

Mr. Andrej Plenković,
President of the Government of the Republic of
Croatia,
Mr Aladrović
Minister of Labour and Pension System of Croatia

[Letter sent by e-mail]
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cc:

Mrs. Ursula Von der Leyen,
President of the European Commission
Mr. Nicolas Schmit,
Commissioner for Jobs and Social Rights
Mrs. Marija Pejčinović Burić,
General Secretary of the Council of Europe
Mrs. Dunja Mijatović,
Commissioner of Human Rights
Mr. G. Palmisano,
President of the European Committee of Social
Rights

Concerns: Suspension of labour and social rights in Croatia during the pandemic

Dear Prime Minister, Dear Minister,

The European Trade Union Confederation (ETUC) has been informed by its Croatian affiliates, SSSH and NHS, that the Croatian Ministry of Labour and Pension System is drafting an Act on regulating labour relations in the circumstances of the COVID-19 epidemic and by which bring some important changes to fundamental social rights as they are currently enshrined in the Croatian Labour Code.

The law would amongst others “temporarily”:

- Enable employers to cut wages down to the level of the minimum wage, and to abolish workers' rights to payment of one-off material rights. In practical terms it would abolish collective agreements and allow the employers to unilaterally exclude certain provisions /material rights from collective agreements,
- temporarily suspend certain provisions of the Labour Code by allowing wage compensation in case of termination of work due to COVID-19 epidemic to be reduced,
- Enable employers to unilaterally shorten workers' working time (and thus lower wages) by simply putting an annex to their employment contracts,
- Enable employers to impose annual leave of 15 days without further notice and abolish an obligation of periodic medical check-ups of workers employed on jobs with specific working conditions,
- Enable employers to unilaterally decide to organize work on a dislocated place of work; and no sanctions to be put on employers who have already organized telework, but have not ensured OSH,
- abolish the obligatory consultation with the works council to adopt any of such decisions by the employer.

Although the Ministry claims they will do this in consultation with the national social partners, it is clear that the trade unions have not been informed of this initiative, let alone consulted. **The ETUC strongly and unequivocally condemns this legislative initiative and demands you abandon immediately this initiative and all proposals therein.**

As recently recalled by high-level representatives and bodies of the ILO and the Council of Europe, to both of which Croatia is a Contracting Party, this Covid-19 crisis should not be used, even temporarily, to dismantle human rights and social rights, in particular trade union and workers' rights. On the contrary this COVID-19 crisis is a brutal reminder of the importance of ensuring lasting progress with respect to social rights enjoyment and it is in these times that workers and citizens throughout Europe need more social rights and support, not less! Human rights can under international and European instruments only be derogated from under very strict and limited conditions, one of which being that by taking such measures States must avoid being inconsistent with its other obligations under international laws. **For ETUC it is clear, that by pursuing this initiative, Croatia will be in violation with several of its obligations it has committed to, amongst others, under ILO Conventions, the European Convention of Human Rights and the European Social Charter.** **The ETUC is also appalled by the fact that your government is putting forward such initiatives when holding the Presidency of the EU.** This irresponsible initiative is in stark contrast to the sensible and much needed measures being taken by the EU and in many EU countries where Governments in close collaboration with trade unions and employers' organisations, via both legislative and tripartite/bipartite agreements, are introducing measures to uphold the social rights of workers and citizens and to protect jobs and wages. ETUC sincerely urges you to reconsider your position and withdraw this legislative initiative immediately.

Yours sincerely,



Luca Visentini
General Secretary