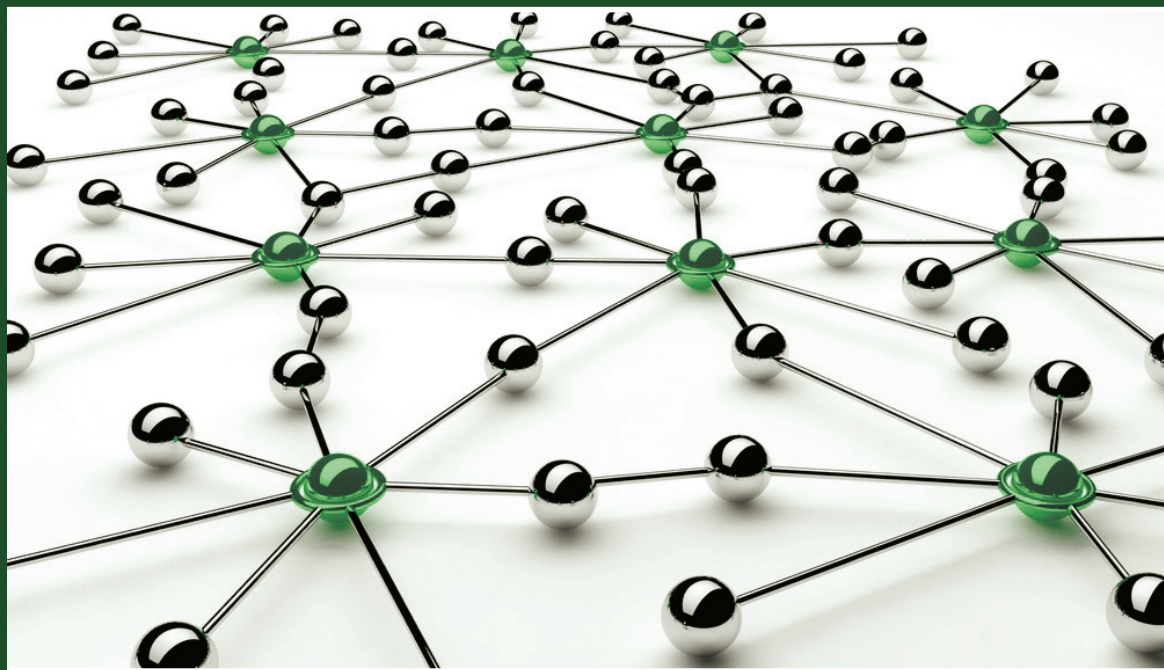


# IMO

## UČINCI GOSPODARSKE KRIZE NA INDUSTRIJSKE ODNOSE U HRVATSKOJ



## THE EFFECTS OF THE ECONOMIC CRISIS ON INDUSTRIAL RELATIONS IN CROATIA

Hrvoje Butković, Višnja Samardžija, Sanja Tišma

UČINCI GOSPODARSKE KRIZE NA  
INDUSTRIJSKE ODNOSU U HRVATSKOJ

THE EFFECTS OF THE ECONOMIC CRISIS  
ON INDUSTRIAL RELATIONS IN CROATIA

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# Sadržaj / Contents

<b>UČINCI GOSPODARSKE KRIZE NA INDUSTRIJSKE ODNOSU U HRVATSKOJ</b> .....	9
Predgovor.....	11
Uvod.....	13
<b>OKVIR ZA RAZVOJ INDUSTRIJSKIH ODNOSA U REPUBLICI HRVATSKOJ</b> .....	15
Zakonodavni i policy okvir .....	16
Glavni akteri industrijskih odnosa .....	17
Sindikati i druga predstavništva radnika .....	21
Udruge poslodavaca.....	24
Središnja i lokalna vlast .....	24
Sustav kolektivnog pregovaranja.....	25
<b>GOSPODARSKA KRIZA I IZAZOVI SOCIJALNOG DIJALOGA</b> .....	27
Ekonomске i socijalne dimenzije krize .....	28
Socijalni dijalog i industrijski odnosi u vrijeme krize.....	30
Nacionalna razina.....	30
Sektorska razina .....	32
Razina poduzeća.....	33
Stavovi socijalnih partnera .....	35
Ocjena kvalitete socijalnog dijaloga.....	35
Ocjena kapaciteta, aktivnosti, učinkovitosti i utjecaja socijalnih partnera .....	36
Ocjena institucionalnog okvira za industrijske odnose.....	38
Ocjena bipartitnog i tripartitnog socijalnog dijaloga.....	38
Ocjena sektorskog dijaloga .....	39
Stavovi o utjecaju krize na socijalni dijalog .....	40
<b>UČINCI SOCIJALNOG DIJALOGA NA POLICY ODGOVORE</b> .....	41
Promjene zakonodavnog okvira.....	42
Fiskalni instrumenti .....	44
Izmjene u sustavu kolektivnog pregovaranja i fleksibilnost plaća .....	47

<b>Ostala područja .....</b>	<b>48</b>
<b>Stavovi socijalnih partnera.....</b>	<b>50</b>
Stavovi o mogućim izmjenama zakonodavnog okvira .....	50
Stavovi socijalnih partnera o kvaliteti kolektivnog pregovaranja – postignuća, poteškoće i perspektive .....	53
Ocjena Vladinih mjera za prevladavanje krize.....	55
 <b>ZAKLJUČCI I PREPORUKE .....</b>	 <b>57</b>
<b>Zaključci .....</b>	<b>58</b>
<b>Preporuke.....</b>	<b>59</b>
 <b>Literatura.....</b>	 <b>61</b>
 <b>THE EFFECTS OF THE ECONOMIC CRISIS ON INDUSTRIAL RELATIONS IN CROATIA.....</b>	 <b>65</b>
<b>Preface.....</b>	<b>67</b>
<b>Introduction.....</b>	<b>69</b>
 <b>FRAMEWORK FOR THE DEVELOPMENT OF INDUSTRIAL RELATIONS IN CROATIA.....</b>	 <b>71</b>
<b>Legal and policy framework .....</b>	<b>72</b>
<b>Main industrial relations actors.....</b>	<b>74</b>
Trade unions and other workforce representatives .....	77
Employers' associations .....	80
Central and local government.....	80
<b>Collective bargaining system.....</b>	<b>81</b>
 <b>ECONOMIC CRISIS AND THE CHALLENGES OF SOCIAL DIALOGUE .....</b>	 <b>83</b>
<b>Economic and social dimensions of the crisis.....</b>	<b>84</b>
<b>Social dialogue and industrial relations in the time of crisis.....</b>	<b>86</b>
National level.....	86
Sectoral level.....	88
Company level.....	90
<b>Social partners' stands on social dialogue in Croatia.....</b>	<b>92</b>
Evaluation of social dialogue quality.....	92

Evaluation of capacities, activities, efficiency and influence of the social partners .....	93
Evaluation of institutional framework for industrial relations .....	95
Evaluation of bipartite and tripartite social dialogue.....	96
Evaluation of the sectoral dialogue .....	97
Attitudes on the effects of crisis on social dialogue .....	97
<b>IMPACTS OF THE SOCIAL DIALOGUE ON THE POLICY ANSWERS .....</b>	<b>99</b>
<b>Changes in the legislative framework.....</b>	<b>100</b>
<b>Fiscal instruments.....</b>	<b>102</b>
<b>Changes in the collective bargaining system and flexibility of salaries .....</b>	<b>105</b>
<b>Other areas .....</b>	<b>107</b>
<b>Attitudes of social partners .....</b>	<b>109</b>
Attitudes of social partners on possible changes in the legislative framework .....	109
Attitudes of the social partners on the quality of collective bargaining – achievements, problems and prospects .....	111
Assessment of the Government's measures for combating the crisis .....	113
<b>CONCLUSIONS AND RECOMMENDATIONS .....</b>	<b>117</b>
<b>Conclusions.....</b>	<b>118</b>
<b>Recommendations .....</b>	<b>119</b>
<b>Literature.....</b>	<b>121</b>
<b>ANEKSI - ANNEXES.....</b>	<b>125</b>
<b>Popis kratica - List of abbreviations.....</b>	<b>127</b>
<b>Dvojezični pojmovnik industrijskih odnosa - Bilingual glossary of industrial relations .....</b>	<b>131</b>
<b>Upitnik - Questionnaire .....</b>	<b>143</b>
<b>Popis intervjuiranih osoba i sudionika rasprave - List of interviewees and participants in the debate .....</b>	<b>147</b>





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UČINCI GOSPODARSKE  
KRIZE NA INDUSTRIJSKE  
ODNOSE U HRVATSKOJ

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# Predgovor

Publikacija Učinci gospodarske krize na nacionalni sustav industrijskih odnosa u Hrvatskoj čiji su autori Hrvoje Butković, Višnja Samardžija i Sanja Tišma iz Instituta za međunarodne odnose donosi rezultate istraživanja provedenog 2012. godine u sklopu međunarodnog projekta pod nazivom „Učinak gospodarske krize na nacionalne sustave industrijskih odnosa: odgovori politika kao glavni instrumenti oporavka”.

Projekt je realiziran uz potporu Opće uprave za zapošljavanje, socijalna pitanja i uključenost Europske komisije (referentni broj VP/2011/001, proračunska odrednica: 04.03 03 01). Koordinirao ga je Centar za ekonomski razvoj (Center for Economic Development – CED) iz Sofije, koji je okupio istraživačke timove iz Bugarske, Estonije, Makedonije, Poljske i Turske, a Institut za međunarodne odnose – IMO partner je iz Hrvatske. Cilj projekta bio je istražiti metode rada i dinamiku interakcije nacionalnih sustava industrijskih odnosa u vrijeme krize te na temelju provedenih analiza donijeti policy preporuke za daljnji razvoj industrijskih odnosa u europskom kontekstu. Konačni je rezultat cjelokupnih projektnih aktivnosti šest nacionalnih studija koje omogućuju komparativno sagledavanje stanja industrijskih odnosa u pojedinim zemljama i definiranje zajedničkih preporuka koje se prezentiraju na završnoj konferenciji u Sofiji u studenom 2012. godine.

Studija koja se objavljuje u ovoj publikaciji donosi rezultate istraživanja provedenog u Hrvatskoj 2012. godine prema metodološkom predlošku jednakom za svih šest zemalja obuhvaćenih projektom. Rezultati istraživanja strukturirani su u četiri dijela studije: (i) Okvir za razvoj industrijskih odnosa u Hrvatskoj, (ii) Ekonomska kriza i izazovi socijalnog dijaloga; (iii) Učinci socijalnog dijaloga na policy odgovore te (iv) Zaključci i preporuke za unapređenje sustava industrijskih odnosa u Hrvatskoj.

Istraživanje se temelji na informacijama prikupljenim desk istraživanjem (zakonski akti, strateški dokumenti, analitički materijali iz knjiga, časopisa i dnevnog tiska te web

stranica socijalnih partnera u RH). U sklopu projekta provedeni su i kvalitativni individualni dubinski intervjui s čelnicima ili predstavnicima najvažnijih socijalnih partnera. Uz pomoć strukturiranog upitnika s otvorenim pitanjima provedeno je desetak intervjua. Intervjuima su obuhvaćeni predstavnici najznačajnijih sindikalnih središnjica (Matica hrvatskih sindikata, Hrvatska udruga sindikata, Nezavisni hrvatski sindikati, Savez samostalnih sindikata Hrvatske), Hrvatske udruge poslodavaca te Ministarstva rada i mirovinskog sustava. Intervjue su proveli djelatnici IMO-a. U sadržajnom smislu obuhvatili su sljedeće teme: ocjena kvalitete socijalnog dijaloga; kapaciteti, učinkovitost, reprezentativnost i utjecaj pojedinih socijalnih partnera; zakonska regulativa; kvaliteta kolektivnog pregovaranja; ocjena razvijenosti i efikasnosti bipartitnog i tripartitnog socijalnog dijaloga; uloga države u socijalnom dijalogu; utjecaj krize na socijalni dijalog i ocjena Vladinih mjera za prevladavanje krize. Istraživanje je provedeno tijekom svibnja i lipnja 2012. Informacije prikupljene na taj način verificirane su na raspravi sa socijalnim partnerima organiziranoj u Institutu za međunarodne odnose u srpnju 2012. Rukopis studije završen je u rujnu 2012. godine.

Uz ostale priloge u Aneksu je priložen i dvojezični hrvatsko engleski pojmovnik industrijskih odnosa koji širem čitateljstvu omogućuje lakše praćenje teksta.

Istraživanje je provedeno u razdoblju u kojem su vrlo osjetljiva pitanja socijalnog dijaloga i pregovora o dodacima temeljnim kolektivnim ugovorima dominirala javnim i stručnim raspravama u Hrvatskoj. Pokazalo se da postoji nedostatak analitičkih materijala i stručnih studija na tu temu te se nadamo da će objavljivanje ove studije biti doprinos proučavanju tih iznimno aktualnih pitanja u Hrvatskoj.

*Višnja Samardžija*

# Uvod

Pojam industrijskih odnosa označava interakciju između poslodavaca, radnika i vlada unutar potrebnog institucionalnog okvira. Hrvatska u području industrijskih odnosa prolazi sličan put kao i ostale tranzicijske zemlje. Novi društveni poredak ukinuo je obavezno članstvo u sindikalnim organizacijama i uveo pluralizam sindikalne scene što sindikatima omogućuje da se prema vlastitim interesima udružuju u međusobno konkurentne organizacije više nacionalne razine. Takva praksa u novim državama članicama (EU-10) s kojima Hrvatska dijeli brojne sličnosti dovela je do pada broja sindikalno organiziranog radništva sa gotovo 100 posto u vrijeme socijalizma na 18,2 posto 2011. godine što je ispod prosjeka EU-a od 23 posto.<sup>1</sup>

Proteklih dvadesetak godina tripartitni socijalni dijalog u Hrvatskoj formalno gledano bio je bolje razvijen, iako je imao slabe rezultate. S druge strane, bipartitni dijalog, ondje gdje ga je bilo, imao je zamjetne rezultate u pogledu ugovaranja kolektivnih ugovora. U slučajevima gdje je bipartitni dijalog bio uspostavljen, u pravilu je riječ o pregovaranju na razini poduzeća, dok je granski bipartitni dijalog uglavnom nerazvijen. Razlozi nedostatne proširenosti bipartitnog (naročito granskog) socijalnog dijaloga kompleksni su i upućuju na strukturne nedostatke industrijskih odnosa u Hrvatskoj. Kao važniji razlozi slabosti bipartitnog dijaloga mogu se izdvojiti: općenito slaba tradicija socijalnog dijaloga, niska pokrivenost zaposlenika u privatnom sektoru kolektivnim ugovorima, fragmentiranost sindikata, nespremnost privatnog sektora da prihvati sindikate kao partnere, učestalo korištenje instrumenta proširivanja kolektivnog ugovora na čitavu djelatnost te nedostatni kapaciteti sindikata i poslodavaca.

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<sup>1</sup> European Trade Union Institute. Worker participation in Europe. 2011.  
<http://www.worker-participation.eu/National-Industrial-Relations/Across-Europe/Trade-Unions2>  
(stanje: 27. 9. 2012)

Namjera je ovog rada analizirati stanje i tendencije u području industrijskih odnosa u Hrvatskoj u vrijeme gospodarske krize kako bi se izradile *policy* preporuke za daljnji razvoj tog područja. Gospodarska kriza koja od 2008. utječe na cjelokupni društveni razvoj Hrvatske snažno se odražava na industrijske odnose, koji su tijekom 2012. dospjeli u sam vrh javnog interesa. Kriza je dovela u pitanje ustaljene obrasce industrijskih odnosa u Hrvatskoj i od socijalnih partnera zahtijeva propitivanje dosadašnjih strategija djelovanja. Nepovoljne ekonomske okolnosti objektivno ne pogoduju razvoju industrijskih odnosa, no kriza se može shvatiti i kao prilika za nalaženje kvalitetnijih rješenja, što je u općem društvenom interesu.

OKVIR ZA RAZVOJ  
INDUSTRIJSKIH ODNOSA  
U REPUBLICI HRVATSKOJ



## ZAKONODAVNI I POLICY OKVIR

Ustavom je Republika Hrvatska određena kao demokratska i socijalna država u kojoj su odredbe o socijalnoj pravdi prepoznate kao najviše vrijednosti ustavnog poretka (čl. 1, čl. 3).<sup>2</sup> Industrijski odnosi u užem smislu određeni su pravom zaposlenih da radi zaštite svojih ekonomskih i socijalnih interesa osnivaju sindikate uz određene iznimke gdje se sindikalno organiziranje može ograničiti zakonom. Ustav Republike Hrvatske svakom građaninu jamči pravo na rad i pravo na štrajk, koje se može ograničiti u oružanim snagama i redarstvu (čl. 59) te u državnoj upravi i javnim službama (čl. 60). Hrvatska je ratificirala 57 pravno obvezujućih konvencija Međunarodne organizacije rada vezanih za industrijske odnose.

Najvažniji pravni akt kojim se uređuju industrijski odnosi u Hrvatskoj jest Zakon o radu – ZOR (NN, 149/09, 61/11). Prvi ZOR donesen je 1995. godine, a od tada do danas zakon se mijenjao pet puta. Područje industrijskih odnosa razmatra se u ZOR-u u ukupno pet glava koje donose odredbe o sudjelovanju radnika u odlučivanju, sindikatima i udrugama poslodavaca, kolektivnim ugovorima, štrajku i rješavanju kolektivnih radnih sporova te Gospodarsko-socijalnom vijeću. Najznačajnije promjene ZOR-a bile su u 2003. godini kada su skraćeni otkazni rokovi kod otkaza ugovora o radu na inicijativu poslodavaca te smanjen iznos otpremnina.<sup>3</sup> ZOR propisuje da štrajk mora biti najavljen, a prije početka strane u sporu moraju pristupiti mirenju pred miriteljima koje stranke biraju s liste miritelja utvrđene od strane Gospodarsko-socijalnog vijeća (GSV).

16

Zakon o radu propisuje tzv. dualni sustav prema kojem su radnici prema poslodavcu predstavljeni putem sindikata i radničkih vijeća. Radničko vijeće štiti i promiče interese radnika zaposlenih kod određenog poslodavca, savjetovanjem, suodlučivanjem ili pregovorima s poslodavcem o pitanjima važnim za položaj radnika. Ipak, radničko vijeće ne smije sudjelovati u pripremi ili ostvarivanju industrijskih akcija i ne može kolektivno pregovarati, jer su za ta pitanja ovlašteni isključivo sindikati. Velikoj fragmentaciji sindikalne scene doprinose odredbe Zakona o radu prema kojima je za osnutak sindikata dovoljno 10 osoba (čl. 232).

Uz ZOR postoji nekoliko drugih zakona koji su važni za sustav industrijskih odnosa koji će se detaljnije razmatrati u poglavljima koja sljede.

U ožujku 2007. Vlada je potpisala Zajednički memorandum o socijalnom uključivanju (engl. JIM – Joint Inclusion Memorandum) s Europskom komisijom čime su počele aktivnosti u sklopu Pretpristupne strategije za Hrvatsku u području socijalnog uključivanja. Dokument iznosi da socijalni dijalog u zemlji nije na zadovoljavajućoj

2 Ustav Republike Hrvatske (NN 56/90, 135/97, 8/98, 113/00, 124/00, 28/01, 41/01, 55/01, 76/10, 85/10).

3 Izmjenama ZOR-a 2003. godine maksimalno trajanje otkaznog roka skraćeno je sa šest na tri mjeseca, a gornja granica iznosa otpremnine ograničena je na šest prosječnih plaća.

razini jer je pozitivna praksa češće iznimka nego pravilo. Naročita kritika upućena je socijalnom dijalogu na razini industrijskih grana i kompanija, gdje se navodi da opstrukcija rada sindikalnih povjerenika i predstavnika radnika predstavlja učestaliju praksu.<sup>4</sup> Kao provedbene dokumente JAP-a Vlada RH do sada je izradila tri Nacionalna provedbena plana za socijalno uključivanje (2007.–2008.; 2009.–2010.; 2011.–2012.).

U travnju 2008. godine Vlada je zaključkom prihvatila Zajednički memorandum o prioritetima politike zapošljavanja RH (engl. JAP – Joint Assessment of the Employment Policy Priorities). Zajednički memorandum pripremljen je u sklopu Pretpristupne strategije za RH i predstavlja dogovoreni skup ciljeva politike zapošljavanja neophodnih za unaprjeđenje transformacije hrvatskog tržišta rada i pripremu za pristup EU-u. Kao osobito velik problem u području industrijskih odnosa u Hrvatskoj dokument ističe fragmentiranost sindikata i pitanja vezano uz njihovu reprezentativnost.<sup>5</sup> Prema Zajedničkom memorandumu dobro upravljanje usklađeno s pravnom stečevinom EU-a mora postati kamen temeljac strategije reforme hrvatskog tržišta rada, a socijalni partneri, predstavnici poslodavaca i radnika, imaju glavnu ulogu u tom procesu.<sup>6</sup> Vlada je do sada izradila dva dvogodišnja Nacionalna plana za poticanje zapošljavanja (2009.–2010. i 2011.–2012.) u kojima se utvrđuju odgovornosti, definiraju zadaće i potiče zajedničko djelovanje nadležnih tijela državne uprave i javnih ustanova u provedbi JAP-a.

U programu Vlade RH za mandat 2011.–2015. iznosi se snažna potpora sindikalnom djelovanju te radničkoj participaciji i suodlučivanju. Vlada navodi da će poduzeti nove oblike radničke participacije, vodeći se iskustvima zemalja koje su na tom planu postigle najviše.<sup>7</sup>

## GLAVNI AKTERI INDUSTRIJSKIH ODNOSA

Glavni su akteri industrijskih odnosa radnici organizirani kroz sindikate i druge oblike zajedničkog djelovanja, javna vlast na središnjoj, regionalnoj i lokalnoj razini te poslodavci organizirani u različite udruge.

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4 Vlada Republike Hrvatske. Zajednički memorandum o socijalnom uključivanju Republike Hrvatske. Zagreb, 5. ožujka 2007. Str. 51.

5 Vlada Republike Hrvatske. Zajednički memorandum o prioritetima politike zapošljavanja Republike Hrvatske. Bruxelles, 28. svibnja 2008. Str. 44.

6 Ibid., str. 44. i str. 54. Kao prioritete u području dobrog upravljanja JAP ističe: značajno uključivanje socijalnih partnera u implementaciju JAP-a; razvoj strategije dvostranog dijaloga i socijalnog dijaloga na sektorskoj razini; određivanje jasnih kriterija za predstavnike socijalnih partnera u različitim gospodarsko-socijalnim vijećima te pokretanje programa za jačanje kapaciteta organizacija socijalnih partnera (ibid. Str. 54).

7 Vlada Republike Hrvatske. Program Vlade Republike Hrvatske za mandat 2011.–2015. Zagreb, prosinac 2011. Str. 34-35.

U Hrvatskoj je registrirano pet sindikalnih središnjica, koje su do srpnja 2012. zadovoljavale uvjete reprezentativnosti sindikalnih središnjica sukladno Zakonu o određivanju zastupljenosti udruga sindikata više razine u tripartitnim tijelima na nacionalnoj razini iz 1999. godine (NN 19/99). U te sindikalne središnjice ubrajaju se: Nezavisni hrvatski sindikati (NHS), Savez samostalnih sindikata Hrvatske (SSSH), Matica hrvatskih sindikata (MSH), Hrvatska udruga sindikata (HUS), te Udruga radničkih sindikata Hrvatske (URSH). Za razliku od radnika, koji su organizirani u velikom broju sindikata, poslodavci su organizirani u relativno malom broju poslodavačkih udruga. Poslodavce u tripartitnim tijelima na nacionalnoj i županijskoj razini predstavlja jedna udruga poslodavaca. Riječ je o Hrvatskoj udruzi poslodavaca (HUP), no aktivne su i druge, primjerice Savez neovisnih udruga poslodavaca i Konfederacija hrvatske industrije i poduzetnika. Ostale udruge okupljaju veći broj poslodavaca, ali ne sudjeluju u tripartitnim tijelima. Za razliku od sindikata, kod udruga poslodavaca reprezentativnost za sudjelovanje u tripartitnim tijelima nije utvrđivala zakonom do stupanja na snagu Zakona o reprezentativnosti (srpanj, 2012).

Javna vlast sudjeluje u tripartitnom pregovaranju kroz tijela na nacionalnoj i regionalnoj odnosno lokalnoj razini. Koordinacijsko tijelo koje je Vlada osnovala u 2012. godini jest Samostalna služba za socijalno partnerstvo, koja djeluje u sklopu Ministarstva rada i mirovinskog sustava (MRMS), a zamijenila je dotadašnji Ured za socijalno partnerstvo.

18

Gospodarsko-socijalno vijeće (GSV) predstavlja najviši oblik tripartitnog socijalnog dijaloga u Hrvatskoj. Ono je savjetodavno tijelo sastavljeno od predstavnika Vlade, udruga poslodavaca više razine te udruga sindikata više razine za koje je utvrđeno da ispunjavaju uvjete reprezentativnosti. Nadležnost GSV-a između ostalog uključuje predlaganje mjera za vođenje usklađene gospodarske, socijalne i razvojne politike, predlaganje vođenja usklađene politike cijena i plaća, davanje mišljenja o prijedlozima zakona iz područja rada, gospodarstva i socijalne sigurnosti te poticanje mirnog rješavanja kolektivnih i individualnih radnih sporova (Tablica 1).

## Okvir I. Nadležnosti Gospodarsko socijalnog vijeća RH

- promiče ideju trostrane suradnje Vlade, udruga sindikata i udruga poslodavaca na razmatranju i rješavanju gospodarskih i socijalnih pitanja i problema;
- prati i ocjenjuje utjecaj gospodarske politike i mjera gospodarske politike na socijalnu stabilnost i razvoj;
- prati, izučava i ocjenjuje utjecaj socijalne politike i mjera socijalne politike na socijalnu stabilnost i razvoj;
- predlaže mjere za vođenje usklađene gospodarske, socijalne i razvojne politike;
- ocjenjuje i daje mišljenje o mjerama za ostvarivanje makroekonomske stabilnosti, konkurentnosti gospodarstva i uravnotežen gospodarski i socijalni razvoj;
- daje mišljenje o prijedlogu Državnog proračuna;
- prati, izučava i ocjenjuje utjecaj promjena cijena i plaća na gospodarsku i socijalnu stabilnost i razvoj;
- predlaže Vladi, poslodavcima i sindikatima, odnosno njihovim udrugama i udrugama više razine, vođenje usklađene politike cijena i plaća;
- prati stanje na području zapošljavanja, mirovinskog i zdravstvenog osiguranja, obrazovanja i usklađivanja tržišta rada i zaštite na radu te predlaže mjere za njihovo poticanje i unapređenje;
- daje mišljenje o prijedlozima zakona iz područja rada, gospodarstva i socijalne sigurnosti;
- raspravlja i može dati mišljenje o prijedlozima drugih zakona i propisa od javnog interesa;
- potiče sklapanje i primjenu kolektivnih ugovora;
- daje obrazloženo mišljenje ministru nadležnom za rad o svim pitanjima i problemima vezanim uz sklapanje i primjenu kolektivnih ugovora te procjenu učinka proširenja kolektivnog ugovora;
- potiče mirno rješavanje kolektivnih i individualnih radnih sporova;
- utvrđuje listu miritelja u kolektivnim radnim sporovima;
- donosi pravilnik o načinu izbora miritelja i provođenju postupka mirenja u rješavanju kolektivnih radnih sporova;
- daje mišljenje i prijedloge ministru nadležnom za rad u vezi s drugim pitanjima uređenim Zakonom o radu;
- prati primjenu zakona iz područja rada i socijalne sigurnosti;
- prati ostvarivanje zaštite prava iz rada i socijalne sigurnosti i predlaže mjere za unapređivanje;
- usvaja izvještaj o radu Vijeća i njegovih radnih tijela.

Prvi sporazum o osnivanju, nadležnosti i djelovanju GSV-a potpisan je 1994. godine. Od tada se taj dokument u nekoliko navrata mijenjao. Trenutačno važećim sporazumom, usvojenim u veljači 2012. godine (NN 18/12), ukinut je Ured za socijalno partnerstvo te je osnovana Samostalna služba za socijalno partnerstvo, no osim toga taj sporazum bitno ne mijenja odredbe prethodnog sporazuma, usvojenog u ožujku 2011. Naime Vlada je tijekom ožujka 2011. postigla dogovor o poboljšanju rada GSV-a i Ureda Vlade za socijalno partnerstvo sa sindikalnim središnjicama i HUP-om. Nakon prethodno gotovo jednogodišnje stanke GSV je ponovo počeo raditi na novim osnovama. Ocjenjuje se kako su se do tada aktivnosti GSV-a uglavnom svodile na zakonodavstvo te na inicijative koje proizlaze iz instituta mirenja, dok su opća gospodarska pitanja i pitanja od interesa za pojedina poduzeća bila bitno zapostavljena. Nadalje, problem se ogledao i u praksi donošenja odluka nadglasavanjem socijalnih partnera, dostavi materijala s prekratkim rokovima za očitovanje te ignoriranju ključnih problema (Novaković, 2011.). Treba, međutim, napomenuti da su se, nevezano za zastoj u održavanju sjednica GSV-a na nacionalnoj razini, županijski GSV-ovi tijekom 2010. kontinuirano sastajali.

20

Kao što je istaknuto ključna promjena u radu GSV-a nastupila je usvajanjem Sporazuma o radu GSV-a iz ožujka 2011. Uz taj sporazum doneseni su i novi upravni akti tog tijela te je uspostavljen Savjet za unapređenje tripartitnog socijalnog dijaloga u RH.<sup>8</sup> Sporazumom o radu GSV-a iz ožujka 2011. Vlada se obvezala nastojati materijale učiniti dostupnima članovima GSV-a najmanje sedam dana prije sjednice. Nadalje, ustanovljeno je da prigodom očitovanja Vlade u Hrvatskom saboru o određenim zakonima i drugim aktima predstavnik Vlade dužan je izvjestiti zastupnike i o mišljenju GSV-a. Tako je ojačana savjetodavna uloga GSV-a, jer je prethodno postojala samo obveza da se nacrtima zakona i drugih akata prilažu mišljenja GSV-a. Najvažnije, sporazumom iz ožujka 2011. pozicija sindikata ojačana je zato što je unesen instrument izdvojenog mišljenja. Taj instrument nalaže da u slučaju nemogućnosti postizanja konsenzusa o nekom pitanju prigodom obavještanja javnosti o stajalištima GSV-a treba iznijeti i izdvojeno mišljenje pojedinog socijalnog partnera. U svibnju 2011. GSV je donio smjernice za osnivanje, ustrojstvo i djelovanje GSV-ova u jedinicama područne (regionalne) samouprave, kojima su dane upute za daljnji rad imajući u vidu reformu nacionalnog GSV-a.

Broj članova GSV-a ovisi o broju reprezentativnih udruga sindikata više razine. Vlada i socijalni partneri imaju jednak broj predstavnika u GSV-u, a svaki predstavnik u Vijeću ima zamjenika. Budući da je registrirano pet reprezentativnih sindikalnih središnjica, GSV trenutno broji 15 članova. Sukladno poslovniku o radu GSV-a i

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8 Savjet prati realizaciju preuzetih obveza svih dionika i daje preporuke za unapređenje međusobne suradnje. Sastoji se od pet članova: predstavnik poslodavaca, predstavnik sindikalnih središnjica, predstavnik Vlade RH te dva neovisna člana, stručnjaka za područje socijalnog dijaloga, a sastaje se najmanje jednom u tri mjeseca.

njegovih radnih tijela redovita sjednica GSV-a saziva se jednom mjesečno. GSV ima stalna i povremena radna tijela. Stalna su radna tijela Vijeća povjerenstva, a povremena radne skupine.<sup>9</sup>

Odlukom Europskoga gospodarskog i socijalnog odbora EU-a osnovan je 2007. godine Zajednički odbor civilnog društva EU-a i RH (kasnije je ime promijenjeno u Zajednički savjetodavni odbor EU-RH). Zadatak je Odbora uspostavljanje dodatnog institucionalnog oblika dijaloga tijela Europske unije i RH, poticanje javnih rasprava o posljedicama članstva u EU-u te općenito doprinos jačanju civilnoga društva, uz naglasak na sva gospodarska i socijalna pitanja koja se odnose na Sporazum o stabilizaciji i pridruživanju. Odbor čini jednak broj članova iz Europskoga gospodarskog i socijalnog odbora i predstavnika gospodarskih i socijalnih interesnih skupina iz Hrvatske. Vlada RH sudjeluje u radu Odbora u statusu promatrača, a Samostalna služba za socijalno partnerstvo Ministarstva rada i mirovinskoga sustava (MRMS) obavlja poslove tajništva Odbora. Nakon ulaska u članstvo EU-a Hrvatska će djelovati izravno u Ekonomskom i socijalnom odboru EU-a putem svojih devet zastupnika.

### ***Sindikati i druga predstavništva radnika***

U Hrvatskoj su registrirana ukupno 534 sindikata od kojih 237 djeluje na području dviju ili više županija. Prema posljednjem prebrojavanju (2009.), ukupan broj članova sindikata je 423.964, što ukazuje na značajnu gustoću (35%) čak i prema europskim standardima.<sup>10</sup> Ipak, razlike u sindikalnoj gustoći važno su obilježje hrvatskoga sindikalnog pokreta. Evidentirane su velike razlike sindikalne gustoće između javnog sektora u širem smislu (68%) i privatnog sektora (oko 17%) kao i razlike u privatnom sektoru između privatiziranih poduzeća (31%) i novoosnovanih poduzeća (9%), a uočavaju se i razlike između velikih (oko 40%) i malih poduzeća (oko 3%; detaljnije vidjeti u: Bagić, 2010, 256). Prema podacima Ministarstva rada i mirovinskog sustava (1. svibnja 2012.) sindikati su udruženi u 24 udruge više razine od kojih je 5 središnjica reprezentativno na nacionalnoj razini.

Najmlađa i trenutačno najveća sindikalna središnjica Nezavisni hrvatski sindikati (NHS) osnovana je u veljači 1999. godine spajanjem Konfederacije nezavisnih sindikata Hrvatske i Koordinacije hrvatskih sindikata javnih službenika i namještenika. Središnjica okuplja ukupno 61 sindikat uglavnom iz državnog i javnog, ali i iz privat-

9 Stalna radna tijela GSV-a su: Povjerenstvo za politiku plaća, porezni sustav i životni standard; Povjerenstvo za socijalnu politiku; Povjerenstvo za zapošljavanje, obrazovanje i usklađivanje s tržištem rada; Povjerenstvo za zakonodavstvo, kolektivne pregovore i zaštitu prava; Povjerenstvo za održivi razvoj, poticanje gospodarstva, energetiku i klimatske promjene.

10 Podaci iz prezentacije Marka Krištofa, pomoćnika ministra u Ministarstvu rada i mirovinskog sustava na JIM/JAP konferenciji „Rad i socijalna politika RH u EU kontekstu“ održanoj u Zagrebu 22. svibnja 2012.

nog sektora. NHS ima oko 125.000 članova. Nezavisni hrvatski sindikati učlanjeni su u Međunarodnu konfederaciju sindikata (ITUC), Europsku konfederaciju sindikata (ETUC) i Europski centar za radnička pitanja (EZA).

Savez samostalnih sindikata Hrvatske (SSSH) kao nezavisna i dobrovoljna interesna organizacija sindikata osnovana je 13. svibnja 1990. godine. Danas SSSH okuplja 17 granskih sindikata, oko 110.000 radnika. Riječ je o značajnoj sindikalnoj središnjici oko koje su velikim dijelom okupljeni sindikati uslužnih i industrijskih djelatnosti privatnog sektora, no ima i onih iz javnog sektora. SSSH je punopravan član Europske konfederacije sindikata (ETUC) te Međunarodne konfederacije sindikata (ITUC).

Matica hrvatskih sindikata (MHS) osnovana je 1993. godine kao Matica hrvatskih sindikata javnih djelatnika. MHS okuplja više od 64.000 članova udruženih u 10 sindikata. Većina je sindikata udruženih u MHS iz javnog sektora, posebice obrazovanja, zdravstva i socijalne skrbi. MHS nije član Europske konfederacije sindikata (ETUC), ali neki njegovi članovi jesu.

Hrvatska udruga sindikata (HUS) osnovana je u prosincu 1990. godine pod imenom Hrvatska unija sindikata. Godine 1992. godine ime se mijenja i od tada organizacija djeluje pod sadašnjim imenom. HUS okuplja sindikate koji pretežno djeluju u brodogradnji, metalnoj industriji, naftnoj i kemijskoj industriji, lučkoj djelatnosti, poljoprivrednoj i prehrambenoj industriji, trgovini, ugostiteljstvu, turizmu, osiguranju, prometu i vezama, državnoj upravi i predškolskom odgoju. HUS broji oko 45.000 članova i okuplja 70 sindikata. Nije član Europske konfederacije sindikata (ETUC), ali neki njegovi članovi jesu.

Udruga radničkih sindikata Hrvatske (URSH) osnovana je u lipnju 1994. godine pod nazivom Udruga radničkih sindikata javnih poduzeća Hrvatske radi udruživanja svih sindikata javnih poduzeća u jednu sindikalnu središnjicu. S vremenom su i sindikati drugih djelatnosti pokazali zanimanje za učlanjenje u URSH i iduće godine Udruga dobiva svoje sadašnje ime. U nju je udruženo 45 sindikata, iz različitih djelatnosti i različite vrste, a ima oko 24.000 članova. URSH je 1995. godine postao članom Europske federacije javnih službenika (EUROFEDOP), koja djeluje u sklopu Međunarodne konfederacije javnih službenika (INFEDOP).

Tablica 1. Komparativni pregled reprezentativnih sindikalnih središnjica i udruga poslodavaca u RH prema osnovnim obilježjima prije donošenja Zakona o reprezentativnosti

Središnjica / udruga	Godina osnutka	Broj uključenih sindikata / poslodavaca	Broj članova / radnika	Područje djelatnosti	Međunarodna umreženost	Predsjednik
<b>Udruge sindikata</b>						
Nezavisni hrvatski sindikati (NHS)	1999.	61	125.000	Uglavnom državni i javni sektor; dijelom i privatni sektor	ETUC EZA	Krešimir Se
Savez samostalnih sindikata Hrvatske (SSSH)	1990.	17	110.000	Privatni sektor; uslužne i industrijske djelatnosti, djelomično javni sektor	ETUC ITUC	Mladen Novosel
Matica hrvatskih sindikata (MHS)	1993.	10	64.000	Javni sektor (obrazovanje, zdravstvo, socijalna skrb), predstavnici gospodarstva	Neki članovi su u ETUC-u	Vilim Ribić
Hrvatska udruga sindikata (HUS)	1990.	70	45.000	Brodogradnja, metalna, naftna i kemijska industrija, poljoprivreda, prehrambena industrija, trgovina, ugostiteljstvo, turizam, osiguranje, promet i veze, državna uprava i predškolski odgoj	Neki članovi su u ETUC-u	Ozren Matijašević
Udruga radničkih sindikata Hrvatske (URSH)	1994.	45	24.000	Sindikati javnih poduzeća iz različitih djelatnosti	EUROFEDOP INFEDOP	Damir Jakuš
<b>Udruge poslodavaca</b>						
Hrvatska udruga poslodavaca (HUP)	1993.	6000	400.000	Promicanje interesa različitih gospodarskih grana, 3 regionalna ureda, 25 granskih udruga.	BUSINESSEUROPE UEAPME (pridruženo članstvo)	Ivica Mudričić

Izvor: Kompilacija autora na temelju web stranica i izravnih kontakata s reprezentativnim nacionalnim udrugama sindikata i reprezentativnom udrugom poslodavaca više razine (stanje 2012.).



### ***Udruge poslodavaca***

Broj udruga poslodavaca višestruko je manji od broja registriranih sindikata. U svibnju 2012. godine u registru udruga poslodavaca pri Ministarstvu rada i mirovinskog sustava bile su registrirane 52 udruge poslodavaca uglavnom prema sektorskom pristupu (primjerice Udruga poslodavaca tekstilne i kožne industrije Hrvatske, Udruga poslodavaca drvne i papirne industrije i sl.).

Hrvatska udruga poslodavaca (HUP) jedina je reprezentativna udruga poslodavaca na hrvatskoj tripartitnoj sceni. HUP je osnovan 1993. godine kao dobrovoljna, neprofitna i neovisna udruga poslodavaca više razine koja štiti i promiče prava i interese svojih članova. HUP danas ima više od 6000 članova, koji zapošljavaju 400.000 radnika. Rad HUP-a organiziran je kroz 3 regionalna ureda (u Rijeci, Osijeku i Splitu) te kroz 25 granskih udruga, kojima je omogućena zaštita i promicanje specifičnih interesa različitih gospodarskih grana. Granske udruge HUP-a zastupaju sektorske interese u zemlji te u odnosu prema europskim sektorskim organizacijama poslodavaca. Kroz BUSINESSEUROPE, ali i kroz europska krovna sektorska udruženja, HUP aktivno sudjeluje u svim oblicima socijalnog dijaloga na razini EU-a.

24

Konfederacija hrvatske industrije i poduzetnika svojim ne ulaskom u GSV sukladno zahtjevima iz 2004. i 2008. izgubila je velik broj članova. Konfederacija danas djeluje kao krovna udruga koja okuplja deset samostalnih udruga iz različitih djelatnosti unutar kojih su kao članice uključena poduzeća s ukupno 365 zaposlenih radnika. Od važnijih ne reprezentativnih udruga poslodavaca treba još istaknuti Savez nezavisnih udruga poslodavaca.

### ***Središnja i lokalna vlast***

Vlada sudjeluje u tripartitnom pregovaranju kroz svoja tijela na nacionalnoj i regionalnoj odnosno lokalnoj razini. Nakon što je u prosincu 2011. godine sastavljena nova Vlada RH, osnovana je Samostalna služba za socijalno partnerstvo u sklopu MRMS-a.<sup>11</sup> Služba je preuzela poslove Ureda za socijalno partnerstvo osnovanog na nacionalnoj razini 2001. godine, koji je obavljao organizacijske, stručne, administrativno-tehničke i druge poslove za potrebe nacionalnog GSV-a i njegovih povremenih i stalnih radnih tijela. Ured je obavljao i poslove vezane uz organiziranje i provođenje postupaka mirnog rješavanja kolektivnih i individualnih radnih sporova, a djelovao je i u svojstvu tajništva Zajedničkog savjetodavnog odbora EU-RH. Uz poslove na nacionalnoj razini Ured je radio i kao koordinator aktivnosti GSV-a u jedinicama lokalne i regionalne samouprave.

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11 Za službu je nadležan pomoćnik ministra Marko Krištof.

Na lokalnoj i regionalnoj razini osnovani su županijski GSV-i radi suradnje na jačanju međusobnog povjerenja i dijeljenju zajedničkih ciljeva u gospodarsko-socijalnom razvitku županija. Takav oblik rada podržava usmjerenje javnih vlasti k decentralizaciji upravljanja i poticanju lokalnog razvoja.

## SUSTAV KOLEKTIVNOG PREGOVARANJA

Kolektivnim ugovorom uređuju se prava i obveze stranaka – socijalnih partnera u kolektivnom pregovaranju. Ugovor može uređivati i pravila za sklapanje tog ugovora, sadržaj i prestanak radnih odnosa, pitanja radničkog vijeća, pitanja socijalnog osiguranja, pravila o sastavu i djelovanju tijela ovlaštenih za mirno rješavanje kolektivnih radnih sporova te druga pitanja iz radnih odnosa. Stranke kolektivnog ugovora mogu biti jedan ili više poslodavaca ili njihove udruge, a na strani radnika jedan ili više sindikata ili njihove udruge. Ako je na području za koje se sklapa kolektivni ugovor zastupljeno više sindikata, odnosno udruga sindikata više razine, poslodavac može o sklapanju kolektivnog ugovora pregovarati samo s pregovaračkim odborom sastavljenim od zastupnika sindikata.<sup>12</sup> O broju članova i sastavu pregovaračkog odbora odlučuju sindikati sporazumno, no ako se ne mogu sporazumjeti, o tome odlučuje GSV odnosno ministar ako GSV nije osnovan.

Kolektivni ugovor može se sklopiti na određeno ili na neodređeno vrijeme; ugovor sklopljen na određeno vrijeme ne smije se zaključiti za razdoblje duže od pet godina. ZOR predviđa da se, ako kolektivnim ugovorom nije drugačije određeno, nakon isteka roka na koji je sklopljen kolektivni ugovor njime uređena pitanja i dalje primjenjuju do sklapanja novog kolektivnog ugovora.<sup>13</sup> Ministar može na prijedlog stranke kolektivnog ugovora proširiti njegovu primjenu na osobe koje nisu sudjele u njegovom sklapanju, odnosno nisu mu naknadno pristupile.<sup>14</sup> Tu odluku ministar može donijeti ako iz procjene učinaka proizlazi javni interes za proširenje kolektivnog ugovora i ako je utvrđeno da su kolektivni ugovor zaključili sindikati koji na određenom području imaju najviše članova i udruga poslodavaca koja ima najviše radnika.

Prema podacima MRMS-a, koje vodi evidenciju kolektivnih ugovora koji se primjenjuju na području dviju ili više županija, 1. svibnja 2012. u RH na snazi je bio 141 kolektivni ugovor; od toga 16 granskih. Pet granskih ugovora prošireno je na sve poslodavce i radnike u djelatnostima trgovine, ugostiteljstva, graditeljstva, putničkih agencija, drvne i papirne industrije. Trenutačno ne postoje podaci o broju kolektivnih ugovora koji su na snazi u samo jednoj županiji, a ukupan broj nacionalnih

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12 ZOR čl. 254.

13 Ibid., čl. 262.

14 Ibid., čl. 267.

kolektivnih ugovora može biti i veći jer postoji mogućnost da neke stranke nisu prijavile sklopljene kolektivne ugovore. Prema podacima istraživanja provedenog 2010. godine broj županijskih kolektivnih ugovora bio je 685, pa je uvelike nadmašivao broj nacionalnih ugovora – njih 160 (Bagić, 2010, 179).

Primjeri iz prakse govore da poslodavci pokazuju veći interes za sklapanje kolektivnih ugovora na razini poduzeća nego za kolektivno pregovaranje na razini grane, sektora ili regije. Tome u prilog govori i činjenica da danas u Hrvatskoj postoji vrlo malo kolektivnih ugovora na razini djelatnosti, sektora ili regije (Rebac, 2010, 101). Iako ne postoji službena statistika koja bi pratila pokrivenost kolektivnim ugovorima, prema procjeni iz 2010. temeljenoj na podacima o broju zaposlenih u djelatnostima za koje postoje registrirani kolektivni ugovori (Bagić, 2010, 198), opća pokrivenost kolektivnim ugovorima iznosi oko 61%. Od toga je 44% u privatnom sektoru i gotovo 100% u javnom sektoru, što je bolje od prosjeka u ostalim tranzicijskim zemljama. Ipak, čini se, to je postignuto većinom proširivanjem neažurnih granskih kolektivnih ugovora, od kojih su neki istekli ili zahtijevaju nove pregovore.

GOSPODARSKA KRIZA  
I IZAZOVI SOCIJALNOG  
DIJALOGA

## EKONOMSKE I SOCIJALNE DIMENZIJE KRIZE

Učinci svjetske financijske i gospodarske krize na hrvatsko gospodarstvo bili su najizraženiji tijekom 2009. godine kada su rezultirali snažnim padom BDP-a (-6%), povećanjem proračunskog deficita, rastom javnog i vanjskog duga te smanjenjem priljeva inozemnih stranih ulaganja (Tablica 3). Nakon dvije godine uzastopnog pada, BDP je u 2011. stagnirao, ali novi val recesijskih kretanja nastavljen je u 2012. godini. Uz produljenu recesiju u EU-u tome su značajno pridonijele unutarnje slabosti hrvatskoga gospodarstva. Znakovi blagog oporavka mogu se očekivati tek u 2013., pod uvjetom da se problemi u eurozoni dodatno ne pogoršavaju.

Tablica 2. Odabrani makroekonomski indikatori za Hrvatsku

Indikator	2008	2009	2010	2011	2012 prognoza	2013 prognoza
BDP, realna godišnja stopa rasta (%) <sup>1</sup>	2,2	-6,0	-1,2	0,0	-1,2	0,8
BDP po stanovniku (EUR) <sup>2</sup>	10.722	10.111	10.394	10.427	-	-
Proračunski deficit (% BDP) <sup>1</sup>	-1,4	-4,1	-4,9	-5,0	-5,1	-5,0
Javni dug (% BDP-a) <sup>1</sup>	28,7	35,0	41,2	45,7	51,3	57,1
Vanjski dug (% BDP-a) <sup>2</sup>	85,4	101,0	101,2	99,6	-	-
Prosječna godišnja stopa inflacije (%) <sup>2</sup>	6,1	2,4	1,1	2,3	-	-
Stopa nezaposlenosti (%) <sup>3</sup>	8,4	9,1	11,8	13,5	-	-
Stopa zaposlenosti (%) <sup>4</sup>	57,8	56,6	54,0	52,4	-	-
Izravne strane investicije (milijuni EUR) <sup>5</sup>	4.218	2.415	0.297	1.074	-	-

Izvori:

- 1 European Commission. European Economic Forecast Spring 2012. European Economy 1/2012.
- 2 Hrvatska narodna banka. Bilten 184. God. XVIII. Zagreb, rujan 2012.
- 3 Eurostat. Unemployment rate, annual average, by sex and age groups (%). August, 2012.
- 4 Eurostat. Employment rates by sex, age and nationality (%). September, 2012.
- 5 Hrvatska narodna banka. Inozemna izravna strana ulaganja u Republiku Hrvatsku (u milijunima EUR). Srpanj 2012. <http://www.hnb.hr/statistika/hstatistika.htm> (stanje: 27. 9. 2012)

Hrvatsko gospodarstvo u globalnim razmjerima bilježi kontinuirani pad konkurentnosti mjerene prema metodologiji Svjetskog gospodarskog foruma (World Economic Forum – WEF) od 2007. godine nadalje, uz iznimku 2011. kada je ostvaren mali pozitivni pomak za samo jedno mjesto. Prema posljednjem izvješću o globalnoj konkurentnosti, Hrvatska je u 2012. godini zabilježila pad konkurentnosti za 5 mjesta te se spustila na 81. mjesto od ukupno 144 zemlje, a među zemljama regije nalazi se iza Crne Gore i Makedonije. Rezultati za 2012. pokazuju da je u Hrvatskoj

zabilježeno malo poboljšanje ocjene efikasnosti tržišta rada, ali je ono i dalje na vrlo niskoj razini (106. mjesto na ljestvici konkurentnosti)<sup>15</sup>.

Suprotno spomenutim kretanjima, Fitch Ratings je u rujanskom izvješću u 2012. godini za Hrvatsku<sup>16</sup> revidirao njezin kreditni rejting od onog s negativnim izgledom u stabilan. Hrvatska je naime od 2009. nadalje imala ocjenu BBB- uz negativne izgleda. Pozitivna promjena kreditnog rejtinga (koja i dalje zadržava ocjenu BBB- ali sa stabilnim izgledom) rezultat je ocjene Fitch-a da je Hrvatska postigla napredak u rješavanju problema javnih financija te uspostavila jaku poreznu disciplinu. Istodobno, Fitch očekuje da će izmjene radnog zakonodavstva i kolektivnih ugovora omogućiti fleksibilnije plaće u javnom sektoru i veće mogućnosti otpuštanja, bez čega se teško može očekivati novo zapošljavanje.

Kriza se odrazila i na tržište rada. Uzrokovala je porast nezaposlenosti i pad stope zaposlenosti; sa samo 52,4% zaposlenog stanovništva u 2011. godini u udjelu radno sposobnog stanovništva između 15 i 64 godine Hrvatska je na začelju, iza svih EU-27 zemalja članica.<sup>17</sup> U pogledu nezaposlenosti, populacija mladih skupina je najviše pogođena posljedicama krize: prema Eurostatu je u Hrvatskoj nezaposlenost na razini opće populacije u 2011. iznosila 13,5%, a među mladima od 25 godina bila je čak 36,1%.<sup>18</sup> Istodobno na razini EU-a nezaposlenost mladih bila je komparativno manja – 21,4% u odnosu na opću stopu nezaposlenosti od 9,7%. Ranjivost mladih u Hrvatskoj na krizu može se objasniti činjenicom da se većinom zapošljavaju na određeno vrijeme, pa imaju puno manju sigurnost zaposlenja u odnosu na druge dobne skupine. Uz to, poseban problem na tržištu rada u Hrvatskoj predstavlja velik broj dugotrajno nezaposlenih. Prema podacima Eurostata za 2011. godinu na razini EU-a broj dugotrajno nezaposlenih iznosio je 4,1%, a njihov broj u Hrvatskoj bio je 8,6%.<sup>19</sup>

Predviđanja za Hrvatsku ukazuju da će u 2012. godini biti iznimno teško održati čak i onu razinu proizvodnje i zaposlenosti kakva je bila u prethodnoj godini. To znači da je nužno što prije provesti značajne promjene na gospodarskom i socijalnom planu kako bi se započele ostvarivati pretpostavke za promjenu gospodarskih trendova u pozitivnom smjeru u razdoblju nakon 2013. Ključni izazov koji stoji pred Hrvatskom je osigurati uvjete za ekonomski oporavak i rast uz očuvanje ma-

15 World Economic Forum. The Global Competitiveness Report 2012–2013. Geneve. 2012. Str: 146-147.

16 Fitch Ratings. Croatia: Fiscal Policy Key to Maintain Investment Grade. September, 2012. <http://www.fitchratings.com> (stanje: 27. 9. 2012)

17 Eurostat. Employment rates by sex, age and nationality (%). September, 2012. [http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=lfsa\\_ergan&lang=en](http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=lfsa_ergan&lang=en) (stanje: 27. 9. 2012)

18 Eurostat. Unemployment rate, annual average, by sex and age groups (%). August, 2012. <http://appsso.eurostat.ec.europa.eu/nui/setupModifyTableLayout.do> (stanje: 27. 9. 2012)

19 Eurostat. Long-term unemployment - Annual average, by sex (%). July, 2012. [http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=une\\_ltu\\_a&lang=en](http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=une_ltu_a&lang=en) (stanje: 27. 9. 2012)

kroekonomske stabilnosti, što se planira ostvariti poticanjem investicijske aktivnosti, provođenjem fiskalne konsolidacije te intenziviranjem strukturnih reformi.<sup>20</sup> To podrazumijeva nužnost svodenja javnih financija u održive okvire u kratkom roku (uključujući nužno smanjenje javne potrošnje i jačanje efikasnosti javnog sektora), ali i ubrzano provođenje strukturnih reformi s ciljem ispravka neravnoteža te snaženje potencijala gospodarstva, imajući pri tome u vidu i socijalne aspekte mjera fiskalne politike.<sup>21</sup> Najznačajnija skupina rashoda proračuna opće države koja će se morati smanjivati u razdoblju do 2014. godine su socijalne naknade i naknade zaposlenima u javnim i državnim službama.

Ubrzavanje reforme tržišta rada jedna je od pretpostavki za efikasnije rješavanje pitanja koja se otvaraju u okviru industrijskih odnosa u Hrvatskoj. Vlada je stoga suočena s nužnošću racionalizacije rashoda državnog proračuna i provedbe mjera štednje koje su politički i društveno iznimno osjetljive.

## SOCIJALNI DIJALOG I INDUSTRIJSKI ODNOSI UVRIJEME KRIZE

### *Nacionalna razina*

Posljedice krize i bitno izmijenjene gospodarske okolnosti u velikoj su se mjeri reflektirale na industrijske odnose i socijalni dijalog u Hrvatskoj koji su značajno varirali intenzitetom i kvalitetom. Socijalni dijalog odvijao se u kontinuitetu u okviru uspostavljene organizacijske strukture do svibnja 2010. Zastoj u socijalnom dijalogu dogodio se nakon inicijative Vlade da u zakonodavnu proceduru uputi izmjene Zakona o radu koje bi omogućile ukidanje/skraćivanje produljene primjene kolektivnih ugovora. Sindikalne središnjice istupile su iz GSV-a i započele prikupljati potpise za provedbu referenduma o novom Zakonu o radu. Sindikati su prikupili oko 800.000 potpisa i Zakon o radu povučen je iz procedure.<sup>22</sup> Međutim, GSV se nije sastao sve do donošenja novog sporazuma o reguliranju njegovog rada u ožujku 2011.

U studenom 2010. sporazumom između Vlade i sindikata dogovoreno je da će se raspisati referendum kojim bi se utvrdilo da li građani prihvaćaju nova pravila o referendumskom izjašnjanju. Sukladno tim pravilima referendum bi trebalo raspisati ako se u roku od 30 dana uspije prikupiti 200.000 tisuća pot-

20 Vlada Republike Hrvatske. Pretpristupni ekonomski program 2012.-2014. Zagreb, veljača 2012. Str. 2.

21 Ibid., Str. 7.

22 Zakon o referendumu i drugim oblicima osobnog sudjelovanja u obavljanju državne vlasti i lokalne i područne (regionalne) samouprave, NN 33/96, 92/01, 44/06, 58/06, 69/07, 38/09, u članku 3. navodi da je za pokretanje referenduma o nekom pitanju mimo inicijative Vlade, Sabora i predsjednika Republike od građana potrebno sakupiti najmanje 10% potpisa registriranih birača. Sindikati su 2010. uspjeli prikupiti dvostruko više potpisa od predviđenog minimuma, a inicijativa predstavlja prvu takvu uspješnu inicijativu uopće.

pisa registriranih birača. Na taj način bitno bi se spustilo kriterije za raspisivanje referenduma, a inicijativa je popularno nazvana „referendum o referendumu”. U međuvremenu su se, međutim, promjenom vlasti u prosincu 2011. promijenile političke okolnosti i među političkim strankama nestalo je političke volje za podupiranje inicijative „referenduma o referendumu”. Sukladno tome, u okviru provedbe referenduma o pristupanju RH EU-u, održanog u siječnju 2012., nije se postavljalo pitanje spomenutog „referenduma o referendumu” kako se prvobitno namjeravalo.

Kao reakcija na učinke gospodarske krize, četiri sindikalne središnjice (SSSH, NHS, HUS i URSH) organizirale su 1. svibnja 2012. prosvjed u središtu Zagreba. Vladi i Hrvatskom saboru predali su simbolične „žute kartone” sa sindikalnim upozorenjima i zahtjevima. Od vladajuće koalicije sindikalisti su zatražili pokretanje gospodarstva bez izmjena Zakona o radu, očuvanje postojećih i otvaranje novih radnih mjesta, povećanje minimalne plaće, reformu mirovinskog sustava, koji mora biti javni sustav, te jačanje kolektivnih pregovora. U slučaju da Vlada i Sabor u razdoblju od godinu dana ne krenu putem za koji su dobili povjerenje građana na izborima u prosincu 2011., sindikalisti su najavili podijeliti „crvene kartone”. „Crveni karton” interpretiran je među sindikatima kao jedan od načina da se Vladi pokaže potreba za raspisivanjem prijevremenih izbora (Mladen Novosel, predsjednik SSSH-a). Unatoč teškoj socijalnoj situaciji, na prosvjedu se okupilo svega 2000 sindikalnih aktivista i građana.

31

Temeljni kolektivni ugovor (TKU) za javne službe trebao je isteći u listopadu 2013. godine, pa su zbog smanjenih proračunskih mogućnosti u lipnju 2012. počeli pregovori između Vlade i socijalnih partnera o izmjenama tog ugovora.<sup>23</sup> Vlada polazi od načela da Hrvatska mora prestati trošiti više nego što privređuje, što se nastoji postići ukidanjem određenih prava iz kolektivnih ugovora za javne i državne službe. U tom su svjetlu pregovori o izmjeni temeljnih kolektivnih ugovora usmjereni na ukidanje materijalnih prava radnika, kao što su božićnice, regres, jubilarne nagrade i naknade za prijevoz. Pokazuje se da je u tim pregovorima iznimno teško usuglasiti stajališta. Cilj kojim se Vlada rukovodi jest zadržati radnička prava u mjeri u kojoj je u otežanim uvjetima moguće, osigurati radna mjesta i redovito isplaćivati plaće. Dosadašnji pristup bio je drugačiji; prethodna Vlada potpisala je povoljniji kolektivni ugovor za javne službe očito ne sagledavajući dovoljno dugoročne posljedice. Uz ostala materijalna prava radnika treba naglasiti i činjenicu da je prema aneksu TKU za javne službe Vlada trebala 1. srpnja 2012. povišiti plaće u prosvjeti, znanosti i obrazovanju za 2,4%, a 1. siječnja 2013. trebalo bi uskladiti plaće temeljem sporazuma koji je nakon arbitraže prethodna Vlada potpisala potkraj 2011. za što se ne mogu osigurati sredstva iz smanjenog proračuna.<sup>24</sup>

23 Voditelj Vladinog pregovaračkog tima je Neven Mimica, potpredsjednik Vlade.

24 Intervju s ministrom rada i mirovinskog sustava Mirandom Mrsićem. Jutarnji list. 30. lipnja 2012.



Pregovori su pokazali različita stajališta Vlade i sindikata o načinima i mogućnostima izlaska iz krize te fragmentiranost i nemogućnost postizanja jedinstvenog stava sindikata vezano uz moguća rješenja kao i nedovoljnu razinu kulture socijalnog partnerstva za vođenje efikasnog socijalnog dijaloga. Prijedlog Vlade o nepovratnom ukidanju nekih materijalnih prava u 2012. i 2013. (božićnica, regres, jubilarne nagrade) nakon sedam rundi pregovora održanih tijekom lipnja i srpnja 2012. nije dobio podršku sindikata. Među sindikatima stavovi su bili podijeljeni. Četiri od osam sindikata odbila su taj prijedlog Vlade u namjeri da se dogovori obveza povrata naznačenih materijalnih prava za 2012. i 2013. nakon što nominalni rast BDP-a bude veći od 5%.

Sindikati hrvatskih učitelja, Hrvatski strukovni sindikat medicinskih sestara – medicinskih tehničara, Nezavisni sindikat zaposlenih u srednjim školama te Nezavisni sindikat znanosti i visokog obrazovanja nisu pristali na arbitražu, pa je početkom kolovoza Vlada najavila otkazivanje TKU-a za javne službe. Proces mirenja s navedena četiri sindikata kao posljednja mogućnost rješavanja problema prije otkazivanja počeo je krajem kolovoza, no nažalost nije uspio. Sindikati su tijekom mirenja u rujnu održali referendum među svojim članovima na kojem su dobili 90-postotnu potporu članstva za nepristajanje na nepovratno odricanje dijela materijalnih prava za 2012. i 2013. Vlada je nakon toga ustvrdila da proces mirenja nije uspio te je otkazala TKU-a. Radi usvajanja novog TKU-a za javne službe najavljeno je sastavljanje novog pregovaračkog odbora u skladu s pravilima Zakona o reprezentativnosti. Sve to govori da je riječ o dubokim i složenim problemima koji ukazuju na nedostatke socijalnog dijaloga te iziskuju veći stupanj spremnosti na kompromise i zajedničke koordinirane napore radi nalaženja prihvatljivog rješenja.

32

### **Sektorska razina**

Sektorski dijalog u Hrvatskoj se od početka jače razvijao kao tripartitni, a ne kao bipartitni dijalog, osnivanjem tripartitnih sektorskih vijeća u kojima sudjeluju središnice a ne granski sindikati. Iako je logika sektorskog dijaloga prvenstveno bipartitne prirode, treba napomenuti da sektorski i tripartitni socijalni dijalog nisu u koliziji i da se dopunjuju.

Prema podacima Ministarstva rada i mirovinskog sustava u Hrvatskoj je trenutačno na snazi 16 granskih kolektivnih ugovora. U prvoj godini krize (2008.) sklopljeno je ukupno sedam granskih kolektivnih ugovora: KU za hrvatske pomorce na brodovima u međunarodnoj plovidbi, KU za djelatnost drvne i papirne industrije, KU za znanost i visoko obrazovanje, granski KU za zaštitarsku djelatnost, KU za državne službenike i namještenike, KU za djelatnost socijalne skrbi te KU za javne službenike i namještenike Hrvatskog centra za razminiranje. Svi tada sklopljeni KU-a u međuvremenu su istekli, no idućih su godina za većinu navedenih područja sklopljeni novi ugovori. U 2009. nije bilo novosklopljenih KU-a, a u 2010. sklopljeno je pet ugovora koji su još na snazi: Temeljni KU za službenike i namještenike u javnim službama, KU za zaposlenike u sred-

njoškolskim ustanovama, KU za djelatnost zdravstva u privatnoj praksi Hrvatske, KU za znanost i visoko obrazovanje i KU za zaposlenike u osnovnoškolskim ustanovama.

Tijekom 2011. sklopljeni su: KU za zaposlenike u osnovnoškolskim ustanovama, Temeljni granski KU za zaštitarsku djelatnost, Granski KU za zaposlenike u ustanovama kulture čije se plaće osiguravaju iz državnog proračuna te KU za djelatnost socijalne skrbi. Svi ugovori sklopljeni 2011. još su na snazi, osim Temeljnog granskog KU-a za zaštitarsku djelatnost, koji je istekao u siječnju 2012. Tijekom 2012. na razdoblje od četiri godine sklopljen je KU za državne službenike i namještenike. U vrijeme krize došlo je do izmjena dvaju granskih KU-a koji su sklopljeni prije 2008. a još uvijek su na snazi - KU za ugostiteljstvo i KU za putničke agencije.

Posljednje dvije godine u Hrvatskoj su uloženi znatni naponi u uspostavu sektorskih vijeća i jačanje socijalnog dijaloga kako bi se, između ostalog, ispunile obveze preuzete JAP-om i uklonila primjedba Europske komisije o nedovoljnoj ravnoteži sektorskog i tripartitnog dijaloga u RH. Do sada su uspostavljena četiri sektorska socijalna vijeća. Sporazum o osnivanju socijalnog vijeća za sektor tekstila, obuće, kože i gume potpisan je 20. travnja 2010. Uslijedilo je potpisivanje Sporazuma za sektor šumarstva i drvne industrije (6. prosinca 2010.), za cestovni promet (9. prosinca 2011.) te za željeznice (30. svibnja 2012.). Sporazumima su utvrđeni svrha osnivanja socijalnih vijeća, načela suradnje, spremnost na otvoreni dijalog i poslovi koje će socijalna vijeća obavljati. Na sektorskoj razini krizom su najviše pogođeni prerađivačka industrija, graditeljstvo i obrt. Stoga je važno što prije ojačati sektorski socijalni dijalog u tim djelatnostima.

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Razvoj sektorskog socijalnog dijaloga otežava to što u mnogim granama ne postoje granski sindikati ili su slabiji od kućnih. Sindikalne podružnice u poduzećima često su „snažnije“ od nacionalnih sindikalnih središnjica, pa ne treba čuditi što su kućni kolektivni ugovori zastupljeniji od granskih. Zbog velikog broja aktera u sklopu granskog pregovaranja granski kolektivni ugovori u pravilu postavljaju minimalne standarde, pa sindikati nekada procjenjuju da im je isplativije pregovarati na razini poduzeća. Konačno, u mnogim granama ne postoje odgovarajuće udruge poslodavaca s kojima bi sindikati mogli pregovarati i kojima bi mogli upućivati inicijative.

### **Razina poduzeća**

Većinu industrijskih sindikata u RH čine tzv. *kućni sindikati*, dakle oni koji okupljaju sve zaposlene unutar jednog poduzeća, organizacije ili holdinga (Bagić, 2010, str. 116). Slabost takve organizacije postala je očita u vremenima krize, jer razjedinjeni sindikati vrlo često nisu u stanju na vrijeme reagirati na prijetnje iz okoline uzrokovane krizom. Jedan od učestalih problema u Hrvatskoj u vrijeme krize jest prekasno pokretanje stečajnog postupka – uglavnom ga pokreću radnici nakon što im mjesecima izostaju plaće, a tada je već prekasno za sustavna rješenja. Za vrijeme stečajnog postupka malo je mogućnosti za brigu o poslovanju, gubici rastu i mogućnosti spašavanja tvrtke na kraju su vrlo male.

## Okvir 2. Pozitivni i negativni primjeri iz prakse

Pozitivan je primjer slučaj trgovačkog lanca Pevec, nad kojim je krajem 2009. pokrenut stečajni postupak. Ekipe stručnjaka uspjela je kod većine vjerovnika osigurati povjerenje i podršku za preustroj posnule kompanije, a potom je polako pokrenut proces ponovnog otvaranja mjesecima zatvorenih trgovačkih centara. Stečaj Peveca specifičan je ne samo po broju vjerovnika i visini tražbina, već i po tome što je ta tvrtka bila u vlasništvu fizičkih osoba. Vlasnici nisu shvaćali da su oni odgovorni za nastala potraživanja vjerovnika i da se mogu namiriti tek nakon što se namire svi vjerovnici. Nakon što su stečajnim postupkom u trgovačkim centrima utvrđeni milijunski manjkovi, protiv vlasnika su podnesene kaznene prijave.

Ilustrativni su primjeri Croatia osiguranja i Hrvatske poštanske banke. Početkom 2012. Vlada je najavila prodaju vodeće hrvatske osiguravajuće kuće Croatia osiguranja te Hrvatske poštanske banke, jedine preostale banke u državnom vlasništvu. Ta privatizacija pozitivno bi se odrazila na državni proračun, no reakcije sindikata na taj potez bile su uglavnom negativne. Tako su se u NHS-u jasno usprotivili takvoj odluci Vlade, jer je riječ o stabilnim tvrtkama čija dobit i tržišni udjeli učestalo rastu. Najava moguće privatizacije kutinske Petrokemije izazvala je još oštrije reakcije sindikata, ponovno uz argumentaciju da je riječ o tvrtki koja pozitivno posluje. Krajem travnja 2012. Sindikat Petrokemije zajedno s predstavnicima HUS-a i Udrugom branitelja Petrokemije počeo je provoditi tajno izjašnjavanje radnika Petrokemije s pitanjem: „Jeste li za to da sindikati i Udruga hrvatskih branitelja Petrokemije pokreću i vode aktivnosti koje za cilj imaju zadržavanje većinskog državnog vlasništva u Petrokemiji?” Protivljenje privatizaciji povezano je s negativnim iskustvima privatizacije iz 90-ih godina, ali i kasnije, kada su u mnogim slučajevima namjerno uništavane tvrtke koje su dobro poslovale, a pojedinci su na kriminalan način iz toga izvlačili osobnu korist.

Kao odgovor na krizu dio poduzeća odlučio se na skraćivanje radnog tjedna, tj. na uvođenje neradnog petka, naročito u najugroženijim sektorima tekstila, drvoprerađivačke industrije i građevinarstva. Tim poduzećima Vlada je na inicijativu poslodavaca i sindikata u srpnju 2009. pokušala pomoći donošenjem Zakona o potpori za očuvanje radnih mjesta (NN 94/09, 88/10), kojim je država trebala pomoći financiranjem dijela obveza poslodavaca prema radniku. Nažalost, kriteriji koje poslodavci trebaju zadovoljiti kako bi mogli zatražiti takvu potporu previsoko su postavljeni, pa je potporu zatražilo tek nekoliko njih (Hanževački, 2010., 2). Kriza se odrazila i na povećanje broja radnika koji rade, a ne primaju plaću. Prema podacima Porezne uprave, krajem travnja 2012. plaću za veljaču nije isplatilo 3689 poslodavaca kod kojih je zaposleno 16.758 radnika. Prema nekim procjenama broj radnika koji rade a ne primaju plaću nekoliko je puta veći od službenih podataka, no zbog načina prikupljanja to se u službenoj evidenciji ne vidi (Rebac, 2010., 148).

## STAVOVI SOCIJALNIH PARTNERA

Stavovi koji se daju u nastavku predstavljaju rezultate osobnih intervjua s predstavnicima socijalnih partnera u Hrvatskoj.<sup>25</sup>

### *Ocjena kvalitete socijalnog dijaloga*

- Predstavnici poslodavaca i sindikata smatraju da je socijalni dijalog na zadovoljavajućoj razini samo formalno, imajući u vidu pravnu podlogu i organizacijske strukture. No, obje strane ocjenjuju da se socijalni dijalog u praksi još uvijek ne shvaća dovoljno kao mehanizam za uključivanje socijalnih partnera u oblikovanje javnih politika.<sup>26</sup>
- Sindikati i poslodavci razlikuju socijalni dijalog u razdoblju krize za vrijeme prethodne i sadašnje Vlade RH. Ocjenjuju da je socijalni dijalog bio kvalitetniji i intenzivniji s prethodnom Vladom, koja je u dva mandata stekla više iskustva u vođenju socijalnog dijaloga. Sastanci su bili učestaliji, vodila se debata i brojni su zahtjevi ugrađeni u zakone (primjerice javno-privatno partnerstvo, javne nabave, obrazovanje). No, i tada primjećuju da je većina dogovora ostala na razini obećanja.<sup>27</sup>
- Prema ocjeni sindikata, sadašnja Vlada smanjila je učestalost sastanaka sa socijalnim partnerima (GSV). Komunikacijski kanali slabije funkcioniraju i velik dio komunikacije događa se putem medija.
- Materijali se ne dostavljaju na vrijeme, neki važni zakoni (poput Općeg poreznog zakona i Zakona o financijskom poslovanju) nisu dostavljeni na očitovanje, a rokovi za očitovanje prekratki su.
- Problem slabog intenziteta socijalnog dijaloga u početnom razdoblju mandata nove Vlade objašnjava se u državnoj upravi (MRMS) nepostojanjem pravnog temelja, potrebom ustrojavanja ministarstava i uspostave sustava (planiranje aktivnosti ministarstava za iskazivanje interesa socijalnih partnera za rad u radnim grupama, imenovanje koordinatora po ministarstvima itd.) te nužnošću provedbe edukacije o socijalnom dijalogu. Iz državne uprave se, međutim, također upozo-

25 Pri analizi stavova o socijalnom partnerstvu treba imati u vidu da se na intervju odazvalo četiri predstavnika reprezentativnih udruga sindikata više razine, jedan predstavnik reprezentativne udruge poslodavaca više razine, te jedan predstavnik Ministarstva rada i mirovinskog sustava. Intervjui su provedeni tijekom svibnja i lipnja 2012.

26 Sindikati i poslodavci vide socijalni dijalog kao kanal preko kojeg mogu lobirati prema Vladi. Upitno je međutim je li to krajnja svrha socijalnog dijaloga, ili je krajnja svrha postizanje tripartitnih kompromisa.

27 Inzistiranje na boljoj kvaliteti socijalnog dijaloga za vrijeme bivše Vlade može se protumačiti i kao sredstvo pritiska na novu Vladu, od koje su socijalni partneri puno očekivali. Ne treba smetnuti s uma da se upravo za mandata bivše Vlade nacionalni GSV nije sastao gotovo godinu dana. Ustupci koje je bivša Vlada Sporazumom o GSV-u iz ožujka 2011. učinila prema socijalnim partnerima dogodili su se u zadnjoj godini mandata te ih je potrebno tumačiti i u tom kontekstu.

rava na strukturne slabosti socijalnog dijaloga, koje se ogledaju u malom broju formiranih sektorskih vijeća, dosadašnjim niskim kriterijima nacionalne reprezentativnosti te malobrojnim inicijativama socijalnih partnera.

### **Ocjena kapaciteta, aktivnosti, učinkovitosti i utjecaja socijalnih partnera**

- Kapaciteti sindikata i njihovo shvaćanje organizacijske strukture međusobno se razlikuju. Predstavnici sindikalnih središnjica (MHS) naglašavaju da je u Zapadnoj Europi omjer članova i zaposlenih u središnjici 1000 : 1 i da bi prema tom omjeru u hrvatskim središnjicama trebalo biti oko 450 zaposlenih, a ima ih stotinjak što upućuje na nedovoljan kapacitet središnjica. Ocjenjuje se da samo neke središnjice mogu kompetentno i na vrijeme reagirati na sva kretanja u RH vezano uz prijedloge i izmjene zakona. U NHS-u kao trenutačno najvećoj sindikalnoj središnjici vrlo je malo zaposlenih, a MHS nema zaposlenih u središnjici, već samo u udruženim sindikatima.<sup>28</sup>
- Karakteristika sindikalne scene u RH jest veliko članstvo i slabe središnjice, što može rezultirati jačom neravnotežom u trenutku kada neki veći sindikat napusti središnjicu. Slabost središnjica pripisuju „pucanju” veze između središnjice i članstva jer sindikalni čelnici često ne predstavljaju članstvo već predsjednike sindikata udruženih u središnjice koji često ne iskazuju autentične interese članstva (MHS).
- Sindikalna imovina također je prepreka učinkovitijem djelovanju. Sporazum među središnjicama o podjeli sindikalne imovine nije se provodio na odgovarajući način, pa sindikati i dalje nemaju primjerene prostore u kojima mogu djelovati (MHS).
- Mediji u velikoj mjeri pridonose diskreditiranju sindikalnog pokreta umjesto da objektivno informiraju javnost o aktivnostima i postignućima (SSSH). Ocjenjuje se da pridonose konfrontaciji radnika u privatnom sektoru i zaposlenika u javnom sektoru uz podršku javnih vlasti.<sup>29</sup> Sindikati ocjenjuju da Vlada ne ulaže dovoljno napora da sindikatima objasni zakonitosti koje vladaju u vrijeme krize. Nadalje, upozoravaju na problem nedovoljnih kadrovskih kapaciteta države za vođenje kvalitetnog socijalnog dijaloga.<sup>30</sup>

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28 Zakon o kriterijima za sudjelovanje u tripartitnim tijelima i reprezentativnosti za kolektivno pregovaranje usvojen na sjednici Sabora 13. srpnja 2012. godine (NN 82/12) propisuje da svaka reprezentativna udruga sindikata ili poslodavaca mora imati barem pet zaposlenih osoba, čime se nastoji unaprijediti kapacitete socijalnih partnera.

29 Neslaganje sindikata i medija dijelom se može objasniti činjenicom da su mediji uglavnom u privatnom vlasništvu, no to naravno nije opravdanje za često nedovoljno objektivno informiranje o sindikatima i industrijskim odnosima u cjelini.

30 Ova primjedba je utemeljena, jer Samostalna služba za socijalno partnerstvo MRMS-a zapošljava svega pet osoba, od kojih je samo jedna zaposlena na neodređeno vrijeme.

- Poslodavci (HUP) ocjenjuju svoje kapacitete zadovoljavajućim (44 zaposlena, tri regionalna ureda i središnji ured) navodeći da mogu pokriti sve potrebne aktivnosti vezane uz socijalni dijalog iako se osjeća potreba za edukacijom i specijalizacijom. Kapacitete poslodavaca smatra primjerenim i državna uprava. Sindikalne središnjice pak ocjenjuju da je problem poslodavaca uskogrudnost, tj. razmišljanje iz perspektive vlastitih interesa ne vodeći računa o općem dobru. Nadalje procjenjuju da je HUP mnogo bolje povezan s javnom vlašću. To djelomice objašnjavaju time što mediji i šira javnost HUP nerijetko izjednačavaju s pojmom „gospodarstvo” iako to nije točno.
- U državnoj upravi (MRMS) objašnjavaju da je s novom Vladom u organizacijskom smislu došlo do određenih konceptualnih promjena. Sadašnja Samostalna služba za socijalni dijalog ne sudjeluje na Vladinim koordinacijama kao institucija nego kao sastavni dio ministarstva. U MRMS-u očekuju da će socijalni dijalog u jačem zamahu krenuti uskoro, nakon šire edukacije svih koordinatora po ministarstvima za socijalno partnerstvo. Koordinator za socijalni dijalog bit će dužnosnik uz kojega će u svakom ministarstvu biti zadužena i jedna tehnička osoba.
- MRMS radi na izradi novog portala za socijalno partnerstvo na koji će se prebaciti dio tripartitnih konzultacija. Ondje će biti dostupan plan rada GSV-a, a komentari socijalnih partnera bit će posebno istaknuti (budući da se konzultacije s njima provode na drugoj institucionaliziranoj razini od konzultacija koje se provode prema kodeksu savjetovanja s općom zainteresiranom javnošću).<sup>31</sup>
- Utjecaj socijalnih partnera ocjenjuju sindikati i poslodavci nedovoljnim, naročito za mandata nove Vlade. Nakon prvih šest mjeseci nove Vlade saborski odbori nisu otvorili mogućnost sudjelovanja vanjskim članovima. Poslovnik Odbora za zakonodavstvo Hrvatskoga sabora ne predviđa da poslodavci i sindikati u njemu imaju svoje predstavnike. U upravnim vijećima Zavoda za zapošljavanje, Hrvatskoga zavoda za zdravstveno osiguranje i Hrvatskoga zavoda za mirovinsko osiguranje mijenja se razina utjecaja smanjivanjem broja predstavnika socijalnih partnera (NHS).
- U Hrvatskoj ne postoji cjelovit sustavni pristup analitičkom praćenju i evidentiranju pokazatelja o industrijskim odnosima te za mnoga pitanja ne postoji analitička osnova. Ulaskom u EU Hrvatska će biti uključena u statističko praćenje Europskoga sindikalnog instituta što bi trebalo poboljšati transparentnost. Također nedostaju kvalitetne analize stanja i trendova na planu industrijskih odnosa koje bi se provele u suradnji sindikata i nezavisnih stručnjaka iz znanstvenih institucija (SSSH).

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31 Takav portal potreban je i dobrodošao. On međutim ne bi smio poslužiti kao zamjena za neke oblike socijalnog dijaloga, već kao njihova tehnička nadopuna.

### **Ocjena institucionalnog okvira za industrijske odnose**

- Sindikati ocjenjuju da je Sporazum o radu GSV-a koji je bivša Vlada sklopila sa socijalnim partnerima početkom 2011. unio pozitivne promjene jer je uvođenjem instituta izdvojenog mišljenja prestala praksa nadglasavanja sindikata od strane Vlade i poslodavaca. Suprotan je stav u državnoj upravi (MRMS), gdje ističu da taj sporazum socijalnim partnerima daje mogućnost sudjelovanja u radnim grupama vezano uz izradu bilo kojeg zakona, dakle i onih koji nemaju veze sa socijalnim dijalogom.<sup>32</sup>
- Sindikati i poslodavci slažu se da se ukidanje Ureda za socijalno partnerstvo, tj. njegovo transformiranje u Samostalnu službu za socijalno partnerstvo negativno odrazilo na socijalni dijalog u Hrvatskoj. Ocjenjuju da je Ured za socijalno partnerstvo posredovao u organiziranju sastanaka GSV-a, dok Samostalna služba nije nastavila takvu praksu.
- Spomenuta promjena ustroja obrazlaže se u državnoj upravi (MRMS) time što je došlo do promjene koncepta kojim se nastojalo ojačati, a ne oslabiti socijalni dijalog. Socijalni dijalog je, naglašavaju, prirodno povezan s radnim odnosima, pa je zbog toga Ured pridružen Ministarstvu rada i mirovinskog sustava. Na taj se način socijalni dijalog nastojao podići na višu razinu, jer je ministar izravno nadležan za socijalni dijalog i djeluje kao predsjednik GSV-a od strane Vlade. Sukladno novom konceptu, nastojat će se nalaziti nova rješenja dogovorom triju strana, a ne medijacijom Vladinog ureda između dviju strana.
- Predstavnici sindikalnih središnjica nisu jedinstveni u ocjeni dualnog sustava predstavljanja radnika putem sindikata i radničkih vijeća. Prevladava stajalište kako su radnička vijeća pokušaj da se na „mala vrata” umanjí snaga sindikata. Ipak, prisutno je i mišljenje da radnička vijeća pridonose razvoju industrijskih odnosa jer dopunjavaju rad sindikata. Prema ocjeni SSSH-a, županijski GSV-i realno nemaju velikog utjecaja i njihovi se sastanci većinom svode na razmjenu informacija.

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### **Ocjena bipartitnog i tripartitnog socijalnog dijaloga**

- Socijalni partneri jedinstveni su u mišljenju da je u Hrvatskoj razvijeniji tripartizam (koji je preuzet od irskog modela) dok je bipartizam tek na začetu te ocjenjuju da je tripartitni model socijalnog dijaloga primjereniji sadašnjem razvojnom trenutku u kojem je država još uvijek vlasnik u velikom broju poduzeća, a tako

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32 Praksa u industrijskim odnosima pokazuje da su vlade u različitim razdobljima svojeg mandata u različitoj mjeri zainteresirane za industrijske odnose. U prvom dijelu mandata fokus je najčešće na provedbi programa kojim su dobiveni izbori, a ne na jačanju industrijskih odnosa, koji se nerjetko doživljavaju kao prepreka efikasnoj provedbi programa. U drugom dijelu mandata vlade se više koncentriraju na nove izbore, te jača interes za industrijske odnose kao instrument jačanja pozitivnog imidža u javnosti.

i nezaobilazan čimbenik u socijalnom dijalogu.<sup>33</sup> Na teškoće razvoja bipartitnog dijaloga upućuje činjenica da dva od četiriju sektorskih vijeća djeluju tripartitno. Unatoč tome, svi socijalni partneri ističu uspjehe sektorskog vijeća za cestovni promet, koji djeluje bipartitno. Očekuju da će se s pristupanjem EU-u socijalni dijalog unaprijediti te da će s obzirom na europsku tradiciju granska razina pregovaranja i bipartitne konzultacije dobiti na značaju.<sup>34</sup>

- Pojedini sindikati (SSSH) napominju da ne sudjeluju u radu tripartitnih sektorskih vijeća jer ih nisu autonomno osnovale udruge poslodavaca i sindikata tih sektora već udruge više razine (središnjice) što nije dobar temelj za razvoj bipartitnog socijalnog dijaloga. U MRMS-u naglašavaju da je u sklopu IPA Operativnog programa razvoja ljudskih potencijala predviđena nova komponenta za razvoj socijalnog dijaloga iz koje će se moći financirati daljnji razvoj bipartizma.

### Ocjena sektorskog dijaloga

- Iz perspektive sindikata osnovne su prepreke razvoju sektorskog socijalnog dijaloga nedostatak kapaciteta (obiju strana), pomanjkanje vizije razvoja pojedinih sektora te nesposobnost cjelovitog sagledavanja i mogućih rješenja problema s kojima će se pojedini sektori vrlo skoro suočiti. Zaključuje se da sektorski socijalni dijalog nije prepoznat kao efikasan mehanizam rješavanja specifičnih sektorskih problema Hrvatske (SSSH).<sup>35</sup>
- Poslodavci izražavaju zadovoljstvo radom sektorskih socijalnih vijeća. To obrazlažu činjenicom da upravo oni poslodavci koji djeluju u nekom sektoru najbolje poznaju vlastite potrebe te stoga mogu o njima najbolje sami raspravljati, a to je puno bolje od rasprave na razini nacionalnog GSV-a.
- U državnoj upravi (MRMS) ocjenjuju da intenzivniji rad na sektorskom dijalogu tek predstoji jer se u Hrvatskoj u posljednje tri četiri godine uspješno organizirati samo četiri sektorska vijeća od ukupno tridesetak koliko bi bilo potrebno.<sup>36</sup>

33 Gledano iz perspektive sektorskih vijeća bipartizam je na početku iako je u nekim poduzećima bipartitni socijalni dijalog vrlo dobro razvijen. Vežano uz tripartizam treba naglasiti da je promatrano iz perspektive ostvarivanja kompromisa oko važnih pitanja te sklapanja dugoročnih socijalnih sporazuma tripartitni socijalni dijalog ostvario slabe rezultate (Bagić, 2010., 208).

34 Treba međutim naglasiti kako taj stav ne uzima u obzir činjenicu da ne postoji jedinstvena europska tradicija industrijskih odnosa, tako da se ne može očekivati da će članstvo u EU-u djelovati na promjene u RH u točno određenom smjeru (Bagić, 2010., 91). Članstvo u EU-u trebalo bi se pozitivno odraziti na prikupljanje kompatibilnih statističkih podataka o industrijskim odnosima što može stvoriti preduvjete za unapređenje trenutačnog sustava.

35 Pri tome ipak treba imati u vidu da je za uspješnost socijalnog dijaloga ključno pitanja interesa, organiziranosti i sposobnosti da se drugu stranu pridobije na pregovaranje na određenoj razini što socijalni partneri ne naglašavaju u dovoljnoj mjeri.

36 Donekle je međutim upitno postoje li „grane“ u hrvatskom gospodarstvu u smislu industrijskih odnosa. U mnogim djelatnostima u Hrvatskoj postoji jedno ili dva velika poduzeća i mnoštvo malih, pa se postavlja pitanje može li se u takvim okolnostima govoriti o „grani“ i nekim zajedničkim „granskim“ interesima (Bagić, 2010., 186).



Razlog zbog kojeg se Vlada uključila u sektorska vijeća za šumarstvo i tekstil još uvijek je velik udio države u vlasničkoj strukturi tvrtki u tim sektorima.

### ***Stavovi o utjecaju krize na socijalni dijalog***

- U razdoblju krize socijalni su partneri nastojali pronaći odgovarajuća rješenja kako bi se ublažile negativne posljedice na gospodarstvo.
- Kao primjer funkcionalnog socijalnog dijaloga, u HUS-u ističu neradni petak. Napominju da je to rješenje ugovoreno između sindikata i uprave tvornice Radin iz Ravne gore kako bi se ublažili krizom uzrokovani poremećaji. Drugi je primjer funkcionalnog socijalnog dijaloga ugovaranje sve kraćih rokova kolektivnih ugovora na što su sindikati u privatnom sektoru pristali jer riječ je o realnoj mjeri u objektivno teškim gospodarskim okolnostima. Kao primjer izostanka socijalnog dijaloga u HUS-u ističu privatizaciju Brodosplita s obzirom na to da se dogodio sukob između Nezavisnog sindikata Brodosplita i novih vlasnika grupacije DIV. Nezavisni sindikat Brodosplita smatra da je Vlada pogodovala DIV-u, kao jedinom ozbiljnijem interesentu za Brodosplit kako bi ovaj ispunio uvjete natječaja. Vlada je u nadzorni odbor Brodosplita imenovala manjinski sindikat što u HUS-u drže nedopustivim.
- 40 • U MHS-u navode kako je Vladi u vremenima krize najvažnije smanjivati troškove te da stoga ne pokazuje istinsku želju za unapređenjem socijalnog dijaloga. To je vidljivo iz činjenice što Vlada započinje pregovore u javnom sektoru o ograničavanju prava iz kolektivnih ugovora upravo s državnom upravom kao najslabijom karikom. Smatraju da je pregovore trebalo početi s javnim poduzećima, koja financijski vrlo dobro stoje, umjesto s najslabijima.
- U NHS-u napominju da su se na područjima gdje se sa sindikatima razgovaralo pronašla rješenja za čuvanje radnih mjesta. Kao pozitivan primjer izdvajaju tvrtku Elektrokontakt. Uprava je počela razgovarati sa sindikatima o krizi još 2008. godine te su tako zadržali tvrtku, imajući u vidu činjenicu da su bili snažno izvozno orijentirani. Kao negativan primjer izdvajaju pitanje kolektivnih prava javnog sektora, gdje sindikati još od veljače traže razgovore, no Vlada je to otezala, a istodobno se protiv radnika vodio medijski rat.
- U SSSH-u navode da je kriza potencirala i pokazala sve slabosti dosadašnjeg društveno-ekonomskog koncepta i problematizirala (ne)sposobnost menadžerskog kadra. Napominju da se u građevinskom sektoru, koji je kriza najviše pogodila, upornim i dugotrajnijim socijalnim dijalogom u nekim slučajevima uspjelo spriječiti (ili ublažiti) otpuštanje radnika, uz cijenu pristajanja sindikata na niže plaće kada su iscrpljene sve druge mogućnosti.

UČINCI SOCIJALNOG  
DIJALOGA NA *POLICY*  
ODGOVORE

## PROMJENE ZAKONODAVNOG OKVIRA

Zakon o kriterijima za sudjelovanje u tripartitnim tijelima i reprezentativnosti za kolektivno pregovaranje (tzv. Zakon o reprezentativnosti) usvojen je na sjednici Hrvatskoga sabora 13. srpnja 2012. godine (NN 82/12). Njime su izmijenjene odredbe ZOR-a koje se odnose na produljeno trajanje kolektivnih ugovora. člankom 27. st. 1. Zakon je stavio izvan snage čl. 262. Zakona o radu te na taj način ograničio produljenu primjenu kolektivnih ugovora na razdoblje od tri mjeseca od isteka roka na koji je kolektivni ugovor sklopljen. Zakon definira kriterije za određivanje reprezentativnosti udruga sindikata i udruga poslodavaca za sudjelovanje u tripartitnim tijelima što je izazvalo nesuglasje pojedinih sindikata i stručnjaka.

Tablica 3. Uvjeti reprezentativnosti udruga poslodavaca i sindikata više razine

Udruge poslodavaca	Udruge sindikata
1. Najmanje šest mjeseci upisane u registar udruga poslodavaca više razine.	1. Najmanje šest mjeseci upisane u registar udruga sindikata više razine.
2. Udružuju najmanje tri tisuće poslodavaca ili u njih udruženi poslodavci zapošljavaju najmanje sto tisuća radnika.	2. Udruženi sindikati imaju najmanje pedeset tisuća radnika članova.
3. Udružuju najmanje pet udruga poslodavaca koje djeluju u različitim područjima.	3. Udružuju najmanje pet sindikata koji djeluju u različitim područjima.
4. Imaju područne urede u najmanje četiri županije.	4. Imaju područne urede u najmanje četiri županije.
5. Raspoložu potrebnim prostorom i drugim materijalnim uvjetima za rad te zapošljavaju najmanje pet radnika.	5. Raspoložu potrebnim prostorom i drugim materijalnim uvjetima za rad te zapošljavaju najmanje pet radnika.

Izvor: Zakon o kriterijima za sudjelovanje u tripartitnim tijelima i reprezentativnosti za kolektivno pregovaranje (NN 82/12)

Zakon o reprezentativnosti ukida i odredbe čl. 253. i 254. ZOR-a te istodobno daje pravo kolektivnog pregovaranja i pravo sklapanja kolektivnog ugovora samo onim sindikatima koji se smatraju „reprezentativnim” prema odredbama tog zakona. Sukladno Zakonu, reprezentativnim sindikatom smatra se sindikat koji kod poslodavca ili na području za koje se sklapa kolektivni ugovor ima najmanje dvadeset posto radnika članova od ukupnog broja sindikalno organiziranih radnika (čl. 8. st. 2.). Ako se pregovara za sklapanje kolektivnog ugovora na području u kojem djeluje sindikat čiji su članovi radnici iste struke, reprezentativnim sindikatom smatra se i sindikat koji ima najmanje četrdeset posto radnika članova od ukupnog broja radnika iste struke zaposlenih kod poslodavaca koji posluju na području za koje se sklapa kolektivni ugovor (čl. 8. st. 3.). Kao „strukovni sindikat” Zakon prepoznaje samo sindikat u kojem najmanje sedamdeset pet posto njegovih članova čine radnici iste struke (čl. 8. st. 4.).

Drugim riječima, stranka kolektivnog ugovora više ne može biti sindikat koji je „spreman i sposoban sredstvima pritiska štiti i promicati interese svojih članova”, već samo sindikat koji je „reprezentativan” za kolektivno pregovaranje. Samo takav „reprezentativni” sindikat ima ovlast sudjelovati u pregovaračkom odboru za pregovore o sklapanju kolektivnog ugovora (čl. 11. st. 1). Time se dodatno ograničava mogućnost korištenja prava na štrajk za one sindikate čija reprezentativnost nije utvrđena sukladno odredbama Zakona o reprezentativnosti. Naime, imajući u vidu da važeća sudska praksa hrvatskih sudova pravo na štrajk veže isključivo za kolektivno pregovaranje koje prethodi sklapanju kolektivnog ugovora, izgledno je da u budućnosti sindikati čija reprezentativnost nije utvrđena sukladno odredbama Zakona o reprezentativnosti neće moći inicirati štrajk jer temeljem tog zakona neće moći inicirati kolektivno pregovaranje koje prethodi sklapanju kolektivnog ugovora.

Treba napomenuti kako je inicijativa Vlade da putem Zakona o reprezentativnosti poslodavaca i sindikata izmijeni odredbu ZOR-a kojom se omogućava trajanje kolektivnih ugovora u produljenoj primjeni u samom početku naišla na negativne reakcije sindikalista. Iz NHS-a su upozorili da je to veliko nazadovanje u socijalnom dijalogu.<sup>37</sup> Ipak, dok su sindikati prikupljanjem potpisa za referendum poduzeli snažnu akciju kada je bivša Vlada izmjenama ZOR-a pokušala ukinuti produljenu primjenu kolektivnih ugovora, reakcija na ukidanje produljene primjene kroz Zakon o reprezentativnosti bila je prilično umjerena. Iz toga proizlazi da sindikati nisu bili čvrsti u stajalištu da brane produljenu primjenu. čini se da su prošli put iskoristili opće političko nezadovoljstvo Vladom da bi izvršili dodatni pritisak, a da sada osjećaju kako nemaju istu snagu i podršku.

43

Inicijativa za izmjenu Zakona o državnim službenicima,<sup>38</sup> koju je Vlada pokrenula u veljači 2012., naišla je na negodovanje sindikata. Pregovarački odbor Sindikata državnih i javnih službi odlučio je ne očitovati se o prijedlogu zakona koji im je dostavljen na očitovanje u prema njihovom mišljenju neprimjereno kratkom roku. Ocijenili su da je tim prijedlogom Vlada prekršila Sporazum o socijalnom partnerstvu u reformi državne uprave koji su sindikati sklopili s prethodnom Vladom, a koji obvezuje i aktualnu. Sukladno tom sporazumu Vlada je trebala uključiti sindikalne predstavnike u radne skupine za pripremu zakonskih prijedloga kojima se reguliraju status i plaće službenika i namještenika u državnoj upravi i regionalnoj i lokalnoj samoupravi.

37 Krešimir Sever, predsjednik NHS-a, u emisiji Kontroverze televizije Z1, svibanj 2012. Sever je odbacio tezu da bi ukidanje kolektivnih ugovora u produljenoj primjeni koristilo privatnom sektoru, jer bi se tada teret krize pravednije rasporedio između javnog i privatnog sektora. Naglasio je upravo suprotno, da snažni i dobro organizirani sindikati u javnom sektoru štite i privatni sektor, jer imaju sposobnost brzog reagiranja, okupljanja velikog broja građana, organiziranja paralizirajućih štrajkova itd.

38 Zakon o državnim službenicima (NN, 92/05, 142/06, 77/07, 127/07, 27/08, 34/11, 49/11, 150/11, 34/12, 49/12).

U svibnju 2012. godine usvojen je Zakon o poticanju zapošljavanja (NN, 57/12), koji je izazvao brojne rasprave socijalnih partnera. Zakon uvodi nekoliko novina u sustav zapošljavanja te predviđa oslobođenje doprinosa na plaću u trajanju do dvije godine (sada je to 15,4%) za poslodavce koji zaposle nezaposlene osobe bez radnog iskustva u zvanjima za koja su se obrazovala kao i za dugotrajno nezaposlene osobe koje su izvan radnog odnosa duže od dvije godine. Naime, zakonom je proširen krug osoba koje mogu koristiti mjeru stručnog osposobljavanja za rad bez zasnivanja radnog odnosa, a koja je na snazi od 2010. Zakon predviđa se da će država poslodavcu plaćati godinu dana mirovinskog doprinosa za mladu visokoobrazovanu osobu (do 35 godina) kojoj se omogućuje stjecanje godine dana radnog iskustva. Prema istom principu mirovinski se doprinosi dvije godine uplaćuju za mlade srednjoškolski obrazovane u obrtničkim zanimanjima. Mladi za svoj rad primaju naknadu od 1600 kuna, koju isplaćuje Hrvatski zavod za zapošljavanje. Prema podacima Hrvatskoga zavoda za zapošljavanje među poslodavcima vlada velik interes za provedbu novih mjera stručnog osposobljavanja za rad.

Vlada RH tijekom rujna 2012. godine najavila je skoro započinjanje procesa izmjene ZOR-a. Do sredine iduće godine trebala bi trajati javna rasprava, a usvajanje novoga zakona predviđa se za drugu polovicu 2013. Najavljeno je da novi ZOR neće ići za većom fleksibilizacijom otpuštanja i zapošljavanja, što već godinama zagovaraju poslodavci, jer u Vladi drže da je stupanj fleksibilizacije zadovoljavajuć, o čemu najbolje govori porast broja nezaposlenih u vrijeme krize. Najavljena je bolja regulacija rada u skraćenom radnom vremenu te ukidanje oštre granice između rada na određeno i rada na neodređeno vrijeme uvođenjem jedinstvenog ugovora o radu.

44

## FISKALNI INSTRUMENTI

Otkad su se počeli javljati prvi učinci krize Vlada je usvojila veći broj fiskalnih mjera kako bi se ublažile negativne posljedice krize na različite segmente – državni proračun, standard građana i društvo u cjelini. Te su mjere međutim izazvale različite reakcije socijalnih partnera.

Kao jedna od mjera za ublažavanje krize u početnom je razdoblju usvojen Zakon o posebnom porezu na plaće, mirovine i druge primitke, prozvan „krizni porez“ (NN, 94/09). Sukladno tom zakonu svi zaposleni koji primaju neto plaću od 3000 do 6000 kuna imali su obvezu plaćati na nju dodatni porez od 2%, a oni s neto plaćom iznad 6000 kuna plaćali su dodatni porez od 4%. Sindikati su od Ustavnog suda zatražili ocjenu ustavnosti tog zakona, a on je zaključio da je Zakon u skladu s Ustavom. Nakon što se iduće godine gospodarska situacija donekle stabilizirala, krizni porez je 1. srpnja 2010. ukinut. Prema istraživanju Dragana Bagića, MHS je odigrao značajnu ulogu u usmjeravanju Vladinih mjera za stabilizaciju javnih financija 2009. Glavni zahtjev MHS-a u pregovorima socijalnih partnera bila je ravnomjerna

raspodjela tereta na sve sektore i sve zaposlenike. Takav zahtjev išao je izravno protiv zahtjeva nekih drugih središnjica, poput SSSH-a te poslodavaca koji su zahtijevali smanjivanje javne potrošnje što bi značilo smanjivanje plaća za djelatnike u javnim službama i državnoj upravi (Bagić, 2010., 125).

Sljedeća mjera Vlade bilo je jednostrano poništavanje dogovora sa sindikatima javnih službi iz rujna 2008., kojim se radnicima jamčilo povećanje plaće od 6% (početak 2009.).<sup>39</sup> Zbog toga su sindikati javnih službi u svibnju 2009. organizirali štrajk u osnovnim i srednjim školama te na fakultetima, prekinut tek potpisivanjem novog sporazuma s Vladom. Tada je dogovoreno da će se od 1. siječnja 2010. plaće zaposlenih u javnim službama uskladiti s inflacijom i da će se nakon što se dva uzastopna tromjesečja zabilježi prosječni rast BDP-a od 2% djelatnicima vratiti 6% povišice sukladno dogovoru iz 2008.

Porez na dodanu vrijednost (PDV) dva puta se povećao. Nakon što je u kolovozu 2009. godine povećan s dotadašnjih 22% na 23%, u ožujku 2012. došlo je do novog povećanja, na 25%. Nova razina PDV-a donesena je u paketu s izmjenama drugih poreznih zakona. Izmijenjene su odredbe Zakona o porezu na dobit,<sup>40</sup> čime se sva reinvestirana dobit koja se unese u temeljni kapital oslobađa plaćanja poreza te se uvodi oporezivanje dividendi i udjela u dobiti po stopi od 12%. Izmijenjen je i Zakon o porezu na dohodak,<sup>41</sup> kojim se povećava osobni odbitak za zaposlene na 2200 kuna, a za umirovljenike na 3400 kuna čime je neoporeziva osnovica plaće povećana za 400 kuna. Novim Zakonom o porezu na dohodak izmijenjeni su porezni razredi iako porezne stope nisu mijenjane, a uveden je i oporezivi dohodak na dividendu za iznose veće od 12.000 kuna godišnje.

Izmjenom Zakona o doprinosima<sup>42</sup> smanjen je doprinos za zdravstveno osiguranje sa 15% na 13% čime se također nastojalo ublažiti negativne posljedice krize. Nadalje, 1. svibnja 2012. počela je primjena Vladine uredbe (NN, 49/12) koja onemogućava isplatu plaća bez uplate poreza i doprinosa. Naime, ocjenjeno je da u Hrvatskoj više od 21.000 poslodavaca ne uplaćuje doprinose za 121.000 radnika, što je mjesečno oko 80 milijuna kuna. Tu Vladinu odluku podržali su u sklopu GSV-a svi socijalni partneri, ali je naišla na negodovanje banaka, kojima bi pri implementaciji uredbe mogla biti potrebna pomoć poreznika.

Spomenute odredbe kojima su uvedene izmjene u porezni sustav sindikati su dočekali s negodovanjem. Tako su SSSH, NHS i URSH objavili zajedničko stajalište da zbog povećanja PDV-a cijena minimalne košarice raste za oko 1%, a njena po-

39 Matica hrvatskih sindikata. Opasne prijetnje našim plaćama. 2012. <http://www.matica-sindikata.hr/hr/novosti/> (stanje 20. 9. 2012)

40 Zakon o porezu na dobit NN, 177/04, 90/05, 57/06, 146/08, 80/10, 22/12.

41 Zakon o porezu na dohodak NN 177/04, 73/08, 80/10, 114/11, 22/12.

42 Zakon o doprinosima NN 84/08, 152/08, 94/09, 18/11, 22/12.

krivenost prosječnom plaćom smanjuje se za nešto više od 0,8%.<sup>43</sup> S obzirom na povećanje troškova života navodi se da je osobni odbitak trebalo povećati na razinu minimalne plaće (2814 kuna), a ne tek na 2200 kuna te da nije trebalo mijenjati porezne razrede. SSSH, NHS i URSH naglasili su potrebu oblikovanja porezne reforme prema načelu očuvanja kupovne moći plaća i mirovina jer to puni proračun i ujedno čuva radna mjesta.

Krajem travnja 2012. Vlada je prihvatila nacrt prijedloga Zakona o izmjenama i dopunama Općeg poreznog zakona te ga uputila u Sabor na prvo čitanje. Zakon je u Saboru usvojen u srpnju 2012.<sup>44</sup> Izmjenama Zakona definirani su uvjeti pod kojima će poreznici moći objaviti imena poreznih dužnika, što je kolokvijalno prozvano „stup srama“. Sukladno Zakonu imena dužnika objavljena su na listi dužnika čiji je ukupni iznos duga veći od 300.000 kuna za pravne osobe, veći od 100.000 kuna za fizičke osobe koje obavljaju djelatnost i veći od 15.000 kuna za sve ostale porezne obveznike. Na taj način nastoji se utjecati na smanjenje visoke nelikvidnosti u zemlji. Otvoreno je međutim pitanje ustavnosti ovog zakona i moguće reakcije Ustavnog suda.

Uz obrazloženje nužnosti usklađivanja s fiskalnim i energetske standardima EU-a Vlada je 1. svibnja 2012. izglasala povećanje cijena struje i plina za oko 20%. Reakcije sindikata (prvenstveno NHS-a) bile su vrlo negativne navodeći da nije bilo savjetovanja sa sindikatima putem GSV-a te da su cijene energenata povećane bez prethodnog konzultiranja struke.

46

Krajem rujna 2012. donesen je Zakon o financijskom poslovanju i predstečajnoj nagodbi (NN 108/12). Tim Zakonom strogo se definiraju rokovi plaćanja od 60 dana za poduzetnike i zdravstvo te 30 dana za državu. Ujedno se u slučaju nelikvidnosti ukida predstečajni postupak i uvodi predstečajna nagodba kao dio upravnog postupka u trajanju od 120 dana. Vlada smatra da se tim putem može riješiti nelikvidnost jer, za razliku od stečajnog upravnog postupka nudi mogućnost vrlo jasnog definiranja rokova.

Ministarstvo financija najavilo je donošenje još nekih mjera porezne politike za bolje punjenje proračuna. Tako je najavljeno uvođenje godišnjeg poreza na neiskorištenu imovinu u visini od 0,5% do 2% tržišne vrijednosti imovine, koja bi se svake godine ponovno određivala. Takav porez najviše bi mogao pogoditi banke, koje su zbog nemogućnosti poduzetnika i građana da servisiraju svoje kredite posljednjih godina došle u posjed velikog broja nekretnina. Spekulira se da bi takav porez mogao uzrokovati znatan pad još uvijek visoke cijene nekretnina u Hrvatskoj. Uvođenje tako visokog poreza na neiskorištenu imovinu te mogući pad cijene nekretnina mogli bi dodatno pogoditi građane, koji većinu osobnog kapitala još uvijek čuvaju u nekretninama.

43 Nezavisni hrvatski sindikati. Stajališta sindikalnih središnjica (SSSH-a NHS-a i URSH-a) vezano za izradu prijedloga i smjernica za izradu Proračuna za 2012. godinu. Veljača, 2012. [http://www.spuh.hr/portal/index.php?option=com\\_content&view=article&id=184:stajalita-sssh-a-nhs-a-i-urs-a-proraun&catid=1:latest-news&Itemid=50](http://www.spuh.hr/portal/index.php?option=com_content&view=article&id=184:stajalita-sssh-a-nhs-a-i-urs-a-proraun&catid=1:latest-news&Itemid=50) (stanje: 27. 9. 2012)

44 Opći porezni zakon NN 147/08, 18/11, 78/12.

## IZMJENE U SUSTAVU KOLEKTIVNOG PREGOVARANJA I FLEKSIBILNOST PLAĆA

U pogledu kolektivnog pregovaranja velika je razlika između javnog i privatnog sektora. Dok su u javnim službama i u poduzećima u većinskom državnom vlasništvu prava zaposlenih regulirana kolektivnim ugovorima, u privatnom sektoru, naročito u malim poduzećima, ne postoje kolektivni ugovori, osim ako granski kolektivni ugovor nije proširen na cijelu djelatnost (Hanževački, 2010). To dakako utječe na slabost svih sindikata koji djeluju u privatnom sektoru i koji su proteklih godina često pristajali na smanjivanje plaća i ukidanje nekih drugih prava, poput naknade za prijevoz ili topli obrok, samo da bi se očuvala radna mjesta.

Neuspjeh sindikalnih pregovarača da kolektivno u pregovorima postignu kvalitetnija dugoročna rješenja koja se tiču temeljnih standarda radnika vidi se iz: napuštanja veze plaća u javnom sektoru s rezultatima gospodarstva, vrlo slabog tretmana diskriminacije te spolne i dobne jednakosti u kolektivnim ugovorima, niske pozicije zaštite na radu u predmetu kolektivnog pregovaranja te iz nepromicanja sustava cjeloživotnog učenja (Rebac, 2010, 139). Osim toga pokazuje se da su u Hrvatskoj kolektivni ugovori zabrinjavajuće slični. Naime kolektivni ugovori za pojedine djelatnosti gotovo su identični „kućnim” kolektivnim ugovorima. Kolektivni ugovori sklopljeni za sve razine pregovaranja nalikuju jedan drugome jer sadrže veliku količinu odredaba koje su interpretacije ili opetovanje odredaba zakona, posebice ZOR-a. Kao takvi prema- 47

vezano uz politiku plaća, na inicijativu sindikata Hrvatski sabor je u lipnju 2008. donio Zakon o minimalnoj plaći (NN 57/08). Tim zakonom propisano je da se visina minimalne plaće izračunava na temelju prosječne bruto plaće u prethodnoj godini, uvećano za realni rast BDP-a iz prethodne godine prema objavi Državnog zavoda za statistiku. Prema mišljenju sindikalnih središnjica, u uvjetima krize zakonom predviđena formula za izračun minimalne plaće pokazala se neadekvatnom jer udio minimalne plaće u prosječnoj plaći kontinuirano pada (sa 39% 2009. na 36% 2012.).<sup>45</sup> Zbog toga su sve sindikalne središnjice tijekom travnja 2012. Vladi uputile inicijativu kojom traže izmjenu Zakona o minimalnoj plaći.

Prema preporukama sindikata, od 1. lipnja 2012. trebalo je omogućiti da minimalna bruto plaća za rad u punom radnom vremenu dostigne 40% prosječne mjesečne bruto plaće. Sindikati su također zatražili povećanje udjela minimalne plaće u prosječnoj plaći za dva posto godišnje, čime bi u idućih pet godina udio minimalne plaće u prosječnoj bruto plaći dosegnuo 50%. Upozoravaju da prosječna plaća u Hrvatskoj iznosi trećinu prosjeka EU-a te da 68% hrvatskih radnika prima plaću ispod prosječne, a oko 115.000 radnika (12%) prijavljeno je na minimalnu plaću.

45 Savez samostalnih sindikata Hrvatske. Inicijativa za izmjenom Zakona o minimalnoj plaći. Travanj, 2012. [http://www.sssh.hr/index.php?option=com\\_content&task=view&id=3537](http://www.sssh.hr/index.php?option=com_content&task=view&id=3537) (stanje: 15. 9. 2012)



Uz to, navodi se da bi se povećanje minimalne plaće pozitivno odrazilo na dodatnih oko 100.000 radnika kojima minimalna plaća predstavlja osnovu za izračun primanja. Reagirajući na inicijativu sindikata Vlada je najavila izmjenu Zakona o minimalnoj plaći.

Proces restrukturiranja pojedinih djelatnosti unutar javnog sektora koji je u tijeku mogao bi rezultirati smanjenjem broja zaposlenih, naročito u javnim državnim poduzećima (željeznice, brodogradnja). Sindikati smatraju da se pitanje racionalizacije broja zaposlenih ne bi smjelo rješavati otkazima; smatraju da bi trebalo posegnuti za instrumentima kao što su prekvalificiranje, prijevremeno umirovljenje, ograničenje novog zapošljavanja i slično.

U kontekstu već spomenutih pregovora Vlade sa sindikatima o izmjeni Temelnog kolektivnog ugovora za javne službe, treba spomenuti da su izvan mogućnosti revizije ostale samo osnovne plaće i materijalna prava koja se odnose na djecu zaposlenih u javnim službama (prije svega dar za djecu).

Tablica 4. Glavni ciljevi socijalnih partnera

<p>VLADA</p> <ul style="list-style-type: none"> <li>• osigurati uvjete za ekonomski oporavak i rast i sačuvati radna mjesta</li> <li>• smanjiti javnu potrošnju i povećati efikasnost javnog sektora</li> <li>• uvesti reda u sustav plaćanja koji obilježava visoka nelikvidnost</li> <li>• osigurati razvoj privatnog sektora i očuvati socijalni mir</li> </ul>
<p>POSLODAVCI</p> <ul style="list-style-type: none"> <li>• izmijeniti Zakon o radu kako bi se povećala fleksibilnost i mogućnost zapošljavanja radnika</li> <li>• postići što veće porezno rasterećenje</li> <li>• smanjiti ulogu javnog sektora u hrvatskom gospodarstvu</li> </ul>
<p>SINDIKATI</p> <ul style="list-style-type: none"> <li>• sačuvati postojeću razinu plaća i zaposlenosti</li> <li>• zadržati prava iz kolektivnih ugovora</li> <li>• ojačati sindikate na svim razinama</li> </ul>

## OSTALA PODRUČJA

Socijalni dijalog donio je određene *policy* učinke i na drugim područjima, primjerice u reformi mirovinskog sustava. Ta je reforma u Hrvatskoj pokrenuta 1999. godine kada je uspostavljen mirovinski sustav na tzv. tri stupa. Prvi stup međugeneracijske solidarnosti i drugi, stup individualne kapitalizirane štednje, određeni su kao obavezni (drugi stup postavljen je kao obavezan za zaposlenike do 40 godina), a treći, stup

štednje za starost, određen je kao dobrovoljan. Doprinos za mirovinsko osiguranje određen je u iznosu 20% bruto plaće; od toga se za prvi stup izdvaja 15%, a za drugi stup 5%. Nakon više od deset godina primjene tog modela mirovinski sustav našao se u velikoj krizi. Osnovni problem predstavlja nepovoljan omjer umirovljenika i onih koji uplaćuju doprinose, koji je u travnju 2011. bio 1:1,23. Doprinosima za mirovinsko osiguranje prikupi se tek oko 54% potrebnih sredstava (Milidrag Šmid, 2011, 9). Taj nepovoljni odnos povezan je s činjenicom da je u sustavu manje od pola korisnika starosnih mirovina (43%) i da većinu čine korisnici invalidskih (17%), obiteljskih (16%), najnižih (12%) i tzv. povlaštenih mirovina (12%), a sve one nisu pokrivene uplaćenim doprinosima.<sup>46</sup>

Tijekom 2012. došlo je do razilaženja između Vlade i sindikata u pogledu načina reformiranja mirovinskog sustava. Čini se da se Vlada priklanja stajalištu prema kojem bi izdvajanja za drugi mirovinski stup trebalo povećati sa 5 na 7%, pri čemu povećanje izdvajanja za drugi stup ne bi išlo iz neto plaće. Iz SSSH međutim upozoravaju da je većina država koje su uvele drugi stup u uvjetima krize smanjila stopu doprinosa, a da je Mađarska čak potpuno ukinula drugi stup. Osim toga, navodi se da povećanje doprinosa za drugi stup mijenja odnose u prvom stupu, što će vjerojatno donijeti daljnja ograničenja u javnom mirovinskom sustavu.

U danom kontekstu treba spomenuti Vladinu odluku kojom su u siječnju 2012. ukinute privilegirane mirovine za zastupnike Hrvatskoga sabora, suce Ustavnog suda i glavnog državnog revizora.<sup>47</sup> Odluku su s odobravanjem prihvatili socijalni partneri iako se u financijskom smislu radilo o simboličkoj gesti kojom je Vlada pokazala da ozbiljno shvaća krizu mirovinskog sustava.

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46 Državni zavod za mirovinsko osiguranje. Statističke informacije Hrvatskog zavoda za mirovinsko osiguranje. God. IX, br. 3. Zagreb, 2011. Str. 12.

47 Zakon o pravima i dužnostima zastupnika u Hrvatskom saboru NN 55/00, 107/01, 86/09, 91/10, 49/11, 12/12.

## Okvir 3. Rad nedjeljom u sektoru trgovine

Pitanje rada nedjeljom u trgovini regulirano je granskim kolektivnim ugovorom potpisanim 1997. godine te njegovom dopunom iz 2005. Ipak, zbog velikog broja malih poduzeća sindikalna je gustoća u sektoru trgovine mala, a granski kolektivni ugovor u pravilu se nije poštovao. Sindikati nisu uspjeli organizirati štrajk kojim bi ishodili poštovanje kolektivnog ugovora, već su uz pomoć Katoličke crkve lobirali prema Vladi da se rad nedjeljom u trgovini zakonski zabrani. Iako je 2003. te nakon toga 2008. takva zabrana uvedena, u oba slučaja Ustavni sud srušio je sporne zakonske odredbe navodeći da su diskriminirajuće prema poslodavcima (Bagić, 2010, 188). Sindikalisti nisu jednoglasni u mišljenju da je zakonska zabrana rada nedjeljom najbolje rješenje. Tako se MHS 2008. uoči druge zakonske zabrane rada nedjeljom oglasio priopćenjem u kojem navodi da se u načelu protivi trajnoj zabrani rada nedjeljom u trgovini te da se zalaže za privremenu zabranu od jedne godine. U tom roku trebao bi se urediti sustav inspekcije i uvesti odgovarajuća zaštita i sankcije. Da bi takav sustav funkcionirao, sindikalni povjerenik morao bi imati ovlasti prikupljanja i evidentiranja informacija o obavljenom radu, pravo nadzora nad provedbom zajamčenih radničkih prava te, u suradnji s inspekcijom rada, pravo na intervenciju u trgovinama u kojima radnici nisu sindikalno organizirani. Tijekom studenog 2011. Komisija *Iustitia et pax* Hrvatske biskupske konferencije izrazila je nezadovoljstvo izmjenama Zakona o trgovinama (NN, 87/08, 116/08, 114/11) prema kojem trgovci imaju mogućnost sami određivati radno vrijeme za sve dane u tjednu, osim blagdana, uključujući rad trgovina nedjeljom. Za pretpostaviti je da je takvo rješenje usvojeno zbog pritiska poslodavaca, koji su u sektoru trgovine snažno pogođeni padom kupovne moći građana. Katolička crkva oštro je osudila izbjegavanje javne rasprave o tom pitanju i usvajanje zakona po hitnom postupku. Prema mišljenju Crkve takvim zakonom radnici će biti još nezaštićeniji, radit će više, a za taj rad neće biti plaćeni. Poteškoće u uređivanju pitanja rada nedjeljom u trgovini upućuju na potrebu jačanja sektorskog socijalnog dijaloga u tom području.

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## STAVOVI SOCIJALNIH PARTNERA

*Stavovi o mogućim izmjenama zakonodavnog okvira**Izmjena Zakona o radu*<sup>48</sup>

- Većina sindikalnih središnjica slaže se da ima prostora za poboljšanja Zakona o radu te da se on može mijenjati, no da u tom slučaju treba zadržati postojeću razinu prava (u SSSH-u smatraju da je potrebno koncentrirati se na edukaciju

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48 Intervju su obavljeni prije najave Vlade da će se tijekom 2013. ći u mijenjanje ZOR-a.

o primjeni i poštovanju ZOR-a). Visok je stupanj suglasja među središnjicama da bi pojedine odredbe (primjerice neisticanje otkaznog roka tijekom bolovanja) trebalo mijenjati. Naglašavaju da bi uvjete kolektivnog pregovaranja i pitanje rada na određeno vrijeme trebalo bolje zakonski definirati.<sup>49</sup>

- Sindikati ocjenjuju da je inzistiranje na fleksigurnosti nedovoljno promišljena ideja za hrvatske prilike iz dvaju razloga. Prvo, Hrvatska nije u stanju osigurati sigurnost, pa onda ne može biti ni fleksigurnosti. Drugo, drže da već postoji visoka razna fleksibilnosti jer radnik nakon treće opomene dobiva otkaz.
- Predstavnici sindikata napominju da ZOR prepoznaje i atipične oblike rada kao što su rad kod više poslodavaca, rad kod kuće i rad na pola radnog vremena, no poslodavci to ne znaju koristiti i jedino za čim posežu jest zapošljavanje na određeno vrijeme. Oko 80% novozaposlenih zaposleno je na određeno vrijeme, što predstavlja problem jer bi takvo zapošljavanje trebalo biti iznimka a ne pravilo.<sup>50</sup> Smatraju da poslodavci učestalo zapošljavaju radnike na određeno vrijeme kako ne bi mogli tražiti prava koja im po zakonu i kolektivnom ugovoru pripadaju, držeći ih u strahu da im ugovor neće biti obnovljen. Sindikati smatraju da preporuke Svjetske banke i MMF-a vode potpunom ukidanju otkaznih rokova i otpremnina, što je za njih neprihvatljivo.
- Poslodavci smatraju da Zakon o radu treba mijenjati, jer je pretjerano rigorozan. Navode brojne nelogičnosti ZOR-a primjerice neisticanje otkaznog roka tijekom bolovanja. Smatraju da je ta mjera potpuno neprimjerena zato što kontrola bolovanja u Hrvatskoj ne funkcionira te nije zabilježen nijedan slučaj da je bolovanje ocijenjeno kao bezrazložno otvoreno. Ističu da bi zapošljavanje trebalo biti fleksibilnije te da bi trebalo umanjiti davanja prigodom zapošljavanja na nepuno radno vrijeme.
- U MRMS-a ocjenjuju da ne bi trebalo smanjivati ili mijenjati osnovna prava regulirana ZOR-om. Međutim, napominju da je ZOR iznimno opsežan zakon u kojem velik dio odredaba nema izravne veze sa samim materijalnim ili bilo kojim drugim pravima radnika. MRMS se rukovodi idejom da bi se u kasnijoj fazi, nakon što se završe preostala manja usklađivanja s *acquis-om* za potrebe pristupanja u EU, moglo predložiti socijalnim partnerima razdvajanje ZOR-a na Zakon o radnim odnosima i Zakon o kolektivnim pravima iz radnih odnosa u kojem će biti regulirani sindikati, radnička vijeća i sl. Napominju da je ZOR u sadašnjem obliku

49 Rezerviranost sindikata prema ideji mijenjanja Zakona o radu u uvjetima krize razumljiva je zato što kriza nije dobar kontekst za unapređivanje radnih odnosa te svaka promjena donosi opasnost smanjivanja postojećih prava.

50 Osipanje sindikalnog članstva akutan je problem sindikata u cijelom svijetu, pa tako i u Hrvatskoj. Sindikati opravdano negoduju protiv zlorabe rada na određeno vrijeme od strane poslodavaca jer takvi radnici ne uživaju istu vrstu sigurnosti kao radnici zaposleni na neodređeno vrijeme, pa se u skladu s tim teže učlanjuju u sindikat.

usklađen s direktivama EU-a te da bi, imajući u vidu činjenicu da je poglavlje 19 pod monitoringom do ulaska u EU, svaka njegova izmjena zahtijevala dodatan proces dugotrajnih konzultacija sa socijalnim partnerima.

- Kao što je prethodno navedeno u rujnu 2012. Vlada je najavila izmjene ZOR-a tijekom 2013.

#### *Reprezentativnost sindikata i poslodavaca*

- Sindikalne središnjice jedinstvene su u ocjeni da je dosadašnji neujednačen način utvrđivanja reprezentativnosti udruga poslodavaca i sindikata pogodio poslodavcima. Većina intervjuiranih predstavnika sindikalnih središnjica smatra da je dosadašnji prag za ostvarivanje reprezentativnosti sindikalnih središnjica bio prenizak te u tom smislu pozdravljaju odredbe Zakona o reprezentativnosti. Ipak, u HUS-u navode da je namjera zakona bila eliminirati određene središnjice. Smatraju da je prag trebalo još pomaknuti, čime bi se postiglo ujedinjenje svih središnjica. U HUS-u izražavaju nezadovoljstvo i odredbom Zakona o reprezentativnosti prema kojoj kod kolektivnog pregovaranja u pregovarački odbor ulaze sindikati koji imaju najmanje 20% sindikalno organiziranog članstva, jer se na taj način ograničava sloboda organiziranja i pravo na kolektivno pregovaranje. Također, boje se da će se takva odredba negativno odraziti na pravo na štrajk, jer se može postaviti pitanje može li štrajkati sindikat koji nije reprezentativan za kolektivno pregovaranje. U NHS-u smatraju da o broju zaposlenih u sindikalnim središnjicama trebaju odlučiti središnjice, a ne Zakon o reprezentativnosti. U SSSH-u napominju da je fragmentiranost sindikalne scene moguće riješiti zakonom (podizanjem kriterija – kao što je učinjeno 2007. za HUP) kao i dobrovoljnim procesom spajanja sindikata/središnjica. Ističu da vjerojatno nikada neće doći do opće sindikalne strategije djelovanja. Moguća je suradnja sindikata na konkretnim pitanjima (i sada često tako djeluju), ali ne i opća strategija.
- Poslodavci i sindikati jedinstveni su u ocjeni da proces donošenja Zakona o reprezentativnosti, koji se mijenjao desetak puta, upućuje na lošu kvalitetu socijalnog dijaloga u Hrvatskoj. Neovisno o tome što su HUP i sindikalne središnjice izrazili protivljenje prijedlogu zakona, Vlada ga je uputila u saborsku proceduru. Napominju da Zakon ne pojednostavljuje sam proces kolektivnog pregovaranja.
- Poslodavci i sindikati lošim su ocijenili temeljne odredbe Zakona o reprezentativnosti. Za sindikate su naročito problematični kriteriji reprezentativnosti sindikalnih središnjica, prema kojima moraju imati najmanje 50.000 radnika članova koji plaćaju sindikalnu članarinu te zapošljavati najmanje pet radnika na neodređeno vrijeme u punom radnom vremenu. Prema tom kriteriju iz GSV-a ispadaju URSH i HUS.<sup>51</sup>

51 Zbog toga ne treba čuditi što su još krajem ožujka 2012. HUS i SSSH prihvatili sporazum kojim se regulira buduća suradnja, a potom i ujedinjenje tih sindikalnih središnjica.

- U MRMS-u naglašavaju da je želja ministarstva bila ujednačiti kriterije reprezentativnosti za sindikate i poslodavce što predstavlja jedan od jasnih uvjeta EU-a u monitoring- izvješću za poglavlje 19 iz travnja 2012. Naglašavaju da su dosadašnji nejednaki kriteriji značajno ojačali stranu poslodavaca, a razmrvili sindikate, jer su se oni grupirali oko pojedinih interesnih skupina te da se ovim prijedlogom nastojalo motivirati sindikate da budu u središnjicama. U MRMS-u također ističu da su poslodavci i većina sindikata bili suglasni s novim uvjetima reprezentativnosti.

### **Stavovi socijalnih partnera o kvaliteti kolektivnog pregovaranja**

#### **– postignuća, poteškoće i perspektive**

- Unatoč ocijeni da se većina socijalnog dijaloga u RH odvija kao „forma bez sadržaja”, pregovori o kolektivnim ugovorima jedini su dio socijalnog dijaloga koji završava konkretnim rezultatom (SSSH). Posljednjih dvadesetak godina kolektivno pregovaranje u RH prilično se razvilo: od pregovaranja o temeljnim kolektivnim ugovorima (TKU) preko pregovora s Gospodarskom komorom i Vladom za opće kolektivne ugovore (OKU) za gospodarstvo, javne djelatnosti i javna poduzeća do pregovora s udrugama poslodavaca i Vladom za kolektivne ugovore djelatnosti odnosno grana te na razini pojedinačnog poslodavca (tzv. kućni KU). Međutim, potrebna je kontinuirana edukacija članova pregovaračkih timova za stjecanje i razvoj pregovaračkih vještina, ali i kontinuiran rad na razvoju tzv. novih sadržaja kolektivnih ugovora uključujući obrazovanje radnika, mjere protiv diskriminacije, dobrovoljno mirovinsko i/ili zdravstveno osiguranje i drugo (SSSH).
- Većina sindikalnih središnjica smatra da pitanje sastava pregovaračkih odbora za kolektivno pregovaranje nije dobro zakonski regulirano. U MHS-u navode da je to najvažnije pitanje industrijskih odnosa u Hrvatskoj zato što sadašnji sustav narušava načelo jedinstva pregovaračkih odbora. Umjesto načela koje omogućava i malim sindikatima sudjelovati u radu pregovaračkih odbora, MHS predlaže da se u slučaju nemogućnosti postizanja dogovora o sastavu odbora ide na izbore te da u pregovarački odbor ulaze samo oni sindikati koji su dobili više od 50% glasova radnika. Za NHS problem je s pregovaračkim odborima diskrecijsko pravo koje se do sada davalo GSV-u da odredi broj članova odbora čime se arbitrarno utjecalo na odnos snaga u tom tijela.
- Sindikalne središnjice i poslodavci smatraju da pitanje reguliranja produljenog trajanja kolektivnih ugovora nije trebalo rješavati Zakonom o reprezentativnosti. Iako nije protuzakonito jednim zakonom mijenjati drugi, na taj se način povećava pravna nesigurnost, naime u novoj situaciji nije jasno kojim se sve zakonima neka materija regulira (NHS). Nadalje, zakon koji je trebao utvrditi kriterije reprezentativnosti postaje zakon o kolektivnom pregovaranju i kao takav zadire, ukida ili mijenja mnogo više odredaba ZOR-a nego što je u samom Zakonu o reprezentativnosti izrijekom navedeno (SSSH).

- U državnoj upravi (MRMS) ističu da se bez rješavanja pitanja reprezentativnosti nije moglo pristupiti reviziji instituta produljenog trajanja kolektivnih ugovora. Poslodavci ocjenjuju lošom dosadašnju odredbu o produljenom trajanju kolektivnih ugovora, a stavovi sindikata podijeljeni su. Pojedini sindikati slažu se s poslodavcima, a ostali (NHS, SSSH) napominju da je produljena primjena KU-a poslodavce u privatnom sektoru prisiljavala na kolektivno pregovaranje, dok novonastali uvjeti nose opasnost da se pitanja iz KU-a rješavaju pravilnikom o radu. Za razliku od KU-a poslodavac ne pregovara sa sindikatima o pravilniku o radu, samo traži njihovo mišljenje. Iz SSSH-a upozoravaju da su kolektivni pregovori u javnom i privatnom sektoru međusobno povezani tako da će se ono što se izgubi u javnom sektoru reflektirati na gubljenje istih prava u privatnom (primjerice dodatak od 0,5 posto po godini staža), ali ne i obratno.
- Sindikalne središnjice smatraju da institut širenja odredaba KU-a na cijelu djelatnost potiče neučlanjivanje u sindikate te da pridonosi osipanju sindikalnog članstva. Naglašavaju da se taj institut prečesto upotrebljava i da ne rješava problem niske sindikalne gustoće u privatnom sektoru, jer se na područjima gdje nema sindikata radnici nemaju kome obratiti kada se krše njihova prava iz kolektivnog ugovora.
- Jedinstveni stav intervjuiranih sindikalnih središnjica i predstavnika državne uprave (MRMS) jest da bi gransko kolektivno pregovaranje moralo biti puno razvijenije. Sindikati ocjenjuju da su za nerazvijenost granskog kolektivnog pregovaranja odgovorni poslodavci, kojima je u interesu da se odnosi s radnicima rješavaju na što nižoj razini i drže kako ondje gdje postoji granski kolektivni ugovor, ne treba pregovarati „kućno“. S obzirom na to da se granski KU-i sklapaju u skladu s „najslabijom karikom“ (tj. propisuju minimalna prava), sindikati često procjenjuju da im je isplativije pregovarati „kućno“. U MHS-u napominju da je razvoj granskog kolektivnog pregovaranja važan za gospodarski napredak zemlje jer se time osigurava granski standardizirana cijena rada, koja postaje jasan kalkulatívni element pri planiranju investicija. U MRMS-u smatraju da je često korišten institut proširene primjene KU-a demotivirao sindikate za sklapanje granskih KU-a.
- Kao poseban problem kolektivnog pregovaranja poslodavci i državna uprava (MRMS) ističu korištenje instituta povoljnijeg prava (čl. 7. ZOR-a). Taj institut znači da se od svih važećih pravnih izvora na radnika primjenjuje ona odredba koja je za njega najpovoljnija. Prema poslodavcima institut povoljnijeg prava komplicira proces utvrđivanja prava radnika, a u MRMS-u upozoravaju na nepostojanje hijerarhije između pravnih izvora koji proizlaze iz ZOR-a što, između ostalog, sprečava razvoj granskog kolektivnog pregovaranja.
- Sva tri socijalna partnera upozoravaju na nepostojanje odgovarajućih pokazatelja i indikatora kojima bi se pratilo kolektivno pregovaranje i industrijski odnosi u cjelini (ne prate se indikatori organiziranosti socijalnih partnera, ne analiziraju se

sadržaji kolektivnih ugovora, pokrivenost radnika kolektivnim ugovorima, pokazatelji o štrajkovima itd.). U Hrvatskoj tek od 2005. postoji evidencija nacionalnih KU-a, iako postoje stariji ugovori koji su još na snazi. Do sada su samo poduzeća na nacionalnoj razini trebala dostavljati podatke o kolektivnim ugovorima nadležnom ministarstvu, što na županijskoj razini nije funkcioniralo. U državnoj upravi (MRMS) međutim naglašavaju da Zakonom o reprezentativnosti ministarstvo uvodi evidenciju cjelokupnog članstva sindikata, za razliku od dosadašnjeg stanja kada je postojao samo uvid u broj članova nekih središnjica. Zakon o reprezentativnosti omogućit će evidenciju broja članova svih reprezentativnih sindikata na razini zemlje, ali i po područjima odnosno odjeljcima nacionalne klasifikacije djelatnosti. Ministarstvo planira izraditi analizu formalno-pravnih pitanja reguliranih unutar KU-a.

### **Ocjena Vladinih mjera za prevladavanje krize**

- Najavljeno smanjivanje javne potrošnje sindikati (MHS) ocjenjuju izrazito lošom odlukom Vlade. Pri tome se referiraju na planirano smanjenje rashoda proračuna opće države sa sadašnjih 42% na 37% u 2014. godini, što je predviđeno Pretpristupnim gospodarskim programom 2012-2014. MHS (kao i pojedini drugi sindikati) upozorava kako je javna potrošnja u Hrvatskoj ispod europskog prosjeka koji iznosi 49%. Ukazuju da je Hrvatska na dnu europske ljestvice prema broju zaposlenih u javnim službama, dok je visoko na ljestvici prema broju zaposlenih u državnim poduzećima. Naglašavaju kako potrošnja i broj zaposlenih u hrvatskom javnom sektoru nisu previsoki a istovremeno su opterećeni mnogim neracionalnostima.<sup>52</sup> Spomenuti stavovi dijametralno su suprotni polazištima Vlade koja u Pretpristupnom ekonomskom programu (PEP 2012.-2014) polazi od nužnosti racionalizacije rashodovne strane proračuna, smanjenja javne potrošnje, te jačanja efikasnosti javnog sektora na način koji bi bio prihvatljiv svim socijalnim partnerima. Poslodavci podržavaju najavljeno smanjivanje javne potrošnje ističući da u uvjetima krize privatni poduzetnici već godinama smanjuju svoju potrošnju.
- U pogledu uvođenja mogućnosti volonterskog rada ocjene su različite. U MRMS-u navode da je volontiranjem za 1 600 kn proširena primjena članka 41. ZOR-a, koja regulira stručno usavršavanje bez zasnivanja radnog odnosa i na privatni sektor; jer do sada je to bilo ograničeno samo na javni. U MHS-u i NHS-u protive se volontiranju za 1 600 kn jer smatraju da se tako na dulji rok ruši cijena rada.

52 U ovom kontekstu je korisno spomenuti studiju „Analiza sustava zaposlenih u Hrvatskom javnom sektoru” (Institut za javne financije, lipanj 2010) koja navodi kako, mjereno udjelom u BDP-u, rashodi za zaposlene u općoj državi ne predstavljaju za porezne obveznike u Hrvatskoj veći teret od istovjetnoga prosječnog tereta u drugim europskim zemljama. Međutim, spomenuta studija ne isključuje mogućnost da u pojedinim segmentima javnog sektora ima previše zaposlenih, a ujedno naglašava pitanje učinkovitosti i efikasnosti javnog sektora koje kod nas nije detaljnije istraženo.



Poslodavci pak volontiranje za 1600 kn drže lošim jer ne bi smjelo biti povezano s nemogućnošću davanja poslovno uvjetovanog otkaza u roku od godinu dana.

- U MHS-u i NHS-u ocjenjuju da će pokretanje novog investicijskog ciklusa teško rezultirati očekivanim rezultatima jer će se u uvjetima recesije na taj način teško pokrenuti šira gospodarska aktivnost, a investicije su vezane uz sektore koji su izrazito uvezano orijentirani.
- Dok u MHS-u pozitivno ocjenjuju povećanje PDV-a kao racionalnu odluku, u SSSH i NHS-u izražavaju nezadovoljstvo, te navode da se tako ograničava potrošnja što u uvjetima krize nije dobro. U NHS-u ističu da je kao izravna posljedica povećanja PDV-a u brojnim sredinama povećana stopa prireza. Poslodavci su također izrazili negativan stav prema spomenutoj mjeri jer ona predstavlja udar i na građane i na poduzetnike.
- Sindikati većinom pozdravljaju uvođenje reda u plaćanje doprinosa (SSSH, HUS), a pojedine središnjice (NHS) mjeru ocjenjuju polovičnom, jer bi poslodavcu ako ne uplaćuje doprinose, trebalo onemogućiti cjelokupno poslovanje, a ne samo isplatu plaće.
- U SSSH-u pozitivnim ocjenjuju nastojanje da se subvencioniranjem kamata na kredite olakša položaj malom i srednjem poduzetništvu.
- Poslodavci ocjenjuju Vladin paket poreznih zakona lošim. Smatraju da Opći porezni zakon demotivira investicije. Lošom se ocjenjuje činjenica da je u slučaju neplaćanja poreza ostavljena mogućnost prosudbe je li netko propustio platiti porez zato što nije htio ili zato što nije mogao, jer tako se poreznim vlastima daju nedopustive ovlasti.
- „Stup srama” predstavlja jasnu poruku da će se država uključiti u ona područja u koja prije nije bila uključena (MRMS). Poslodavci međutim napominju da je nerealno očekivati da će netko zbog „stupa srama” platiti porez te da je trebalo razlučiti velike i male dužnike.
- Najavljeno oporezivanje neiskorištene imovine pozdravljaju u MHS-u, jer bi ono moglo oboriti još uvijek visoke cijene nekretnina. Poslodavci međutim ističu da za provedbu takve mjere nemamo uređenu gruntovnicu.
- Poslodavci poticajnim mjerama ocjenjuju smanjenje doprinosa za zdravstveno osiguranje i smanjenje parafiskalnih nameta u sektoru šuma i voda.

# ZAKLJUČCI I PREPORUKE

## ZAKLJUČCI

- Posljedice krize i bitno izmijenjene gospodarske okolnosti uvelike su se odrazile na industrijske odnose i socijalni dijalog u Hrvatskoj, koji su u proteklom razdoblju intenzitetom i kvalitetom znatno varirali.
- Stavovi Vlade i socijalnih partnera o načinima i konkretnim koracima za izlazak iz krize divergentni su i u pregovorima kroz socijalni dijalog teško je naći zajedničko, svima prihvatljivo rješenje. Vlada daje prioritet osiguravanju uvjeta za gospodarski oporavak i rast što uz oštre mjere štednje koje nisu prihvatljive sindikatima, podrazumijeva i fiskalne i proračunske prilagodbe. Stavovi između Vlade i sindikata se bitno razlikuju naročito kada je riječ o nužnosti smanjenja javne potrošnje i ukidanju nekih materijalnih prava zaposlenicima u javnom sektoru. Poslodavci podržavaju smanjenje javne potrošnje, no iskazuju nezadovoljstvo s pojedinim novim poreznim zakonima za koje smatraju da neće stimulirati investicije.
- Unatoč napretku na nekim područjima, socijalni dijalog u Hrvatskoj nije dostigao odgovarajuću kvalitetu. On se u praksi ne shvaća u dovoljnoj mjeri kao mehanizam za postizanje kompromisa između socijalnih partnera i oblikovanje javnih politika.
- Proteklih godina tripartitni socijalni dijalog u Hrvatskoj formalno gledano bio je razvijen, iako je imao slabe rezultate. Bipartitni socijalni dijalog, na područjima gdje je bio uspostavljen, imao je prilično značajne rezultate u pogledu kolektivnih ugovora.
- Tripartitni socijalni dijalog je u 2010. godini bio zaustavljen nakon čega je bivša Vlada u zadnjoj godini svojeg mandata unaprijedila odnose sa socijalnim partnerima te je tripartitni socijalni dijalog nastavljen i unaprijeđen.
- Sadašnja je Vlada usvojila nova institucionalna rješenja u sustavu socijalnog dijaloga koja ostali socijalni partneri ne ocjenjuju kao korak naprijed zamjerajući da se ne čini dovoljno u pravcu jačanja socijalnog dijaloga. Nekadašnji Ured za socijalno partnerstvo sindikati i poslodavci ocjenjuju kao organizacijski model koji je bolje funkcionirao od sadašnje Službe za socijalno partnerstvo u MRMS-u.
- Znanja i vještine socijalnih partnera u pogledu socijalnog dijaloga općenito su nedovoljna, a mogućnosti edukacije najčešće ograničene. Kultura socijalnog dijaloga nije zadovoljavajuća.
- Sindikati su fragmentirani i nejedinstveni u definiranju svojih stavova. Njihovi se kapaciteti međusobno razlikuju. Opća je karakteristika velik broj sindikata uz nedovoljne kapacitete središnjica što se ogleda u slaboj vezi između središnjica i šireg članstva. Nasuprot tome, kapaciteti udruge poslodavaca više razine ocjenjuju se primjerenim, iako organiziranost poslodavaca na sektorskoj razini nije uvijek zadovoljavajuća.

- U Hrvatskoj nije dovoljno razvijen sustavan pristup analitičkom praćenju i evidentiranju pokazatelja o industrijskim odnosima te za mnoga područja ne postoje odgovarajući podaci i indikatori. Analitička osnova za praćenje socijalnog dijaloga nije dovoljna.
- Problemi rada GSV-a na koje upozoravaju sindikati i poslodavci jesu neredovito sastajanje, raspravljanje o pitanjima koja nisu prioritetna te nemogućnost pravodobnog uključivanja u proceduru donošenja zakonodavnih akata. Lokalna razina GSV-a funkcionira uglavnom samo kao platforma za razmjenu informacija.
- Pregovori o kolektivnim ugovorima jedan su od rijetkih aspekata socijalnog dijaloga koji završava konkretnim rezultatima – kolektivnim ugovorima.
- Gransko kolektivno pregovaranje nije dovoljno razvijeno. Kolektivni ugovori sklopljeni na razini poduzeća brojem uvelike nadmašuju granske kolektivne ugovore. Posljednjih godina uspostavljena su samo četiri sektorska vijeća od ukupno tridesetak koliko bi ih bilo potrebno.

## PREPORUKE

- Ključne pretpostavke za efikasno vođenje socijalnog dijaloga su približavanje stavova svih socijalnih partnera o načinima izlaska iz krize te perspektivama i glavnim parametrima budućeg gospodarskog razvoja Hrvatske kao i ravnopravno raspoređivanje mjera štednje. Rješenje treba tražiti u okviru raspoloživih financijskih mogućnosti.
- Reforme tržišta rada u Hrvatskoj treba ubrzati kako bi ono postalo dinamičnije, prilagođeno mobilnosti radnika i otvorenije za zapošljavanje mladih.
- Za podizanje industrijskih odnosa na višu razinu i unapređenje socijalnog dijaloga potrebno je intenzivirati aktivnosti na izgradnji kapaciteta i kompetencija svih socijalnih partnera. Ulogu socijalnog dijaloga treba osobito jačati u okviru procesa donošenja odluka i oblikovanja politika.
- Prioritet treba dati rješavanju trajno prisutnih problema u sustavu industrijskih odnosa poput fragmentiranosti sindikalne scene, nedovoljne spremnosti poslodavaca na partnerski odnos sa sindikatima, nedostatne pokrivenosti zaposlenika u privatnom sektoru kolektivnim ugovorima itd. Sindikalnu scenu treba okrupnjavati na svim razinama.
- Usavršavanje i izobrazbu partnera uključenih u socijalni dijalog treba jačati, redovito provoditi na središnjoj i lokalnoj razini te prilagođavati potrebama.
- Sindikatima i poslodavcima treba omogućiti pravodoban uvid u buduće korake Vlade te socijalni dijalog počinjati ranije na način da socijalni partneri budu uključeni u proces u vrijeme pokretanja rasprave o donošenju zakona sudjelovanje

vanjem u radu radnih skupina, a ne samo očitovanjem prije usvajanja pojedinog zakonodavnog akta. Istovremeno sindikati i poslodavci bi trebali pokazati veći stupanj razumijevanja prema Vladi koja djeluje u izvanrednim kriznim okolnostima što ponekad onemogućuju pravovremeno pokretanje socijalnog dijaloga.

- Socijalni partneri moraju biti aktivno uključeni u rad relevantnih saborskih tijela (odbora) čime bi se omogućio njihov jači utjecaj na donošenje zakona.
- Potrebno je razvijati sadržajne specifičnosti kolektivnih ugovora, koji bi u većoj mjeri trebali odražavati posebnosti područja za koje se sklapaju. Treba reducirati učestalost korištenja instrumenta proširivanja odredbi kolektivnih ugovora na čitave djelatnosti jer to potiče osipanje sindikalnog članstva. Praksu izrade pravilnika o radu kao zamjene za kolektivno pregovaranje treba izbjegavati.
- Intenzivnije raditi na unapređivanju modela bipartitnog i sektorskog socijalnog dijaloga što je nužno i za aktivno sudjelovanje u socijalnom dijalogu na europskoj razini. Zakonodavne pretpostavke za to dobro su postavljene, no praksa pokazuje da takvi oblici socijalnog dijaloga nisu dovoljno rasprostranjeni.
- Analitičku osnovu za praćenje stanja, troškova i efikasnosti javnog sektora treba jačati kako bi se podigla njegova učinkovitost i omogućilo racionalnije poslovanje. Redovito prikupljati pokazatelje i razvijati indikatore za ocjenu stanja i praćenje promjena unutar industrijskih odnosa u Hrvatskoj na središnjoj i lokalnoj razini koji bi bili komplementarni praćenju sustava na razini EU-a.
- Komunikaciju s medijima treba unapređivati u cilju objektivnog informiranja javnosti o socijalnom dijalogu.
- Kulturu argumentiranog dijaloga svih sudionika treba dalje razvijati i povećati razinu povjerenja među socijalnim partnerima. Uz to treba raditi na iznalaženju novih rješenja za vođenje socijalnog dijaloga.

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## **Zakonodavni akti**

Opći porezni zakon (NN 147/08, 18/11, 78/12)

Sporazum o osnivanju Gospodarsko-socijalnog vijeća (NN 18/12)

Ustav Republike Hrvatske (NN 56/90, 135/97, 8/98, 113/00, 124/00, 28/01, 41/01, 55/01, 76/10, 85/10)

Zakon o doprinosima (NN 84/08, 152/08, 94/09, 18/11, 22/12)

Zakon o državnim službenicima (NN 92/05, 142/06, 77/07, 127/07, 27/08, 34/11, 49/11, 150/11, 34/12, 49/12)

Zakon o financijskom poslovanju i predstečajnoj nagodbi (NN 108/12)

Zakon o kriterijima za sudjelovanje u tripartitnim tijelima i reprezentativnosti za kolektivno pregovaranje (NN 82/12)

Zakon o minimalnoj plaći (NN 57/08)

Zakon o određivanju zastupljenosti udruga sindikata više razine u tripartitnim tijelima na nacionalnoj razini (NN 19/99)

Zakon o porezu na dobit (NN 177/04, 90/05, 57/06, 146/08, 80/10, 22/12)

Zakon o porezu na dohodak (NN 177/04, 73/08, 80/10, 114/11, 22/12)

Zakon o posebnom porezu na plaće, mirovine i druge primitke (NN, 94/09)

Zakon o poticanju zapošljavanja (NN 57/12)

Zakon o pravima i dužnostima zastupnika u Hrvatskom saboru (NN 55/00, 107/01, 86/09, 91/10, 49/11, 12/12)

Zakon o radu (NN 149/09, 61/11)

Zakon o referendumu i drugim oblicima osobnog sudjelovanja u obavljanju državne vlasti i lokalne i područne (regionalne) samouprave (NN 33/96, 92/01, 44/06, 58/06, 69/07, 38/09)

Zakon o trgovini (NN 87/08, 116/08, 114/11)

Zakon o zaštiti na radu (NN 59/96, 94/96, 114/03, 86/08, 75/09)



## Internetski izvori

Državni zavod za statistiku

[www.dzs.hr](http://www.dzs.hr)

Eurostat

<http://epp.eurostat.ec.europa.eu/portal/page/portal/eurostat/home>

European Trade Union Institute

<http://www.etui.org/>

Fitch Ratings

[www.fitchratings.com](http://www.fitchratings.com)

Hrvatska narodna banka

[www.hnb.hr](http://www.hnb.hr)

Hrvatska udruga poslodavaca

[www.hup.hr](http://www.hup.hr)

Hrvatska udruga sindikata

[www.hus.hr](http://www.hus.hr)

Nezavisni hrvatski sindikati

[www.nhs.hr](http://www.nhs.hr)

Matica hrvatskih sindikata

[www.matica-sindikata.hr](http://www.matica-sindikata.hr)

Ministarstvo financija, Porezna uprava

[www.porezna-uprava.hr](http://www.porezna-uprava.hr)

Samostalna služba za socijalno partnerstvo Republike Hrvatske

[www.socijalno-partnerstvo.hr](http://www.socijalno-partnerstvo.hr)

Savez samostalnih sindikata Hrvatske

[www.sssh.hr](http://www.sssh.hr)

Udruga radničkih sindikata Hrvatske

[www.ursh.hr](http://www.ursh.hr)

United Nations Conference on Trade and Development (UNCTAD)

<http://unctad.org>

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THE EFFECTS OF THE  
ECONOMIC CRISIS ON  
INDUSTRIAL RELATIONS  
IN CROATIA

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# Preface

The publication „The Effects of the Economic Crisis on Industrial Relations in Croatia”, written by Hrvoje Butković, Višnja Samardžija and Sanja Tišma from the Institute for International Relations sums up the results of the research conducted during 2012 within the international project entitled „The Economic Crisis Impact on Industrial Relations National Systems: Policy Responses as Key Recovery Tools”.

67

The project was realized with support of the European Commission's Directorate General for Employment, Social Affairs & Inclusion (reference number VP/2011/001, Budget Heading: 04.03 03 01). It was coordinated by the Centre for Economic Development – CED from Sofia, which gathered together research teams from Bulgaria, Croatia, Estonia, Macedonia, Poland and Turkey. The Institute for International relations was the Croatian partner in the project. The main objective was to explore the methods and interaction dynamics of the national industrial relations systems in times of crisis, and, based on analyses conducted, create policy recommendations for further development of industrial relations in the European context. The project resulted in six national studies which allow for a comparative overview of industrial relations in certain countries and a setting out common recommendations which will be presented at the final conference in Sofia in November 2012.

This publication gives an overview of the results of a study carried out in Croatia in 2012. A unified methodological approach was applied in all six countries included in the project. Research results are structured into four parts: (i) Framework for the development of industrial relations Croatia, (ii) Economic crisis and challenges facing social dialogue; (iii) Effects of the social dialogue on policy responses and (iv) Conclusions and recommendations for improvement of the industrial relations system in Croatia.

Research is based on information collected through a desk research (legal acts, strategic documents, analytical materials from books, journals and daily newspaper and social partners' websites). Qualitative in-depth interviews were carried out within the project with presidents or representatives of the most important social partner institutions. A total of ten interviews were conducted using a structured questionnaire composed of open-ended questions. IMO employees conducted interviews with representatives of the most prominent trade union confederations (MATICA – Association of Croatian Trade Unions, Association of Workers' Trade Unions of Croatia, Croatian Trade Union Association, Independent Trade Unions of Croatia, Union of Autonomous Trade Unions of Croatia), Croatian Employers' Association and Ministry of Labour and Pension System. The following contents were covered in the interviews: evaluation of the quality of social dialogue; capacities; efficiency; representativeness and influence of particular social partners; legal regulation; quality of collective bargaining; evaluation of development and efficiency of bipartite and tripartite social dialogue; state's role in social dialogue; effect of crisis on social dialogue and evaluation of Government's crisis response measures. Research was carried out during May and June 2012. Information gathered was verified in a discussion with social partners organized at the Institute for International Relations in July 2012. The study was completed in September 2012.

68

Together with other addendums, the Annex provides a bilingual glossary of industrial relations which enables easier reading for a broader audience.

Research was conducted at the time when sensitive social dialogue issues and negotiations on benefits specified in collective agreements ruled the public and professional discussions in Croatia. It became evident that there is a lack of analytical materials and expert studies on this topic, so we sincerely hope that this work will contribute to studying these up-to-date issues in Croatia.

*Višnja Samardžija*

# Introduction

The term industrial relations can be defined as interaction between employers, workers and governments, within the required institutional framework. In the field of industrial relations, Croatia has been going through a similar path as other transition countries. New social arrangement has revoked the obligatory trade union membership and introduced pluralism to the trade union scene, which enables the unions to merge into mutually competitive higher level organizations in line with their own interests. Such practice in new member states (EU-10), which share a lot of similarities with Croatia, has led to a decrease in union memberships from almost 100% during socialism to 18.2% in 2011, which is below the EU average of 23%.<sup>53</sup>

In the last two decades tripartite social dialogue in Croatia has formally been developed, although it produced weak results. On the other hand, bipartite social dialogue, where it was established, had discernible results in terms of concluding collective agreements. Bipartite social dialogue as a rule developed at the company level, while branch level bipartite negotiations mostly remained underdeveloped. The reason for inadequate spread of bipartite (especially branch) social dialogue is complex and points towards structural deficiencies of the social dialogue in Croatia. Some of the more important reasons explaining the weaknesses of bipartite dialogue are: generally weak tradition of social dialogue, low coverage of private sector employees with collective agreements, fragmentation of trade unions, unwillingness of the private sector to accept trade unions as partners, frequent usage

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53 European Trade Union Institute. Worker participation in Europe. 2011. <http://www.worker-participation.eu/National-Industrial-Relations/Across-Europe/Trade-Unions2> (27. 9. 2012)

of the instrument of extending collective agreements to the entire industry, as well as inadequate capacities of trade unions and employers' associations.

The aim of this study is to analyse the state and tendencies in the field of industrial relations in Croatia in the time of economic crisis in order to create policy recommendations for further development in this field. Since 2008, economic crisis affected the overall social development of Croatia including its industrial relations which came to the centre of public attention during 2012. The crisis has led to questioning of the routine patterns of industrial relations in Croatia, requesting from the social partners to examine their action strategies. Unfavorable economic circumstances do not represent a favorable context for development of industrial relations. However, crisis can be seen as an opportunity for finding quality solutions, which is ultimately a matter of general public interest.

FRAMEWORK FOR THE  
DEVELOPMENT OF  
INDUSTRIAL RELATIONS  
IN CROATIA



## LEGAL AND POLICY FRAMEWORK

The Constitution defines Croatia as a democratic and social state where the provisions on social justice are recognized as the highest values of the constitutional order (Article 1, Article 3)<sup>54</sup>. Industrial relations are specifically defined by the workers' right to form trade unions for the purposes of economic and social interests, with the exception of the fields in which trade union establishment can be restricted by law. The Constitution of the Republic of Croatia guarantees each citizen the right to work and strike, which can be restricted in armed forces and security services (Article 59), and public administration and public services (Article 60). Croatia has ratified 57 legally binding conventions of the International Labour Organization related to industrial relations.

The most important legal document regulating the industrial relations in Croatia is the Labour Law (OG 149/09, 61/11). The first Labour Law was enacted in 1995, and it was revised five times since then. Industrial relations are reviewed in a total of five chapters. These chapters include the provisions relating to participation of workers in the decision making process; trade unions; employers' associations; collective agreements; strike; settlement of collective labour disputes and the Economic and Social Council. The most important changes in the Labour Law were adopted in 2003 and they refer to shortened notice periods which were introduced on employers' initiative, and decreased severance pay.<sup>55</sup> Among other, the Law proscribes that a strike has to be announced, and that parties involved in a labour disputes have to go through a mediation process with mediators chosen from the list set out by the Economic and Social Council before litigation can start.

The Labour Law proscribes the so called dual system according to which workers are represented by the trade unions and workers councils. Workers councils protect and promote the workers' interests through consultations, co-decision process and negotiations on issues of special importance for workers. However, preparation and implementation of industrial actions and collective negotiations are under exclusive jurisdiction of trade unions and, therefore, workers councils cannot participate in these activities. Provisions of the Labour Law specifying that a minimum number of members required to form a trade union is 10 (Article 232) contribute to high fragmentation of the trade union scene in Croatia.

Besides the Labour Law, there are several other laws important for industrial relations system which will be examined in the following chapters.

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54 Constitution of the Republic of Croatia (OG 56/90, 135/97, 8/98, 113/00, 124/00, 28/01, 41/01, 55/01, 76/10, 85/10).

55 In 2003, the maximum duration of notice was shortened from six to three months, and the upper limit for severance pay was limited to six average salaries.

During March 2007, the Government of the Republic of Croatia has signed the Joint Inclusion Memorandum with the European Commission, hence launching the activities in the framework of the Pre-accession strategy for Croatia in the field of social inclusion. The document states that social dialogue in the country is not at a satisfactory level because positive practice is more often seen as an exception than a rule. Special criticism was directed at social dialogue at the branch and company level, where interference with the work of trade union commissioners and workers representatives represents a common practice.<sup>56</sup> Three national implementation plans have been created until now (2007-2008; 2009-2010; 2011-2012) for the purposes of implementing the Joint Inclusion Memorandum.

In April 2008, Croatian Government accepted the Joint Assessment Paper on Employment Policy Priorities. The JAP was prepared in the framework of the Pre-accession strategy for Croatia and contains an agreed set of employment policy objectives crucial for improvement of the transformation of Croatian labour market and preparation for EU accession. The document highlights fragmentation of trade unions and their representation as a key issue in the field of industrial relations in Croatia.<sup>57</sup> According to JAP, good governance adjusted to the EU *acquis communautaire* has to become a cornerstone for the strategy aiming at reform of Croatian labour market, and social partners - employers' and workers' representatives - play the key role in that process.<sup>58</sup> The Government has published two two-year national plans for fostering employment (2009-2010; and 2011-2012) which specify responsibilities and tasks and promote joint actions of the authorized state administration and public institutions bodies in implementing the JAP.

In its program for the 2011-2015 term of office, the Government strongly supports trade unions, participation of workers and the co-decision-making process. It is committed to supporting new forms of workers' participation, taking into account the experience of countries which have the best achievements in the field.<sup>59</sup>

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56 Government of the Republic of Croatia. Joint Memorandum on the Social Inclusion of the Republic of Croatia. Zagreb, 5. 3. 2007. Page 51.

57 Government of the Republic of Croatia. Joint Assessment of the Employment Policy Priorities of the Republic of Croatia. Brussels, 28. 5. 2008. Page 44.

58 Ibid. Pages 44 & 54. Among the priorities in the field of good governance, JAP highlights: significant inclusion of social partners in the implementation of JAP; development of a strategy of bipartite dialogue and social dialogue at the sectoral level; definition of clear criteria for social partner representatives in various economic-social councils and launching of a program for strengthening the capacities of social partner organizations (ibid. page 54).

59 Government of the Republic of Croatia. Government's Program for the 2011–2015 Term of Office, Zagreb, December 2011. Pages 35-35.

## MAIN INDUSTRIAL RELATIONS ACTORS

Main industrial relations actors are workers organized through trade unions and other forms of joint action, public authorities at the central, regional and local levels and employers organized through various associations.

A total of five trade union confederations registered in Croatia have until July 2012 fulfilled the conditions for representativeness of trade union confederations according to the Law on Determining the Representativeness of Higher Level Trade Union Associations in Tripartite Bodies at the National Level which was enacted in 1999 (OG 19/99). These trade union confederations include: the Independent Trade Unions of Croatia (ITC), Union of Autonomous Trade Unions of Croatia (UATC), MATICA – Association of Croatian Trade Unions (MACT), Croatian Trade Union Association (CTA) and Association of Workers' Trade Unions of Croatia (AWTC). Unlike workers, who are organized in a large number of trade unions, employers' organizations are relatively small in number. In tripartite bodies at the national and county level, employers are represented by one employers' association – Croatian Employers' Association (CEA). However, there are also other active associations, such as the Independent Employers' Associations Alliance and Confederation of Croatian Industry and Entrepreneurs. Although these other employers' associations may attract a larger number of employers, they don't participate in the work of tripartite bodies. Unlike the trade unions, rules on representativeness of higher level employers' associations have not been defined through legislation until coming to force of the Law of Representativeness (July 2012).

74

Public authorities participate in tripartite negotiations through bodies at the national and regional, i.e. local level. Coordinative body established by the Government in 2012 is the Independent Service for Social Partnership operating within the Ministry of Labour and Pension System (MLPS), which has replaced the earlier Office for Social Partnership.

The Economic and Social Council (ESC) represents the highest form of tripartite social dialogue in Croatia. This is an advisory body consisting of representatives of the Government, higher level employers' associations and trade union confederations which fulfill representativeness requirements. Among other, the Economic Social Council's jurisdiction includes the proposition of measures for implementing a consolidated economic, social and developmental policy, coordinated price and wage policy, providing opinion on legislative proposals in the field of labour, economy and social security and encouraging peaceful settlement of collective and individual labour disputes (Table 1).

Box 1: Jurisdiction of the Economic and Social Council, Republic of Croatia

- Promotes the idea of tripartite cooperation between the Government, trade union associations and Employer's associations in examination and resolution of economic and social issues;
- Follows and evaluates the influence of economic policy and economic policy measures on social stability and development;
- Proposes the measures for implementing a consolidated economic, social and developmental policy;
- Evaluates and provides opinion on measures for achieving macroeconomic stability, competitiveness and a balanced economic and social development;
- Provides opinion on state budget proposals;
- Monitors, studies and evaluates the effect of changes in prices and salaries on the economic and social stability and development;
- Proposes to the Government, trade unions and employer's unions and their associations the conduct of adjusted price and wage policy;
- Monitors the situation in the field of employment, pension and health insurance, education, adjustment of labour market and workplace safety and proposes improvement measures;
- Provides an opinion on legislative proposals in the field of labour, economy and social security;
- Discusses and possibly provides opinion on proposals of other laws and provisions of public interest;
- Fosters the signing and implementation of collective agreements;
- Provides an argued opinion to the Labour Minister on all issues related to signing and implementation of collective agreements and estimates the effects of extension of collective agreements;
- Fosters peaceful settlement of collective and individual labour disputes;
- Defines the list of mediators in collective labour disputes;
- Provides a rulebook specifying the procedure of selection of mediators and implementation of the mediation procedure in settlement of collective labour disputes;
- Provides an opinion on proposals made to the Labour Minister related to other issues specified by the Labour Law;
- Monitors the implementation of legislation in the field of labour and social security;
- Monitors how labour and social security rights are being implemented and proposes measures for improvement;
- Adopts the report on the work of the Council and its working bodies;

The first Agreement on Establishment, Jurisdiction and Activities of the Economic and Social Council was signed in 1994, and since then the document was revised several times. With the Agreement currently in force, which was adopted in February 2012 (OG 18/12), an Independent Service for Social Partnership in the Republic of Croatia replaced the previous Office for Social Partnership, but besides that there are no major changes in the provisions in comparison to the previous agreement adopted in March 2011. Namely, in March 2011, the Government has reached an agreement with trade union confederations and Croatian Employers' Association on improvement of the work of the Economic and Social Council and Office for Social Partnership in the Republic of Croatia. Therefore, the Economic and Social Council was re-launched on the new grounds. It is estimated that its activities up until then were mostly related to legislation and initiatives linked to mediation procedures, while general economic issues and issues related to specific companies were mostly neglected. Furthermore, other problems included outvoting the social partners in the decision making process, delivery of materials with short response deadlines and ignoring the key issues (Novaković, 2011). However, it should be noted that county branches of the Economic and Social Council held continuous meetings in 2010, regardless of the stagnation in work of the Economic and Social Council at the national level.

76

As previously indicated, the key change in work of the ESC occurred with the Agreement adopted in March 2011. Along with that Agreement, new administrative acts of that body have also been adopted and the Council for Improvement of the Tripartite Social Dialogue in Croatia was established.<sup>60</sup> With the March 2011 Agreement, the Government become obliged to make materials available to the members of the ESC at least 7 days before a meeting. Furthermore, on the occasion of Government's statement relating to laws and acts in front of the Parliament, Government's representative is obliged to inform members of the Parliament on the opinion of the ESC. This strengthened the advisory role of the ESC since earlier the Council's opinions were only attached along with the legislative proposals. The most important adjustment made in the March 2011 Agreement relates to strengthening of the position of trade unions through introduction of the instrument of dissenting opinion. In case the ESC cannot reach a consensus, this instrument obliges the stakeholders to present positions of individual social partners while informing the public on ESC's majority opinion. In May 2011, ESC adopted guidelines for establishment, organization and activities of ESCs in self-government (regional) units, which were briefed about further activities having in mind the reform of the national ESC.

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60 The Committee monitors the realization of obligations of all stakeholders and gives recommendations for improvement of mutual cooperation. It consists of five members - representatives of employers, trade union associations, Government and two independent members - social dialogue experts. The Committee meets at least once every three months.

The number of the ESC members depends on the number of representative trade union confederations. The Government and social partners have an equal number of representatives in the Council, and each representative has a deputy. Given the fact that five trade union confederations are currently registered as representative in Croatia, the ESC has 15 members at the moment. In line with the work regulations, regular sittings are held once a month. The Council has permanent and temporary working bodies. Permanent ones are committees, and temporary ones are working groups.<sup>61</sup>

In 2007, the European Union-Croatia Civil Society Follow-up Committee was established with the decision of the European Economic and Social Committee. The Committee was later renamed The EU-Croatia Joint Consultative Committee. Its role is to establish an additional institutionalized form of dialogue between the EU and Croatian bodies; foster public discussions on the effects of EU membership; and generally contribute to strengthening of civil society, emphasizing all economic and social issues related to the Stabilization and Association Agreement. The Board has an equal number of representatives of the European Economic and Social Committee and economic and social interest groups from Croatia. The Government of Croatia has an observer status in the Board, while Independent Service for Social Partnership of the Ministry of Labour and Pension System (MLPS) performs the administrative role. Upon EU accession, Croatia will take over an active role in the EU Economic and Social Committee where it will be represented by nine representatives.

### ***Trade unions and other workforce representatives***

A total of 534 trade unions are registered in Croatia, 237 of which operate in two or more counties. According to the latest available data (from 2009) a total number of trade union members is 423 964, which is significant in terms of coverage (35%), even according to European standards.<sup>62</sup> Still, the differences in coverage are an important feature of the Croatian trade union scene. Huge differences in coverage are registered between the public sector in the wider sense (68%) and the private sector (around 17%); same applies for privatized companies (31%) vs. newly established companies in the private sector (9%). Differences are also identified between big (around 40%) and small companies (around 3%; for more details see Bagić, 2010, 256). According to data published by the Ministry of Labour and

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61 Permanent working bodies of the Economic and Social Council are: Committee for Wage Policy, Taxation System and Living Standard; Committee for Social Policy; Committee for Employment, Education and Labour Market Adjustment; Committee for Legislation, Collective Bargaining and Protection of Rights; Committee for Sustainable Development, Economic Stimulus, Energy and Climate Change.

62 Information from the presentation by Marko Krištof, Assistant Minister at the Ministry of Labour and Pension System presented at JIM/JAP conference entitled 'Labour and Croatian Social Policy in the Context of EU' held in Zagreb on May 22nd, 2012.

Pension System (May 1<sup>st</sup> 2012), trade unions are grouped in 24 higher confederations, 5 of which are representative at the national level.

The youngest and, at the moment the biggest trade union association, Independent Trade Unions of Croatia (ITC), was established in February 1999 through merger of Confederation of Independent Trade Unions of Croatia and Coordination of Croatian Public Officials Trade Unions. It gathers together 61 trade unions mostly from state and public sectors, but it has members from the private sector as well. The total number of members amounts to around 125 000. ITC is a member of the International Trade Union Confederation (ITUC), European Trade Union Confederation (ETUC) and the European Centre for Workers' Questions (EZA).

The Union of Autonomous Trade Unions of Croatia (UATC) was established on May 13<sup>th</sup>, 1990 as an independent and voluntary interest organization of trade unions. Today it has 17 branches and around 110 000 workers. It is one of the most important Croatian trade union confederations. For the most part, it gathers trade unions of the services and industrial sector; but it also has members from the public sector. UATC is a full member of the European Trade Union Confederation (ETUC) and the International Trade Union Confederation (ITUC).

78

MATICA – Association of Croatian Trade Unions (MACT) was established in 1993 as the Association of Croatian Public Sector Trade Unions. It has over 64 000 members associated in 10 trade unions. Most trade unions are from the public sector; particularly education, health and social protection. Although MACT is not a member of the European Trade Union Confederation, some of its members are.

Croatian Trade Union Association (CTA) was established in December 1990 under the name Croatian Union of Trade Unions. In 1992, its name was changed and the organization has been operating under the current name since then. Most of CTA members are from the shipyard, metalwork, oil and chemical industry, ports services, agriculture and food production, trade, catering, tourism, insurance, transport and communications, state administration and preschool education. CTA has around 45 000 members from 70 trade unions. It is not a member of the European Trade Union Confederation, although some of its members are.

Association of Workers' Trade Unions of Croatia (AWTC) was established in June 1994 under the name Trade Union Association of the Public Sector Employees. The aim was to establish a trade union which would represent all public companies. As time passed by, trade unions from other sectors showed interest in AWTC, so a year later it changed its name to the current one. It has around 24 000 members from 45 trade unions covering different sectors. In 1995, AWTC joined European Federation of Public Service Employees (EUROFEDOP) which operates within the International Federation of Employees in Public Service (INFEDOP).

Table 1: Comparative overview of the basic features of representative trade union confederations and employers' associations in Croatia before enactment of the Law on Representativeness

Confederation/ Association	Year of establishment	Number of members/trade union/employers	Number of members / workers	Sector	International memberships	President
<b>Trade union associations</b>						
Independent Trade Unions of Croatia (ITC)	1999	61	125 000	Mostly state and public sector; partially private sector	ETUC EZA	Krešimir Sever
Union of Autonomous Trade Unions of Croatia (UATC)	1990	17	110 000	Private sector; service and manufacturing sectors, partially public sector	ETUC ITUC	Mladen Novosel
MATICA – Association of Croatian Trade Unions (MACT)	1993	10	64 000	Public sector (education, health and social care), economy representatives	Some individual members are members of the ETUC	Vilim Ribić
Croatian Trade Union Association (CTA)	1990	70	45 000	Shipbuilding, steel, oil and chemical industry, agriculture, food industry, trade, catering, tourism, insurance, transport and communications, public administration and preschool education	Some individual members are members of the ETUC	Ozren Matijašević
Association of Workers' Trade Unions of Croatia (AWTC)	1994	45	24 000	Public companies trade unions, various sectors	EUROFEDOP INFEDOP	Damir Jakuš
<b>Employers' associations</b>						
Croatian Employers' Association (CEA)	1993	6,000	400 000	Promotes interests of different industries, 3 regional offices, and 25 branch associations.	BUSINESSEUROPE UEAPME (associated membership)	Ivica Mudrinić

Source: compiled by authors based on websites and direct contacts with representative national trade union confederations and higher level employers' association (2012)



### ***Employers' associations***

The number of employers' associations in Croatia is much smaller than the number of registered trade unions. In May 2012, a total of 52 employers' associations were registered at the Ministry of Labour and Pension System, mostly grouped by sectors (e.g. Association of Croatian Textile, Tanning and Leather Industry Employers, Association of Paper and Wood Industry Employers etc.).

Croatian Employers' Association (CEA) is the only representative employers' association on Croatian tripartite scene. It was established in 1993 as a voluntary non-profit independent higher level association of employers with the aim to protect and promote the rights and interest of its members. Today it has over 6 000 members which employ 400 000 workers. The Association operates in 3 regional offices in Rijeka, Osijek and Split and 25 branch associations which enable protection and promotion of specific interests of different sectors. Sectoral associations of the CEA represent sectoral interest both in Croatia and in front of European sectoral employers' associations. CEA is actively involved in all forms of social dialogue at the EU level through BUSINESSEUROPE and other sectoral associations.

Following its inability to enter the Economic and Social Council in 2004 and 2008, Confederation of Croatian Industry and Entrepreneurs lost a substantial number of members. Today it operates as an umbrella association gathering together ten independent associations from different sectors through which companies with a total of 365 workers are joined as members. Out of other non-representative employers' associations, Independent Employers' Associations Alliance should be mentioned.

80

### ***Central and local government***

The Government participates in tripartite bargaining through its bodies at the national and regional, i.e. local level. After the new Government was appointed in December 2011, the Independent Service for Social Partnership was established within the Ministry of Labour and Pension System.<sup>63</sup> This service replaced the earlier Office for Social Partnership which was established at the national level in 2001 and was in charge of the organizational, professional, administrative-technical and other requirements of the Economic and Social Council and its temporary and permanent work bodies. The Office also handled the tasks related to organizing and implementation of peaceful settlement of collective and individual labour disputes and has also operated as the Secretariat of the EU-Croatia Joint Consultative Committee. Besides the tasks at the national level, the Office also operated as a coordinator of Economic and Social Council's activities in local and regional self-government units.

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63 Assistant Minister Marko Krištof is authorized with the Office.

County Economic and Social Council offices were established at the local and regional level with the aim to strengthen mutual trust and share joint objectives for the economic and social development of counties. Such form of action supports decentralization of public authorities and fosters local development.

## COLLECTIVE BARGAINING SYSTEM

Collective agreement defines rights and obligations of parties – social partners in collective bargaining. Collective agreement can also define rules for signing such agreements; their contents and termination of employment contracts; workers council and social security issues; rules regarding the composition and action of bodies authorized for peaceful settlement of collective labour disputes and other labour related issues. In collective agreements, employer side can be represented by one or more employers or their associations, while workers can be represented by one or more trade unions or their confederations. If more than one trade union or trade union confederation are present in the area in respect of which a collective agreement is to be concluded, the employer or employers, the employers' association or a higher-level employers' association is permitted to negotiate a collective agreement only with a bargaining committee composed of representatives of these trade unions.<sup>64</sup> The number of members and composition of the trade union bargaining committee is decided by the Economic and Social Council or, in case the Economic and Social Council has not been established, by the Minister.

Collective agreement can be concluded for a definite or indefinite period. A collective agreement concluded for a definite period may not be concluded for a period longer than five years. According to the Labour Law, unless otherwise specified by the collective agreement in question, following the expiration of the period for which this collective agreement was concluded, the legal rules contained therein shall continue to be applicable until a new collective agreement is concluded.<sup>65</sup> The Minister may, at the request of a party to a collective agreement, extend the application of a collective agreement concluded with an employers' association or a higher level employers' association to persons who did not take part in its conclusion or who did not subsequently accede to it.<sup>66</sup> Such decision may be taken by the Minister if the collective agreement, the application of which is to be extended based on the proposal submitted, was concluded by the trade unions with the largest number of members and the employers' association covering the largest number of employees in the area to which the collective agreement is to be extended and if the assessment of its effects indicates that there is public interest involved in its extension.

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64 Labour Law, Article 254.

65 Ibid., Article 262.

66 Ibid., Article 267.

According to data of the Ministry of Labour and Pension System which keeps record of collective agreements covering two or more counties, on May 1st, 2012, a total of 141 collective agreements were in force in Croatia, 16 of which were branch agreements. Five sectoral agreements were extended to all employers and workers in trade, catering, construction, travel agencies, wood and paper industries. At the moment, there is no data on the number of collective agreements in force in each county, and the total number of national collective agreements may be even higher because there is a possibility that some parties have not reported concluding collective agreements. According to a study carried out 2010, the total number of collective agreements at the county level was 685, which greatly exceeded 160 national agreements at the time (Bagić, 2010, 179).

Examples from practice show that employers express higher interest in concluding collective agreements at the company level in comparison to collective bargaining at the industry, sectoral or regional levels. This is supported by the fact that the number of collective agreements at the industry, sectoral or regional level in Croatia is very small (Rebac, 2010, 101). Although there is no official statistics that monitors the coverage of collective agreements, according to estimates from 2010, based on data on the number of employees in industries in which collective agreements have been concluded (Bagić, 2010, 198), collective agreements coverage is around 61%. This percentage stands for the 44% coverage in the private sector and nearly a 100% in the public sector. This exceeds the average rates in other transitional countries; however it seems that such coverage has mostly been achieved through extending non-updated branch collective agreements, some of which have expired or require new negotiations.

ECONOMIC CRISIS AND  
THE CHALLENGES OF  
SOCIAL DIALOGUE

## ECONOMIC AND SOCIAL DIMENSIONS OF THE CRISIS

The effects of the economic and financial crisis on Croatian economy have been most pronounced in 2009 with the GDP fall (-6%), increased budget deficit and public debt and reduced foreign investments (Table 3). After two years of continuous decline, GDP has finally reached a stagnation phase in 2011, but the new wave of recessionary trends continued in 2012. Internal weaknesses of the Croatian economy, along with continued recession in the EU, have contributed to this. Signs of a slight recovery can be expected only in 2013, provided that the problems in the Eurozone do not worsen.

Croatian economy on the global scale since 2007 notes continuous fall of its competitiveness measured according to methodology of the World Economic Forum. In 2011 a small positive shift has been noted for only one point. According to the latest Global Competitiveness Report in 2012 Croatia economy slipped down five points, to 81<sup>st</sup> place out of 144 countries, regionally falling behind Montenegro and Macedonia. This year's results show that evaluation of the efficiency of the labour market slightly improved, however Croatia is still positioned very low (106<sup>th</sup> place on competitiveness scale).<sup>67</sup>

Table 2: Selected macroeconomic indicators for Croatia

Indicator	2008	2009	2010	2011	2012 prognosis	2013 prognosis
BDP, real annual growth rate (%) <sup>1</sup>	2.2	-6.0	-1.2	0.0	-1.2	0.8
BDP per capita (EUR) <sup>2</sup>	10 722	10 111	10 394	10 427	-	-
General government balance (% BDP) <sup>1</sup>	-1.4	-4.1	-4.9	-5.0	-5.1	-5.0
General government gross debt (% BDP-a) <sup>1</sup>	28.7	35.0	41.2	45.7	51.3	57.1
External debt (% BDP-a) <sup>2</sup>	85.4	101.0	101.2	99.6	-	-
Average annual inflation growth (%) <sup>2</sup>	6.1	2.4	1.1	2.3	-	-
Unemployment rate (%) <sup>3</sup>	8.4	9.1	11.8	13.5	-	-
Employment rate (%) <sup>4</sup>	57.8	56.6	54.0	52.4	-	-
Foreign direct investments (millions EUR) <sup>5</sup>	4 218	2 415	0 297	1 074	-	-

Source:

1 European Commission. European Economic Forecast Spring 2012. European Economy 1/2012.

2 Croatian National Bank. Bulletin 184. XVIII. Zagreb, September 2012. (Croatian only)

3 Eurostat. Unemployment rate, annual average, by sex and age groups (%). August, 2012.

4 Eurostat. Employment rates by sex, age and nationality (%). September, 2012.

5 Croatian National Bank. Direct foreign investments in Croatia (in millions of EUR). July 2012.

<http://www.hnb.hr/statistika/hstatistika.htm> (27. 9. 2012)

Contrary to the above mentioned, in its September report for Croatia,<sup>68</sup> Fitch Ratings revised its credit rating from a negative outlook to a stable one. Namely, since 2009 Croatia was assigned a rating of BBB- with a negative outlook. Positive change in the credit rating (which keeps the BBB- rating but with a stable outlook) is a result of the Fitch Ratings' evaluation that Croatia has made a progress in dealing with its public finances and established a strong taxation discipline. Fitch expects that changes in the labour legislation and collective agreements will enable greater flexibility of wages in the public sector and greater possibilities for dismissals, as preconditions for the new employment.

Crisis has affected the labour market as well and caused a rise in unemployment and decline in employment rates. With a 52.4% share of employed individuals in the working age population aged 15-64 in 2011, Croatia is far behind all EU-27 member states.<sup>69</sup> Youth population was hit hardest by the crisis in terms of unemployment: according to Eurostat, unemployment rate of the general population in Croatia in 2011 was 13.5%, while the rate for youth under the age of 25 was as high as 36.1%.<sup>70</sup> At the same time, youth unemployment rate at EU level was comparatively lower - 21.4% - compared to the general unemployment rate of 9.7%. Vulnerability of young people in Croatia to the crisis can be explained by the fact that, for the most part, they have fixed term contracts and therefore have much less employment security compared to other age groups. In addition, a particular problem in Croatian labour market is a large number of the long-term unemployed. According to Eurostat data for 2011, share of the long-term unemployed at the EU level was 4.1%, while the share in Croatia was 8.6%.<sup>71</sup>

Forecasts for Croatia show that in 2012 it will be very difficult to maintain even the last year's level of production and employment. This means that it is crucial to implement significant changes on the economic and social plan in order to start meeting the prerequisites needed for changing the economic trends in the period after 2013 in a positive direction. Key challenges facing Croatia are delivering a new model of sustainable economic recovery and growth along with preservation of macroeconomic stability, which is planned to be accomplished with supporting of investment activities, fiscal consolidation and amplification of structural reforms.<sup>72</sup>

68 Fitch Ratings. Croatia: Fiscal Policy Key to Maintain Investment Grade. September, 2012. <http://www.fitchratings.com> (27. 9. 2012)

69 Eurostat. Employment rates by sex, age and nationality (%). September, 2012. [http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=ifsa\\_ergan&lang=en](http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=ifsa_ergan&lang=en) (27. 9. 2012)

70 Eurostat. Unemployment rate, annual average, by sex and age groups (%). August, 2012. <http://appsso.eurostat.ec.europa.eu/nui/setup?ModifyTableLayout.do> (27. 9. 2012)

71 Eurostat. Long-term unemployment - Annual average, by sex (%). July, 2012. [http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=une\\_ltu\\_a&lang=en](http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=une_ltu_a&lang=en) (27. 9. 2012)

72 Government of the Republic of Croatia. Pre-accession Economic Programme 2012.-2014. Zagreb, February 2012. Page.2.

This implies the necessity of limiting Government expenditure to sustainable parameters in a short period (including the need to reduce public spending and strengthen the efficiency of the public sector). Furthermore, Croatia needs to accelerate implementation of structural reforms aimed at correcting imbalances and enhancing the economic potentials, taking also into account social aspects of fiscal policy measures.<sup>73</sup> The most significant group of general government budget expenditures which will have to be reduced in a period up to 2014 are social benefits and benefits of the employees in the public and state services.

Acceleration of labour market reform is one of the prerequisites for a more efficient resolution of issues arising within industrial relations in Croatia. The Government is, therefore, faced with the indispensability of reducing expenditure from the state budget and implementation of politically and socially sensitive austerity measures.

## SOCIAL DIALOGUE AND INDUSTRIAL RELATIONS IN THE TIME OF CRISIS

### *National level*

86

Consequences of the crisis and substantially altered economic circumstances have largely affected industrial relations and social dialogue in Croatia, which have varied significantly in intensity and quality. Until May 2010, continuous social dialogue took place within the established organizational structure. Standstill in the social dialogue occurred after the Government's initiative to propose amendments to the Labour Law that would enable elimination/reduction of extended application of collective agreements. Trade unions confederations withdrew from the ESC and began collecting signatures for a referendum on a new Labour Law. Unions have collected around 800 000 signatures and Labour Law was withdrawn from the procedure.<sup>74</sup> However, the ESC hasn't held meetings until a new agreement on the regulation of its work was signed in March 2011.

In November 2010, based on the agreement signed between the Government and the trade unions, it was agreed that a referendum would be held in order to determine whether the citizens accept new regulations on requirements for

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73 Government of the Republic of Croatia. Pre-accession Economic Programme 2012.-2014. Zagreb, February 2012. Page.7.

74 Law on Referendum and Other Forms of Personal Participation in State Administration and Local and Regional Self-Government, OG 33/96, 92/01, 44/06, 58/06, 69/07, 38/09; Article 3 states that in order to organize a referendum on any issue independently from Government's, Parliament's or President's initiative, a minimum of 10% of registered voters' signatures should be collected. In 2010, unions managed to collect twice the number of required signatures, which was the first successful initiative of this kind.

holding a referendum. According to the new regulations, a referendum could be held on any specific issue, provided that 200 000 signatures of registered voters are gathered within 30 days. This way, the existing criteria for the referendum would be significantly reduced. This initiative was popularly called „referendum on a referendum”. However, with the change of Governments in December 2011, political circumstances altered and the political will to support the initiative among political parties was no longer present. In line with this, within the referendum on EU accession, which took place in January 2012, the question of „the referendum on a referendum” was not mentioned, as was originally planned.

Reacting to the effects of the economic crisis, four trade union confederations (UATC, ITC, CTA and AWTC) organized a protest on May the 1<sup>st</sup> 2012 in the centre of Zagreb. On that occasion, they handed to the Government and to Croatian Parliament symbolic „yellow cards” containing trade union warnings and requests. Among the requests presented to the ruling coalition were: fostering economic development without changing the Labour Law, preservation of existing and creation of new jobs, increased minimum wage, and reform of the pension system which should remain public and strengthening of collective bargaining. In case the Government and the Parliament fail to walk the path for which the citizens assigned them with trust in December 2011, union leaders have announced handing them „red cards”. The „red card” has been interpreted as one of the ways of pointing out the need for calling early elections (Mladen Novosel, president of UATC). Despite the difficult social situation, only 2000 union activists and citizens gathered at the protest.

The Basic Collective Agreement for Public Services was set to expire in October 2013, and, due to reduced budget, the Government and social partners launched negotiations on changes to the Agreement in June 2012. Government’s starting point is the principle that Croatia should stop spending more than it earns, which should be achieved through revocation of certain benefits prescribed in collective agreements for public and civil services. In this light, negotiations on amendments to basic collective agreements focus on revocation of substantive rights of workers, such as Christmas bonuses, vacation allowances, anniversary bonuses and transportation fees. As it turns out, it is extremely difficult to reach a common position in such negotiations. Government’s objective is to keep the workers’ rights to the extent possible in the current difficult conditions, safeguard jobs and the regularity of salaries. A somewhat different approach was used until now; the previous Government signed a more favorable collective agreement for public services, clearly without sufficiently weighing the long-term consequences. Along with other substantive rights of workers, it should be emphasized that according to the Annex to the Basic Collective Agreement for Public Services, the Government should have raised salaries in education and science by 2.4% on July the 1<sup>st</sup>, 2012. Furthermore, as of January the 1<sup>st</sup>, 2013, the present Government would be obliged to adjust salaries based on the agreement signed after the arbitration with the previous



Government in late 2011. However, there is no space for securing these funds in the reduced budget.<sup>75</sup>

Negotiations have pointed towards different views of the Government and trade unions on possibilities for overcoming the crisis. Furthermore, what became evident is fragmentation and inability to reach a uniform stand among the trade unions, as well as insufficient level of the culture of social partnership for implementing effective social dialogue. After seven rounds of negotiations held in June and July 2012, the Government's proposal on the irreversible revocation of certain substantive rights in 2012 and 2013 (Christmas bonuses, vacation allowances and anniversary bonuses) did not get trade union's support. The opinions among trade unions were split and they haven't agreed with the Government's proposal. Four out of eight unions have rejected the Government's proposal with the aim to oblige the Government to pay back the revoked substantive rights for 2012 and 2013 as soon as the nominal GDP growth reaches the level of over 5%.

Croatian Teachers' Trade Union, Croatian Trade Union of Nurses and Medical Technicians, Independent Trade Union of Workers in Secondary Education of Croatia and Independent Union of Research and Higher Education Employees of Croatia did not agree to arbitration, and in early August, the Government announced termination of the Basic Collective Agreement. The mediation process with the four above mentioned trade unions, used as the last resort before termination of the BCA began at the end of August but unfortunately did not end successfully. Trade unions held a referendum among their members in September where they received a 90% support for rejecting the proposal of irreversible revocation of certain substantive rights in 2012 and 2013. The Government then concluded that the mediation process failed and it terminated the BCA for the public services. The forming of a negotiating committee for the new BCA for public services in accordance with the Law on Representativeness has been announced. All this underlines the complexity of the problem, deficiencies in the social dialogue and the necessity for obtaining a greater level of readiness to compromise.

88

### ***Sectoral level***

Since its beginnings, sectoral social dialogue in Croatia was developed more as a tripartite than bipartite dialogue, with the establishment of tripartite sectoral councils which involve trade union confederations and not sectoral unions. Although the logic of sectoral dialogue is primarily bipartite in its nature, it should be noted that the sectoral and tripartite social dialogue are not in conflict, rather they complement each other:

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75 Minister of Labour and Pension System Mirando Mrsić, interview published in Jutarnji list, June the 30<sup>th</sup> 2012.

According to the Ministry of Labour and Pension System, a total of 16 sectoral Collective Agreements are currently in force in Croatia. In the first year of the crisis (2008), a total of seven sectoral collective agreements were signed: CA for Croatian sailors working on ships in international waters, CA for timber and paper industry, CA for science and higher education, CA for the security industry, CA for public servants, CA for social welfare and CA for public servants and employees of the Croatian Mine Action Centre. All collective agreements signed that year have expired in the meantime, but new agreements were signed for most of these areas in the following years. In 2009, no new collective agreements were signed, but five agreements were signed in 2010, which are all still in force: BCA for public service officers, CA for workers in secondary education, CA for the private healthcare sector, CA for science and higher education, and CA for workers in primary education.

The following collective agreements were signed in 2011: CA for workers in primary education, basic branch CA for the security industry, branch CA for workers in cultural institutions financed from the state budget and CA for social welfare services. All agreements concluded in 2011 are still in force, except for the basic branch CA for the security industry which expired in January 2012. During 2012, CA for civil servants was concluded for a period of four years. At the time of crisis, two branch CAs, which were signed before 2008, and are still in force, were modified. These are CA for catering and CA for the travel agencies.

89

In the past two years, significant efforts have been made in Croatia in establishment of sectoral councils and strengthening of social dialogue with the aim to, among other things, fulfill the commitments from JAP and dismiss European Commission's remark on the insufficient balance between sectoral and tripartite dialogue in Croatia. Four sectoral social councils were established until now. On April the 20<sup>th</sup>, 2010, Agreement on Establishment of the Social Council for Textile, Footwear, Leather and Rubber Sector was signed, followed by signing of the agreements for forestry and wood industry (December the 6<sup>th</sup>, 2010), road transport (December the 9<sup>th</sup>, 2011) and railroad sector (May the 30<sup>th</sup>, 2012). These agreements specified the purpose of establishment of social councils, principles of cooperation, willingness to open dialogue and actions to be taken by the social councils. Sectors hit hardest by the crisis are manufacturing, construction and crafts. Therefore, it would be crucial to strengthen the sectoral social dialogue in these sectors as soon as possible.

Development of the sectoral social dialogue is complicated by the fact that in many industries there are no branch unions or that the existing ones are weak compared to the in-house unions. Trade unions in companies are often „stronger” than the national trade union confederations, so it is not surprising that in-house collective agreements outnumber the branch agreements. Due to the large number of actors in branch bargaining, branch collective agreements typically set mini-

imum standards and unions sometimes assess that they are better off negotiating at the company level. Finally, in many branches there are no employers' associations with which trade unions could negotiate and to whom they could refer their initiatives.

### ***Company level***

Majority of industrial unions in Croatia are so called in-house unions, i.e., those that gather all employees within a company, organization or a holding company (Bagić, 2010, p. 116). Weaknesses of such organization became apparent in the times of crisis, because fragmented unions are often unable to promptly respond to external threats caused by the crisis. One of the common problems present in Croatia during the crisis is late activation of the bankruptcy proceedings, since it is usually the workers that file for it after not receiving their salaries for months, and at that point it is already too late for systemic solutions. During the bankruptcy proceedings, there is little possibility for taking care of the business; losses are increased and the chances to rescue the company are very limited.

## Box 2: Positive and negative examples from practice

A positive example is the case of the retail chain Pevec against which bankruptcy proceedings were launched at the end of 2009. A team of experts has succeeded in ensuring the trust and support for restructuring the ailing company among the majority of creditors. Afterwards, the shopping centres that have been closed for months were slowly re-opened. Pevec case is specific not only for the number of creditors and amount of claims, but also because the company was owned by private individuals. Owners did not realize that they were responsible for creditors' claims, and that they could only be settled after all creditors' claims have been settled. After the bankruptcy procedure in shopping centres identified millions of HRK worth of shortages, criminal charges were filed against the owners.

Examples of insurance company Croatia osiguranje and Croatian Postal Bank can serve as an illustration. In early 2012, the Government announced putting up for sale the leading Croatian insurance company – Croatia osiguranje - and Croatian Postal Bank, the only remaining state-owned bank. This privatization would have had a positive impact on the state budget, but the unions' reactions to this decision were largely negative. Thus, ITC clearly expressed their opposition to the Government's decision arguing that these were both stable companies with growing profits and market shares. The announcement of possible privatization of Petrokemija Kutina has brought on even harsher reactions from the unions, which again argued that the company in question had a positive balance. In late April 2012 Petrokemija trade union, together with representatives of CTA and Association of war veterans of Petrokemija, launched a secret survey among the workers of Petrokemija asking them: „Are you in favour of unions and the Association of war veterans of Petrokemija initiating and leading the activities aimed at keeping the majority of state ownership in Petrokemija?“. Resistance to privatization is associated with negative experiences with privatization in the 90's, but later as well, when in many cases well-operating companies were deliberately destroyed, and individuals have gained personal profit in a criminal manner. In response to the crisis, some companies decided to reduce the working week, that is, introduce non-working Fridays, especially in the most vulnerable sectors of textile, wood processing industry and construction. On employers' and trade unions' initiative, the Government tried to help these companies in July 2009 with the adoption of the Law on Job Retention Support (OG 94/09, 88/10) according to which the state would help fund part of employers' commitments. Unfortunately, the criteria employers should meet in order to be eligible for requesting such support were set too high, so only a few employers placed their requests (Hanževački, 2010, 2). Crisis was also reflected in an increased number of workers who are not paid for their work. According to the Tax Administration data from late April 2012, 3689 employers that employ 16 758 workers didn't pay the salaries for February 2012. Some estimates mention that a number of workers who don't receive a salary for their work is several times higher compared to official numbers, but due to data collection method, this is not visible in the official records (Rebac, 2010, 148).

## SOCIAL PARTNERS' STANDS ON SOCIAL DIALOGUE IN CROATIA

Opinions presented hereafter are obtained from personal interviews with social partners' representatives from Croatia.<sup>76</sup>

### *Evaluation of social dialogue quality*

- Representatives of employers and trade unions believe that social dialogue is at a satisfactory level only in theory, bearing in mind the legal basis and organizational structures. However, both parties estimate that the social dialogue in practice is still not seen as a mechanism for involvement of social partners in creation of public policies to a sufficient degree.<sup>77</sup>
- Unions and employers make a difference between social dialogue in times of crisis with the former and the present Government. They find that social dialogue was better and more intense with the former Government, which gained more experience in it during its two terms of office. Meetings were held more frequently, there was a debate and numerous requirements were incorporated into legislation (e.g. public-private partnerships, public procurement and education). However, even then, most agreements remained only at the level of promises.<sup>78</sup>
- According to the unions' assessment, the current Government has reduced the frequency of meetings with the social partners (ESC). Communication channels function poorly and large part of communication is done through the media.
- Materials are not delivered on time, some important laws (such as the General Tax Law and the Law on Financial Transactions) were not submitted to social partners for their response, and the response deadlines are too short.
- Low intensity of social dialogue in the initial period of the new Government's term of office (Ministry of Labour and Pension System) is explained with the lack of legal basis, need for organizing the ministries and establishing a system

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76 For the analysis of attitudes on the social partnership it should be noted that turn out at the interview was following: four representatives of representative trade unions confederations, one representative of representative employer's union of the higher level, one representative of the Ministry of Labour and Pension System. Interviews were carried out during May and June 2012.

77 Trade unions and employers see social dialogue as a channel through which they could lobby the Government. However, the question remains whether this is the purpose of social dialogue rather than reaching tripartite compromises.

78 Insisting on a better quality of social dialogue with the former Government could be seen as a means of pressure on the new Government from which social partners expected a lot. It should not be omitted that during the former Government's term of office the ESC didn't hold meetings for almost a year. Concessions that the former Government made with the Agreement on the ESC from March 2011 were made in the last year of its term of office and should also be interpreted in this context.

(planning ministries' activities related to expression of social partners' interest for participation in working groups, appointment of coordinators in the ministries etc.), and the necessity to implement education on social dialogue. The state administration, however, also points out to the structural weaknesses of the social dialogue, which are reflected in the small number of sectoral councils, currently low national representativeness criteria and a small number of social partners' initiatives.

### ***Evaluation of capacities, activities, efficiency and influence of the social partners***

- Unions differ in their capacities, as well as in their understanding of the organizational structure. Representatives of trade unions' confederations (MACT) stress that in Western Europe, the members-staff ratio in the trade union confederations is 1 000: 1, and according to this, there should be around 450 employees in Croatian trade union confederations. However, there are only around one hundred employees, indicating an insufficient capacity of the trade union confederations. It is estimated that only some confederations are able to competently, promptly respond and react to activities in Croatia related to the proposals of laws and their amendments. The ITC, as currently the largest trade union confederation has a small number of employees, while MACT has no employees at the central office, but only in associated unions.<sup>79</sup>
- One feature of the Croatian trade union scene is a large number of union members and weak confederations which may result in an imbalance when a larger union leaves the confederation. Confederations' weakness is attributed to „cracking” of ties between confederations and their membership base, since leaders in trade union confederations often fail to represent their membership base, but rather represent the presidents of unions associated within confederations who often do not represent authentic interests of its base (MACT).
- Union property also represents an obstacle to efficient functioning. Agreement between trade union confederations on distribution of union property was not implemented properly and unions still do not have adequate premises in which they could operate (MACT).
- The media seem to contribute to discrediting the trade union movement instead of objectively informing the public on their activities and achievements (UATC). It is estimated that they contribute to confrontation of workers in the private and

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79 The Law on the Criteria for Participation in Tripartite Bodies and Representativeness for Collective Bargaining which was adopted on July 13th, 2012 (OG 82/12) proscribes that each representative confederation of unions or employers should have at least five employees. This was enacted with aim of improving social partners' capacities.

the public sector with the support of the public authorities.<sup>80</sup> Unions estimate that Government doesn't invest enough effort into explaining to the unions the economic laws in the times of crisis. Furthermore, they point to the problem of the state's insufficient human resources for implementing quality social dialogue.<sup>81</sup>

- Employer's Association (CEA) assesses its own capabilities as satisfactory (44 employees, three regional offices and the central office), stating that they are able to cover all the necessary activities related to social dialogue, although there is a need for education and specialization. Employers' capacities are considered appropriate by the state administration as well. However, trade union confederations state that the employers' problem is their narrow-mindedness or thinking from the perspective of their own interests without taking into account the common good. Furthermore, they estimate that the CEA is much better connected with the public authorities. This is partly explained by the fact that the media and general public often associate the CEA with the term „economy”, even though this is not correct.
- State administration (Ministry of Labour and Pension System) explains that some conceptual changes were introduced with the new Government in terms of organization. The current Independent Service for Social Partnership does not participate in Government's coordination as an institution, but as integral part of the Ministry. Ministry of Labour and Pension System expects the social dialogue to get a stronger impetus soon, after a wider education of all coordinators for social partnership is implemented across ministries. The official in charge will be the Coordinator for Social Dialogue and there will be one technical person in charge of social dialogue in each ministry.
- The Ministry is working on a new portal for social partnership to which a part of the tripartite consultations will be shifted. The portal will contain the ESC agenda, as well as social partners' comments which will be highlighted (as consultations with them are carried out on another institutionalized level which differs from consultations conducted according to the code of consultation with the general concerned public).<sup>82</sup>
- Trade unions and employers assess the social partners' influence as insufficient, especially during the new Government's term of office. After the first six months

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80 Disaccord between trade unions and the media can partly be explained by the fact that the media are mostly privately owned, which, of course, doesn't justify their often lack of objectivity in informing on the unions and industrial relations in general.

81 This observation is much grounded, since the Independent Service for Social Partnership at the Ministry of Labour and Pension System has only five employees, and only one on a permanent contract.

82 Such portal is needed and welcome. However, it shouldn't serve as a substitute for some forms of social dialogue, but rather as their technical supplement.

of the new Government's term of office, parliamentary committees have not opened the possibility of participation to external members. Rulebook of the Committee for Legislation of Croatian Parliament does not stipulate that employers and unions should have their representatives in it. The level of influence is changed at the governing councils of the Croatian Employment Service, Croatian Institute for Health Insurance and Croatian Pension Insurance Institute by reducing the number of social partners' representatives (ITC).

- In Croatia, there is no comprehensive systematic approach to monitoring and recording analytical indicators of industrial relations, and for a large number of questions analytical base is not available. With EU accession, Croatia will be included in the statistical monitoring of the European Trade Union Institute, which should improve transparency. Another thing that is missing is a thorough analysis of the state and trends in the field of industrial relations, which would be implemented through cooperation between trade unions and independent experts from academic institutions (UATC).

### ***Evaluation of institutional framework for industrial relations***

- Trade unions evaluate that the Agreement on the work of the ESC, signed between the former Government and the social partners in early 2011, has brought positive changes. Namely, introduction of the institute of dissenting opinion ended the practices of outvoting the trade unions by the Government and employers. State administration (Ministry of Labour and Pension System) holds the opposite opinion, stressing that this agreement provides social partners with an opportunity to participate in working groups related to creation of any law, even the ones not related to the social dialogue.<sup>83</sup>
- Unions and employers agree that abolition of the Office for Social Partnership, i.e., its transformation into the Independent Service for Social Partnership, has had a negative impact on social dialogue in Croatia. They indicate that the Office for Social Partnership served as a mediator in organizing ESC meetings, while the Independent Service did not continue this practice.
- The Ministry of Labour and Pension System explains the change in organization with the change of concept aimed at strengthening and not weakening the social dialogue. Social dialogue is, as they point out, naturally connected with labour re-

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83 The practice in industrial relations shows that at different time periods during their terms of office, governments express different interest in industrial relations. In the first part of the term of office focus is most frequently placed on implementation of the winning election program and not on strengthening industrial relations which are often seen as an obstacle to effective implementation of the program. In the second part of the term of office governments are largely concentrated on the upcoming elections, and therefore they show increased interest in industrial relations as an instrument for building positive image in the public.



lations, thus the Office is assigned to the Ministry of Labour and Pension System. That way, social dialogue strives to rise to a higher level, because the Minister is directly responsible for social dialogue and acts as the president of the ESC from the Government's side. In line with the new concept, new solutions will try to be delivered through reaching agreements between three parties and not through Government office's mediation between the two sides.

- Among representatives of the trade union confederations there is no unity in assessing the dual system of representation of workers by the trade unions and workers councils. The prevailing opinion is that workers councils represent an attempt to diminish unions' power through „the back door“. However, there is also the opinion that workers councils contribute to development of industrial relations by complementing trade unions' work. According to the assessment of the UATC, county ESCs do not have a big influence as their meetings are largely restricted to the exchange of information.

### ***Evaluation of bipartite and tripartite social dialogue***

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- Social partners agree that tripartism is more developed in Croatia (taken from the Irish model) while bipartism is at its beginnings. They estimate that the tripartite model of social dialogue is more appropriate for the current development momentum in which the state still owns a large number of companies and thus presents an unavoidable factor in social dialogue.<sup>84</sup> The fact that two out of four sectoral councils are tripartite ones suggests that there are difficulties in development of bipartite dialogue. Despite this, all social partners highlight the successes of the bipartite sectoral council for road transport. They expect social dialogue to improve with EU accession and considering the European tradition it is expected that sectoral bargaining and bipartite consultations should gain in importance.<sup>85</sup>
- Some confederations (UATC) point out that they do not participate in the work of tripartite sectoral councils because these have not been independently established by employers' associations and trade unions in the sectors, but rather by higher-level associations (trade union confederations), which is not a good foun-

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84 Looking from the perspective of the sectoral councils, bipartism just at its beginnings although some companies have very well developed bipartite social dialogue. Related to tripartism it should be noted that observed from a perspective of obtaining compromises on important issues and concluding long term social agreements the tripartite social dialogue achieved weak results (Bagić, 2010., 208).

85 However, it should be noted that this stand does not take into account the fact that Europe doesn't have a single tradition of industrial relations, so it cannot be expected that EU membership should affect changes in Croatia in a specific directions (Bagić, 2010., 91). EU membership should have a positive impact on collecting compatible statistical data on industrial relations, which can create the conditions for improving the current system.

dation for the development of bipartite social dialogue. Ministry of Labour and Pension System emphasizes that a new component for development of social dialogue is planned within the IPA Operational Program for Human Resources Development, from which further development of bipartism could be financed.

### ***Evaluation of the sectoral dialogue***

- From the trade unions' perspective, the main obstacle to further development of the sectoral social dialogue is the lack of capacity (on both sides), lack of vision for development of individual sectors and the inability to review problems comprehensively with which some sectors will soon be confronted. It is concluded that sectoral social dialogue is not recognized as an efficient mechanism for solving specific sectoral problems in Croatia (UATC).<sup>86</sup>
- Employers express satisfaction with the work of sectoral social councils. They explain this with the fact that employers who operate in a certain sector are best familiar with their own needs and can therefore best discuss them on their own which is much better than debating these issues at the national ESC level.
- State administration (Ministry of Labour and Pension System) assesses that intensified efforts have yet to be invested in the field of sectoral dialogue, since only four sectoral councils were organized in Croatia in the last three to four years, out of some thirty councils that would be required.<sup>87</sup> The reason for Government's involvement in the Forestry and Textile Sectoral Councils is the fact that the state still owns a large share in the companies in these sectors.

97

### ***Attitudes on the effects of crisis on social dialogue***

- In the period of crisis, social partners have sought to find appropriate solution to alleviate negative effects on the economy.
- Non-working Fridays are mentioned as an example of the functioning social dialogue by the CTA. They stress that this is a solution agreed between the union and management of the company Radin from Ravna gora, which sought to alleviate the situation caused by the crisis. Another example of a functioning social dialogue are collective agreements signed for shorter periods, to which the

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86 However, it should be noted that the question of interest, organization and the ability to predispose the other side to negotiate on a certain level is crucial for success of social dialogue, which is not sufficiently emphasized by the social partners.

87 It is, however, to some extent questionable whether Croatian economy really has „sectors“ in terms of industrial relations. In many sectors in Croatia there are only one or two large companies and many small ones, and under such circumstances, the question arises whether we may speak of a „sector“ and some common „sectoral“ interests (Bagić, 2010., 186).

unions in the private sector agreed viewing it as realistic measure in objectively difficult economic circumstances. As an example of the lack of social dialogue, the CTA mentions Brodosplit privatization, during which conflict emerged between the Independent Trade Union of Brodosplit and the new owners - DIV Group. Independent Union of Brodosplit believes that Government acted in favor of the DIV Group, as the only perspective buyer for Brodosplit, so they would meet the tender requirements. The Government appointed a minority union to the Brodosplit Supervisory Board, which the CTA assesses as inadmissible.

- MACT states that in times of crisis Government places highest priority in cost reduction; therefore not demonstrating a true willingness for improving the social dialogue. This is evident from the fact that Government first launched negotiations in the public sector on limiting the rights from collective agreements with state administration as the weakest link. They believe that the negotiations should have been started with public companies which are financially very well off, instead of starting with the weakest ones.
- The ITC points out that where trade unions were included in discussions, solutions were found for retaining jobs. They mention the company Elektrokontakt as a positive example where the management started to talk with the unions about the crisis back in 2008. As a result they were able to preserve the company although they were strongly export-oriented. As a negative example, they mention the issue of collective rights in the public sector, where unions requested negotiations since February but the Government didn't promptly react while the media war was simultaneously led against the workers.
- UATC states that the crisis has emphasized and made visible all the weaknesses of the previous socio-economic concept and pointed towards the problem of the (in) ability of managerial staff. They stress that in the construction sector, being the sector most affected by the crisis, a persistent and long lasting social dialogue in some cases managed to prevent (or mitigate) redundancies, with the cost of accepting lower wages when all other options have been exhausted.

IMPACTS OF THE SOCIAL  
DIALOGUE ON THE  
POLICY ANSWERS

## CHANGES IN THE LEGISLATIVE FRAMEWORK

The Law on the Criteria for Participation in the Tripartite Bodies and Representativeness for Collective Bargaining (also known as „Law on Representativeness”) was enacted on the session of Croatian Parliament on July 13<sup>th</sup>, 2012 (OG 82/12). The new Law on Representativeness emended the LL provisions which regulate prolonged duration of collective agreements. Article 27, paragraph 1 of the Law on Representativeness annulled Article 262 of the LL limiting extended application of collective agreements to a period of three months from the expiry of the period for which the collective agreement was concluded. The Law defines criteria for determining representativeness of trade union associations and employers' associations for participation in tripartite bodies, which caused dissidence among some trade unions and experts.

Table 3: Terms of representativeness for employers' and trade unions' higher level associations

Employers' associations	Trade unions' associations
1. At least six months in the register of higher level employers' associations.	1. At least six months in the register of higher level trade unions' associations .
2. Gather at least three thousand employers or affiliated with employers employing at least one hundred thousand workers.	2. Affiliated trade unions have at least fifty thousand members (workers).
3. Gather at least five employers' associations operating in different areas.	3. Gather at least five trade unions' associations, operating in different areas.
4. Have regional offices in at least four counties.	4. Have regional offices in at least four counties.
5. Have proper premises as well as other necessary material working conditions and employ at least five workers.	5. Have proper premises as well as other necessary material labour conditions and employ at least five workers.

Source: Law on the Criteria for Participation in the Tripartite Bodies and Representativeness for Collective Bargaining (OG 82/12)

Law on Representativeness repeals Article 253 and Article 254 of the Labour Law, providing the right of collective bargaining and, at the same time, the right to conclude collective agreement, only to those unions considered „representative” under provisions of this Law. According to this Law, solely the union that has at least twenty per cent of employee members in the total number of unionized employees with an employer or in the area for which collective agreement is concluded (Article 8, paragraph 2) shall be considered representative. Furthermore, during bargaining over the conclusion of collective agreements in areas with trade unions gathering professionals from the same profession, a union will be considered representative if it has at least forty per cent of employee members of the total number of employees in that profession working for employers operating in the same area for which the collective agreement is made (Article 8, Paragraph

3). According to the Law, in order to qualify for a „trade union of a certain profession, it has to have at least seventy per cent of members from the same profession (Article 8, Paragraph 4).

In other words, in collective bargaining, trade union party can no longer be a union that is „willing and able to use pressure to protect and promote interests of its members” but only the union that is „representative” for collective bargaining. Only such „representative” trade union has the authority to participate as part of negotiation committee in bargaining over collective agreements (Article 11, Paragraph 1). This additionally limits the possibility of using the right to strike for those unions whose representativeness has not been established in accordance with the provisions of the Law on Representativeness. Moreover, given the fact that currently valid practice of Croatian courts ties the right to strike exclusively to collective bargaining which leads to conclusion of collective agreement, it is likely that in the future the unions whose representativeness has not been established in accordance with provisions of the Law on Representativeness will not be able to initiate the strike due to their inability to initiate collective bargaining prior to conclusion of collective agreement.

Government initiative to amend the Labour Law provisions allowing the duration of collective agreements in extended application with the Law on Representativeness, from the very beginning has been met with negative reactions by the trade unions. The ITC warned that this represents a large setback in a social dialogue.<sup>88</sup> However, while unions took a strong action by collecting signatures for referendum when the former Government tried to abolish extended application of collective agreements through changes in the Labour Law, the reaction to repealing extended application through the Law on Representativeness was quite moderate. Therefore, it can be said that unions are not firm in preserving extended application. It seems that last time they used general political discontent with the Government to extort additional pressure, while now they feel not to have the same strength and support.

The initiative to amend the Law on Civil Service,<sup>89</sup> launched by the Government in February 2012, was also criticized by unions. The state and public services trade union negotiating committee decided then not to give a statement on that legislative proposal due to the inappropriately short term for its delivery. They concluded that this proposal violates the Agreement on social partnership in the reform of state

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88 President of the ITC, Mr. Krešimir Sever, in the „Controversy” program of the Z1 television, May 2012. Sever rejected the argument that private sector would benefit from abolishing of extended application of collective agreements because of the fairer crisis burden allocation between the public and the private sector: On the contrary, he stressed that powerful and well-organized trade unions protect the private sector as well, because they have the ability to respond quickly, gather a large number of citizens, organize paralyzing strikes etc.

89 Civil Service Law (OG 92/05, 142/06, 77/07, 127/07, 27/08, 34/11, 49/11, 150/11, 34/12, 49/12).

administration, that was concluded with the previous government but which commits the current Government as well. Pursuant to that Agreement, the Government had to include trade union representatives in working group for the preparation of legislative proposals regulating the status and salaries of officers and employees in state administration and local and regional self-government administration as well.

In May 2012, the Law on Promotion of Employment (OG 57/12) was enacted, causing numerous debates among social partners. This Law introduces several innovations into employment system and anticipates riddance from salary contribution up to two years (which currently amounts to 15.4%) for an employer hiring unemployed persons without work experience in professions for which they were trained, as well as long-term unemployed persons who have been unemployed for more than two years. This Law expanded the circle of people who can benefit from the professional training measure of working without employment contract, which has been in force since 2010. The Law stipulates that the state will pay contributions to employers that employ highly educated young persons (under the age of 35) who are able to acquire a year of work experience this way. According to the same principle, pension contributions will also be paid by the State for the young high school graduates in crafts professions for a period of two years. For their work young people will receive atonement benefit of 1 600 HRK from the Croatian Employment Service. According to the Croatian Employment Service, there is a great interest among employers in implementing new professional training measures.

102

In September 2012, Croatian Government announced that it would initiate altering the Labour Law. It is envisaged that public debate on that topic will last until mid-next year while the Law should be passed in the second half of 2013. It was announced that the new LL would not pursue greater flexibility of hiring and dismissing, as requested by employers for many years. Government considers that the current level of employment flexibility is satisfactory, which is visible from the increase in unemployment in the times of crises. It was announced that the new LL will better regulate part time work and that it will abolish sharp distinction between indeterminate term employment and fixed term employment by introducing a single employment contract.

## FISCAL INSTRUMENTS

In the period since the first impacts of the crisis became visible, the Government adopted a number of fiscal measures aimed at reduction of negative effects of the crisis on different segments – the state budget, citizens' standard and society as a whole.

The Law on the Special Tax on Salaries, Pensions and Other Incomes, colloquially called the „Crisis Tax” (OG 94/09) was introduced as one of the crisis mitigation

measures in an initial period. Pursuant to this Law, all employees receiving a salary of 3 000 – 6 000 HRK were obliged to pay an additional tax of 2% of their net salary, while all employees receiving a salary over 6000 HRK were obliged to pay an additional tax of 4%. The Unions requested from the Constitutional Court to review the constitutionality of this Law but the Court ruled that the Law was in accordance with the Constitution. The „Crisis Tax” was repealed on July the 1<sup>st</sup>, 2010 after a certain stabilization of economic situation in the country. According to the research conducted by Dragan Bagić, MACT had a significant role in guiding Government's measures for public finance stabilization in 2009. The principal MACT request within the social partners' negotiations was an even distribution of the load on all sectors and all employees. Such request was directed against the claims of other trade union confederations, for example the UATC, and employers who both demanded a public spending reduction, which would lead to the reduction of salaries for employees in the public service and public administration (Bagić, 2010., 125).

The next governmental measure was unilateral abolition of the Agreement signed with the public services confederations<sup>90</sup> from September 2008, guaranteeing employees a salary increase of 6% (beginning of 2009). Because of that reason, public services trade unions organized a strike in primary and secondary schools and university faculties in May 2009, which was suspended by signing the new Agreement with the Government. It was agreed that as of January the 1<sup>st</sup>, 2010, salaries in public services will be coordinated with inflation and after the average GDP growth of 2% in two consecutive quarters, the salary increase of 6% will be returned to the employees, in accordance with the agreement from 2008.

The Value Added Tax (VAT) has increased twice; after the VAT increase from 22% to 23% in August 2009, there was a new increase to 25% in March 2012. The new VAT was passed along with other changes in tax laws. Additionally, provisions of the Law on Income Tax<sup>91</sup> have been revised, exempting all reinvested profits which entered into equity from taxing while introducing taxation of dividends and profit shares at the rate of 12%. Law on the Revenue Tax<sup>92</sup> has also been revised. It increases personal deduction for employees at 2 200 HRK and for pensioners at 3 400 HRK, increasing the non-taxable salary base for 400 HRK. Thus, the new Law on Revenue Tax amended tax brackets although tax rates have not been changed. It also introduced the taxable income from dividends for amounts greater than 12 000 HRK.

Government tired to reduce negative impacts of the crisis by amending the Law on Contributions.<sup>93</sup> According to this amendment, health insurance contribution was re-

90 Dangerous threats to our salaries. MATICA – Association of Croatian Trade Unions. 2012. (Croatian only) <http://www.matica-sindikata.hr/hr/novosti/> (27. 9. 2012)

91 Law on Income Tax OG 177/04, 90/05, 57/06, 146/08, 80/10, 22/12.

92 Law on the Revenue Tax OG 177/04, 73/08, 80/10, 114/11, 22/12.

93 Law on Contributions OG 84/08, 152/08, 94/09, 18/11, 22/12.



duced from 15% to 13%. Furthermore, from May the 1<sup>st</sup>, 2012, the Government Directive (OG 49/12) preventing redemption of salaries without paying the taxes and contributions came into force. It was estimated that in Croatia more than 21 000 employers do not pay benefits for more than 121 000 employees, which amounts to 80 million HRK per month. This Government decision has been supported by all social partners within the ESC. However, it encountered disapproval from the side of the banks due to the possible need for assessor assistance in its implementation.

The aforementioned provisions introducing changes to the tax system have not been received with approval by the trade union confederations. The UATC, ITC and the AWTC published a joint position stating that due to VAT increase the cost of the minimum expenditure basket increased by about 1%, while its coverage with the average salary has been reduced by more than 0.8%.<sup>94</sup> It is stated that, due to the increase in living costs, personal deduction should have been increased to the minimum wage level (2 814 HRK) instead of 2 200 HRK, while tax brackets shouldn't have been changed. The UATC, ITC and AWTC highlighted the need for designing tax reform based on the principle of preserving purchasing power of salaries and pensions, since they serve the purpose of filling the state budget and safeguarding jobs.

104

In late April 2012, the Government adopted the draft bill on amendments to the General Tax Law,<sup>95</sup> and referred it to the Parliament for the first reading. The Law was enacted by the Parliament in July 2012. The conditions under which assessors will be able to publish the names of tax debtors (colloquially called „the pillar of shame”) are defined by these Law amendments. In accordance with the Law, the list of debtor names has been published containing the names of legal persons whose total debt exceeds 300 000 HRK; individuals engaged in businesses, whose total debt exceeds 100 000 HRK and all other taxpayers whose total debt exceeds 15 000 HRK. This way, the Government tried to reduce high illiquidity in the country. The questions on constitutionality of this Law, as well as the possible reaction of the Constitutional Court, are still open.

On May 1<sup>st</sup>, 2012, the Government passed through the increase of electricity and gas prices of, by around 20%, justifying this with the necessity to comply with the EU fiscal and energy standards. The trade unions reacted very negatively (primarily ITC) due to Government avoidance to consult with the unions over this topic in the ESC and avoidance to consult with experts as well.

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94 Independent Trade Unions of Croatia. Views of the trade union confederations (UATC, ITC and AWTC) in relation to proposals and guidelines for drafting the 2012 budget . Independent Trade Unions of Croatia. 2012. (Croatian only)  
[http://www.spuh.hr/portal/index.php?option=com\\_content&view=article&id=184:stajalita-sssh-a-nhs-a-i-urs-a-proraun&catid=1:latest-news&Itemid=50](http://www.spuh.hr/portal/index.php?option=com_content&view=article&id=184:stajalita-sssh-a-nhs-a-i-urs-a-proraun&catid=1:latest-news&Itemid=50) (27. 9. 2012)

95 The General Tax Law OG 147/08, 18/11, 78/12.

By the end of September 2012, the Law on Financial Transactions and Pre-insolvency Agreement (OG 108/12) has been passed. This Law strictly defines time-limits for payments - 60 days for entrepreneurs and the health system and 30 days for the State. In case of illiquidity, the Law abrogates insolvency proceedings and introduces pre-insolvency proceedings agreement as part of the administrative procedure in duration of 120 days. The Government believes it would resolve the problem of illiquidity this way because, unlike insolvency proceedings, the administrative procedure allows for a very clear definition of deadlines.

The Ministry of Finance announced some additional tax policy measures, in order to achieve better filling of the State budget. Introduction of an annual tax on unused property in the amount 0.5% to 2% of the market property value (to be re-established every year) has been announced. Such tax could mostly affect the banks which came into possession of a large number of real estate properties, due to the inability of entrepreneurs and citizens to service their credit loans in recent years. There has been a lot of speculation that such tax could cause a significant decline of the still very high real estate property prices in Croatia. Such high tax on unused property as well as a possible decline in real estate property prices could additionally strike Croatian citizens, who still keep most of their personal capital in the real-estate properties.

## **CHANGES IN THE COLLECTIVE BARGAINING SYSTEM AND FLEXIBILITY OF SALARIES**

105

There is a great difference regarding collective bargaining between the public and private sector. While in the public services and in enterprises with majority state ownership the employees' rights are governed by collective agreements, in the private sector, especially in small businesses, there are no collective agreements, unless the sectoral collective agreement has been extended to the entire industry (Hanževački, 2010). This situation, of course, negatively affects strength of the trade unions operating in the private sector, which have, over the past years, often agreed to pay cuts and diminishing of other rights, such as transportation or meal fees, for the sake of preserving jobs.

Failure of trade union negotiators in collective bargaining over better long-term solutions regarding fundamental standards for employees is evident from: abandonment of the connection between salaries in the public sector and results of the economy; very poor treatment of discrimination and gender and age equality in collective agreements; low position of safety at work as a topic in collective bargaining; and weak promotion of lifelong learning (Rebac, 2010, 139). Besides that, in Croatia there is an alarming resemblance between collective agreements. Collective agreements for particular industries are almost identical with the „in-house” collective agreements. The collective agreements concluded for all levels of negotiation resemble one another because they usually contain large amounts

of provisions that are interpretation or repetitions of laws especially the Labour Law, and as such they don't properly express specific characteristics of branches, industries or companies (Rebac, 2010, 146).

Regarding the wage policy, in June 2008, the Croatian Parliament passed the Minimum Wage Law (OG 57/08) on trade unions' initiative. This Law stipulates that the minimum wage should be calculated on the basis of average gross salary in the previous year, increased by the real GDP growth from the previous year in accordance with proclamation of the Croatian Bureau of Statistics. According to the opinion of trade union confederations, in circumstances of the crisis the formula for calculating the minimum wage provided by the Law has proved to be inadequate, since portion of the minimum wage in the average salary steadily declines (from 39% in 2009 to 36% in 2012)<sup>96</sup>. Thus, in April 2012 all trade union confederations referred the initiative to the Government, requiring modification of the Minimum Wage Law. According to trade union's recommendations, from June 1<sup>st</sup>, 2012 it should have been ensured that the minimum gross wage for the full-time job reaches 40% of the average gross monthly wage. The unions have also requested an increase of the minimum wage in the average wage of two per cent per year, wherewith the share of minimum salary would reach 50% in the average gross wage in the next five years. The unions warn that the average wage in Croatia amounts to a third of the EU average and that 68% of Croatian employees receive salaries which are below the average, while about 115 000 Croatian employees (12%) are registered on minimum wage. Additionally, it is stated that an increase of the minimum wage would positively affect some 100 000 additional employees to whom the minimum wage represents a basis for income calculation. Based on the union's initiative, the Government has announced changes to the Minimum Wage Law.

106

The process of restructuring of some activities within the public sector, which is in progress, could result with layoffs, especially in the public state-owned enterprises (railways, shipbuilding). The unions argue that the issue of the rationalization of the number of employees in these enterprises should not be dealt with layoffs, instead they advocate measures such as retraining, early retirement, introducing limitations to future hiring, etc.

In the context of the previously mentioned failed negotiations between trade unions and the Government,<sup>97</sup> on amending the Basic Collective Agreement for Public Services, it should be pointed out that only the basic salaries and substantive rights related to public sector employees' children (primarily gifts for children) have been excluded from the possibility of revision.

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96 The initiative on amendment to the Minimum Wage Law. Union of Autonomous Trade Unions of Croatia. 2012. (Croatian only)  
[http://www.sssh.hr/index.php?option=com\\_content&task=view&id=3537](http://www.sssh.hr/index.php?option=com_content&task=view&id=3537) (27. 9. 2012)

97 The Government's Negotiator was Mr Neven Mimica, Deputy Prime Minister.

Table 4: Main goals of the social partners

<p><b>GOVERNMENT</b></p> <ul style="list-style-type: none"> <li>- ensuring conditions for economic recovery and growth and preserving work places</li> <li>- diminishing public spending and increasing efficiency of the public sector</li> <li>- ensuring public sector development and maintaining social peace</li> <li>- introducing order to the payment system and diminishing illiquidity</li> </ul>
<p><b>EMPLOYERS</b></p> <ul style="list-style-type: none"> <li>- amending the Labour Law, with aim to facilitate flexibility and possibilities of employment</li> <li>- obtaining the greatest possible tax reliefs</li> <li>- diminishing the role of public sector in Croatian economy</li> </ul>
<p><b>UNIONS</b></p> <ul style="list-style-type: none"> <li>- preserving existing levels of salaries and employment</li> <li>- maintaining rights from collective agreements</li> <li>- strengthening trade unions on all levels</li> </ul>

## OTHER AREAS

Social Dialogue resulted in certain impacts on other areas as well, for example related to the reform of the pension system. This reform was launched in Croatia in 1999 by establishing the so-called three-pillar pension system. The first pillar of solidarity between generations and the second pillar of individual capitalized savings were designed as mandatory (the second pillar is set as mandatory for employees under the age of 40), while the third pillar of savings for the old age is designed as voluntary. Contribution to a pension fund was set at the amount of 20% of the gross salary of which 15% is allocated to the first pillar; and 5% to the second one. After more than a decade of application of this model, the pension system has plunged into a great crisis. The main problem is unfavorable ratio of retirees and those who pay contributions, which amounted to 1:1.23 in April 2011. The collected pension insurance contributions cover only around 54% of the required funds (Milidrag Šmid, 2011, 9). This negative relation is associated with the fact that system encompasses less than half old-age pension users (43%), while the majority of pension users are disability pension holders (17%), family pension holders (16%), the lowest (12%) and the so-called privileged (12%) pension holders, which are not all covered by the contributions.<sup>98</sup>

In 2012 there is evidence of polarization between the Government and trade unions regarding the pension system reform. It seems that the Government is inclined to the view that the allocation to the second pillar should be increased from 5% to 7%, where the increase of the contribution to the second pillar would be funded from net salary. However, the UATC warns that the most states that have adopted the second pillar, have reduced the rate of contribution due to crisis, while Hungary has completely abolished the second pillar. Additionally, it is also stated that

98 Croatian Institute for Pension Insurance. Statistical information of the Croatian Institute for Pension Insurance. IX, No. 3. Zagreb, 2011. P. 12.

the increase of contributions for the second pillar will change relations in the first pillar; which will probably result in further restrictions in the public pension system.

In a given context, Government's decision to abolish the privileged pensions for the Members of the Croatian Parliament, judges of the Constitutional Court and the Chief State Auditor, should be mentioned.<sup>99</sup> This decision was received with approval of the social partners, although in financial terms it was just a symbolic gesture demonstrating the Governments' understanding of the crisis in the pension system.

### Box 3: Working Sunday in the retail sector

Working Sunday in the retail sector is regulated with the branch collective agreement signed in 1997 and amended in 2005. However, due to a large number of small enterprises, the trade sector density remains very low, while the branch collective agreement is generally not being respected. Unions have failed to organize a strike securing the respect of collective agreement, yet with the help of the Catholic Church they lobbied toward the Government to legally ban the work on Sunday in the retail sector. Although such ban was introduced in 2003, and after that in 2008, in both cases the Constitutional Court subverted the controversial legislation stating that they it was discriminating against employers (Bagić, 2010, p.188). However, even among unions, there is no unity in view that the legal ban of work on Sundays is the best solution. Thus, just before the second statutory ban on the work on Sundays in the retail sector, MACT announced a statement opposing the permanent ban and advocating a temporary ban over a one year period. In this period, the inspection system, as well as the appropriate protection and sanctions, should be introduced. Additionally, in order to make such system work, trade union representatives should be able to collect and record information about the work performed, have the right of supervision over implementation of guaranteed workers' rights and, in cooperation with the inspection services, have the right to intervene in stores employing workers that are not union members. During November 2011, the *Iustitia et pax* Commission of Croatian Bishops' Confederation expressed dissatisfaction with amendments to the Law on retail stores (OG 87/08, 116/08, 114/11) which provide the employers with ability to set their own working hours for all days of the week, except for holidays, but including work on Sundays. It can be assumed that such decision was adopted due to pressure from the employers' side, which was strongly affected by the decline in purchasing power among citizens. The Catholic Church has strongly condemned the avoidance of the public debate on this issue, as well as the enactment of this Law with the emergency procedure. According to the Church opinion, with this Law the employees will be even more unprotected; they will work more and not get paid for their work. Difficulties regarding the work on Sundays in the retail sector indicate the need for strengthening social dialogue in this area.

99 The Law on the Rights and Duties of the Croatian Parliament Members OG 55/00, 107/01, 86/09, 91/10, 49/11, 12/12.

## ATTITUDES OF SOCIAL PARTNERS

### *Attitudes of social partners on possible changes in the legislative framework*

#### The Labour Law amendment

- Most of the trade union confederations agree that there is room for Labour Law improvement and that it can be amended but in that case, the existing level of rights shall be maintained (the UATC stated the need to focus on education, application and respect of the LL). There is also a high consensus degree among the trade union confederations that certain provisions should be changed (such as blocking of the termination period during sick leave). They also emphasize that conditions of collective bargaining and the issue of temporary work should be better defined by the Law.<sup>100</sup>
- Trade unions claim that insisting on flexicurity hasn't been designed for Croatian situation for two principle reasons: firstly, Croatia is not able to provide security, therefore there cannot be flexicurity, and secondly there is already a high level of flexibility because an employee can get laid off after a third warning.
- Trade unions' representatives note that the Labour Law recognizes atypical forms of employment, such as work for several employers, work from home and part-time work, but employers don't know how to use that, reaching only for the fixed-term work. Thus, approximately 80% of newly employed persons are employed as fixed-term workers, which is problematic because such employment should be exception rather than the rule.<sup>101</sup> Additionally, trade unions' representatives find that employers often hire their employees temporarily in order to disable them to seek rights conferred by Law and collective agreements, keeping them in fear of not renewing their contracts. Unions believe that the World Bank and the IMF recommendations are going towards complete removal of termination periods and severance pays, which they view as unacceptable.
- Employers think that the Labour Law should be amended due to its strictness. They indicate numerous problems with the LL, such as blocking of termination period during sick leave. That measure is entirely inappropriate because sick leave control in Croatia does not function, and officially there are no cases of sick leave abuse. They point out that employment should be more flexible and that contributions for part-time work should be reduced.

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100 This unions' attitude towards the idea of changing the Labour Law in the times of crisis is understandable, because the crisis does not represent a good context for improvement of working relationships and every change comes with a risk of reduction of existing rights.

101 Dissipation of the union membership is an acute problem of the unions around the world, including Croatia. Unions protest against the abuse of short-term employment by the employers, such employees do not enjoy the same kind of security as long-term employees, and consequently they rarely join the unions.

- The MLPS stated that basic rules regulated by the Labour Law should not be reduced or changed. However, they note that the LL is an extremely extensive law in which a large number of provisions don't have direct relations with substantive or any other rights of employees. Additionally, the MLPS is guided by the idea that at a later stage, upon completion of the remaining smaller alignments with the *acquis* due to EU accession, the division of the LL on the Law on Labour Relations and the Law on Collective Labour Rights, might be proposed to the social partners. This second law would then regulate issues related to the trade unions, workers councils, etc. They also note that the present form of the LL is harmonized with the EU Directives and that, bearing in mind that chapter 19 will be monitored until EU accession, each of its amendments would require additional lengthy process of consultations with social partners.
- As previously mentioned in September 2012, the Government announced changing the LL in 2013.

#### Representativeness of the unions and employers

110

- The trade union confederations are unique in their assessment that uneven manner of determining representativeness of employers' and trade union' associations favoured employers. Most of the interviewed trade union representatives considered that the threshold for representativeness of trade union confederation was too low, and in this regard they acclaim the provisions of the Law on Representativeness. However, the CTA stated that the intention of that Law was elimination of specific trade union confederations. They think that the threshold should have been pushed even further in order to achieve unification of all trade union confederations. They are also dissatisfied with provision of the Law on Representativeness, according to which the negotiation committee for collective bargaining is filled only with unions which have at least 20% of organized trade union membership, which the CTA find to be a restriction to organization freedom and to the right to collective bargaining. They are also afraid that such provision could negatively affect the right to strike, because it could be questioned whether the union that is not representative for collective bargaining can organize a strike. The ITC considers that the number of trade union confederation employees should be decided on by confederations rather than by the Law on Representativeness. The UATC notes that the trade unions fragmentation could be solved by a law or by voluntary process of joining unions/confederations, as well. They also point out that trade union confederations will probably never manage to conclude a general trade union action strategy. However, cooperation on specific issues is possible (they often act in this way today).
- Employers and trade unions are united in their assessment that the process of law-making of the Law on Representativeness, which was amended a dozen

times, has clearly indicated poor quality of social dialogue in Croatia. Regardless of the fact that the CTA and the unions expressed their opposition to the Law, the Government has sent it to the Parliament. They also note that the Law does not simplify the process of collective bargaining.

- The Law on Representativeness was poorly evaluated by employers and the trade unions in its fundamental provisions also. For the unions, the criteria for representativeness of trade union confederations are particularly problematic according to which at least 50 000 of their employees should be union members paying union membership fees and they should have at least five full-time workers. According to those ESC criteria, the AWTC and the CTA will not be representative.<sup>102</sup> The MLPS emphasizes that the Ministry's will was standardization of the representativeness criteria for both, the employers and the unions, which represents also one of the clear requirements for Chapter 19 in the EU Monitoring Report (April 2012). They note that the Law on Representativeness attempts to motivate trade unions to organize themselves within the trade union confederations. The MLPS also stated that the majority of employers and trade unions have agreed to the new terms of representativeness.

### ***Attitudes of the social partners on the quality of collective bargaining – achievements, problems and prospects***

111

- Although the greatest part of social dialogue in Croatia takes place as a „form without content”, collective agreements bargaining represents the only part of social dialogue that still produces concrete results (the UATC). Over the past 20 years, collective bargaining has been quite developed in Croatia: from bargaining over Basic Collective Agreements (BCA); bargaining with the Economic Chamber and the Government on the General Collective Agreements (GCA) for the economy; to the bargaining on sectoral collective agreements with the Government and employers' confederations, including bargaining over the so-called „in-house agreements” with single employers. However, continuing education on development of negotiation skills of negotiation team members is still needed, as well as continued work on development of the so-called „new contents of collective agreements”, including employee education, anti-discrimination measures, voluntary retirement and/or health insurance etc. (UATC).
- Most of trade union confederations considered that the question of the composition of negotiation committees for collective bargaining is not well regulated by the Law. The MACT notes that this represents the most important issue of

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<sup>102</sup> It is not surprising that, at the end of March 2012, the CTA and the UATC accepted the Agreement governing the future cooperation, and then the unification of these trade union confederations.



industrial relations in Croatia since current system violates the principle of unity of the negotiating committee. Thus, in the case of failure in reaching an agreement on composition of the negotiation committee, MACT proposes elections where only those unions that have received over 50% of the employees votes may enter the negotiation committee. For the ITC, the main problem with the negotiating committees is discretion right of the ESC to determine the number of Board members, therefore arbitrarily affecting the balance of powers within that body.

- Trade union confederations and employers consider that the issue of prolonged duration of collective agreements should not have been addressed by the Law on Representativeness. Although it is not illegal to change one law through another, this contributes to an increase of legal uncertainty because in this new situation it is not clear by which laws a certain matter is regulated (the ITC). Furthermore, the law that was supposed to establish representativeness criteria becomes a law on collective bargaining, abolishing or amending a lot more of the Labour Law provisions than it was explicitly stated in the Law on Representativeness (UATC).
- Public administration (MLPS) points out that resolving the representativeness issue was necessary, otherwise the revision of the institute of prolonged duration of collective agreements could not be made. While the provision on the prolonged duration of collective agreements was negatively assessed by the employers, trade unions' attitudes were divided. Several unions agree with the employers, and others (ITC and UATC) note that due to the prolonged use of collective agreements, employers in the private sector were coerced to collective bargaining. Furthermore, new regulations pose a danger that collective agreement issues will be addressed by the work statutes. Unlike with collective agreements, employer does not have to negotiate work statutes with the unions, but only needs to ask the unions for their opinions. The UATC warns that collective bargaining in the public and private sector are interconnected in a way that what gets lost in the public sector is reflected on the loss of the same rights in the private sector, without reversal.
- Trade union confederations believe that the institute of expanding collective agreement provisions to the entire industry does not encourage union membership and thus contributes to its dispersal. They also emphasize that this institute is used too often and that it doesn't solve the problem of low density in the private sector. Namely, in areas where there are no unions, employees have no one to refer to in the case of violation of their collective agreement rights.
- The united position of trade unions and public administration (MLPS) representatives is that the branch collective bargaining has to be much more developed. According to the unions, the employers are responsible for underdevelopment of the branch collective bargaining because it is in their interest to settle relations with the employees on the lower level, claiming that there is no need for „in-

house" negotiations, if a branch collective agreement exists. Given the fact that branch collective agreements are concluded in accordance with the „weakest link" (i.e. proscribing minimal rights), the unions often estimate that they would rather have „in-house" bargaining. The MTC notes that a branch collective bargaining development is important for the country's economic development, as it ensures a standardized branch labour cost which becomes a clear calculative element in investment planning. The MLPS considers that the often used institute of expanded application of collective agreements has de-motivated unions to conclude branch agreements.

- As a specific problem, public administration (MLPS), as well as the employers, emphasizes the use of institute of a more favourable right (Labour Law, Article 7). This means that the provision of any legal source that is most favourable to the employee will be applied. According to employers the institute of a more favourable right complicates the process of exactly determining employees' rights; The MLPS indicates that due to absence of hierarchy between legal sources arising from the LL, the institute of a more favourable right prevents the development of the branch collective bargaining.
- All social partners indicate the problem of the lack of the appropriate indicators for monitoring of collective bargaining, as well as industrial relations in general (indicators on organization of social partners are not monitored, content of collective agreements is not analyzed, strike indicators are not established etc.). The records on collective agreements in Croatia are being kept only since 2005, although there are older agreements that are still in force. So far, only companies at the national level should provide data on collective agreements to the relevant ministry, while this didn't work at the county level. However, the public administration (MLPS) emphasizes that within the Law on Representativeness, the Ministry introduced a record of the total membership of trade unions. This is very different from the current situation where the Ministry only has an insight into the number of members who are included in some of trade union confederations. The Law on Representativeness will ensure recording of the number of members of representative trade unions at the national level, but also in accordance with the areas of the national classification of industries. The Ministry plans to conduct an analysis of formal legal issues regulated within collective agreements.

### ***Assessment of the Government's measures for combating the crisis***

- The announced reduction of the public spending from 41% to 37% (the Pre-accession Economic Programme 2012-2014) is estimated by the unions (MACT) as one of the worst Government measures. They refer to the planned decrease of the general government budget expenditure from 42% to 37% in 2014 what is envisaged in the Pre-accession Economic Programme 2012-2014. The MACT

as well as some other unions indicate that public spending in Croatia is below the European average of 49%. Trade unions draw attention to the fact that Croatia is at the bottom of the European scale regarding number of employees in the public services, while it is at the top of that scale regarding number of employees in the state owned companies. Trade unions emphasize that spending and the number of employees in Croatian public sector is not too high but that they are burdened with numerous irrationalities.<sup>103</sup> These positions are diametrically opposed to the Government positions which in its Pre-accession Economic Programme (PEP 2012-2014) underlines the necessity of rationalizing expenditure side of the budget, decreasing public spending and strengthening the efficiency of the public sector in a manner that would be acceptable to all social partners. The Employers support the announced decrease in public spending indicating that in circumstances of the crisis for years now private entrepreneurs have been decreasing their spending.

114

- There are different assessments related to opportunities for voluntary work. The MLPS stated that volunteering for 1 600 HRK extends the application of the LL Article 41 regulating professional development without employment, to the private sector as well, because so far this was limited only to the public sector. The MTC and the ITC oppose to volunteering for 1 600 HRK because they believe that in the long-term period this will demolish the labour price. Employers consider volunteering for 1 600 HRK as unfavorable, because it should not be connected with the inability to issue a business related dismissal within the period of one year.
- The MTC and the ITC estimate that launching a new investment cycle will hardly result in expected results, because in the context of recession this can hardly initiate a wider economic activity plus all investment-related sectors are highly import-orientated.
- While the MTC has evaluated the VAT increase as a rational decision, the ITC and the UATC expressed their discontent, keeping in mind the fact that this measure will limit the public consumption which is not good in the time of crisis. The ITC notes that, as direct result of the VAT increase, the rate of surtax increased in numerous areas. Employers also expressed a negative attitude towards this measure because it represents an additional shock for the citizens and entrepreneurs.

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103 In this context it is useful to mention the study „Analysis of the System of Employees in Croatian Public Sector” (Institute of Public Finances, June 2010). This study indicates that measured with the share of the GDP the expenditure on general state employees for Croatian tax payers does not represent grater burden from the equivalent average burden in other European countries. However, the study doesn't exclude the possibility that in some segments of the public sector there are too many employees. It also underlines the question of effectiveness and efficiency of the public sector which in Croatia hasn't been researched in greater detail.

- Most of trade union confederations agree with introducing order into the contribution payments (UATC and CEA). However, some confederations (ITC) assessed this measure as incomplete arguing that if an employer doesn't pay contributions, their entire business should be blocked, and not just their ability to disburse salaries.
- The UATC positively evaluates the effort of subsidizing interest rates on loans in order to ease the position of the small and medium sized enterprises.
- The Government's package of tax laws is hasn't been positively assessed by employers. The General Tax Law is considered as very inappropriate because it discourages investments. Employers are particularly dissatisfied with the fact that when taxes are not paid, the assessor has the freedom to evaluate if this was done due to lack of resources or lack of will, as that gives assessors inadmissible powers.
- The „Pillar of the Shame“ is a clear message that the State will enter into areas where it used to be inactive (MLPS). The employers, however, note that it is unrealistic to expect that a „Pillar of the Shame“ will constrain someone to pay a tax. They also note that the difference between small and large debtors should have been made.
- The MACT approves the announced tax on the unused property, because it could reduce the high costs of real-estate properties. Employers, however, point out that, for the implementation of such measure Croatia needs to have an arranged land registry.
- Reduction of contributions for health insurance, as well as reduction of the para-fiscal levies in forest and water sector, are evaluated as stimulus measures by employers.



# CONCLUSIONS AND RECOMMENDATIONS

## CONCLUSIONS

- Consequences of the crisis and substantially altered economic circumstances have largely affected industrial relations and social dialogue in Croatia, which have varied significantly in intensity and quality.
- Government and social partners have divergent positions on the ways and concrete steps for overcoming the crisis and it is difficult to find a common solution acceptable to everyone. Government places priority on creating the conditions for economic recovery and growth which, together with sharp austerity measures that trade unions find largely unacceptable, imply fiscal and budgetary adjustments as well. Stands between the Government and the unions differ significantly, especially when it comes to necessity of reducing public spending and revocation of some substantive rights of public sector employees. Employers support the decrease in public spending, but they express disagreement with certain new taxation laws which in their opinion do not stimulate investments.
- Despite the progress achieved in some areas social dialogue in Croatia hasn't reached the satisfactory level of quality. In practice it is still not seen as a mechanism for reaching compromises between social partners and shaping public policies.
- Over the years, tripartite social dialogue in Croatia was formally developed but it had weak results. On the other hand, the bipartite dialogue had significant results in terms of collective agreements, in the areas where it was implemented.
- The tripartite social dialogue was restrained in 2010. However, in the last year of its term of office, the former Government improved its relations with the social partners, which allowed for continuation and improvement of the social dialogue.
- The current Government adopted new institutional solutions in the social dialogue system which are not seen as a step forward by other social partners who criticize it for not doing as much as it should on strengthening the social dialogue. Trade unions and employers consider the former Office for Social Partnership to be a better organizational model compared to the current Independent Service for Social Partnership operating at the Ministry of Labour and Pension System.
- Social partners' knowledge and skills for social dialogue are generally insufficient and educational possibilities are often limited. The culture of social dialogue is not at a satisfactory level.
- Trade unions are fragmented and not united in defining their stands. Their capacities differ but the joint feature is a large number of unions and insufficient capacities of trade union confederations. It is reflected in weak links between confederations and their membership base. On the other hand, capacities of employers' association at the higher level are assessed as appropriate, although the organization of employers at the sectoral level is not always satisfactory.

- In Croatia the systematic approach to analytical monitoring and recording indicators on industrial relations is not sufficiently developed, and for many areas there is no adequate data and indicators. Analytical foundation for monitoring social dialogue is insufficient.
- Problems of the ESC, as highlighted by the trade unions and employers, are irregular meetings, discussing issues which are not of priority importance and the inability of timely inclusion in the procedure of adopting the legislative acts. Local ESCs function mostly as a platform for information exchange.
- Negotiations on collective agreements are one of the few aspects of the social dialogue that produce concrete outcomes – collective agreements.
- Branch collective bargaining is underdeveloped. Collective agreements concluded at the company level greatly outnumber branch collective agreements. In the last couple of years only four sectoral councils were established, out of some thirty which would be required.

## RECOMMENDATIONS

- Key preconditions for efficient conduction of the social dialogue are rapprochement of standpoints of all social partners on the ways for getting out of the crisis and perspectives and main parameters of the future economic development of Croatia, as well as fairly equal distribution of austerity measures. The solution should be found within available financial possibilities.
- Labour market reforms in Croatia should be accelerated in order to make the labour market more dynamic, adopted for mobility of workers and employment of young people.
- In order to lift industrial relations to a higher level and improve the social dialogue in Croatia, activities aimed at building the capacities and competencies of all social partners need to be intensified. The role of social dialogue should particularly be strengthened within the decision making and policy-shaping process.
- Priority should be given to solving the persisting problems in the industrial relations system, such as fragmentation of the union scene, reluctance of some employers to accept unions as partners, insufficient coverage of workers in the private sector with collective agreements, etc. The trade union scene needs to become less fragmented on all levels.
- Training and education of the partners involved in the social dialogue should be strengthened. It should be carried out regularly at both central and local levels and adjusted to the current needs.



- Unions and employers should be given an appropriate and timely insight in Government's future intentions. The social dialogue should be started at an earlier stage so that social partners are involved in the process at the time the debate on adoption of laws has been initiated. From the early stages, social partners should be involved in the legislative process by participation in working groups, and not only by presenting their views before the adoption of specific legislative acts. At the same time trade unions and employers should demonstrate a greater level of understanding towards the Government that is functioning in exceptional crisis driven circumstances, which sometimes make timely initiation of the social dialogue impossible.
- Social partners should be actively involved in work of the relevant Parliamentary committees, which would allow their stronger influence on law enactment.
- The thematic specifics of collective agreements should be developed. Collective agreements should to a greater extent express particularities of the areas for which they are composed. The frequency of using the instrument of extending provisions of collective agreements to the entire industry should be reduced because this fosters dispersal of union membership. The practice of composing the work statutes as a substitute for collective bargaining should be avoided.
- More intensive work is required on improving the model of bipartite and sectoral social dialogue, which is crucial for active participation in the social dialogue at the European level. Legislative requirements are well established, but the practice shows that such forms of social dialogue are not sufficiently spread.
- Analytical foundation for monitoring the state, costs and efficiency of the public sector should be strengthened in order to raise its effectiveness and enable a more rational operation. It is necessary to regularly collect and develop indicators for monitoring and evaluation of the state and changes in industrial relations in Croatia at the central and local level, which are complementary with the monitoring system at the EU level.
- Communication with the media should be improved with aim of ensuring objective informing of the public on the social dialogue.
- A culture of argumentative dialogue between all participants should be further developed and the level of trust between social partners should increase. Along with that, efforts should be invested in finding new solutions for implementing social dialogue.

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<http://unctad.org>

# ANEKSI - ANNEXES

- Popis kratica – List of abbreviations
- Dvojezični pojmovnik industrijskih odnosa – Bilingual glossary of industrial relations
- Upitnik za vođenje intervjua – Questionnaire for conducting interviews
- Popis intervjuiranih osoba i sudionika rasprave – List of interviewees and participants in the debate



Popis kratica

List of abbreviations



## Popis kratica

Hrvatska kratica Croatian abbreviation	Hrvatski naziv – Croatian title
BDP	Bruto domaći proizvod
ESF	Europski socijalni fond
ETUC (engl.)	Europska konfederacija sindikata
EUROFEDOP (engl.)	Europska federacija zaposlenika u javnim službama
EZA (engl.)	Europski centar za radnička pitanja
GSV	Gospodarsko -socijalno vijeće
HUP	Hrvatska udruga poslodavaca
HUS	Hrvatska udruga sindikata
INFEDOP (engl.)	Međunarodne federacija zaposlenika u javnim službama
IPA (engl.)	Instrument pretprijetne pomoći
ITUC (engl.)	Međunarodna konfederacija sindikata
JAP (engl.)	Zajednički memorandum o prioritetima politike zapošljavanja
JIM (engl.)	Zajednički memorandum o socijalnom uključivanju
KU	Kolektivni ugovor
MHS	Matica hrvatskih sindikata
MRMS	Ministarstvo rada i mirovinskog sustava
NHS	Nezavisni hrvatski sindikati
PDV	Porez na dodanu vrijednost
OKU	Opći kolektivni ugovor
SSSH	Savez samostalnih sindikata Hrvatske
TKU	Temeljni kolektivni ugovor
UEAPME (engl.)	Europsko udruženje obrtnika te malih i srednjih poduzeća
URSH	Udruga radničkih sindikata Hrvatske
ZOR	Zakon o radu

## List of Abbreviations

Engleski naziv – English title	Engleska kratica English abbreviation
Gross Domestic Product	GDP
European Social Fund	ESF
European Trade Union Confederation	ETUC
European Federation of Employees in Public Service	EUROFEDOP
European Centre for Workers' Questions	EZA
Economic and Social Council	ESC
Croatian Employers Association	CEA
Croatian Trade Union Association	CTA
International Federation of Employees in Public Services	INFEDOP
Instrument for Pre-Accession Assistance	IPA
International Trade Union Confederation	ITUC
Joint Assessment of the Employment Policy Priorities	JAP
Joint Inclusion Memorandum	JIM
Collective Agreement	CA
MATICA – Association of Croatian Trade Unions	MACT
Ministry of Labour and Pension System	MLPS
Independent Trade Unions of Croatia	ITC
Value Added Tax	VAT
General Collective Agreement	GCA
Union of Autonomous Trade Unions of Croatia	UATC
Basic Collective Agreement	BCA
European Association of Craft, Small and Medium-sized Enterprises	UEAPME
Association of Workers' Trade Unions of Croatia	AWTC
Labour Law	LL



Dvojezični pojmovnik  
industrijskih odnosa

Bilingual glossary of industrial  
relations

<p><b>Autonomni sporazum</b></p>	<p><b>Autonomous agreement</b></p>
<p>Autonomni sporazum potpisuje socijalni partner bez uključivanja državnih institucija. Temeljem odredaba osnivačkih ugovora EU-a sporazum se smatra autonomnim ako se provodi u skladu s posebnim procedurama i praksama zakona o radu i upravljanju državna članica, bez istodobnog poštovanja procedura EU-a što uključuje odluku Vijeća ministara temeljem prijedloga Komisije.</p>	<p>An autonomous agreement is signed by the social partner without involving governmental institutions. According to the EU Treaty provisions an agreement is considered to be autonomous if it is implemented in accordance with procedures and practices specific to management and Labour law of the Member States, without respecting the EU procedure that include a decision by the Council following a proposal presented by the Commission.</p>
<p><b>Bipartitni socijalni dijalog</b></p>	<p><b>Bipartite social dialogue</b></p>
<p>Bipartitni socijalni dijalog je proces kolektivnog pregovaranja ili jednostavne konzultacije između socijalnih partnera, odnosno predstavnika radnika i poslodavaca bez uključivanja državnih vlasti.</p>	<p>The bipartite social dialogue is the collective bargaining process or a simple consultation between the social partners, namely workers and employees' representations without the involvement of governmental authorities.</p>
<p><b>BUSINESSEUROPE (Poslovna Europa)</b></p>	<p><b>BUSINESSEUROPE</b></p>
<p><i>BUSINESSEUROPE</i> je glavni predstavnik privatnih poduzeća na razini EU-a. Vodeća svrha tog saveza, koji čini 20 milijuna poduzeća u Uniji, jest očuvati i ojačati konkurentnost poduzeća. Kao glavna horizontalna poslodavačka organizacija, <i>BUSINESSEUROPE</i> ključan je sudionik Europskoga socijalnog dijaloga, uz partnere iz radničkih organizacija i institucije EU-a.</p>	<p><i>BUSINESSEUROPE</i> is the main representative of the private enterprises at the EU level. The guiding purpose of this federation, comprehensive of 20 million EU companies, is to preserve and strengthen the corporate competitiveness. Being the main horizontal business organization, <i>BUSINESSEUROPE</i> is a key player in the European Social Dialogue, along with its workers counterparts and EU institutions.</p>

<p><b>Europski centar za radnička pitanja (EZA)</b></p>	<p><b>European Centre for Worker's Questions (EZA)</b></p>
<p>Europski centar za radnička pitanja (EZA) je mreža nacionalnih radničkih organizacija koje se zalažu za kršćanske društvene vrijednosti. Mreža se vodi uvjerenjem da bolje obrazovanje omogućuje bolji društveni suživot te da je uvjet za suzbijanje nejednakosti u Europi. Promocija socijalnog dijaloga jedan je od glavnih ciljeva Centra.</p>	<p>The European Centre for Worker's Questions (EZA) is a network of national workers' organizations that are committed to Christian Social Values. The assumption that leads the action of this network is the belief that a better education favors a better social coexistence, a necessary requirement to counteract the deepening of inequalities in Europe. The promotion of a social dialogue is one of the main purposes of the Centre.</p>
<p><b>Europska konfederacija sindikata (ETUC)</b></p>	<p><b>European Trade Union Confederation (ETUC)</b></p>
<p>Europska konfederacija sindikata (ETUC) je glavni sugovornik predstavnika radnika na razini Europske unije. Riječ je o mreži 85 nacionalnih sindikalnih središnjica iz 36 europskih država čiji je osnovni cilj promicanje razvoja Europskoga socijalnog modela kombiniranjem održivog gospodarskog rasta s boljim životnim i radnim standardima. EUTC je dubinski uključen u proces donošenja odluka iz područja industrijskih odnosa na razini EU-a. Organizacija surađuje sa svim institucijama EU-a i djeluje kao jedan od ključnih sudionika u sklopu Europskoga socijalnog dijaloga.</p>	<p>The European Trade Union Confederation (ETUC) is the main interlocutor of worker representation at the EU level. It is a network of 85 national trade union confederations from 36 European countries aimed at promoting the development of the European Social Model, combining sustainable economic growth with improved living and working standards. The ETUC is deeply involved in the EU decision-making process working along with all the EU institutions and is one of the key players participating in the European Social Dialogue.</p>
<p><b>Europski socijalni fond (ESF)</b></p>	<p><b>European Social Fund (ESF)</b></p>
<p>Europski socijalni fond (ESF) jedan je od strukturnih fondova EU-a, uspostavljen</p>	<p>The European Social Fund (ESF) is one of the EU's Structural Funds, set up to</p>

radi smanjenja razlika u prosperitetu i životnim standardima između država članica EU-a i njihovih regija, promičući pritom ekonomsku i socijalnu koheziju. Putem Fonda državama članicama pruža se pomoć u osposobljavanju europske radne snage i poduzeća kako bi se lakše suočili s novim globalnim izazovima. ESF potiče politike i prioritete kojih je cilj napredak prema punoj zaposlenosti, povećanje kvalitete i produktivnosti rada, povećanje zemljopisne i profesionalne mobilnosti radne snage u EU-u, poboljšanje sustava edukacije i promoviranje socijalne uključenosti. Na Fond otpada oko 10% ukupnih proračunskih sredstava EU-a.

reduce differences in prosperity and living standards across EU Member States and regions, and therefore promoting economic and social cohesion. It helps Member States make Europe's workforce and companies better equipped to face new, global challenges. The ESF supports policies and priorities aiming to achieve progress towards full employment, enhance quality and productivity at work, increase the geographical and occupational mobility of workers within the EU, improve education and training systems, and promote social inclusion. The ESF spending amounts to around 10% of the EU's total budget.

134

**Europsko udruženje za obrt te mala i srednja poduzeća (UEAPME)**

**European Association of Craft, Small and Medium-sized Enterprises (UEAPME)**

UEAPME (*Union Européenne de l'Artisanat et des Petites et Moyennes Entreprises*) je organizacija poslodavaca koja predstavlja interese europskih obrta te malih i srednjih poduzeća na razini EU-a. Ova organizacija prepoznata je europski socijalni partner koji djeluje u ime obrta i malih i srednjih poduzeća u Europskom socijalnom dijalogu i u pregovorima s institucijama EU-a. UEAPME čine 83 organizacije članice koje se sastoje od nacionalnih međusektorskih saveza malog i srednjeg poduzetništva, europskih granjskih federacija i ostalih pridruženih članova koji podupiru malo i srednje poduzetništvo.

UEAPME (*Union Européenne de l'Artisanat et des Petites et Moyennes Entreprises*) is the employer's organisation representing the interests of European crafts, trades and small and medium enterprises at EU level. UEAPME is a recognised European Social Partner and acts on behalf of crafts and SMEs in the European Social Dialogue and in discussions with the EU institutions. UEAPME incorporates 83 member organisations consisting of national cross-sectorial SME federations, European branch federations and other associate members, which support the SMEs.

<b>Fleksigurnost</b>	<b>Flexicurity</b>
<p>Fleksigurnost (izvedenica pojmova „fleksibilnost” i „sigurnost”) označava model socijalne države, točnije kombinaciju fleksibilnosti i socijalne sigurnosti kojom se ujedinjaju sigurnost posla, aktivno tržište rada te socijalne politike i vještine potrebne u gospodarstvu temeljenom na znanju. Taj model predstavlja kombinaciju lakšeg zapošljavanja i otpuštanja (fleksibilnost za poslodavce) i visokih beneficija za nezaposlene (sigurnost za zaposlenike).</p>	<p>Flexicurity (originating from „flexibility” and „security”) is a welfare state model, a mix of flexibility and social security, combining job security, an active labour market, and the social policies and skills needed for a knowledge economy. The model is a combination of easy hiring and dismal (flexibility for employers) and high benefits for the unemployed (security for the employees).</p>
<b>Gospodarsko-socijalno vijeće (GSV)</b>	<b>Economic and Social Council (ESC)</b>
<p>Gospodarsko socijalno vijeće (GSV) je savjetodavno tijelo Vlade koje „daje mišljenja” te „predlaže” i „procjenjuje” pitanja u svojoj nadležnosti. Tripartitna suradnja Vlade, sindikata i poslodavaca u rješavanju gospodarskih i socijalnih pitanja glavna je ideja na kojoj se temelji rad GSV-a. Gospodarsko socijalno vijeće sastavljeno je od jednakog broja predstavnika Vlade, predstavnika sindikata više razine te predstavnika poslodavaca više razine, sukladno nacionalno utvrđenim pravilima reprezentativnosti.</p>	<p>Economic and Social Council (ESC) is a consultative Government body which „gives opinion”, „proposes” and „evaluates” questions within framework of its competence. Work of the ESC is founded on the idea to tripartite cooperation between the Government, trade unions and employers in solving economic and social issues. The Economic and Social Council is composed from the equal number of Government as well as the higher level trade union’s and the higher level employer’s representatives which comply with the nationally set representativeness rules.</p>
<b>Granski kolektivni ugovori</b>	<b>Branch collective agreement</b>
<p>Granski kolektivni ugovori donose se na temelju autonomnog pregovaranja o odredbama i uvjetima zapošljavanja u različitim profesijama i gospodarskim</p>	<p>Branch collective agreements entail autonomous negotiation on terms and conditions of employment for different professional branches. This can lead to</p>



granama. To može dovesti do drugačijih radnih uvjeta među radnicima, ali osigurava veću fleksibilnost unutar različitih gospodarskih područja.

diverse working conditions between workers but shall ensure more flexibility in regard of the different occupational fields.

**Industrijski odnosi**

**Industrial Relations**

Industrijski odnosi bave se kolektivnim aspektima radnih odnosa. Riječ je o multidisciplinarnom okviru koji objedinjuje razumijevanje radnog odnosa putem društvenih istraživanja s oblikovanjem politika i institucija usmjerenih na učinkovito upravljanje tržištem rada. Industrijski odnosi imaju korijene u industrijskoj revoluciji, no s druge strane predmet su stalne evolucije zbog promjena ekonomskog konteksta koje donose promjene u ponašanju tvrtki.

Industrial Relations investigate the collective aspects of the employment relationship. It is a multidisciplinary framework that combines the understanding of labour relationship through social research with the design of policies and institutions aimed at governing the labour market in an efficient way. Industrial relations have its roots in the industrial revolution yet, on the other hand, are subject to a continuous evolution due to the changing economic context and the related development in companies' behaviors.

**Kolektivno pregovaranje**

**Collective bargaining**

Kolektivno pregovaranje ima glavnu ulogu u industrijskim odnosima, a odnosi se na proces pregovaranja između poslodavaca i grupe posloprimaca, organiziranih uglavnom u sindikate, radi postizanja sporazuma o odredbama i uvjetima zapošljavanja. Rezultat kolektivnog pregovaranja jest kolektivni ugovor. Pravna pravila kolektivnog ugovora izravno se primjenjuju na sve osobe na koje se kolektivni ugovor odnosi.

Collective Bargaining has a central role in industrial relations. It is a process of negotiations between employers and a group of employees, typically organized in trade unions, which aims at reaching a common agreement regarding the terms and conditions of employment. The result of collective bargaining procedures is a collective agreement. Legal rules contained in the collective agreement are directly applicable to all persons to whom the collective agreement applies.

**Minimalna plaća**

**Minimum wage**

Minimalna plaća je najniža plaća kojom poslodavci zakonski mogu platiti radnike.

Minimum wage is the lowest remuneration that employers may legally pay

Minimalna plaća je najniža plaća kojom poslodavci zakonski mogu platiti radnike. Među državama postoje značajne razlike u načinu osiguranja i izračuna minimalne plaće. Najniža moguća plaća može biti određena nacionalnim zakonodavstvom ili kolektivnim ugovorom. Među državama koje su se odlučile za određivanje minimalne plaće putem nacionalnog zakonodavstva također postoje znatne razlike.

to workers. There are profound differences regarding how the minimum salary is ensured in different countries. The lowest possible remuneration can both be set by statutory national legislation and be subject of collective agreements. Further disparities are observed in the way, countries that opted for national legislations have enforced the statutory minimum wage.

### **Nacionalne konfederacije poslodavaca**

### **National Employer's Confederations**

Nacionalne konfederacije poslodavaca su organizacije koje predstavljaju interese poslodavaca na višoj nacionalnoj razini. Na razini Europske unije, zahtjeve poslodavaca predstavlja udruženje *BUSINESSEUROPE*.

National employer's confederations are organizations representing the interests of employers at the higher national level. At the EU level claims of employers are primarily presented by *BUSINESSEUROPE*.

### **Nacionalne sindikalne središnjice**

### **National Trade Union Confederations**

Nacionalne sindikalne središnjice su organizacije koje predstavljaju sindikate i njihove članove na višoj nacionalnoj razini. Na razini Europske unije predstavljene su putem Europske konfederacije sindikata (ETUC), kojoj osiguravaju osoblje i financijsku podršku.

National trade union confederations are organization representing different trade unions and their members at the higher national level. These confederations are represented at the EU level by the ETUC to whom they provide personnel and financial support.

### **Neregistrirani rad**

### **Undeclared work**

Neregistrirani rad (kolokvijalno, rad na crno) označava bilo koji oblik rada koji zaobilazi pravila regulacije rada. Neregistrirana ekonomska djelatnost protuzakonito je ponašanje koje uzrokuje značajne troškove: porezne vlasti ostvaruju manje prihode od poreza na dohodak i poreza na dodanu vrijednost;

Undeclared work refers to any form of work that sidesteps the rules of labour regulation. Undeclared economic activities represent unlawful behavior which creates considerable costs: tax authorities receive less revenue in the form of income tax or value added taxes; social security institutions do not get

institucije zadužene za socijalnu sigurnost ne dobivaju doprinose; takva aktivnost djelomice koči stvaranje regularnog zapošljavanja s potpunom socijalnom zaštitom. Ipak, neregistrirani rad dio je gospodarstva, pa je njegovu važnost potrebno što točnije procijeniti.

contributions and undeclared activities partly inhibit the creation of regular employment with full social protection. Yet, undeclared work is part of the economy and its importance should therefore be estimated as accurately as possible.

**Rad na određeno vrijeme**

**Fixed term work**

Rad na određeno označava vrstu ugovora koji sadrži određen datum početka i kraja radnog odnosa ili propisuje obavljanje određenog zadatka ili projekta ili ugovor čiji kontinuitet ovisi primjerice o dostupnosti nastavka financiranja iz vanjskih izvora.

A fixed term work refers to a contract which contains a specific start and end date of employment or regulates the performance of a specific task or project or contract whose continuity is contingent on a particular event such as the availability of continued funding from an external sources.

138

**Rad u nepunom radnom vremenu**

**Part-time work**

Rad u nepotpunom radnom vremenu označava vrstu ugovora o radu koji propisuje manji broj radnih sati nego što je predviđeno pri standardnom zapošljavanju na puno radno vrijeme. Iako takvi radni uvjeti nude priliku za balansiranje između poslovnog života i obiteljskih obveza, Europska unija trebala je donijeti zakonodavstvo radi sprečavanja nekih diskriminatorskih praksi koje pogađaju radnike zaposlene u nepunom radnom vremenu kao što su niže plaće, slabije perspektive za izgradnju karijere te uskraćivanje prava na socijalne beneficije.

Part time work refers to a kind of hiring contract that carries less working hours than full-time standard job. While this employing condition may offer the chance to properly balancing working life and family responsibilities or training periods, EU had to legislate to prevent some of the discriminations part-time workers are more prone to suffer, such as lower wages, fewer career perspectives and ineligibility to social benefits.

**Radnička vijeća**

**Workers councils**

Radnička vijeća su institucionalizirana tijela za komunikaciju putem predstavnika

Workers councils are institutionalized bodies for representative communication

između poslodavca i zaposlenika određenog poduzeća. Radnička vijeća predstavljaju sve radnike na nekom mjestu rada bez obzira na njihovo članstvo u sindikatu. Ondje gdje uz radnička vijeća djeluju i sindikati kao predstavnici radnika postavlja se problem uređenja odnosa između radničkih vijeća i sindikata.

between a single employer and the employees of a single enterprise. Workers councils represent all the workers at a given workplace, irrespective of their status as union members. Where in addition to councils there are also unions as workers representatives this raises the problem of determining the relationship between councils and unions.

### Reprezentativnost socijalnih partnera

### Representativeness of social partners

Reprezentativnost socijalnih partnera odnosi se na stupanj pouzdanosti socijalnih partnera kao sudionika u socijalnom dijalogu. Kriteriji reprezentativnosti postavljaju su na nacionalnoj razini i na razini EU-a kako bi se utvrdili relevantni akteri (sindikati i udruge poslodavaca na višoj razini) koji će biti uključeni u institucionalizirani socijalni dijalog. Kriteriji reprezentativnosti obično su broj radnika i poslodavaca koji se zastupaju, broj udruženja niže razine koji se zastupaju, teritorijalna raširenost unutar države te posjedovanje odgovarajućih kapaciteta i struktura za pregovaranje o ugovorima i sporazumima.

Representativeness of social partners refers to their degree of reliability as players participating in the social dialogue. Representativeness criteria are being set at the national and the EU level in order to identify the relevant associational actors (trade unions and employer associations of a higher level) to be engaged in institutionalized social dialogue. Among most common representativeness criteria are the number of workers and employers which are being represented, number of lower level associations which are being represented, territorial spread within a state and having appropriate capacities and structures to negotiate agreements.

### Restrukturiranje

### Restructuring

Restrukturiranje označava čin reorganiziranja strukture i aktivnosti nekog poduzeća što može imati značajan utjecaj na uvjete zapošljavanja. Restrukturiranje je bilo predmet intenzivnog socijalnog dijaloga radi uvođenja mjera i sredstava kojima bi se osiguralo bolje upravljanje restrukturiranjem unutar EU-a

Restructuring refers to the act of reorganizing the structures and the activities of an enterprise, which can have a significant impact on terms and conditions of employment. This has been object of an intense social dialogue aimed at setting out measures and means to ensure improved management of restructuring

te olakšalo „iščekivanje promjena”. Na razini EU-a, Forum za restrukturiranje te Radna skupina za restrukturiranje uspostavljeni su radi iznalaženja efikasnijeg načina suočavanja sa socijalnim učincima industrijskog restrukturiranja.

within the EU and to facilitate „anticipation of change”. A Restructuring Forum and an „internal restructuring task force” were put in place to deal in a more efficient way with the social effects of industrial restructuring.

**Sektorski socijalni dijalog**

**Sectoral social dialogue**

Sektorski socijalni dijalog odnosi se na proces konzultacija i kolektivnog pregovaranja radi uspostave odredaba i uvjeta zapošljavanja u pojedinačnom sektoru proizvodnje ili usluga. Počevši od metaloprerađivačke industrije, ta je praksa dala nov pomak kolektivnom pregovaranju, dosegnuvši dvostruki rezultat očuvanja kupovne moći bez ometanja efikasnosti proizvodnog ciklusa. Jačanje sektorskog socijalnog dijaloga (posebice bipartitnog) vrlo je važno za učinkovito funkcioniranje Europske unije zato što se politike EU-a kreiraju na sektorskoj razini.

The Sectoral Social Dialogue refers to consultation processes and collective bargaining addressed to establish terms and conditions of employment regarding a single production manufacturing or service sector. This practice, started with the metalworking industry, gave a new shift to the collective bargaining, reaching the twofold result of safeguarding purchasing power without hampering the efficiency of the production cycle. Strengthening of the sectoral social dialogue (particularly bipartite) is very important for efficient functioning in the EU due to fact that EU policies are created at the sectoral level.

**Sindikati**

**Trade unions**

Sindikati su organizacije u čijem su članstvu radnici i lideri sindikata te koje štite i promiču zajedničke interese svojih članova. Glavni su ciljevi sindikata: pregovaranje o plaćama i uvjetima rada; regulacija odnosa između radnika (članova sindikata) i poslodavca; poduzimanje zajedničkih akcija kako bi se suprotnu stranu pridobilo na prihvaćanje uvjeta za kolektivno progovaranje; postavljanje novih zahtjeva u ime svog članstva te pomoć članstvu u rješavanju problema iz radnog odnosa.

Trade unions are organization whose membership consists of workers and union leaders, united to protect and promote common interests of its members. The principal purposes of a labour union are: to negotiate wages and working condition terms; regulate relations between workers (its members) and the employer; take collective action to predispose the terms of collective bargaining; raise new demands on behalf of its members, and help settle their grievances.

<b>Socijalni dijalog</b>	<b>Social dialogue</b>
<p>Socijalni dijalog predstavlja okosnicu kolektivnih industrijskih odnosa. Prema Međunarodnoj organizaciji rada (ILO), socijalni dijalog obuhvaća sve vrste pregovora, konzultacija ili jednostavno razmjenu informacija između predstavnika vlade, poslodavaca i radnika o pitanjima od zajedničkog interesa koja se odnose na gospodarsku i socijalnu politiku. Učinkovit socijalni dijalog prvenstveno ovisi o: poštovanju slobode udruživanja i prava na kolektivno pregovaranje, neovisnim i jakim udruženjima poslodavaca i radnika, političkoj volji i odlučnosti svih relevantnih dionika za sudjelovanje u socijalnom dijalogu te adekvatnoj institucionalnoj potpori.</p>	<p>Social dialogue represents the mainstay of collective industrial relations. According to International Labour Organization (ILO), social dialogue includes all types of negotiation, consultation or simply exchange of information between, or among, representatives of governments, employers and workers on issues of common interest relating to economic and social policy. An effective social dialogue primarily depends on: respect for freedom of association and the right to collective bargaining; strong and independent workers and employers associations; political will and determination by all relevant stakeholders to participate in the social dialogue; and an adequate institutional support.</p>
<b>Socijalno partnerstvo</b>	<b>Social partnership</b>
<p>Socijalno partnerstvo pretpostavlja legitimnost različitih uloga, interesa i vrijednosti, istodobno uviđajući potrebu za postizanjem dogovora. Sukladno tome socijalno partnerstvo utemeljeno je na ideji da izvorna stajališta treba redefinirati, jer da bi se nešto dobilo, nešto treba i dati. Osnovni cilj socijalnog partnerstva jest izgradnja konsenzusa i demokratskog sudjelovanja svih glavnih dionika u pronalaženju rješenja za važna gospodarska i socijalna pitanja.</p>	<p>Social Partnership assumes legitimacy of different roles, interests and values, at the same time recognizing the necessity of reaching an agreement. Social partnership is therefore founded on the notion that original standpoint needs to be redefined, because something needs to be given away in order to receive something else. The main goal of social partnership is building up a consensus and democratic participation of all the main stakeholders in finding solutions to important economic and social questions.</p>
<b>Stečajni postupak</b>	<b>Insolvency proceeding</b>
<p>Stečajni postupak označava skup mjera koje se provode u slučaju ekonomske</p>	<p>Insolvency proceeding refers to a set of measures taken in the event of the</p>

<p>propasti poduzeća. Točnije, riječ je o skupu mjera koje se primjenjuju kada poduzeće nema dovoljno financijskih sredstava da zadovolji potraživanja.</p>	<p>economic failure of an enterprise that is when the latter lacks sufficient financial resources to satisfy claims against it.</p>
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**Strukovno obrazovanje**

**Vocational training**

Strukovno obrazovanje je posebna vrsta obrazovanja namijenjena pružanju vještina i znanja izvan klasičnih akademskih metoda obrazovanja. Strukovno obrazovanje ponekad se naziva i tehničko obrazovanje jer se takvim obrazovanjem izravno razvija stručnost za određenu vrstu zanimanja/struke.

Vocational Training is a particular kind of education aimed at giving the trainees skills and expertise going beyond classical academic teachings. It is sometimes referred to as technical education as the trainee directly develops expertise in a particular group of techniques.

**Štrajk/isključenje**

**Strike/Lockout**

Štrajk je zajednička aktivnost prekida rada koja se poduzima u prilog pregovaračke pozicije ili u znak prosvjeda zbog određenih aspekata ugovora ili predloženih ugovora između radnika i uprave. Isključenje je aktivnost slična štrajku koja stoji na raspolaganju poslodavcima, a označava privremeno zaustavljanje rada odnosno uskraćivanja zaposlenja tijekom radnog spora koji je pokrenula uprava.

A strike is a collective action of work stoppage undertaken in support of a bargaining position or in protest of some aspect of a previous agreement or proposed agreement between labour and management. An action similar to strike at disposal to employers is lockout - temporary work stoppage or denial of employment during a labour dispute initiated by the management.

**Tripartitni socijalni dijalog**

**Tripartite social dialogue**

Tripartitni socijalni dijalog je proces kolektivnog pregovaranja ili jednostavne konzultacije između socijalnih partnera, odnosno predstavnika radnika, poslodavaca i državnih vlasti.

The tripartite social dialogue is the collective bargaining process or a simple consultation between the social partners, namely workers and employees' representations, and governmental authorities.

# Upitnik

za vođenje intervjua sa socijalnim partnerima  
o industrijskim odnosima u Hrvatskoj

# Questionnaire

For conducting an interview with social partners  
on industrial relations in Croatia



Naziv institucije: \_\_\_\_\_  
(Institution)

Ime i prezime intervjuirane osobe: \_\_\_\_\_  
(Interviewee)

Funkcija: \_\_\_\_\_  
(Position)

Datum: \_\_\_\_\_  
(Date)

- 1) Kako ocjenjujete kvalitetu socijalnog dijaloga u Hrvatskoj?  
*How would you rate the quality of social dialogue in Croatia?*
- 2) Kakvi su kapaciteti, aktivnost, učinkovitost i utjecaj pojedinih socijalnih partnera:  
*Please rate the capacities, activities, efficiency and influence of the following social partners:*
- a) Sindikati (središnjice, ostali)  
*Trade unions (confederations, others)*
  - b) Udruga poslodavaca (ostale udruge)  
*Employers' organisations (other associations)*
  - c) Središnja i lokalna razina  
*Central and local level*
- 3) Kako ocjenjujete zakonsku regulativu koja regulira industrijske odnose u Hrvatskoj? Koje su eventualne slabosti, a u kojoj mjeri promjene zakonske regulative pozitivno djeluju na socijalni dijalog?  
*How would you rate legislation regulating industrial relations in Croatia? What are its possible weaknesses, and to which extent do changes in legislation positively affect social dialogue?*
- 4) Na koji način zakonski riješiti pitanje reprezentativnosti sindikata i poslodavaca? Kako prevladati fragmentiranost sindikalne scene te doći do opće sindikalne strategije djelovanja?  
*How should the issue of representativeness of trade unions and employers be tackled? How can we overcome the fragmentation of trade unions and achieve a general union action strategy?*

- 5) Kakva je kvaliteta kolektivnog pregovaranja u Hrvatskoj? Što očekujete od najavljenih pregovora o izmjenama kolektivnih ugovora? Koliko je kolektivnih ugovora isteklo, koliko ih traje do sklapanja novih ugovora, radi li se na novim ugovorima? Koja su glavna postignuća i poteškoće? Kakve su perspektive daljnjeg granskog kolektivnog pregovaranja u Hrvatskoj?

*How would you rate the quality of collective bargaining in Croatia? What are your expectations from the announced negotiations on changes in collective agreements? How many collective agreements have expired; how many are in force until new agreements are signed; is work being done on new agreements? What are the main achievements and difficulties? What are the perspectives of the further sectoral collective bargaining in Croatia?*

- 6) Kako ocjenjujete razvijenost i efikasnost a) bipartitnog i b) tripartitnog socijalnog dijaloga u Hrvatskoj?

*How would you rate the development and efficiency of a) bipartite and b) tripartite social dialogue in Croatia?*

- 7) Kakva je kvaliteta i koje su prepreke za daljnji razvoj sektorskog socijalnog dijaloga u Hrvatskoj?

*How would you rate the quality of sectoral social dialogue in Croatia and what would you say are the obstacles to its further development?*

- 8) Što mislite o mogućim izmjenama Zakona o radu? Treba li ga mijenjati i kako?

*What is your opinion on the possible changes in the Labour Law? Should it be changed and in which way?*

- 9) Kakva bi trebala biti uloga države u sustavu industrijskih odnosa?

*What role should the state have within industrial relations?*

- 10) Kakav je utjecaj krize na socijalni dijalog i na koji način su socijalni partneri reagirali? Ako je moguće, ilustrirati na primjeru nekog sektora! U kojim slučajevima se od izbijanja krize uz pomoć socijalnog dijaloga došlo do rješenja, a gdje je mehanizam zakazao? Kako se kriza odrazila na socijalni dijalog u javnom, a kako u privatnom sektoru?

*How did the crisis influence social dialogue and what were the partners' reactions? If possible, please illustrate with an example from a particular sector! Looking from crisis onset onwards, in which cases was a solution found and in which did the mechanism fail? How was the crisis reflected in social dialogue within the public and the private sector?*

- 11) Koje Vladine mjere za prevladavanje krize ocjenjujete izrazito poticajnim, a koje ocjenjujete destimulativnim?

*Which Government's crisis response measures would you evaluate as very stimulating and which would you evaluate as de-stimulating?*

- 12) Preporuke za unapređenje sustava industrijskih odnosa u Hrvatskoj!

*Recommendations for improving industrial relations system in Croatia!*

Popis intervjuiranih osoba  
i sudionika rasprave

List of interviewees and  
participants in the debate

UČINCI GOSPODARSKE KRIZE NA INDUSTRIJSKE ODNOSU U HRVATSKOJ

<b>Prezime i ime</b> <i>Last and first name</i>	<b>Funkcija</b> <i>Function</i>	<b>Organizacija</b> <i>Organization</i>
Babić, David Jakov	Pravni savjetnik <i>Legal Advisor</i>	Hrvatska udruga sindikata <i>Croatian Trade Union Association</i>
Grgić, Andreja	Asistent <i>Assistant</i>	Pravni fakultet Sveučilišta u Zagrebu <i>Faculty of Law of the University of Zagreb</i>
Hanževački, Marija	Glavna tajnica <i>General Secretary</i>	Nezavisni hrvatski sindikati <i>Independent Trade Unions of Croatia</i>
Karas, Sven	Ekonomist <i>Economist</i>	Hrvatska udruga sindikata <i>Croatian Trade Union Association</i>
Krištof, Marko	Pomoćnik ministra <i>Assistant Minister</i>	Ministarstvo rada i mirovinskog sustava <i>Ministry of Labour and Pension System</i>
Matić, Dubravka	Voditeljica <i>Head of Office</i>	Samostalna službe za socijalno partnerstvo Ministarstva rada i mirovinskog sustava <i>Independent Service for Social Partnership operating within the Ministry of Labour and Pension System</i>
Milićević Pezelj, Ana	Izvršna tajnica <i>Executive Secretary</i>	Savez samostalnih sindikata Hrvatske <i>Union of Autonomous Trade Unions of Croatia</i>
Novaković, Nataša	Pravna savjetnica <i>Legal advisor</i>	Hrvatska udruga poslodavaca <i>Croatian Employers Association</i>
Novosel, Mladen	Predsjednik <i>President</i>	Savez samostalnih sindikata Hrvatske <i>Union of Autonomous Trade Unions of Croatia</i>
Ribić, Vilim	Predsjednik <i>President</i>	Matica hrvatskih sindikata <i>MATICA – Association of Croatian Trade Unions</i>
Sever, Krešimir	Predsjednik <i>President</i>	Nezavisni hrvatski sindikati <i>Independent Trade Unions of Croatia</i>



**Centar za gospodarski razvoj (CED)**, Sofija, nevladina je udruga u području ekonomske politike osnovana 1997. Centar je nasljednik Gospodarske grupacije na Novom bugarskom sveučilištu i Radne grupe za privatizaciju. CED aktivno pridonosi gospodarskom razvoju Bugarske i postignućima u području održivog rasta kroz provedbu ekonomskih istraživanja, analizu ekonomskog zakonodavstva i mogućnosti u području ekonomske politike. CED zagovara pravilnu implementaciju politika, promovira razmjenu ideja i informacija u stručnoj javnosti te između javnog, privatnog, nevladinog sektora i obrazovnih institucija. Diseminacijom svojih nalaza CED jača javnu svijest.

**The Center for Economic Development (CED)**, Sofia, is a non-governmental think tank in the economic policy area, established in 1997. It is a successor to the Economic Group at the New Bulgarian University and the Working Group on Privatization. CED actively contributes to Bulgaria's economic development and the achievement of sustainable growth through carrying out economic research, analysis of current economic legislation and economic policy options. It advocates for proper implementation of policies, promotes the exchange of ideas and information among experts community and between the public, private, NGO sector and educational institutions. Through dissemination of its findings CED increases public awareness.

# IMO

*Institut za međunarodne odnose  
Institute for International Relations  
Institut pour les relations internationales  
Instituto para las relaciones internacionales*

**Institut za međunarodne odnose (IMO)**, Zagreb, javna je neprofitna znanstveno - istraživačka organizacija osnovana 1963. Institut se bavi znanstvenim istraživanjima, organizacijom seminara, međunarodnih konferencija i specijalističkih obrazovnih programa. IMO provodi interdisciplinarna istraživanja iz područja: europskih integracija, međunarodnih ekonomskih i političkih odnosa, održivog razvoja, resursne ekonomije i zaštite okoliša, energetske politike i klimatskih promjena, konkurentnosti i razvoja poduzetništva, regionalne politike, vanjske i sigurnosne politike te kulture i komunikacija. IMO osigurava stratešku podršku donosiocima odluka i omogućava diseminaciju rezultata svojih istraživanja putem objavljivanja, razmjene informacija i umrežavanja. Institut se financira sredstvima Ministarstva znanosti, obrazovanja i sporta kao i iz različitih međunarodnih fondacija i drugih izvora na projektnoj osnovi.

**The Institute for International Relations (IMO)**, Zagreb, is a public, non-profit, scientific research organization, established in 1963. The Institute is involved in scientific research, organization of seminars, international conferences and specialist training programmes. IMO is engaged in interdisciplinary research focusing on European integration, international economic and political relations, sustainable development, resource economic and environmental policy, energy policy and climate changes, competitiveness and development of entrepreneurship, regional policy, foreign and security policy, as well as culture and communication. IMO provides strategic support to decision makers and ensures dissemination of its research results through publishing activities, information exchange and networking. It is financed by the Ministry of Science, Education and Sports as well as by different international foundations and other sources on a project basis.



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#### O KNJIZI

Krizom izmijenjeno gospodarsko okruženje odrazilo se na industrijske odnose i socijalni dijalog u Hrvatskoj, koji su proteklih godina znatno varirali u kvaliteti i intenzitetu. Nove okolnosti dovode u pitanje ustaljene obrasce industrijskih odnosa i od socijalnih partnera zahtijevaju propitivanje dosadašnjih strategija djelovanja. Publikacija je rezultat projekta financiranog sredstvima Europske komisije, a donosi rezultate istraživanja provedenog u Hrvatskoj prema metodološkom predlošku Centra za ekonomski razvoj iz Sofije jedinstvenom za šest zemalja. Cilj je bio istražiti načine djelovanja i promjene u sustavu industrijskih odnosa u vrijeme krize te na temelju provedenih analiza donijeti preporuke za daljnji razvoj tog područja u europskom kontekstu.

#### ABOUT THIS BOOK

Crisis-induced changes in the economic environment have had an impact on industrial relations and social dialogue in Croatia, which have varied greatly in their quality and intensity over the past years. New circumstances call into question the established patterns of industrial relations demanding social partners to re-examine their current action strategies. This publication is the result of the project funded by the European Commission and presents the findings of the research conducted in Croatia according to the unique methodological template of the Centre for Economic Development from Sofia used in six countries. The objective was to explore the ways of acting and changes in the industrial relations system during the crisis and to make the recommendations for further development of this field in the European context.

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