirements for continuing professional education of employees in the social policy area
- to strengthen the role of local authorities and community in the planning of services at local level
- to improve the level of integration of various social services
- to increase the utilization of pre-accession funds, the programmes of the EU and the Structural Funds
- to encourage co-operation at national, regional and local levels
- etc.

2. CROATIAN ADMINISTRATIVE ADJUSTMENTS TO EU SOCIAL POLICY

As part of pre-accession activities for Croatia's full membership of the European Union, on 30 August 2007 the Croatian Government adopted the Action Plan for the Alignment of Legislation and Building up of Necessary Capacities for the Implementation and Enforcement of the *Acquis Communautaire* in Chapter 19: „Social Policy and Employment“ with a view to fully meeting the benchmark for the opening of negotiations on that Chapter. Following EU's positive assessment on the fulfilment of the opening benchmark, Croatia submitted its negotiating position on 7 April 2008. The Chapter was opened at the IGC held on 17 June 2008.

The EU Common Position noted that Chapter 19 may only be provisionally closed once it is agreed by the EU that the following benchmarks are met:

- Croatia amends the Labour Act and the Occupational Safety and Health Act in order to align its legislation in the fields of labour law and health and safety at work with the *acquis*, and demonstrates a satisfactory track record of progress in setting up adequate administrative structures and enforcement capacity, particularly through strengthening of the labour inspection system, and demonstrates that all appropriate administrative structures will be in place in good time before accession to enable it to implement correctly the *acquis* in these fields, as well as to ensure the future management of the ESF, by the time of accession
- Croatia adopts an anti-discrimination act and a new Gender Equality Act in order to align its legislation in the fields of anti-discrimination and equal opportunities with the *acquis*, and demonstrates a satisfactory track record of progress in setting up adequate administrative structures, particularly the required Equality bodies, and enforcement capacity, and demonstrates that all appropriate administrative structures will be in place in good time before accession to enable it to implement correctly the *acquis* in these fields by the time of accession.

In the preceding period Croatia has completed benchmark requirements regarding legislative alignment having adopted the Anti-discrimination Act (OG¹² 85/08 of 21 July 2008), the new Gender Equality Act (OG 82/08 of 15 July 2008) as well as amended the Occupational Safety

¹² Official Gazette.

and Health Act (OG 86/08 of 23 July 2008, 75/09 of 30 June 2009). The negotiations in this Chapter were provisionally closed 21 December 2009, which meant that Croatia was quite prepared for the administrative requirements of the *acquis*.

2.1. LABOUR LAW

2.1.1. Labour Act

In the framework of the national labour legislation, the Labour Act is the general piece of legislation regulating labour relations in the Republic of Croatia, unless these are regulated by special laws and regulations in specific areas, in which cases the subsidiary application of the Labour Act takes place. Thus, specific labour-law aspects in the transport sector are regulated in special laws and regulations governing air, sea, railway and road transport, and there are also special laws and regulations governing labour relations of civil servants, members of the armed forces and members of the active police force.

The new **Labour Act**, which was adopted by the Croatian Government at its session on 22 October 2009, and afterwards submitted for parliamentary procedure, has transposed the requirements from the following directives into our national legislation:

- Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time
- Council Directive 97/81/EC of 15 December 1997 concerning the Framework Agreement on part-time work concluded by UNICE, CEEP and the ETUC
- Council Directive 1999/70/EC of 26 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP,
- Council Directive 98/59/EC of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies
- Council Directive 2001/23/EC of 12 March 2001 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfer of undertakings, businesses or parts of undertakings or businesses
- Council Directive 96/34/EC of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and ETUC

- Directive 2002/73/EC of the European Parliament and of the Council of 23 September 2002 amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion and working conditions
- Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work
- Council Directive 91/533/EEC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship
- Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community – Joint declaration of the European Parliament, the Council and the Commission on employee representation
- Council Directive 2001/86/EC of 8 October 2001 supplementing the Statute for a European company with regard to the involvement of employees
- Council Directive 2003/72/EC of 22 July 2003 supplementing the Statute for a European Cooperative Society with regard to the involvement of employees
- Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation
- Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation
- Council Directive 75/117/EEC of 10 February 1975 on the approximation of the laws of the Member States relating to the application of the principle of equal pay for men and women
- Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding
- Council Directive 97/80/EC of 15 December 1997 on the burden of proof in cases of discrimination based on sex.

With the entry into force of the new Labour Act (1 January 2010), the new legal basis has been formed for the adoption of a special ordinance regulating, amongst other things, the

working time of workers on board sea fishing vessels, as this area has not been regulated separately so far, but has been governed by the provisions of the Labour Act.

The Act on Amendments to the Companies Act (OG 107/07 of 19 October 2007) and the Act on the Introduction of the European Company – *Societas Europea* (SE) and the European Economic Interest Grouping (EEIG) (OG 107/07 of 19 October 2007) created the preconditions for implementing Council Directive 94/45/EC and Directive 2001/86/EC, whereas the Act on the Introduction of a European Cooperative Society created the preconditions for implementing Directive 2003/72/EC (through the Labour Act).

As regards informing and consulting workers, the new Labour Act has fully transposed the provisions of Council Directive 94/45/EC of 22 September 1994 on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees, Council Directive 2001/86/EC of 8 October 2001 supplementing the Statute for a European company with regard to the involvement of employees, and Council Directive 2003/72/EC of 22 July 2003 supplementing the Statute for a European Cooperative Society with regard to the involvement of employees. For the latter Directive to be fully implemented, it was necessary to create legal prerequisites by passing the Act on Introducing a European Cooperative Society – *Societies Cooperative European* (SCE) (OG 63/08 of 2 June 2008).

2.1.2. Ministry of the Economy, Labour and Entrepreneurship

The main administrative body for labour and the labour market is **the Ministry of the Economy, Labour and Entrepreneurship**, more particularly its Directorate for Labour and the Labour Market, which has 4 departments: the Department for Labour Law, the Department for Occupational Health and Safety, the Department for Labour and the Employment, and the International Co-operation Department. The Regulation on the internal organisation of the Ministry of the Economy, Labour and Entrepreneurship (OG 24/07, of 05 March 2007) created the normative preconditions for employing new staff members. Consequently, on 31 December 2007, the Directorate for Labour and the Labour Market (which included the European Integration and Project Management Department at that time) had a total of 19 staff members.

Following the signing of the Framework Agreement on Assistance Implementation within the IPA Programme between the Croatian Government and the European Commission in August 2007, an operating structure facilitating the implementation of the IPA programme component IV was put in place. The said structure comprises five institutions, and the management authority function was integrated into the scope of work of the Department for the Labour Market and Employment, thus causing a significant increase in the Department's scope and type of activities. For this reason, the new Regulation on the internal organisation of the Ministry of the Economy, Labour and Entrepreneurship created the preconditions for strengthening the organisational structure of the Directorate for Labour and the Labour Market. More precisely, the existing European Integration and Project Management Department was singled out of the Directorate for the Labour Market and Employment and was organised as a new Directorate for International Co-operation in the Field of Labour and Social Security.

Since it was planned at the moment of adoption of the Action Plan that the European Integration and Project Management Department would be one of departments within the Directorate for Labour and the Labour Market, new recruitments for the Department in question were planned. However, the above mentioned reorganisation singled out this Department and transformed it into a separate Directorate, so that the need for employment of new staff members within the Directorate for Labour and the Labour Market, who would carry out activities pertaining to the European integration and project management, decreased.

The reorganisation of the Directorate for Labour and the Labour Market in November 2008 led to the establishment of the Section for Social Partnership, Collective Agreements and Associations. The Ordinance on the internal organisation of the Ministry of the Economy, Labour and Entrepreneurship, passed in November 2008, has placed the following activities within the scope of the Section:

“The Section, as a contact point responsible for co-operation needed for transnational service provision shall carry out the following activities: provision of information to foreign employers and workers and other interested persons on matters falling within their competence, in particular on the labour legislation in force which is applicable to transnational service provision, on the scope and content of minimum guaranteed rights and

conditions for employment of foreign workers posted in the Republic of Croatia within the framework of transnational service provision, and on the provision of information related to other matters, such as referral to trade unions, employers' associations, or other competent bodies responsible for implementing other regulations applicable to foreign workers, various mediators, relevant legal provisions, administrative co-operation with counterpart bodies in other states on matters falling within its competence, or forwarding such requests, questions, information, or co-operation proposals to other competent bodies, co-operation with other bodies competent for the monitoring and inspection of employment conditions and the exercise of rights guaranteed to foreign workers posted in the Republic of Croatia within the framework of transnational service provision, possible cases of illegal transnational activities, and illegal employment, social security and, in general, the implementation of other regulations applicable to foreign workers, adoption of measures needed to ensure general availability of basic information on employment conditions.“

The initiative for the establishment of a connected information system has been launched then with the scope of making all information electronically available on the web pages of the Ministry of the Economy, Labour and Entrepreneurship, regional offices of the Croatian Employment Service, the Ministry of the Interior and Police Administrations.

Regarding the implemented training activities for employees, it is important to underline the significance of TAIEX seminars including, *inter alia*, a seminar held in June 2008 in relation to the consistent application of Council Directive 97/81/EC concerning the Framework Agreement on part-time work and respect for the principle of *pro rata temporis*, as well as a seminar on consultations and dissemination of information to workers' representatives held in May 2009, which included all staff members of the Labour Law Section. Not less important are summer schools organised by the Council of Europe (on human rights protection and social security co-ordination) and attended regularly by staff members of the Directorate for Labour and the Labour Market.

Within the framework of the project “Capacity Building, Information and Awareness Raising towards Promoting Orderly Migration” under the European Commission AENEAS 2006 programme, implemented in the Republic of Croatia by the International Organisation for Migration, the first **Migrant Service Centre** began to operate at the Croatian Employment

Service, Zagreb Regional Office. The Centre provides information and advice on conditions of work and employment, and it currently employs one person with university qualifications.

2.1.3. Ministry of the Sea, Transport and Infrastructure

Considering the fact that implementation and supervision of the part of the labour law which pertains to specific working conditions of seafarers, workers employed in cross-border road and railway traffic and in air traffic belongs to the scope of activities of the **Ministry of the Sea, Transport and Infrastructure**, activities aimed at the strengthening administrative capacities of the above mentioned authority were carried out in the preceding period: new civil servants/inspectors were employed in the Directorate for the Safety of Navigation and Protection of the Sea and Inland Waterways – in Zagreb, in port authorities and in the National Search and Rescue Centre in Rijeka.

New employment was also followed in the Railways Directorate and the Air Traffic Directorate. In line with provisions of the Air Traffic Act, the Civil Aviation Agency started operating on 1 March 2009 and on that day 21 civil servants of the Directorate in question became civil servants of the Civil Aviation Agency. With the entry into force of the new Air Traffic Act (OG 69/09 of 17 June 2009), the Air Traffic Inspection Service responsible for the monitoring and inspection of the air traffic safety was separated from the Ministry of the Sea, Transport and Infrastructure to become part of the Civil Aviation Agency on 1 July 2009.

Other changes were taken in the Directorate for Road Transport, with regard to the alignment of the Croatian legislation pertaining to social regulations in road transport and with regard to the performed activities aiming at the introduction of digital tachographs which record the periods of driving and resting of drivers for 365 days,¹³ as well as the Road Traffic Inspection Service and the Railway and Cableway Traffic Safety Inspection Service within the Directorate for Transport Inspection.

¹³ In July 2009, issuance of digital cards for the use of digital tachographs commenced.

2.1.4. Agency for the Protection of Employees' Claims in the Event of the Insolvency of their Employer

A system protecting employees' outstanding claims in the event of the insolvency of the employer was introduced into national legislation in 2003, and the Development and Employment Fund was entrusted with the role of the guarantee institution. In 2007 the Fund had six employees responsible for implementing the Act on Securing Employees' Outstanding Claims in the Event of the Insolvency of their Employer. During assessment of the application of national legislation, the need arose to single out the activities of the guaranteeing segment from the Development and Employment Fund and to establish a new institution which will take over all required tasks, in line with a requirement under Directive 2002/74/EC of the European Parliament and the Council of 23 September 2002 amending Council Directive 80/987/EEC on the approximation of the laws of the Member States relating to the protection of employees in the event of the insolvency of their employer, in particular in relation to the pursuing of business activities in two or more Member States and the sharing of relevant information between their guarantee institutions.

It should be emphasised that the Development and Employment Fund is strictly a Budgetary Fund, i.e. part of the State Treasury set up with the aim to promote development of small and middle-sized enterprises by means of loans for specific purposes paid out from the treasury. Since the system of payment from the State Treasury does not enable direct payments to individual accounts of natural persons, i.e. accounts of employees, any more, difficulties have arisen with regard to the paying out of secured claims.

In addition to this, in the bankruptcy proceedings in which it has taken over the right of recourse from the bankruptcy creditor as part of the State Budget, the Fund is represented by the State Attorney's Office. Considering that it is necessary to participate more actively in creditors' bodies in bankruptcy proceedings, the Agency's representatives should achieve better results when it comes to the recourse of claims which have been paid out to employees. In this relation, it is necessary to point out that the Agency will not replace the Fund, which will continue to perform its basic function – support of small and middle-sized enterprises by means of loans – but only the activities of a guarantee authority will be singled out from the Fund.

Therefore, the new Act on Securing Employees' Outstanding Claims in the Event of the Insolvency of their Employer's Bankruptcy (OG 86/08, of 23 July 2008) created the normative preconditions for the establishment of the Agency. With the entry into force of the new Act, the Act on Securing Employees' Outstanding Claims in the Event of the Insolvency of their Employer of 2003 ceased to have effect.

In the period 2003 – 2007, 2,000 claims were processed every year on average and HRK 19,000,000.00 (around EUR 2,602,739) was paid on the basis of final decisions. In 2008 a total of 2,500 cases were resolved and HRK 11,946,403.00 (around EUR 1,636,493) was paid. Funds for the activities of the staff members carrying out the activities of the Development and Employment Fund,¹⁴ as well as the funds for the implementation of the Act, are provided for in the State Budget.

The Statute of the Agency regulates organisation, powers, responsibilities and decision making procedures of the Agency's managing bodies, the requirements and procedure for appointing its director and other issues of significance for the performance of its activities and for its business operations. The Director of the Agency was appointed in July 2009, but due to the impact of the economic and financial crisis on the budgetary capacity of the Republic of Croatia and its lack of capacity to allocate new funds, the Agency became functional and operative only recently.

Prior to the accession, due to Croatia's new international obligations, it will be necessary to employ additional civil servants.

2.1.5. Judicial Academy

Although no special courts for labour disputes have been set up in Croatia, judges and panels of judges in general jurisdiction courts of all levels are being specialised for labour disputes. In the majority of municipal courts in which no conditions for the establishment of a labour

¹⁴ Lawyers, employees dealing with accountancy and bookkeeping, an employee dealing with preparations and execution of the budget, employees responsible for the register of administrative cases and for processing and dispatching mail.

dispute department exist, a special judge is entrusted with labour disputes, whereas in county courts which pass decisions on appeals special panels of judges are being set up to pass decisions exclusively in labour-related cases. In addition, the Supreme Court of Croatia has special panels of judges for dealing with extraordinary legal remedies in labour disputes. In this connection it should be mentioned that, in line with the objectives of the judicial reform, certain municipal courts have been merged in the last period, which led to the reduction in the number of courts.

The Judicial Academy, which was organised as an organisational unit within the Ministry of Justice of Croatia in 2004, and now has its seat in Zagreb and comprises five regional centres, continuously offers permanent in-service training services to judges and state attorneys, advisors, and court and state attorney trainees in the Croatian judicial bodies. The objective of continuous in-service training is to raise the level of professionalism in the judiciary and to achieve a standard which will enable Croatia's judiciary to cope successfully with the challenges of direct application of EU law and changes to national legislation within the context of the court practice of the European Court of Human Rights.

Already in the course of 2006 and 2007, and in co-operation with TAIEX, the Judicial Academy held a series of seminars on the EU *acquis communautaire* in all capitals of regional centres, as well as seminars on the European Convention on Human Rights and Fundamental Freedoms which was attended by a permanent group of participants from among the ranks of judges and state attorneys. Other additional seminars were held in the following years. In addition to new specialised training modules, the Judicial Academy has continued implementing standard training modules for judges, state attorneys and court advisers which were developed in 2005. Topics have been chosen on the basis of a prior analysis of training needs in these programmes, as well as *ad hoc* needs expressed by courts which have employed a considerable number of advisers. Standard training programmes have included, *inter alia*, termination of contracts of employment and selected topics in the field of labour law.

In co-operation with the Ministry of the Economy, Labour and Entrepreneurship, and with the support of the Council of Europe, in November 2006 and April 2008 the Academy organised seminars entitled “The European Social Charter” in Zagreb in order to indicate the importance

of this international-law instrument of the Council of Europe which is considered by many the second most important international-law agreement of the Council of Europe, after the Convention for the Protection of Human Rights and Fundamental Freedoms. The objective of the seminar was to better present the contents of the Charter to the attendants, especially in the field of labour, family, housing and pension law, as well as the activities of the European Committee of Social Rights which monitors compliance with the Charter in State. The attendants of the seminar were informed about the practice of the European Committee on Social Rights and about its future planned activities in the territory of the Republic of Croatia.

According to the Training Programme of the Judicial Academy for 2008, training activities for judges, state attorneys and court advisers were organised in that year in the following fields of labour law and elimination of discrimination:

- employment contract transfer to another employer (5 workshops)
- indemnity from employment – mobbing (6 workshops)
- roundtable “Gender Equality – CEDAW application before Croatian courts, Croatian legislation and practice”
- seminar “European Convention for the Protection of Human Rights and Fundamental Freedoms: recent trends, application in national law and EU law”.

Training Programmes of the Judicial Academy continued in the following years, including those included in the framework of initial training programmes conducted within the EU PHARE 2005 project “Development of the training system for future judges and state attorneys”. Workshop topics included: discrimination of elimination, anti-discrimination legislation and discrimination of women – sexual crimes.

The Judicial Academy regularly supports the inclusion of Croatian judges and state attorneys into various training programmes of the Academy of European Law (ERA) and the European Judicial Training Network (EJTN), and it independently carries out an initial training programme for EU law for its target groups.

Workshops helped to achieve one of the primary objectives: raising of awareness and competence of judges regarding the necessity of efficient dispute resolution in this socially and individually sensitive legal area. It has also significantly contributed to the alignment of judicial practice and to the faster and easier taking of position concerning the above

mentioned legal issues in concrete disputes. The Sector should conduct researches in order to measure the real contribution of the training to the development and higher efficiency of the judiciary.

2.2. HEALTH AND SAFETY AT WORK

In recent years the work continued on aligning legislation with the *acquis communautaire*. In particular, the Act on Amendments to the Occupational Health and Safety Act (OG 86/08 of 23 July 2008, 79/09 of 30 June 2009) was aligned with Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work.

2.2.1. Department for Occupational Health and Safety, Ministry of Economy, Labour and Entrepreneurship

In the field of health and safety at work, the administrative body is the Ministry of the Economy, Labour and Entrepreneurship, i.e. its Department for Occupational Health and Safety within the Directorate for Labour and the Labour Market.

Considering that in this field a new institution is to be established that would, in a comprehensive manner, deal with the expert issues and health protection from the medical point of view, as well as with safety from the technical point of view, the Act on Amendments to the Occupational Safety and Health Act, which was passed and came into force in July 2008, the amended Occupational Health and Safety Health Insurance Act, which was passed in June 2008, and the Act on Amendments to the Healthcare Act, which was passed in October 2008, created the normative preconditions for restructuring of the Croatian Institute of Occupational Health which, in line with the said amendments, has expanded its activities as of 1 January 2009 and now operates as the Croatian Institute of Health Protection and Safety at Work.

2.2.2. Croatian Institute of Health Protection and Safety at Work

The Croatian Institute of Health Protection and Safety at Work has been registered with the competent commercial court, and its registration included the expanded scope of activities of the Institute in line with the amended acts quoted above. The Institute was established as a public institution responsible for health protection and safety at work measures. It operates under the guidance and supervision of the Ministry of Health and Social Welfare (health protection) and the Ministry of the Economy, Labour and Entrepreneurship (safety at work).

The organisational units of the Institute have been filled in line with the employment scheme for 2009, and the Institute is in a position to carry out most of the activities listed under the Occupational Safety and Health Act, the Healthcare Act and accompanying regulations. The Institute is capable of conducting all the activities envisaged by the IPA project, i.e. the Institute employs doctors and experts for occupational safety and health, as well as auxiliary administrative staff, who will work at the Occupational Health Polyclinic and in the analytical laboratory whose equipping will be mostly financed through the IPA project. In addition to them, experts have been employed to take part in twinning activities envisaged by the IPA project and to conduct training of participants in the occupational safety and health sector after the project termination in the Republic of Croatia. By evaluating the status upon the project termination it will be clear which profile of experts would be optimal for competent performance of all activities within the scope of work of the Institute. Employment of new workers/experts in 2011 will mark the final realisation of activities according to the Action Plan.

This Institute will provide significant support to the safety at work department within the Ministry since it is taking over most of its professional activities, the monitoring of the state of and the statistics in the field of health and safety at work and since, unlike the situation so far, it will bring together in one institution medical and technical aspects, i.e. activities of the field of health and safety at work, this will enable a synergistic approach to health and safety at work, through converging activities of all experts.

In addition, the establishment of the new Croatian Institute for Health Insurance of Health Protection at Work is important for putting in place a completely new system of protection and improvement of the situation in this field, because this will provide a safe method of

funding safety at work protection from collected special contributions for injuries at work and occupational diseases.

2.2.3. Croatian Institute for Health Insurance of Health Protection at Work

Another significant element for a completely new system of protection and improvement of the situation in this field is the establishment of the new Croatian Institute for Health Insurance of Health Protection at Work which provides a safe method of funding safety at work protection from the collected special contribution for injuries at work and occupational diseases.

The Croatian Institute for Health Insurance of Health Protection at Work (hereinafter referred to as: CIHIHPW) became operational in January 2008, when it employed 32 staff members. The Institute employed more than 100 additional staff members afterwards, because final activities concerning the implementation of a new work organisation and job description scheme were under way, including the incorporation of the Section of Foreign Health Insurance for Injuries at Work and Occupational Diseases into the CIHIHPW Central Service. The CIHIHPW intends to organise foreign insurance implementation at the level of its branch offices. The objective is to maintain continuity in the implementation of these activities in cities and smaller towns where such activities were so far implemented by the Croatian Health Insurance Institute (hereinafter referred to as: CHHI).

The CIHIHPW is a public institution responsible for administering the health insurance scheme for employment injuries and occupational diseases, which means that it operates under the guidance and supervision of the Ministry of Health and Social Welfare.

Regarding training programmes and activities related to safety at work protection and offered to staff members, the new institutional system originated from the co-operation established via the MATRA assistance programme with the Dutch Government, as well as the twinning project with the Ministry of Labour, Social Relations, the Family and Solidarity of the French Republic and the project of electronic linking with the European network through the European Agency for Safety and Health at Work (Bilbao). Moreover, much is expected from

the project *Health at Work Protection*, for which a total of € 2,660,000 has been earmarked as part of the component I of the IPA financial assistance pre-accession programme. Of this amount, EUR 1,200,000 is used for co-operation and services in the area of the application of legislation, and EUR 1,400,000 for the purchase of vehicles and equipment, which will improve the mobility and level of technology equipment. Along with the Ministry of the Economy, Labour and Entrepreneurship, the beneficiaries of this project are the newly established Croatian Institute of Health Protection and Safety at Work, the Croatian Institute for Health Insurance of Health Protection at Work and the State Inspectorate.

The overall objective of this project is the development of an effective system of the occupational health and safety at work in Croatia in line with EU standards, as well as the strengthening of the administrative capacity of all relevant institutions related to the protection of health and safety of workers at work. Also, it establishes the basis of an efficient system of health protection and safety at work based on preventive activities and provides connection of institutions in an IT network that will ensure mutual use of the existing and new databases.

2.2.4. State Inspectorate

The State Inspectorate was established as a state administrative organisation under the Act on Amendments to the Act on the Organisation of Ministries and State Administrative Organisations of 1997, now the Act on the Organisation and Scope of Central State Administration Bodies. The State Inspectorate acquired the status of a central state administration body under the Act on the Organisation and Scope of Ministries and State Administrative Organisations of 1999. The work of the State Inspectorate is managed by the Chief Inspector, who is appointed by the Government of the Republic of Croatia and is directly accountable to the Government.

The State Inspectorate's labour Inspectors oversee that legislation and other regulations which determine labour relations between employers and employees, in particular the application of regulations relating to an employer's responsibility to register employees in the prescribed period with the competent pension and health insurance institutions; working hours; salaries; employment and work of minors, women, pregnant women, women who have recently given birth, persons with disabilities, foreigners, etc; working conditions, workers' protection,

workers' safety and health protection; particular health safety precautions for minors, women and persons with disabilities.

With regard to labour relations, labour inspectors oversee the implementation of regulations which determine labour relations between employees and employers, and pursue inspection activities in other administrative areas when these are regulated by specific legislation. However, it should be highlighted that, pursuant to the provisions of the Labour Act, they do not oversee regulations which govern labour relations between employees and employers where special legislation determines that these activities are conducted by other inspection services. For instance, the Civil Service Act (OG 92/05 of 27 July 2005, 142/06 of 28 December 2006, 77/07 of 25 July 2007, 107/07 of 19 October 2007 and 27/08 of 5 March 2008) regulates labour relations between employees and the state as the employer. Inspection supervision over the implementation of the said Act and other laws and regulations applicable to civil servants and their rights arising from the civil service is carried out by the administrative inspection service of the central state administration body competent for civil service relations. A similar situation is recorded when it comes to regulations governing labour relations in preschool institutions, primary and secondary schools, students' homes, other legal entities which engage in education activities and polytechnics which are supervised by education inspection services, in line with the Education Inspection Act (OG 50/95 of 21 July 1995) and the Act on Amendments to the Education Inspection Act (OG 73/97 of 14 July 1997). According to the provisions of the Air Traffic Act (OG 132/98 of 9 October 1998 and 178/04 of 16 December 2004), inspection supervision over the implementation of the Act in question, regulations passed on the basis of that Act and of international treaties which are binding for the Republic of Croatia is to be carried out by air traffic inspectors (or other expert persons) of the Ministry of the Sea, Transport and Infrastructure.

With regard to work safety, labour inspectors are authorised to act within the framework of their competences prescribed in the provisions of Article 15 of the State Inspectorate Act (OG 116/08 of 11 October 2008, 123/08 of 24 October 2008) and Article 102 of the Occupational Safety and Health Act (OG 59/96 of 17 July 1996, 94/96 of 8 November 1996, 114/03 of 19 July 2003, 100/04 of 20 July 2004, 86/08 of 23 July 2008 and 116/08 of 11 October 2008, 75/09 of 30 June 2009), that is, to supervise the implementation of regulations which determine workers' safety and health at work for an employer as well as the safety and health of those who are not

in full time employment with an employer, persons who are involved in professional training, students during practical training; persons who, while serving a prison sentence or other restrictive measures, conduct ordered tasks; self-employed persons; business associates; civil servants; users of certain services; and other persons who enter the employer's premises. Pursuant to the Occupational Safety and Health Act, employees and other persons in the armed forces, police forces and housemaids are exempt from the jurisdiction of labour inspectors. Similarly, the provisions of special laws determine the jurisdiction of other state administration bodies to supervise the implementation of regulations governing the safety and health of working persons and other persons:

- on vessels (Maritime Code, OG 181/04 of 21 December 2004, 76/07 of 23 July 2007 and 146/08 of 17 December 2008; Act on Inland Navigation and Inland Ports, OG 109/07 of 24 October 2007)
- in public transport (Road Traffic Safety Act, OG 67/08 of 9 June 2008 ; Railway Safety Act, OG 40/07 of 18 April 2007; Air Traffic Act, OG 132/98 of 9 October 1998 and 178/04 of 16 December 2004, OG 46/07 of 7 May 2007, OG 69/09 of 17 June 2009; Act on Cableways Designed to Carry Persons, OG 79/07 of 30 July 2007; Dangerous Goods Transport Act, OG 79/07 of 30 July 2007)
- in the field of mining who conduct exploration and exploitation of mineral resources (State Inspectorate Act)
- who pursue fire-fighting activities (Fire fighting Act, OG 106/99 of 15 October 1999, 117/01 of 24 December 2001, 96/03 of 10 June 2003, 139/04 of 6 October 2004 and 174/04 of 10 December 2004; Protection and Rescue Act, OG 174/04 of 10 December 2004 and 79/07 of 30 July 2007)
- who pursue mine clearing (Humanitarian Demining Act, OG 153/05 of 28 December 2005 and 152/08 of 24 December 2008)
- in charge of private security of persons and property (Private Security Act, OG 68/03 of 22 April 2003).

In addition, the existing provisions of the said regulations make it clear that labour inspectors are not authorised to pursue inspection supervision over family farms if such farms are not registered as a company or a craft.

Pursuant to the provisions of Articles 4, 10, 11, 15, 16 and 17 of the State Inspectorate Act (OG 116/08 of 11 October 2008 and 123/08 of 24 October 2008) and the provisions of Articles 20, 21, 22, 27, 28, 29 and 30 of the Regulation on the internal organisation of the

State Inspectorate (OG 66/05 of 30 May 2005, 42/06 of 18 April 2006 and 127/07 of 12 December 2007), supervision over the implementation of regulations which determine relations between employers and employees (labour relations and safety at work) is conducted by labour inspectors and senior labour inspectors in the State Inspectorate's regional offices and regional branch offices.

During 2007, the State Inspectorate started setting up a Finance Management and Control system (FMC) which involved a review and preparations to make the necessary changes to the organisational structure. From early 2007 to 30 September 2008, these activities related to determining the State Inspectorate's vision and fundamental objectives. Later activities were dedicated to preparing a map/register (list and description) of business processes and determining risks which may have a negative impact on achieving these objectives, as well as establishing control mechanisms so as to eliminate any risks identified. The Regulation on amendments to the Regulation on the internal organisation of the State Inspectorate (OG 127/07 of 12 December 2007) of 7 December 2007 was adopted in this regard. Pursuant to the said Regulation, labour inspectors act within the structure of the State Inspectorate at two levels:

- The State Inspectorate Head Office includes a Supervision Service for Labour and Safety at Work with the Central Department of Labour Relations and the Central Department of Safety at Work, which are headed by the Assistant to the Chief State Inspector – a labour inspector. The said Departments monitor the implementation of regulations and participate in the preparation of legislation which is then supervised by labour inspectors; take measures to pursue supervision activities and take prescribed measures in a timely, effective and professional manner; prepare activity programmes and relevant activity reports; prepare and recommend guidelines for labour inspectors relating to supervision implementation; offer expert opinions relating to the application of regulations pertaining to their scope of activities; co-operate with other state administration bodies, workers' and employers' associations and international institutions; prepare drafts for decisions in the second instance concerning appeals which are resolved by the State Inspectorate's Appeals Commission; and prepare responses for the Administrative Court of the Republic of Croatia in suits filed against rulings by the Appeals Committee relating to labour relations and safety at work. Department heads in the State Inspectorate Head Office have expert competences in relation to inspectors in lower ranking organisational units.

- Inspection supervision in the work place in the first instance is conducted by labour inspectors and senior labour inspectors organised in five regional offices (Osijek, Rijeka, Split, Varaždin and Zagreb) which, together with their branch offices, cover the entire territory of the Republic of Croatia. Labour inspectors are organised in supervision sections for labour relations and supervision sections for safety at work, which are managed by a labour inspector competent for each field, respectively. The Supervision Section for Labour Relations and the Supervision Section for Safety at Work in each regional office form the Supervision Department for Labour Relations and Safety at Work, which is headed by a labour inspector. In addition, Department heads in regional units have expert competences in relation to inspectors in lower organisational units of their respective regional offices. Sections are responsible for collecting, harmonising and analysing reports on inspection supervision conducted by sections; and reports on inspection supervision conducted in regional branch offices within their field of activities.

Number of staff members and their tasks

Efforts to strengthen the administrative capacities of the State Inspectorate's labour inspectors included measures to implement prescribed activities to fill every vacant position in the organisation. This was done through several public job vacancy advertisements for each consecutive year. A certain number of labour inspectors and staff members – trainees ceased working in the State Inspectorate (retirement and transfers to other positions, mostly in the business sector, etc.), so as of 31 December 2010 there were 253 labour inspectors employed, although the Ordinance on the internal organisation of the State Inspectorate envisaged 309 positions. The 253 employees in the State Inspectorate working as labour inspectors were:

- Head of the Labour Relations Department - 6
- Head of the Safety at Work Department - 1
- Heads of the Supervision Section for Labour Relations - 5
- Heads of the Supervision Section for Safety at Work - 5
- Heads of Sections – Branch Offices - 5
- Senior labour inspectors in the field of labour relations - 51
- Senior labour inspectors in the field of safety at work - 34
- Labour inspectors in the field of labour relations - 78

- Labour inspectors in the field of safety at work - 68.

In relation to the positions of the Head of the Supervision Section for Labour Relations and Head of the Supervision Section for Safety at Work, it is important to mention that, under the decision of the administrative body's head, these persons are also assigned to the position of an inspector (senior inspector). This is because, under the working plans, they carry out both the tasks of a Head of Section and those of a labour inspector (inspectional supervision in the field).

Pursuant to the provisions of the new State Inspectorate Act, which came into force on 19 October 2008, the number of labour inspectors and senior labour inspectors in the State Inspectorate is determined depending on the number of employees involved in activities under the jurisdiction of labour inspectors – as a rule, one inspector per 4,000 – 5,000 workers. According to data released by the State Bureau of Statistics for 2007, there were a total of 1,516,909 employees on average in Croatia. From the total number of employees in Croatia, labour inspectors in charge of labour relations supervise the implementation of regulations in activities employing around 1,300,000 workers, whereas about 1,490,000 workers fall under the jurisdiction of labour inspectors responsible for safety at work.

Ordinance on the internal organisation and the Regulation on the internal organisation of the State Inspectorate, envisage a total of 309 employed labour inspectors (out of this total number 144 inspectors in charge of safety at work and 165 inspectors in charge of labour relations are envisaged). However, a total of 253 vacancies were filled on 31 December 2010, which means that 56 more inspectors need to be hired in order to ensure compliance with the State Inspectorate Act.

In relation to the number of inspections performed by labour inspectors, 25 233 inspections by labour inspectors were performed in the period between 1 January and 31 December 2010 (1.200 more than in 2009): 9 457 of which were in the area of health and safety at work, while the other 15 776 inspections were in the area of labour relations.

Advanced training and education

All regional branches of the State Inspectorate continuously organise expert workshops, as a rule one quarterly, which are attended by all labour inspectors and are organised in co-operation with the Central Supervision Service in the field of labour and safety at work. Such workshops are dedicated to supervision over the implementation of regulations governing labour relations and safety and health protection at work, with special emphasis on new regulations which were aligned with the *EU acquis communautaire* after 2007. Following positive experience in harmonising the work of labour inspectors and increasing its quality, workshops will continue to be organised in the coming years.

For more complicated procedures in inspection supervision, the Central Supervision Service in the field of labour and safety at work has prepared several special written instructions for inspectors, whereas control measures and instruction supervision have been introduced for labour inspectors with less working experience and for those in whose work deficiencies have been identified. In the course of 2009, four new Instructions for work of inspectors have been drawn up, because regulations in the area of labour have been amended. The Instructions were as follows:

- Instruction on the work and reporting of labour inspectors in charge of safety at work
- Instruction for work regarding duty hours of labour inspectors in charge of safety at work
- Instruction for work of labour inspectors concerning employment injuries
- Instruction on the manner of proceeding of labour inspectors in charge of safety at work when supervising employers who perform operations under water.

In addition, control measures and instruction supervision continued for inspectors who passed the examination of vocational ability and started working independently, as well as for inspectors whose regular work was identified as deficient. All newly employed inspectors are assigned with “mentors” (as a rule, senior inspectors with best performance assessments) who assist them during their preparation for the state examination of vocational ability for labour inspectors and for independent work.

Training courses also included topics related to ICT, office procedures, work and management organisation in the state administration, the administrative procedure and the *EU acquis*.

The amended Regulation on the internal organisation of the State Inspectorate from December 2007 created preconditions to fill the Training Section which would organise training for newly received employees, but also for existing labour inspectors (with participation of prominent experts from Croatia and the European Union through the implementation of the Health and Safety at Work Project within the framework of the IPA Component I – Administrative Capacity Building).

Participation in international activities and projects

In the field of labour and safety at work, the Supervision Service took part in several international activities in the last few years:

- in the international project (countries of the region) *Global Action Plan for Workers' Health 2008 – 2017*, organised by the School of Public Health Andrija Štampar from Zagreb. A project in co-operation with the World Health Organization, with a view to providing education aiming at strengthening the health protection system.
- in the project of health and safety risk assessment implementation (SCOPES IP Project 2005-2008), which was organised by the School of Medicine in Skopje (Macedonia) with the support of the Swiss National Fund. A project for implementation of risk assessment methods.
- in the MATRA project Strengthening the Croatian Institute of Occupational Health, organised by the Croatian Institute of Occupational Health and supported by the Government of the Kingdom of the Netherlands. Project for the establishment of the structure of the Croatian Institute of Health Protection and Safety at Work, computerisation and improvement of operations in the area of occupational health.
- in the PHARE 2005 project Market Surveillance System in the Field of Technical Products (EU Directive on Personal Protection Equipment), which was organised by the Ministry of the Economy, Labour and Entrepreneurship in co-operation with experts from the Republic of Slovenia, Twinning of economic inspectors for the implementation of Directive 89/686/EEC relating to personal protective equipment.
- IPA project "Health Protection at Work" (Component I)". The Project envisages procurement of vehicles and IT equipment to serve the needs of labour inspectors and twinning of labour inspectors regarding application of EU Directives.

- in the project of the Croatian Accreditation Agency and the Swedish Fund for supporting Croatia's institutions in implementing assessment procedures for authorities evaluating the conformity of personal protection equipment and machinery.

Funds earmarked for the implementation of tasks

With regard to activities aimed at improving the working conditions of inspectors, significant progress was achieved in 2007 as a total of HRK 4,056,551.50 (around EUR 555,691) was earmarked and invested to improve their working conditions (e.g. the amount earmarked and spent for the same purposes in 2006 was HRK 1,470,370.07 (around EUR 201,420). Those funds were spent mostly to procure personal computers and IT equipment, as well as leased vehicles, while the remainder of the funds were spent on office furniture and equipment, including telecommunications equipment. In 2008, further improvement of working conditions of inspectors was funded with an amount of HRK 3,664,230.85 (around EUR 501,949), and in 2009 with HRK 2,422,500.00 (around EUR 331,849). Financial assistance has been assured also through the PHARE 2006 project *Capacity building for the implementation of intellectual property rights, national component for ICT equipment procurement* and the IPA project "Health Protection at Work" (Component I).

2.3. EUROPEAN SOCIAL FUND

2.3.1. Ministry of Economy, Labour and Entrepreneurship

Pursuant to the Framework Agreement signed on 27 August 2007 and the Operational Programme for Human Resources Development, approved by the Croatian Government in its conclusion of 27 September 2007 and adopted by the European Commission on 7 December 2007, the Operating Structure for Implementing IPA Component IV (Instrument for Pre-Accession Assistance) was established. According to the Croatian Government's Regulation on the scope and content of responsibilities and powers of bodies competent for managing the Instrument for Pre-Accession Assistance (OG 34/08 of 26 March 2008) of March 2008, the

management of Component IV – Human Resources Development was entrusted to the Ministry of the Economy, Labour and Entrepreneurship (MELE).

Since IPA Component IV is based on the principle of Decentralised Implementation System (DIS), on 1 December 2008, the European Commission adopted the Decision on the transfer of management powers to the bodies within the Operating Structure for Implementing IPA Component IV.

The Financing Agreement between the Government of the Republic of Croatia and the Commission on the Multi-Annual Operational Programme "Human Resources Development" for Community Assistance under the Instrument for Pre-Accession Assistance within the "Human Resources Development" Component was signed between the representatives of the Croatian Government and the European Commission on 4 and 5 December 2008. Since this is an international agreement imposing financial obligations on Croatia, it is subject to ratification. At its session of 20 February 2009 the Croatian Parliament passed the Act on Ratification of the Financial Agreement, which entered into force on the eighth day after the day of its publication in the Official Gazette – International Agreements (OG – International Agreements 2/2009 of 25 March 2009).

Under the Regulation on the internal organisation of the Ministry of the Economy, Labour and Entrepreneurship, adopted by the Croatian Government on 27 March 2008, a new directorate was established, i.e. the Directorate for International Co-operation in the Field of Labour and Social Security, which performs the tasks of the body responsible for the Operational Programme and the body responsible for Priorities/Measures in the area of Labour, the Labour market and Employment, and Technical assistance. According to the new Regulation on the internal organisation, two departments have been established within this Directorate and, specifically, the Department for International Co-operation and European Integration and the Department for the Preparation and Implementation of European Union Programmes and Projects, which carry out management and implementation tasks for the IPA Programme Component IV – Human Resources Development.

Due to the problems related to the lack of premises, which were solved during February 2009, in late February 2009 an announcement of vacancies was re-issued for 7 new staff members for all the remaining vacancies in the Directorate. In this connection, it should be mentioned

that the response to this announcement was much better. The procedure of inviting applications for recruitment of new civil servants was completed and in August 2009 five new civil servants were employed by the Department for International Co-operation in the Field of Labour and Social Security. On the basis of the results of a workload analysis, it is planned to hire another 14 persons by the end of 2012, and the administrative capacity will be strengthened in the fields of implementation, financial controls and monitoring of projects that will be carried out as part of the Operational Programme for Human Resources Development.

During the implementation of the Operative Programme for Human Resources Development 2007-2009, a continuous cooperation has been developed between the Ministry of economy, labour and entrepreneurship, as the body responsible for HRD OP as well as the future Management body for HRD OP, relating to the European Social Fund, and the representatives of social partners and civil society. The Sectoral Monitoring Committee for monitoring the HRD OP currently includes representatives the labour union and the representatives of the employers as well as representatives of organisations of civil society and national minorities. A continuous exchange of information with the representatives of social partners and organisations of civil society has been ensured by way of regular meetings and participation of these representatives in the activities related to the implementation of the HRD OP.

During the preparation for revision of the HRD OP 2010-2011 and the preparation of the HRD OP for the ESF, seven regional partnership consultations took place in the period between July 2009 and October 2009 (in Zagreb, Zadar, Split, Rijeka, Čakovec, Bjelovar and Osijek), all of them with the participation of representatives of social partners and organisations of civil society. The number of participants in the consultations amounted to 363 persons, representatives of potential applicants for the awards of non-refundable aid which are organised within the framework of the IPA, and which are to be organised through the ESP.

2.3.2. Ministry of Health and Social Welfare

In relation to the administrative capacity of the Ministry of Health and Social Welfare, the Government of the Republic of Croatia has adopted the Regulation on the internal organisation of the Ministry of Health and Social Welfare, which lays down the internal

organisation of the Ministry, names of its administrative organisations and other internal organisational units, their scope of activities and the manner of management. The Social Welfare Directorate consists of three services divided into 14 departments.

The Regulation provides for the establishment of two departments within the Social Welfare Directorate: Department for the Preparation and Implementation of European Union Programmes (the line ministry for IPA with a total of five envisaged staff members) and the Department for the Preparation and Implementation of European Union Projects in the Field of Social Inclusion (beneficiary institution for IPA, co-ordination of JIM and other, with a total of five envisaged staff members). Namely, this Ministry is part of the Operating Structure for Human Resources Development (IPA Component IV) and is responsible for the monitoring and implementation of projects in the field of social inclusion. At the same time, this Ministry is also a beneficiary institution (project – “Establishing support in social integration and employment of disadvantaged and marginalised groups”).

According to the workload analysis made by the Ministry of Health and Social Welfare for the period ending in 2013, four additional staff members are planned to be employed in the Department for the Preparation and Implementation of European Union Programmes.

2.3.3. Croatian Employment Service

The Croatian Employment Service, which has the status of an implementing body (responsible for employment, social inclusion and technical assistance), has established the Department for Financing and Contracting European Union Projects within its Central Office. The tasks entrusted to this Department include implementation of tenders, signing contracts with beneficiaries and contractors, financial control of payment requests and their verification, supervision on project level and in the event of irregularities related to refunds. The Department consists of four sections with 21 staff positions specified by the job classification. Plans have been made (and the job classification was revised accordingly) to hire more persons in 2010, 2011 and 2012. The Croatian Employment Service is also a beneficiary of pre-accession assistance (as a beneficiary institution).

2.3.4. Ministry of Science, Education and Sports

The Ministry of Science, Education and Sports has established the Department for Lifelong Learning and Management of EU Funds, which has three sections:

- Section for lifelong learning, preparation and monitoring of EU funded programmes
- Section for preparation and implementation of EU funded projects
- Section for adult education (this Section has no connection with IPA activities).

All together, there were 7 persons employed in the Department in 2009. On the basis of the results of a workload analysis the Ministry has been planning to employ at least three additional persons by 2011 within the Section for lifelong learning, preparation and monitoring of EU funded programme, with the aim of strengthening the administrative capacity in the fields of programming and monitoring of EU funded programmes according to accreditation criteria.

The implementing body for education is the **Agency for Vocational Education**, which has established the Department for Financing and Contracting European Union Projects. The Department is responsible for implementing tenders, signing contracts with beneficiaries and contractors, financial control of payment requests and their verification, and supervision on project level and in the event of irregularities related to refunds. A workload analysis has shown that in the period 2010-2012 the capacity strengthening will be in the areas of project implementation, financial controls and quality assurance within the Department. Additional personal was needed.

2.3.5. Advanced training and education

Operating Structure (OS) for implementing IPA Component IV went through and is still in intensive period of recruitment. In order to meet the implementation deadlines, training plans were developed in each institution for all new employees that are or are to be hired to ensure these are adequately and sufficiently trained before implementation. In co-operation with National Fund and CODEF (Central Office for Development Strategy and Co-ordination of EU Funds) training sessions with staff of more experience were organised in order to prepare for implementation demands that are ahead.

Body responsible for the Operational Programme Human Resources Development (HRD OP) is continuously organising expert workshops in the field of risk management, irregularities for all the OS bodies as well as the other institutions who are directly or/and indirectly involved in implementation process of HRD OP. All employees of the OS are strongly encouraged to attend conferences, seminars and trainings which would enhance their professional skills. Participation is approved by their superiors and is demonstrably beneficial to their work.

Whenever a new employee joins an Institution individual training needs identification is carried out in terms that each employee has individual training register which includes all training courses that the employee attended, completed and their relevance to skills enhancement.

Since the start of preparation and implementation of IPA until now, OS employees went through number of seminars/conferences/trainings and workshops in the area of managing IPA and Structural Funds. Through project PHARE 2006 PPF “Strengthening the administrative capacity for management and implementation of IPA/ESF” and Twinning light, a number of training activities were provided in the area of tailor-made consultancy and assistance to all institutions involved in management and implementation of IV Component of IPA (MELE, MHSW, MSES, CES and AVET) on the practical issues regarding the management and implementation of IPA/ESF (programming; implementation; monitoring and evaluation; publicity). Also through project PHARE 2006 “Development of Institutional Capacity for the Management of EU Structural Funds – post accession” – Institution Building Component assistance through consultancy support in programming issues especially in preparing the NSRF (National Strategic Reference Framework), and other relevant documents for the future Structural Funds was given to the employees of the OS.

As regards to the other trainings conducted in the area of management of IPA/SF, OS staff went to the number of seminars that were concretely focused on different areas: planning and implementation of IPA assistance and subsequently the need for the management and information system (MIS), Project Cycle Management – Introduction and its phases: programming, implementation and evaluation, training of log frame matrix, Education on Management of IPA – Component IV EU Pre-accession and Structural funds, with the emphasis on IPA programme and EDIS system, training on European Social Fund, legal frames for the Structural funds – Programming and basic documents / regulations and their

role in the implementing of Structural Funds with linkages between National Reform Programme and National Strategic Reference Framework, General Procurement Training - Procurement procedures / Preparation of a Contract Forecasts, Supply, Service, Twinning and Grants, Financial Management of IPA / Structural Funds, Eligibility Rules, Monitoring and Evaluation, Decision-making Processes and Principles of management of EU Funds.

Several employees have also attended seminars concerning management of Structural Funds, with a focus on European Social Fund organised by European Academy for Taxes, Economics and Law in Berlin, European Institute of Public Administration (EIPA) in Maastricht and Milan. Lecturers of Institute for Public Administration Training Centre in Dublin in co-operation with Ministry of Finance, Ministry of foreign affairs and European integration and Central Office for Development Strategy and Co-ordination of EU funds in Republic of Croatia organised a „Train the trainers course“ on financial management in which several employees were involved and successfully finished the programme.

In the area of Irregularities, as one of the extremely important area of education a lot of trainings were held in organisation by Department in the Ministry of Finance dealing with fraud and irregularities with EU funds but also by the Body responsible for the OP HRD and its irregularity officers in order to raise awareness in these extremely sensitive and important area. Seminars for Irregularity Officers Network is in continues process in order to include not only employees dealing with IPA but also all the State administration staff and especially newcomers. In that sense, Irregularity officers conducted analysis and interview with every employee within the Directorate and HOS regarding irregularities and their familiarisation with the whole methodology of Irregularity reporting, every employee in MELE Directorate fulfilled the questionnaire regarding necessity for education in the irregularity system and on the basis of that Register on planned education and attendants for all employees has been made by Irregularity Officer in MELE for the 2009.

2.4. ANTI-DISCRIMINATION

2.4.1. Anti-discrimination Act

With a view to protecting and promoting human rights, in July 2008 the Anti-discrimination Act (OG 85/08 of 21 July 2008) was adopted, which is aligned with Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services, and Council Directive 97/80/EC of 15 December 1997 on the burden of proof in cases of discrimination based on sex.

The Anti-discrimination Act defines the role of the People's Ombudsman, as the central, independent authority at the national level responsible for implementation, and also the fields of competence of special ombudsmen.

2.4.2. People's Ombudsman

The institution of People's Ombudsman was created by the Constitution of the Republic of Croatia, which defines the Ombudsman as a commissioner of the Croatian Parliament who protects the constitutional and legal rights of citizens in proceedings before the state administration and bodies vested with public authority. The People's Ombudsman is elected by the Croatian Parliament for a term of office of eight years. Pursuant to the People's Ombudsman Act (OG 60/92 of 1 October 1992), the People's Ombudsman is independent and autonomous in carrying out his duties, and no one may give him instructions or directions for his work. The People's Ombudsman is authorised to examine individual cases involving violations of citizens' rights committed by state administration bodies and bodies vested with public authority and other cases involving irregularities in their work in connection with the protection of constitutional and legal rights of citizens and, to ensure that he can exercise these powers effectively, his independence is guaranteed by the Constitution and the Act.

In late 2007 the staff of the Office of the People's Ombudsman included a total 16 civil servants and three deputy ombudsmen. The administrative capacity of the Office of the People's Ombudsman has later been strengthened in that the total number of employees has more than doubled.

One of three deputies of the People's Ombudsman is responsible for the area of suppression of discrimination, and the Ordinance on amendments to the Ordinance on the Internal Organisation of the Office of the People's Ombudsman, adopted on 18 March 2009, has introduced the position of the Ombudsman's adviser for legal affairs – co-ordinator for the suppression of discrimination. In addition to the co-ordinator, there is another adviser who is responsible for performing the duties arising from the Anti-discrimination Act, although all other advisers also deal with citizens' complaints relating to discrimination, in accordance with the division of work and the respective administrative areas which they cover in professional terms.

To ensure efficient implementation of the Anti-discrimination Act, which entered into force on 1 January 2009, the People's Ombudsman has been designated as one of the subjects responsible for the project entitled "Support for Implementing the Anti-discrimination Act", which was approved in Croatia as part of the Community Programme in the field of employment, social inclusion and protection, working conditions, gender equality and the fight against discrimination for the period 2007 - 2013 (PROGRESS). The implementation of the project began in December 2008. In addition to many training activities designed for target groups of professionals (advisers to the People's Ombudsman, judges, public prosecutors, attorneys, the business community and representatives of the civil society), as part of this Project a campaign was launched aimed at raising public awareness about the entry into force of the Act and a survey was initiated to examine the level of awareness of the problem of discrimination before and after the campaign. The project was completed with a two-day national conference on the topic of anti-discrimination.

The Office of the People's Ombudsman has also become a full member of Equinet – the European Network of Equality Bodies, which enabled the employees of the Office to acquire special knowledge through participation in seminars organised by this organisation and to exchange their experiences and best practice. The objective of this organisation is to strengthen and improve the capacities of its members in the area of protection of citizens from

discrimination and in the application of the relevant European standards within legal systems of member states and candidate states.

With the aim of setting up a database of cases relating to this area and of defining and aligning the statistical data on discrimination complaints, in November 2008 the People's Ombudsman established regular co-operation with special ombudsmen, i.e. the ombudsman for gender equality, the ombudsman for children, and the ombudsman for people with disabilities.¹⁵

The beginning of the application of the Anti-discrimination Act was marked on 26 January 2009 when a one-day conference entitled "The People's Ombudsman as the Central Anti-discrimination Body" was organised at which experts in the area of anti-discrimination gave lectures and at which discussions were held. In this way on-going co-operation was launched between all stakeholders in charge with implementation of the Act.

To fulfil its obligations relating to social dialogue, co-operation with civil society organisations, religious communities and the Council for National Minorities, as laid down in Article 15 of the Anti-discrimination Act, the Office of the People's Ombudsman participates in round tables, forums and other events organised by these organisations with the goal of suppressing discrimination.

Upon acquiring the status of the central anti-discrimination body, the Office of the People's Ombudsman became active at the international-law level. In February 2009 the Republic of Croatia presented its 6th, 7th and 8th reports on the application of the International Convention on the Elimination of All Forms of Racial Discrimination before the ECRI, and a representative of the Office was present throughout the entire course of this presentation.

As already mentioned, the project "Support for Implementing the Anti-discrimination Act" was launched in December 2008, and as part of this project training is organised for all advisers to the People's Ombudsman and for advisers to special ombudsmen (the ombudsman for gender equality, the ombudsman for people with disabilities and the ombudsman for children). Since, pursuant to the Anti-discrimination Act, the People's Ombudsman is,

¹⁵ New legal proposals envisage a merger of different ombudsmen offices.

amongst other things, responsible for mediation with the aim of reaching an out-of-court settlement, in addition to the already mentioned basic training, advisers have undergone training in conducting the mediation procedure at the Judicial Academy of the Ministry of Justice. As part of the Project, the web page of the Office of the People's Ombudsman has been upgraded, and a special emphasis is placed on anti-discrimination activities.

Representatives of the Office of the People's Ombudsman attend seminars on the *acquis communautaire* in the area of anti-discrimination, organised by the Academy of European Law and also those organised by Equinet. As a member of the Equinet, the Office of the People's Ombudsman also joined the working groups organised within this Network, and thus contribute to the exchange of experiences in this area. Furthermore, the Office of the People's Ombudsman participates in the Peer to Peer Project of the CoE and the EU, within which the advisers to the People's Ombudsman attend thematic workshops organised with a view to improving the work of national systems safeguarding human rights.

In 2009, the Office of the People's Ombudsman, in conjunction with the Office of Human Rights, applied for the IPA Twinning Project "Establishing a Comprehensive System for the Protection from Discrimination". The purpose of this project is to strengthen the capacity of the Office of the People's Ombudsman, as the central anti-discrimination body, and other bodies in charge of implementation of the Anti-discrimination Act, to protect victims of discrimination and to strengthen the system for the statistical monitoring of discrimination cases.

Assistance to victims of discrimination

Within the authority of the People's Ombudsman stemming from the provisions of Article 12, paragraph 2, point 9 of the Anti-discrimination Act, as part of his work, the People's Ombudsman undertakes research in the field of discrimination. In order to fulfil this legal requirement to undertake research, a project "Support for the Implementation of the Anti-discrimination Act" has been approved in the Republic of Croatia as part of the Community Programme for employment and solidarity, social inclusion and protection, working conditions, gender equality and the fight against discrimination for the period 2007 to 2013 (PROGRESS). The research was carried out under the title: "Research into attitudes to and level of awareness of discrimination and forms of discrimination" in order to establish the

attitudes of citizens about the extent of various forms of discrimination in society, and their personal experience of discrimination. The research comprised a total of 1300 subjects.

The main aim of the research was to establish how citizens perceive discrimination in Croatian society: what it is, which areas and which social groups are affected by it. Analysis of the data confirmed the need to inform citizens about what discrimination is and in which forms it may appear in society. Furthermore, it was established that citizens have poor knowledge of the institutions responsible for dealing with the problem of discrimination in society. Regarding personal experience, 2/3 people who had in some way been victims of discrimination did not take any steps at all to protect their rights.

It is clear that citizens do not consider the problem of discrimination to be of much importance, which is partially the result of insufficient knowledge about what discrimination is, and probably also, due to the global economic crisis, it is felt that there are currently much greater problems which society needs to deal with than discrimination. A comprehensive public campaign has been presented to the public to raise public awareness about the passing of the Anti-discrimination Act and the role of the People's Ombudsman as the central body responsible for suppressing discrimination. Further research about this problems will be undertaken.

In relation to concrete assistance to victims of discrimination, the People's Ombudsman, within the framework of his authority:

- receives reports from all physical and legal persons
- offers persons who have filed complaints of discrimination the necessary information about their rights and obligations and the possibilities of judicial and other forms of protection
- if court proceedings have not been instituted examines individual reports and takes action within his jurisdiction necessary to remove the discrimination and protect the rights of the discriminated person
- with the consent of the parties conducts mediation proceedings with the possibility of concluding an out-of-court settlement
- files criminal reports in relation to cases of discrimination with the competent public prosecution office.

2.4.3 Ombudsman for People with Disabilities

The Office of the Ombudsman for People with Disabilities is a relatively newly established institution, formed under the Act on the Ombudsman for People with Disabilities (OG 107/07 of 19 October 2007), as an autonomous and independent body who may not receive instructions or directions for his or her work from anyone, and who is answerable to the Croatian Parliament and submits annual reports to the Parliament. In May 2008 the Croatian Parliament appointed the Ombudsman for People with Disabilities, and in September 2008 the Rules of Procedure of the Ombudsman for People with Disabilities was adopted (OG 103/08 of 10 September 2008). Following a public invitation for appointment of two Deputy Ombudsmen, these deputies were appointed in October 2008. The office began to operate in November 2008.

2.5. EQUAL OPPORTUNITIES

2.5.1. Act on Gender Equality

In relation to legislative activities aimed at harmonising national legislation with Council Directive 96/34/EC of 3 June 1996 on the framework agreement on parental leave, in July 2008 the Act on Maternity and Parental Benefits was adopted (OG 85/08). In the same period the new Act on Gender Equality was adopted (OG 82/08), which lays down the scope of work of the Ombudsperson for gender equality in order for the activities of the Office of the Ombudsperson to encompass all functions of an independent gender equality body as required by the Directive 2002/73/EC of the European Parliament and of the Council of 23 September 2002 amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions.

The new Labour Act, which came into force on 1 January 2010, no longer contains previously existing provisions on the over-protection of women, or more specifically on the prohibition of night-time labour of women in the industry sector and the prohibition of underground and

underwater labour of women. The same Act states that from the moment of coming into force of the said Act, the Ordinance on jobs not suitable for a woman shall no longer apply. In relation to the right of returning to an adequate work place, Article 73 of the new Labour Act primarily contains a right to return to the same work place, and only if that specific work place no longer exists, the person shall return to another adequate work place whose work conditions must not be any less favourable than the working conditions of the work place the employee had before the use of maternity or parental rights. In addition, that worker has the right to vocational training in case there have been changes in the technique or the way of work, as well as the right to all other benefits emanating from the improved working conditions he/she would have been entitled to.

2.5.2. Ombudsperson for Gender Equality

The Office of the Ombudsperson for Gender Equality was established according to the Gender Equality Act of 2003, which is no longer in force. With a view to achieving alignment of the national legislation with the *acquis communautaire*, a new Gender Equality Act was drawn up and passed by the Croatian Parliament on 15 July 2008. This Act provides that the Ombudsperson is an independent body responsible for the suppression of gender-based discrimination. Pursuant to the provisions of the new Act, the regulations on the Ombudsperson for Gender Equality were harmonised in such a way that the activities of the Ombudsperson now include all the functions of an independent gender equality body, as required by European directives.

An overview of the number of posts in the Office of the Ombudsperson for Gender Equality foreseen by the Ordinance on the Internal Organization is given in the table below:

	Number of vacancies specified in the Ordinance on the internal organisation	Number of state functionaries	Number of civil servants
University	7	2	5
Post-secondary	2		2
Secondary	1		1
TOTAL	10	2	8

Since the new Act conferred many new powers on the Ombudsperson, in addition to those she had already had, regarding the initiation of judicial proceedings, undertaking actions aimed at examining individual complaints before judicial proceedings are initiated, conducting mediation procedures, with the possibility of reaching an out-of-court settlement, if the parties have given their consent, collecting and analysing statistical data on discrimination cases, conducting independent studies on discrimination, publishing independent reports and exchanging the available information with the relevant European bodies, the Act provides for the strengthening of the administrative capacity of the Office.

The Office of the Ombudsperson for Gender Equality participated in the following projects and activities:

- Analysis of collective agreements from the gender equality perspective;
- Continuation of vacancy announcements analysis;
- Analysis of the implementation of active employment measures from the equal opportunities perspective;
- Analysis of 2009 local elections;
- Monitoring the implementation of measures providing for equal access to education at all levels;
- Continuation of the analysis of primary and secondary school books from gender perspective;
- Gender-based analysis of the level of representation of pupils and students, especially in managing bodies of educational institutions;
- Analysis of media activities;
- Analysis of the implementation of the National Policy for the Promotion of Gender Equality 2006-2010, the National Strategy for the Protection from Domestic Violence 2008-2010 and the Protocol for Handling Domestic Violence Cases;
- Gender-based analysis of employment injuries;
- Gender-based analysis of the structure of supervisory and managing boards in companies.

In addition, pursuant to the new Act, the counties and the City of Zagreb were charged with the obligation to establish county commissions for gender equality and to create conditions and provide funding for their operation, with the aim of promoting gender equality at the local level and implementing the Gender Equality Act and the National Policy for the Promotion of Gender Equality. The Ombudsperson regularly collaborates with these commissions in the events organised by them and by requesting them to submit their annual reports on the implementation of activities on a regular basis. She has also continued her regular tours of counties, towns and municipalities.

The Ombudsperson and her staff regularly participate in sessions of the United Nations Commission on the Status of Women and also in other sessions in the wider region and in congresses, conferences and seminars on topics relating to the Ombudsperson's scope of work.

2.5.3. Ministry of the Family, Veterans' Affairs and Intergenerational Solidarity

Since the Ministry of the Family, Veterans' Affairs and Intergenerational Solidarity was also among those responsible for drawing up a new regulation on the family and maternity leaves and benefits, which was planned as part of measures under the National Population Policy (OG 132/06 of 6 December 2006) for the area of the "System of family benefits" pertaining to maternity and parental leaves, the Regulation of the Government of the Republic of Croatia of 14 February 2008 (OG 21/08 of 18 February 2008) modified the internal organisation of the Ministry by setting up five departments within the Directorate for Family Affairs:

- Department for Family Affairs (with four sectors within its structure)
- Department for Children and Young People (two sectors)
- Department for Persons with Disabilities (three sectors)
- Department for Legal Affairs and Inspection Supervision (two sectors)
- Department for International Co-operation and Publishing Activities (two sectors).

Before the entry into force of the Parental and Maternity Benefits Act (J January 2009), written instructions had been drawn up and workshops held on the topic of implementation of

the Act, in conjunction with the Croatian Institute for Health Insurance, as an implementing body.

2.5.4. Office for Gender Equality of the Government of the Republic of Croatia

In accordance with the Ordinance on the internal organisation, and pursuant to Article 18 of the Gender Equality Act, the Office carries out technical and other tasks by:

- co-ordinating all activities aimed at ensuring gender equality, developing an integrated system of protection and promotion of gender equality in the Republic of Croatia, and monitoring its efficiency,
- approving action plans of the bodies referred to in Article 11 of the Act,
- submitting proposals to the Government of the Republic of Croatia and state bodies for the adoption or amendments of laws and other regulations, and for adoption of other measures,
- developing the national policy for promoting gender equality and monitoring its implementation,
- conducting surveys, carrying out analyses and submitting biannual reports to the Government of the Republic of Croatia on the implementation of the national policy,
- monitoring the compliance and implementation of laws and other regulations on gender equality with international instruments,
- preparing national reports on compliance with international obligations in the field of gender equality,
- co-operating with non-governmental organisations operating in the field of gender equality, and in part providing funding for their projects or activities,
- promoting information on, and awareness of, gender equality,
- receiving petitions from parties on infringements of this Act and of other regulations and forwarding them to the Ombudsperson for Gender Equality and other competent state authorities,
- co-ordinating the activities of county commissions for gender equality,
- submitting annual reports on its activities to the Government of the Republic of Croatia, not later than by the end of April for the preceding year.

There were 6 staff members employed in the Office in 2009, as is shown in the following

table.

DEGREE	Number of persons employed
University	5
Post-secondary	0
Secondary	1
TOTAL	6

Educational activities of the Office for Gender Equality of the Government of the Republic of Croatia in the field of equal opportunities consist of:

- A) Training for all civil servants
- B) Training on national mechanisms of gender equality
- C) Participation of Office representatives in conferences, seminars, round table discussions.

Within the state professional examination taken by all newly employed civil servants, a representative of the Office regularly takes part in assessing the knowledge of applicants for jobs involving gender equality, human rights, and protection of national minorities. Training for civil servants in the field of gender equality under the title “Legal provisions on gender equality” – has been held at the Ministry of Public Administration, the Civil Service Training Centre – twice a year since the end of 2008.

Training for co-ordinators for gender equality – organised by the Office for Gender Equality in co-operation with the Swedish Institute for Public Management within the framework of the project „Strengthening national mechanisms for gender equality by training co-ordinators in state administration bodies“, co-financed by the Swedish Institutional Support Fund in the Republic of Croatia (SISF), on the basis of a bilateral agreement with the Kingdom of Sweden. Training programmes were taking place in the period from June 2008 to January 2009.

In March 2009 the Office organised a meeting of co-ordinators for gender equality with a view to educating them to implement the provisions of Article 11 of the Gender Equality Act, which lays down that all state administration bodies should prepare Action plans for the promotion and establishment of gender equality.

Since 2006 the Office has regularly organised annual conferences on co-ordination of county commissions for gender equality, at which commissions have exchanged experiences and good practices from their work on the county and local levels. The Co-ordination Conferences are attended by representatives of all 21 commissions.

An expert task group established by the Education and Teacher Training Agency at the proposal of the Office for Gender Equality, prepared the *Programme of education and training in the field of gender equality for educators*, and, in co-operation with women's associations, it has taken part in its preparation, held pilot seminars for teachers employed in pre-school establishments and elementary schools.

Extracurricular, gender education programmes for elementary and secondary schools have most often been carried out in co-operation with NGOs. The Ministry of Science, Education and Sports states that it regularly provides support and financial assistance for implementation of programmes and projects which, among other things, also feature topics from the field of the promotion of gender equality. In addition to this, integrative educational topics are part of the programme *Education for human rights and democratic citizenship*, which also contains topics related to gender equality.

The Judicial Academy includes these topics in its training programmes for judicial officials and staff: round tables, seminars (p.e. "Fighting domestic violence – legal context" or "European Convention on Human Rights - ECHR"), programmes for professional specialisation (p.e. "The Implementation of the Anti-discrimination Act", in co-operation with the Office for Human Rights of the Republic of Croatia and the Office of the International Organisation for Migration), and workshops (p.e. "Against stereotypes and discrimination of women – sexual crimes in the Republic of Croatia", in co-operation with the project bearing the same name, carried out by the Open Society Institute and the Group for Women's Rights B.a.B.e.).

Within the framework of pre-accession programmes of the European Union, the following programme has been financed: “Improvement of the legal framework for gender equality”. It was carried out by the Law School of the University of Zagreb and it also included training for of judges, lawyers, employers and politicians.

Finally, there was participation of Office representatives in conferences, seminars, round table discussions organised by other bodies and institutions with a view to promoting dissemination of information and raising awareness on gender equality. Some examples are:

- Within the framework of training for sectoral councils in vocational education, the Agency for Vocational Education and Training organised a conference at which the Head of the Office delivered a lecture on the topic “Implementation of the National Policy for Promoting Gender Equality in the period 2006-2010 in the field of vocational training.”
- The Education and Teacher Training Agency organised a conference for teachers at which an advisor from the Office gave a topical lecture on the goals of the National Policy for Gender Equality (May 2008).
- As a part of the workshop “The Strengthening of capacities of the representatives of state administration bodies responsible for allocating funds for programmes and projects proposed by civil society organisations” the Office for Co-operation with NGOs organised a lecture given by an advisor in the Office on the gender equality aspect as an integral part of projects (“Gender equality as a cross-cutting issue or targeted area of financial support”; March 2009).

BIBLIOGRAPHY:

Agency for Vocational Education and Training, <http://www.aso.hr/>

Commission européenne, Politique communautaires en faveur de l'emploi, COM/1999/167 final, Bruxelles, 21. travnja 1999.

Commission européenne, Politique sociale et de l'emploi européenne, une politique pour les citoyens, Luxembourg, 2000.

Croatian Employment Service, <http://www.hzz.hr/default.aspx?ID=4870>

Croatian parliament (Hrvatski sabor): Harmonization of Legislation (Usklađivanje zakonodavstva), <http://www.sabor.hr/>

Europa: Summaries of EU legislation, http://europa.eu/legislation_summaries/

European Commission: Eurostat, <http://epp.eurostat.ec.europa.eu>

European Economic and Social Committee, <http://eesc.europa.eu>

Government of the Republic of Croatia (2011), Development Strategy of the Social Welfare System in the Republic of Croatia 2011-2016 (Strategija razvoja sustava socijalne skrbi u Republici Hrvatskoj 2011. - 2016.), Zagreb, April 2011

Government of the Republic of Croatia (2009), Document on meeting the closing benchmarks in the areas covered by Chapter 19 – Social policy and employment, Zagreb, November 12, 2009

Jovančević, R. (2005), Ekonomski učinci globalizacije i Europska unija (Economic effects of globalization and the EU), Mekron promet, Zagreb

Judicial Academy, <http://www.pak.hr/Default.aspx>

Kandžija, V (2003), Gospodarski sustav EU (Economic System of the EU), Ekonomski fakultet Sveučilišta u Rijeci, Rijeka

Kandžija, V. (1989), Socijalna politika Europske zajednice u jedinstvenom europskom prostoru, Poduzeće – banka, Zagreb, nr. 6/1989.

Kandžija, V. (2004), Upravljanje regionalnim i strukturnim fondovima Europske unije, in: Karaman Aksentijević, N. et all. (ed.), Ekonomska decentralizacija i lokalna samouprava, Ekonomski fakultet Sveučilišta u Rijeci, Unger Croatia Center for Local Government Leadership, Maxine Goodman Levin College of Urban Affairs, Cleveland State University, Rijeka.

Kandžija, V, Cvečić, I. (2011), Ekonomika i politika EU (Economics and politics of the EU), Ekonomski fakultet Sveučilišta u Rijeci, Rijeka

Kandžija, V., Cvečić, I. (2008), Makrosustav Europske unije (Macro-system of the EU), Ekonomski fakultet Sveučilišta u Rijeci, Rijeka

Kandžija, V., Kumar, A., Kufner, S. (2004), Adaptation des cours du change et adaption structurelle de l'economie de Croatie et Slovenie dans le conditions de la globalisation, Le managment de la transition Cucui, I. et all. (ur.), Universitatea "Valahia" Targoviste, Targoviste

Kandžija, V., Vlahinić-Dizdarević, N. (2009), Position de la Croatie dans l'Europe du sud-est: convergence ou divergence?, in: 50 Years of EU (ed. Kumar, A., Kandžija, V.), Ekonomski fakultet Rijeka, Rijeka

Kumar, A., Kandžija, V. (2007), EU enlargement impacts – Theory and evidence, in: Economic Integration, Competition and Cooperation, (ed. Kumar, A., Kandžija, V.), Ekonomski fakultet Rijeka, Rijeka

Ministry of Health and Social Welfare, http://www.mzss.hr/hr/zdravstvo_i_socijalna_skrb/

Ministry of Science, Education and Sports, <http://public.mzos.hr/>

Ministry of the Economy, Labour and Entrepreneurship, <http://www.mingorp.hr/defaulteng.aspx>

Ministry of the Family, Veterans' Affairs and Intergenerational Solidarity, <http://www.mobms.hr/>

Ministry of the Sea, Transport and Infrastructure, <http://www.mmpi.hr/>

Moussis, N. (2007), Access to EU – law, economics, policies, EDC, Rixensart (Belgium)

Moussis, N., EUROPEA, (<http://europedia.moussis.eu/>).

Ombudsperson for Gender Equality, <http://www.prs.hr/>

People's Ombudsman, <http://www.ombudsman.hr/hr/pucki-pravobranitelj.html>

State Inspectorate (2010), Izvješće o radu Državnog inspektorata u 2010. godini (Work report of the State Inspectorate in 2010)

Stubbs, P., Zrinščak, S. (2005), Proširena socijalna Europa? Socijalna politika, socijalna uključenost i socijalni dijalog i Hrvatskoj i EU, in: Pridruživanje Hrvatske Europskoj uniji, ususret izazovima pregovora, Institut za javne financije i Zaklada Friedrich Ebert, Zagreb (<http://www.ijf.hr/Eu3/>).