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Flexible working arrangements in Croatia

Andrijana Bilić
University of Split

1. Background

Labour market of former command economy of Croatia has gone through profound transformation since the start of political, economic and social reforms. Until 1990, labour markets were strongly regulated so that workers enjoyed very high employment security and job stability.¹

With the opening up of national economy the use of flexible forms of work has expanded with the need of employers to adjust their production profile and costs to market conditions, and to do so relatively smoothly. As national employment protection legislation is stricter in the case of workers with contracts without limit of time, requiring certain administrative procedures (advance notice, consultation with the trade union organisation, special protection for socially vulnerable groups) and severance pay, employers prefer to turn to more flexible forms of employment relations.

Unemployment is still high and demographic trends are unfavourable while the share of working age population is decreasing. Croatian labour market is segmented, relatively underdeveloped with low labour mobility. In addition, there is on one hand a relatively inflexible formal sector, regulated by national legislation where the employment relationship is relatively stable (particularly in the public sector), and on the other hand flexible informal sector (which is partly legal and partly unregistered and illegal).

Employment in the formal sector is carried out by permanent or temporary employment contract (in 2010. total employment rate was 54.1% of which 59.5% for men and 48.8% for women). There is very high share of long-term unemployed (woman's long-term unemployment made 58.2% of total woman unemployment in 2006.)² Among the long-term unemployed prevail unskilled, semi-skilled, those with basic school and three years secondary school. This is the most serious problem of labour market development and avenue to unemployment and social exclusion. Self-employment's share has grown to 38.3 in 2008. (16.7 of women). Women entrepreneurs make 30% of the total national SME owners.

In Republic of Croatia dominant forms of work contracts are fixed-term work and civil contract (service contract). Despite the fact that flexible forms of work help in harmonisation of working and family life, which is especially suitable for women workers, use of these forms of work is primarily a consequence of reduced workload.

Although a large number of permanent contracts is an indicator of stability in the labour market, suggesting that the degree of security in employment is still relatively high, increased conclusion of fixed-term contracts has been recorded in 2009 (11.6%) More than 75% of newly concluded contracts are fixed-term contracts. There is a visible new tendency to concluding short, fixed-term contract (1-6 months contracts). Young people and women are particularly exposed to such non-standard employment. Because full time work is still a norm there is comparatively low share of part-time employment, ranging mostly between 8% and 9% of the total employment.

Amended national labour legislation, newly established public employment services and labour market policies have facilitated these changes mostly by reducing high employment protection in existing jobs inherited from the previous regime. Employment

security is perceived to be achieved through the provision of employment services, income support and active labour market programmes. However, the weakness of the labour market institutions, shortcomings in collective bargaining³, combined with poor law enforcement, are factors that have contributed to a high level of labour flexibility and a workers' perception of job insecurity.

At the same time the labour market continues to be characterised by phenomena of horizontal and vertical segregation and to reflect the major areas of inequality between men and women particularly in access to jobs, correspondence of women's level of qualification and the quality of their jobs, career progression, pay and experience of discrimination and harassment. It is mainly women who undertake unpaid work for the family and there is still over-representation of women in some sectors and in part-time work, less skilled jobs, atypical and/or temporary contracts.

The main barriers to woman's equal participation in the Croatian labour market can be divided into two broad categories:

- practical barriers, such as access to affordable and flexible childcare and flexible working arrangements; and
- cultural barriers, including the persistence of informal networks from which women are excluded, unease about women in positions of authority, and continuation of working cultures in which women are not encouraged or expected to succeed.

The equal treatment of men and women in the labour market depends on the provision of a sufficient number of institutions and services for childcare and care for senior family members. Nowadays in Croatia, childbirth in particular puts the mother's professional integration and reintegration at risk, and if women do re-enter the workforce, they face considerable work-life balance difficulties. The share of professional childcare services in Croatia is low which stems from two factors: the financial (public services are expensive) and the value factor (the traditional structure of Croatian society enabled the dependence on the family and its support, especially regarding the care and upbringing of children) Part-time work is only marginally available and so far there is a lack of developed stable state policy or workplace approaches for improving the work-life balance.

Attitudes about the traditional role of fathers as breadwinners and mothers as housewives and those who look after children are still present in Croatia. In order to further enhance fathers' participation in childcare, Croatia reconstructed its parental leave system so as to provide stronger incentives for fathers in childcare (In 2009 only 0.6% of fathers used parental leave). Mothers in Croatia have also the leading role in bringing up pre-school children with a little help from grandparents. These situation does not stimulate activation, since mothers often do not have available services while they search for employment or while they work.

There is no equality between men and women concerning the equal pay⁴, despite the fact that equal pay is guaranteed in Croatian law. There is also lack of mechanisms for enforcing the current legislation and institutional mandates, all of which leads to equal pay being guaranteed only paper and not in practise. Although difficulties in this sphere are featured in different public debate, currently Croatia has no research data concerning these issues.

2. Institutional and legal framework

2.1. Flexibility in the labour market

Labour market flexibility was influenced by the legislative reform which was implemented in period 2003-2009.⁵ The aim of the reform was a substantive harmonisation of national legislation with the EU regulations in accordance with the Agreement on Stabilisation and Association between the Croatian and the European Community and its Member States.⁶ So far flexibility is achieved only partially. The reason is the state of the national economy, which needs to create the preconditions for such a flexible development in which the flexible solutions on the market would go hand in hand with certain degree of security for workers, and not referring necessarily to job security, but to employability. The final outcome of negotiations between social partners and the Government is the hybrid situation in which not all forms of work can be classified as employment, meaning that the protection offered by the Labour Act cannot be provided for those who perform different type of economic activity (people who work under temporary service contracts, performing certain tasks for the employer who is required to pay compulsory contributions). Legal regulations are obviously not fully harmonised.⁷

Significant changes in the Labour Code took place in part which is related to the termination of the fixed-term contract: reduction of the amount of severance payments and shortening of the notice periods. Furthermore, the Act introduces the ability to provide services using temporary employment agencies. The Law also stipulates work in a separate place of work allowing the development of telework. In the new Labour Act categories of workers employed on fixed-term basis and part-time job are now better protected.

2.2. Equality in the labour market

Legal framework

Croatian Constitution has promoted gender equality as one of the highest values of the constitutional order and as such made it a basis for its interpretation¹. However, daily discriminatory practice at all levels of work and employment, as well as within the family itself prove Constitution as insufficient protective mechanism.

The position of women in the Croatian labour market has been mostly determined by the provisions of the **Labour Act** passed in 1995, which after lengthy *vacatio legis*, started to be implemented at the beginning of 1996. The same law lived through significant changes and appendices in 2001, 2003, 2004 and in 2009 when in its *corpus* became *mutatis mutandis* integrating provisions of the relevant EU directives in the area of gender equality.

Further, on 15 July 2008, the Croatian Parliament adopted the new **Gender Equality Act**⁸, which is aligned with the provisions of valid international standards and with EU legislation dealing with gender equality. In July 2008, the **Act on Maternity and Parenting Rights** and Allowances prescribed the basic entitlements of employed, self-employed and unemployed mothers/parents to parental leave and allowances given in the Labour Act and the Act on Maternity Leave for Self-Employed and Unemployed mothers.

3. Policy debate

During the process of creation and implementation of the flexicurity model in each country, including the incorporation of the flexicurity components: flexicure contractual relations and work organisation; effective active labor market policy, a system of lifelong education and well-designed social security system, it is important to take into account the situation, conditions and specifics of its labour market. One of the prerequisites for the development of flexicurity and its effective implementation is supportive and productive **social dialogue** between social partners and public authorities, their mutual trust, and a highly developed system of industrial relations. (Collective agreements and rules of work may provide conditions for a modern work organisation, improving the numerical and functional flexibility, while maintaining the safety of workers).

It is evident that the public administration has an important role in the implementation of flexicurity as it has to explain to its citizens why some changes in society are necessary, and to secure measures and policies for implementation of these changes. Therefore, the role of the public authority is to define the legal framework and adopt a policy that promotes a partnership in which all participants are willing to take part of responsibility for changes. Thus, **the flexicurity is a shared responsibility**.

For the implementation of flexible labour market policies in Croatia it is necessary to simultaneously improve **social protection systems**, which manifests itself in a **proactive approach, integrated approach across different sectors, particularly between unemployment and social welfare**. Furthermore, it is necessary to link better **protection system for employment with social protection systems**.

Specifically, the reduction of job security is necessary to compensate with adequate levels of protection in the field of social security. Before the new legislative package in the field of labour and employment came into force, a high degree of social protection existed, but of the passive type. However, in the active labour market policies, the individual is expected to have more active approach in seeking employment.

Furthermore, in order to ease creation of jobs, the Government should restructure some budget expenses, and reduce allocations earmarked for severance payment and welfare during the notice period. Those assets should be redirected to users in the form of a larger share in the coverage of cash benefits for unemployment, and the extension of rights to compensation. Otherwise, the mechanism will not be effective and will not produce effects that are expected with adoption of the aforementioned new legislative package.

In order to achieve a labour market measures, social partners in Croatia need to **compromise between labour market flexibility and employment security**. The easiest way to harmonise requests of social partners is through a **decentralised collective bargaining, where both parties have a greater role and freedom in realising their goals**. Apart from partnership development, the **social partners should share responsibility for developing expertise and skills of employees and assist them in maintaining high levels of employability**.

With the aim of achieving a flexible workforce Croatian employers should put emphasis on human resource development and use of modern techniques of human resource management to create a workforce that is able to perform a variety of complex tasks

and solve various problems, workforce that can easily adapt to market demands. On the other hand, Croatian trade unions need to help their members to abandon their beliefs according to which the worker has to keep the same job lifelong and perform the same type of work. Rather, they need to represent the skill flexibility, employment security, which includes a job change, through a system of lifelong education, system of preparation for employment, employment mediation and with active policy measures through subsidised employment, retraining, and activation.

Challenges that the global education market brings in terms of lifelong education, set Croatia before an imperative of fundamental changes that will enable global competitiveness of the Croatian education. Unlike the situation in the second half of last century, the Croatian education, except in rare exceptions, has lost its quality as export product and at this moment there are no indications that this will change soon. (Lifelong learning participation was 2.3% of population aged 25-64 in 2009.)

In the debates on employment policy, the issue of flexibility is rarely associated with that of gender equality. The concept of equality between men and women in the world of work is spontaneously viewed in term of occupational equality and it is now necessary to focus on the inequalities of employment conditions.

Gender segregation on the labour market takes the form of a concentration of female employment in specific jobs and failure to recognise women's qualities, skills and qualifications. It is perpetuated through maintaining the areas and forms of employment exclusively entrusted to men. It is well known that women are over-represented in atypical jobs that are particularly disadvantageous in terms of status, pay, work schedules and prospects for advancement.⁹ For this reason, policies aimed at increasing employability, including good solutions in the area of employment flexibility must be given a central place in any discussion of gender equality on the labour market.

Equality and the improvement of the status of women at the labour market are regarded today as a main challenge by the Croatian government. The needs are quite obviously arising from facts such as a low female employment rate (58% compared to more than 70% of men in 2009 according to Eurostat figures) and a number of other indicators (e.g. on work life-balance, childcare facilities).

Incentives

As reported in a recent report by the Croatian government, the Office for Gender Equality in 2009 carried out a survey on "Perceptions, experiences and attitudes concerning gender-related discrimination in the Republic of Croatia", which examined perceptions, experiences and attitudes concerning gender (in)equality at the workplace on the labour market. The research concluded that there is a tendency towards committing gender discrimination against women in the business and professional sphere of the labour market, especially when it comes to better paid jobs and expectations of co-operation from their male colleagues.

Despite some progress in the context of developing a policy framework on gender equality (Gender Equality Act, "National Policy for the Promotion of Gender Equality") the situation of women in the labour market is still problematic as women are affected disproportionately by the widespread use of fixed term contracts and discouraged from complaining about discrimination. Statistical data and sufficient number of comprehensive research results in this area are still missing.

Croatian employment service has been implementing the project “Supporting equality in Croatian labour market” within Community Programme Progress which started in 2009. The global objective of the project was to contribute to development of successful implementation of national policy to combat discrimination on the labour market. The project included three components: identification of main features of discrimination in Croatian labour market; provision of support to labour market stakeholders for more efficient inclusion of antidiscrimination issues in labour market activities and policies; promotion of diversity among employers in Croatia. „Compendium of good practise examples in promoting diversity and implementing antidiscrimination measures in the labour market“ was part of the project that introduced a broad set of ideas that might be implemented against different forms of discrimination, including gender discrimination. The good–practices were selected from different EU countries and covered different levels of intervention as well as different forms of discrimination. One of the examples of good practice was the project carried out by the Croatian NGO “CESI” (Center for education, counselling and research) in 2009 which resulted in raised level of knowledge and empowerment of 450 representatives of the trade unions in the textile, leather, and rubber sector.

Institute for Market Development organised recently “Diversity Award”, as part of the project "Promoting diversity in the Croatian labour market" which is funded in 2011 under the Community Programme Progress. Employers are notified and are currently taking participation in the contest. The results are expected to be publically announced in November.

4. Transferability issues

With taking into consideration previously mentioned issues, Dutch Flexible working time arrangements experience could have a great benefit for employers, workers, Croatian government, i.e. Croatian society as a whole. Promotion of “customised working“is possible with a help of Croatian Government, social partners and media. Government should launch as many as possible quality award projects with its financial and technical support. Government has already set the legislative framework which provide for flexible working, but the legal regulations are not fully harmonised (Labour act and Law on retirement insurance). Because legal framework in this sense already exist the work has to be done on the lower levels. Flexible working arrangements need to be negotiated between social partners and regulated in collective agreements. At the moment it is up to employers and their willingness to provide flexible working arrangements.

So the Dutch good practices regarding motivation and assistance of employers in changing their behaviour on voluntary basis are suitable for Croatian national context. But at the moment Croatia is facing with problem of effective social dialogue. While formal institutions of social dialogue exist, social partnership is underdeveloped and faced with important barriers, mutual distrust being the important one, with the government clearly dominating over the agenda and the other two actors, not very high CA coverage (somewhat less than 50%). Representation and legitimacy is a major problem for employer’s associations too. Croatian trade unions need to help their members to abandon their beliefs according to which the worker has to keep the same job lifelong and perform the same type of work. Rather, they need to represent the skill flexibility, employment security, which includes a job change, through a system of lifelong education, system of preparation for employment, employment mediation and with active policy measures through subsidised employment, retraining, and activation.

On the other side employers should empower workers to have more control over their working time and leave their unilateral setting of working schedule. To do that employers should undergo through the process of education in the sphere of flexible working which should be initiated by the Government and employer's associations. For the introduction of flexibility in labour market not only change in work culture and attitudes of social partners is sufficient, but with the aim of achieving a flexible workforce Croatian employers should put emphasis on human resource development and use of modern techniques of human resource management to create a workforce that is able to perform a variety of complex tasks and solve various problems, workforce that can easily adapt to market demands. At the same time, challenges that the global education market brings in terms of lifelong education, set Croatia before an imperative of fundamental changes that will enable global competitiveness of the Croatian education. (Lifelong learning participation was 2.3% of population aged 25-64 in 2009.)

Concerning **part-time work** there are differences between the Netherlands and Croatia in the sense that in Holland there is need to encourage women to transfer themselves from part-time work to full. On the other side there is very low part-time rate among women in Croatia because of the low level of wages. Many households in Croatia need full time incomes in order to have decent standard of living. Also, employers consider part-time work less cost efficient. Because of the high costs and low availability of child and elderly care facilitates it is more cost effective for the women to stay at home and do all the care work. Thus women in Croatia either work full-time or don't work at all. In that sense part-time work in Croatia could serve in the second case as an instrument for women to enter or re-enter labour market. Namely, with the part-time work they could combine their work with their full -time working husband/partner. It is important to stress that part-time work in Croatia is not a wilful choice, but a consequence of reduced workload. So you could easily conclude that most of this part-time work is involuntary. Concerning pension benefits part-timers do not have problem regarding their access to pension benefit system, because according to Labour act employer has to pay pension contribution even for the worker who works only one hour per week. But problem is regarding calculation of full time equivalence in caring periods, and not to mention periods of interrupted careers. In this sense principle of *pro rata temporis*, which is one of the major principle in the EU Part-Time Directive, although it is part of Croatia Labour act does not exist in the Law on retirement pensions. So, those two regulation needs to be harmonised. Also buying into additional pension rights is not possible for part-timers.

Regarding **telework/homework** Labour act provides it with the same rights for the teleworkers as for the workers who work at employers premises. But, working from home can obviously function only with good IT support. If we take into account statistical data on informatisation of population in Croatia aged 15 and over of 57% we came to the conclusion that telework in Croatia still does not have the necessary prerequisites. There is very low percentage of telework even in the jobs which are suitable for the use of IT equipment. The reason is the lack of work culture of social partners in this field, and also absence of Collective agreement for teleworkers on the national level which could encourage telework.

Regarding **organisation of working time** rescheduling of working hours is possible according to Labour act, but this institute has been very rarely used in practise. On the other side there is a great exploration of overwork, especially in the private sector and the cause is large labour supply, low employment rate, low efficiency of labour inspectors and inadequate penalties for employers in the case of misuse. The other problem is unpaid overtime. Also, overtime seems increasingly not compensation by

money but by time off. In tackling overtime problem Government has adopted Regulation on the content and method of keeping records of employees, according to which employer has to keep everyday records of employees and their working time.

Legal example which enables **individual scheduling of working time** is state level Decision for the sector of the higher education according to which 40 hours a week could be scheduled in a virtual manner in the 24 hour period. The only situations that requires presence of the academics in the workplace are teaching and examinations which means that research work could be done when and where academic want to. This leaves the possibility for better work-life balance. On the other side this does not mean that the academic could misuse this virtual working time, because of the rigid conditions that have to be fulfilled in order to have carrier progression, so we can conclude that workers responsibility is the main prerequisite in the implementation of this form of working time scheduling. This bring us to the issue of cultural shift which is needed and which places less importance on hours of work attendance toward more result oriented approach. Of course this is possible only for the highly skilled workers.

5. Suggested further steps

- The government of Croatia should further develop social dialogue based on the principles of mutual recognition and respect. The Croatian Economic and Social Committee should prepare a strategy to advance social dialogue, with the support of the European Commission.
- The goals of the lifelong learning programmes should be set with the medium-term objective of helping the Croatian workforce. In doing so, special attention should be paid to less skilled workers. Comprehensive strategies for lifelong learning should be established and implemented on a tripartite basis. The European Commission should support this initiative which could significantly improve the socio-economic situation in Croatia.
- The European Commission should work with the Croatian Government to set up an independent statistical institute that would collect data on the labour market. It appears that there is a lack of such studies, although they would provide major added value to the work of the social partners and the Croatian Government. This would allow them to work on shared and objective data, with a view to properly assessing where and how the Croatian labour market could operate with greater flexibility and security.¹⁰ Analysis of these data would help to understand and highlight, inter alia, gender differences.
- Improving access to paid work for women through:
 - childcare and elderly care (increase of funding for childcare and care for other dependants; providing incentives to companies for building and maintaining childcare facilities; providing support to employers who offer their employees career breaks; child care and other family support services; more liberal conditions for private child care services;
 - flexibility – even though there is a debate of long-term consequences of part-time work for gender equality, there is a need for promotion of flexible working arrangements that allow a better reconciliation of work and family life in the form of flexible working hours, flexible workplace and flexible work contracts.

It is important to stress that conditions and quality of flexible working arrangements must be strictly regulated in a way that provides social security –equal access to well paid jobs and guarantee equal treatment with those with full time in terms of pay, benefits and promotion, as well as possibility of easily shifting from one arrangement to the other.

6. Conclusion

In conclusion, first problem in Croatia is misuse of some flexible forms of work and underuse of some other non-standard employment arrangements. The second problem is related to the lack of awareness that women are overrepresented in this kind of employment, not as a consequence of their will, but as the consequence of reduced workload or misuse of some forms of work, which means that they hold temporary, insecure or even informal jobs, in other words they hold weak position in the labour market, making them more vulnerable to poverty and external shocks, such as recent economic crisis.

Croatian society must strengthen institutional protection of women's rights, encourage the work of women's think-tank associations, develop atypical forms of employment contracts and initiate transition from fixed to flexible working hours. Such an approach, coupled with changing in educational policy, education of judges and labour inspectors in the domain of gender equality, as well as more intensive and more responsible role of the media, strengthening of labour courts and speeding up of their activity can lead to modus for breaking down stereotypes and achieving equal distribution of responsibilities in family and working environment, affirming the principles and values of equality as inseparable part of individual's integrity in general.

Endnotes

- ¹ While under the previous regime flexible forms of employment were rather exceptional and limited only to certain categories of workers (managers, academics, seasonal workers), since 1990 they have become more frequent and available to more categories of workers, both white collar and blue-collar. Under flexible forms we understand labour contracts with limited duration (fixed-term and short-term contract), agency work, part-time employment, home work, on call work, multiple-job holding etc.
- ² It is also worth highlighting a number of difficulties which women face in finding employment: There are not enough jobs in the country; Employers prefer men; Women take care of children/parents; Women do not have knowledge and skills demanded in the labour market; Women do not have organised daily child care; Women do not have skills to search for jobs; Women do not have adequate work experience; Lack of flexible working opportunities (Current position of women in the Croatian labour market, Assessment report, June 2011.)
- ³ In terms of social dialogue, particularly activities of trade unions can be said to those primarily active in the public sector and large enterprises, most of which are privatized. On the other side sector of small and medium enterprises do not provide a stable environment, and activities of trade unions in this area are scarce or completely absent, leading to insecurities of workers employed.
- ⁴ Men on average earn more than women in all age groups and duration of employment (women on average earn 2281.00 per month, while men for the same period earn 3000,00 kuna).
- ⁵ Labor Law, Official Gazette, 38/95, 54/95, 65/95, 17/01, 82/01, 18/03, 82/03, 30/04, 77/04, 68/05, Law on Retirement insurance, Official Gazette, 212/98., 127/00., 59/01, 219/01., 87/02., 117/03, 30/04, 177/04, 92/05, 35/08, Law on Health insurance, Official Gazette, 94/01, 88/02, 89/02, 117/03, 30/04, 177/04, Law on Protection at Work, Official Gazette, 59/96, 94/96, 18/03; Criminal Law, Official Gazette, 121/97, 27/98, 50/00, 129/00, 51/01, 111/03, 190/03, 215/04, Civil Procedure Code, Official Gazette, 53/91, 91/92, 112/99, 88/01, 117/03, 88/05, 02/07 (Constitutional Court Decision), 84/08; Act

on employment Mediation and unemployment Rights, Official Gazette, 32/02, 80/08; insurance Act workers' claims in case of bankruptcy of the employer, Official Gazette, 18/03, Law on Vocational rehabilitation and employment of People with disabilities, Official Gazette, 04/02, 33/05

⁶ The Stabilisation and Association Agreement, Official Gazette, International Treaties, 8 / 01

⁷ For example, the Act on Employment Mediation and Unemployment Rights defines unemployed persons as one that is capable or partially capable of work, aged 15-65 years who is not employed, actively seeking work and available for work, and if: 1) do not realise monthly income from providing services to special regulations or makes monthly income, or income from other self-employed according to the regulations on income tax, which is higher than the minimum monthly base is calculated on compulsory insurance contributions according to special regulations, 2) No registered corporation or other entity, or no more than 25% of shares in a company or other legal entity, 3) no registered business, leisure interest or agricultural and forestry activities, 4) is provided as a farmer under the regulations of insurance Act, 5) is employed under special regulations,

6) is not a pensioner, but the pension beneficiaries who qualify for disability pension on the basis of professional incompetence for the work, 7) is not eligible for early retirement and old age pensions, 8) is not a regular student or a student. On the other hand the Labour Law does not consider that people who work under contracts employed as a worker is considered a natural person who is employed in performing certain tasks for the employer, despite the fact that because of such aspects of work are required to pay compulsory contributions.

⁸ "Freedom, equal rights, national equality and equality of genders, love of peace, social justice, respect of human rights inviolability of ownership, conservations of nature and the environment, the rule of law an democratic multiparty system are the highest values of the constitutional order of the Republic of Croatia and the ground for the interpretation of the constitution." Article 3 of the Constitution of Republic of Croatia, Official Gazette, No. 41, 2001.

⁹ Meulders, D., *La flexibilité en Europe*, in: Maruani M., (ed.), *Les nouvelles frontières de l'inégalité – Hommes at femmes sur le marché du travail*, La Découverte-Mage, Paris, 1998

¹⁰ When key actors and social stakeholders in Croatia discussed the issue of flexicurity in the context of the EU-Croatia Joint Consultative Committee (JCC) in 2009, the following conclusions were drawn on key aspects in regard to an effective implementation of major flexicurity principles.

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