

ACT
ON AMENDMENTS TO THE LABOUR ACT
(Official Gazette 61/11)

Article 1

In the Labour Act (Official Gazette 149/09), in Article 3, paragraphs 4 and 5 are amended and read:

“(4) Unless otherwise specified in a separate law, exemptions from the implementation of provisions relating length of night work of night worker, daily and weekly rest periods may be determined by a collective agreement to adult employees, provided that such agreement ensures an alternative period of rest in line with paragraph 5 of this Article, in which the employer shall be obliged to ensure exercise of such right as follows:

1. If necessary due to the distance between the employee’s place of work and his/her place of residence or due to the distance between the employee's different places of work,

2. In the case of security activities aimed at the protection of people or property, when continuous attendance is required.

3. In the case of activities involving the need for continuity of service or production, particularly:

a. services relating to the reception, treatment and/or care provided by hospitals or similar establishments as well as services rendered at social care homes or other legal entities providing social care services and at prisons,

b. activities of dock or airport employees,

c. services directly related to press, radio, television, cinematography, post and telecommunications, ambulance, fire fighting and civil protection,

d. gas, water and electricity production, transmission and distribution, household refuse collection and incineration plants,

e. industries in which work may not be interrupted on technical grounds,

f. research and development activities,

g. regular carriage of passengers in urban transport services,

4. in the case of activities characterised by changing intensity, particularly:

a. agriculture,

b. tourism,

c. postal services,

5. in the case of jobs of workers in the railway transport activity, whose activities are intermittent who spend their working time on trains or whose activities are linked to transport time tables.

6. in the case of force majeure or the occurrence of extraordinary and unpredictable circumstances or events.

(5) The agreement referred to in paragraph 4 of this Article ensuring an alternative rest period, equivalent in length to the missed rest hours, may not stipulate a daily rest in the duration of less than ten hours a day and such employee must be provided with an opportunity to use a daily alternative rest period before beginning the next working period, a weekly period of rest may not be stipulated in the duration of less than twenty hours and such employees must be provided with the possibility to use such alternative weekly rest periods in each two-week period.

Article 2

In Article 25, new paragraph 5 is added and reads:

“(5) By an agreement referred to in paragraphs 1 of this Article, the agency and the user may agree that the user shall keep appropriate records of the hours worked by the assigned workers in the period for which they were assigned, and specify the time limit and the manner of providing these records to the agency.”

Article 3

In Article 46, paragraph 3, words “twelve hours” are replaced with words “twenty-four hours”

Article 4

In Article 47, paragraph 1 is amended and reads:

“(1) Where the nature of work so requires, full-time or part-time working hours may be rescheduled so that in the course of time period, whose duration may not exceed 12 successive months, there may be a period of time with working hours that are longer and another period of time with working hours that are shorter than full-time or part-time working hours, provided that average working hours in the course of rescheduling may not exceed full-time or part-time working hours.”

Paragraph 5 is amended and reads:

“(5) As an exception to paragraph 4 of this Article, rescheduled working hours may, during the period when they last longer than full-time or part-time working hours, exceed 48 hours a week and may last up to a maximum of 56 hours a week, and if the employer’s business activities are seasonal, a maximum of 60 hours a week, on condition that this is provided for by a collective agreement and that a written statement about voluntary consent to such work is submitted to the employer by the employee.”

Article 5

In Article 48, paragraph 6 is amended and reads:

“(6) When establishing the daily schedule of working hours, the employer shall take into account that the duration of work by an employee referred to in paragraph 5 of this Article may not exceed eight hours.”

After paragraph 6, paragraph 7 is added and reads:

“(7) By way of derogation from paragraph 6 of this Article, the working time of the worker referred to in paragraph 5 of this Article, may last longer than 8 hours in the daily schedule of working hours, however not longer than 12 hours, provided it is regulated by the collective agreement. “

Article 6

Article 59 is amended and reads:

“(1) An employee has the right to one-twelfth of annual leave, as determined under Articles 55 and 56 of this Act, for each full month of work in the following cases:

- if, in the calendar year in which his or her employment commenced, he or she did not acquire the right to annual leave because the six-month time-limit referred to in Article 58, paragraph 1 of this Act did not expire;
- if employment terminates before the expiration of the six-month time-limit referred to in Article 58, paragraph 1 of this Act;
- if employment terminates before 1 July
- if, during a calendar year, he or she was employed with several employers, without interruptions between successive periods of employment longer than eight days, with the proviso that the right to annual leave acquired in respect of all employers for that particular year may not exceed, in its entirety, the maximum duration prescribed by the provisions of Article 55 and Article 56 of this Act.

(2) When computing the duration of annual leave in the manner referred to in paragraph 1 of this Article, at least one-half of a day of annual leave is rounded up to a whole day of annual leave, and at least one half of a month of work is rounded up to a whole month.

(3) Where a worker's employment terminates exactly in the middle of a month with an even number of days, the worker shall claim the right to one-twelfth of annual leave from the employer with whom his or her employment terminates.

(4) By way of derogation from paragraph 1, subparagraph 4 of this Article, a worker who has acquired the right to annual leave in the manner prescribed in the provisions of Article 58, paragraph 1 of this Act and whose employment terminates after 1 July shall claim the right to annual leave, in its entirety, from the employer with whom his or her employment terminates."

Article 7

In Article 79, paragraph 3 is amended and reads:

"(3) If the works council or a union representative exercising all the rights and obligations normally pertaining to a works council refuses to give its consent to a dismissal of an employee referred to in paragraph 1 of this Article, such consent may be replaced by a judicial decision or arbitration award."

Article 8

In Article 294, paragraph 1, subparagraph 27, the word: "twelve" is replaced with words: "twenty-four".

Subparagraph 35 is amended and reads:

"35) When establishing the daily schedule of working hours of a worker, for determining the working hours schedule of a worker in the duration of more than that stipulated by the Act (Article 48, paragraphs 6 and 7)".

After paragraph 2, new paragraphs 3 and 4 are added and read:

"(3) A fine in the amount ranging from HRK 61,000.00 to 100,000.00 for a violation referred to in paragraph 1, subparagraph 1 of this Article shall be imposed on a user-physical person who, by an employee assignment agreement undertook the obligation of keeping records of working hours for assigned employees (Article 25, paragraph 5).

(4) A fine in the amount ranging from HRK 7,000.00 to 10,000.00 for a violation referred to in paragraph 1, subparagraph 1 of this Article shall be imposed on a user-physical person who, by an employee assignment agreement undertook the obligation of keeping records of working hours for assigned employees and the responsible person in the legal person (Article 25, paragraph 5)."

Former paragraphs 3 and 4 become paragraphs 5 and 6.

After paragraph 6, paragraph 7 is added and reads:

"(7) For the violation referred to in paragraph 1, subparagraph 1 of this Article, an on-the-spot fine of HRK 20,000.00 may be imposed a user-physical person who, by an employee assignment agreement undertook the obligation of keeping records of working hours for assigned employees, whereas a fine of HRK 6,000.00 may be imposed on the user-physical person and the responsible person in the legal person."

Article 9

This Act shall come into force on the eighth day after the day of its publication in the Official Gazette.