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Ms Jadranka Kosor
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PERC/GG/pw

Brussels, 5 October 2009

Dear Prime Minister,

The International Trade Union Confederation gives its full support to its affiliates – the Union of Autonomous Trade Unions of Croatia (SSSH) and Independent Trade Unions of Croatia (NHS), as well as the other Croatian trade union confederations in their fight for better protection of workers guaranteed by the Act on Labour. It is a part of a global trade union campaign for better living and working conditions and health and safety of workers around the globe. The ITUC has been following with great interest and concern the situation of human and trade union rights in Croatia, and in particular the current process of amendments of the Act on Labour in Croatia. We warmly welcome the significant steps the Government of the Republic of Croatia has made in the latest draft Act on Labour towards better protection of workers' rights in the Republic of Croatia.

However, the ITUC is deeply concerned by the announcements of the Government of the Republic of Croatia to introduce through the Act on Labour further liberalization and flexibilization of the organization of the working time in Croatia. We are particularly worried by the fact that the Croatian Government, despite the opposition from trade union confederations, is insisting on the introduction of the opt-out institute. Doing so, Croatia would become one of the few countries which would introduce such possibility through law. This would divert Croatia from its road towards improvement of working and living conditions of workers and citizens.

The International Trade Union Confederation fully supports efforts of the Republic of Croatia in the accession negotiations for the European Union membership, and in particular the process of harmonization of legislation with the *acquis communautaire*. However, European integration should not be used as a pretext for making extensive legal reforms and reducing the rights of workers and trade unions. Furthermore, we express our

deep concern by the lack of efforts of the Government of the Republic of Croatia with regard to the continuation of the ratification process of the important Conventions of the International Labour Organization. International labour standards can only go hand in hand with the *acquis communautaire* in contributing to better protection of workers' rights, hence we highly recommend you to recommence this process.

The issue of workers' rights, in particular working time which is affected by the proposed legislative amendments, is not only the issue of Croatian workers, but a global issue which is relevant for all, because an "injury to one, is an injury to all". Modern policies of determining working time should enable workers and employers a clear and sustainable framework of rules which will ensure flexibility in the organization of working time as well as protection of health and safety of workers, to the benefit of both employers and workers. This balance of benefit for employers and for workers is a fundamental meaning of the concept of flexicurity, which should be a benefit of society as a whole! The International Trade Union Confederation strongly believes that deregulation and the reduction of social rights and achievements are not the answer to the problems that more and more people are experiencing. The ITUC hence urges the Government of the Republic of Croatia to determine the manner of regulation of working time organization through Act by achieving the highest possible level of consensus of social partners.

We are equally concerned about the exceptionally high rate of fixed-term employment contracts and in general about the growth of atypical forms of work as compared to standard full-term employment contracts, of which we were informed by our affiliates Union of Autonomous Trade Unions of Croatia (SSSI) and Independent Trade Unions of Croatia (NHS). The share of almost 90 percent of workers employed on fixed-term contracts among the newly employed is a sign of wide disrespect of the fundamental principles contained in the European Directives and other international instruments, which clearly stipulate that fixed-term work should be an exception in forms of employment, and not a rule. High rate of fixed-term work in Croatia jeopardizes the equal treatment of workers employed on fixed-term basis in relation to those employed on full-term, and decreases the quality of work of workers employed on fixed-term basis, through the lowering of the safety of their work. Furthermore, the ITUC's Annual Survey of the Violations of Trade Union Rights repeatedly documents cases in Croatia which, through the use of these precarious new forms of employment relationships, affect fundamental workers' rights, which additionally hampers workers' right to organizing. Sadly, we can only fear that with the proposed amendments to the Act on Labour, the next year's Survey will paint a worsening picture. The International ITUC hence calls upon the Croatian Government to pay special attention to the regulation of the institute of the fixed-term work during the process of the drafting of the new Act on Labour, in order to influence positively on the unsatisfactory trends at the labour market.

Dear Prime Minister,

We expect that Croatia as a young democracy becomes one of the leaders in the fight for decent work of workers around the globe. Although a young independent state, Croatia has proved that it can be one of the world leaders, also through its membership in the UN Security Council.

Finally, I would like to reemphasize that the International Trade Union Confederation gives its full support to you and to the Government of the Republic of Croatia in the efforts of the Republic of Croatia to become the 28th Member State of the European

Union soon. In that regard the recent de-blockade of accession negotiations is encouraging news. The ITUC wishes you success in achieving that objective.

Yours sincerely,

A handwritten signature in cursive script that reads "Guy Ryder". The signature is written in dark ink and is positioned above the typed name.

General Secretary

Copy to:

Mr. **Vladimír Špidla**, European Commissioner for Employment, Social Affairs and Equal Opportunities

Mr. **Mark Levin**, Director of the ILO Subregional Office for Central and Eastern Europe

Mrs **Ana Knežević**, President of the Union of Autonomous Trade Unions of Croatia (SSSH)

Mr **Krešimir Sever**, President of the Independent Trade Unions of Croatia (NHS)