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President  
Président  
Präsident  
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**Sharan Burrow**

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Prime Minister  
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**cc:**

**Mr Marin Piletić**

Minister of Labour, Pension System, Family  
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Republic of Croatia  
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LEX/PKD/ZMG

6 September 2022

**Labour laws in Croatia**

Dear Mr Prime Minister,

I write on behalf of the International Trade Union Confederation representing 200 million workers in national trade union centres in 163 countries, including in Croatia, to share with you our observations on the recently concluded collective agreement covering state employees.

According to information that we have received from our affiliate, the Independent Trade Unions of Croatia (NHS), in May this year a Collective Agreement for State Servants and Employees was concluded with the Croatian Police Trade Union and the Independent Trade Union of Employees in the Ministry of Interior (Official Gazette no. 56).

While noting the importance to encourage and promote the full development and utilization of machinery for voluntary negotiation in line with the ILO Right to Organise and Collective Bargaining Convention No. 98, we have concerns as regards the current formulation of Article 94 of the Collective Agreement, its implications for the rights of minority trade unions and the right of workers to form and join organizations of their own choosing, and its impact on the national industrial relations landscape in practice.

According to our information, Article 94 of the Collective Agreement (CA) grants key rights contained in the agreement only to representative trade unions, signatories to the CA. These rights include negotiation and consultation rights with the government as well as other important provisions, critical for the efficient functioning of trade union organizations and for effective representation of their members. Therefore, it appears that Article 94 operates in a manner to discriminate against trade unions who have members among the state employees covered by the CA. We are concerned that such restriction would even apply in a case where a trade union not signatory to this CA is a majority union in a given state agency or body.

Clearly, this regulation carries a risk to operate in a manner that would violate freedom of association and collective bargaining principles of the ILO, as enunciated under ILO Constitution, as well as ILO Conventions Nos. 87 and 98, both ratified by Croatia.

In this regard, we recall that according to the observations of the ILO monitoring bodies - the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) and ILO Committee on Freedom of Association (CFA), where the law of a country draws a distinction between the most representative trade union and other trade unions, such a system should not have the effect of preventing minority unions from effective functioning. Such regulation would not promote collective bargaining in the sense of Article 4 of Convention No. 98. Minority trade unions should be permitted to carry out their activities and at least to have the right to speak on behalf of their members and to represent them in cases of individual grievances (ILO CFA Digest, paras 1387-1388).

Further, we recall that Article 2 of ILO Freedom of Association and Protection of the Right to Organise Convention No. 87 protects workers' rights to form and join organizations of their own choosing. Accordingly, such free choice of the workers in respect of the organization to which they wish to belong should not be unduly influenced by advantages accorded to some representative trade unions. Such undue influence may stem from restricted rights of minority trade unions. According to the ILO monitoring bodies, minority trade unions that have been denied the right to negotiate collectively should be permitted to perform their activities and at least to speak on behalf of their members and represent them in the case of an individual claim, so that the right of workers to join organizations of their own choosing is not unduly restricted (ILO CFA Digest, paras 541, 545).

Consequently, in our view, the current formulation of Article 94 of the Collective Agreement does not promote collective bargaining, in a way compliant with ILO Convention No. 98, particularly, in the context of the industrial relations landscape of Croatia. We are also concerned that the agreement may affect the right of workers to establish and join organizations of their own choosing, contained in Article 2 of ILO Convention No. 87.

Therefore, we invite your Government to take steps, in full consultation with all the trade union organizations representing state administration workers, to amend the provision in question, in accordance with the international labour standards contained in ILO Conventions Nos. 87 and 98 and in alignment with the observations of the ILO supervisory bodies.

We stay at your disposal to provide more detailed comments and proposals.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'A. B.', written in a cursive style.

General Secretary