

A MODEL OF COLLECTIVE AGREEMENT -

THE ASPECT OF GENDER IN COLLECTIVE BARGAINING



EQUAL RIGHTS
EQUAL PAY
EQUAL PENSIONS



PRAVOBRANITELJICA
ZA RAVNOPRAVNOST SPOLOVA



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Introduction

Gender pay gap is a universal and long-standing problem. Ever since have entered the labour market, as a rule, women have been paid less than men. Such a situation was considered entirely normal and generally accepted because women did not have to earn a salary to support their families because that was the responsibility of their husbands. **Women were secondary earners, and this was used to justify the practice of paying lower salaries to women in general.**

Thus, the policy of establishing different levels of salaries for men and women for the same or similar jobs became the regular practice almost everywhere. However, despite the fact that the concept of equal pay for work of equal value has been formally introduced over time, the gender pay gap for the jobs of the same value remained, but it was called differently. Before long, this social stereotype resulted in the overall invisibility of the problem with the gender pay gap, and today, in most countries people predominantly think that such a gap does not even exist.

Historical gender stereotyping of women's roles resulted in **lower-valued and lower-ranking jobs are intended for women, which became a standard.** There is also an observable trend of declining salaries or bonuses in professions that have previously been highly valued but are currently generally "feminised" and dominated by women (e.g. jobs in education system, journalism).

The issue of gender equality has been raised ubiquity in a number of international and European standards and documents, yet it has not taken root in strategies, policies and measures adopted at national level of EU Member States. In all this, a particularly important role of trade unions and collective agreements in creating gender equality at all levels is often overlooked, ranging from the ILO Conventions and Recommendations, directives and resolutions within the system of European law, European sectoral collective agreements, recommendations of the European Trade Union Confederation to a far-reaching collective bargaining system at the national, sectoral and company/institution levels.

In contrast to undeclared work, **signing of an individual employment**

contract is most certainly the main safeguard mechanism in employment, underlying that each employment relationship has to be bilaterally defined in a written form and secure to guarantee the worker's rights. The complexity of the employment relationship is not unequivocal. The quality of an employment relationship is essential for both signatory parties, equally for the worker and the employer. While establishing employment relationships, it is important to take into account both the content of the employment contract and the content of the employer's acts of general application regulating the employment relationship, as well as the collective agreement, if there is one, at the company/ institution level.

However, **an individual employment contract does not regulate the area of protection against gender discrimination**. The issue of gender equality is generally governed by labour law, anti-discrimination laws, and numerous other specific laws. However, in regulating employment relationships by laws and other regulations, the state assumes the role of arbitrator in a complex network of interests of workers and employers regarding various issues related to labour and functioning of labour market. By the very nature of the matter, the interests of workers and employers are partly shared (successful business operations are in the best interest of both parties) and partly counteracted (workers want to maximize their salaries while the employer wants to maximize the profits).

This is where collective bargaining emerges as an institute¹, based on the assumption that it is in the interests of both parties to find balance and compromise, since both parties are aware that an unlimited insistence on their unilateral interest would ultimately endanger the common one, and that is, successful business and long-term sustainability of the organization and the jobs it provides². That is why the state leaves it to the social partners - workers' associations (trade unions) and employers' associations

¹ *Collective bargaining is a process of negotiation between trade unions, as workers' representatives, and one or more employers in order to reach an agreement on the regulation of wages, working hours and other working conditions. In other words, it is a process by which the social partners, i.e. trade unions and employers, in an attempt to reach a common agreement in the interests of both parties, autonomously regulate the functioning of the labour market. Therefore, collective bargaining, as a way of regulating labour relations, is fundamentally different from their legislative regulation by the state, as well as from the situation in which each worker negotiates individually with the employer about his or her working conditions.* (Lončar, Lj. et al.: *What Do I Need to Know If I Want to Negotiate: A Practical Manual on Collective Bargaining*, Union of Autonomous Trade Unions of Croatia (UATUC), Zagreb 2015, p. 12)

² Lončar, Lj. et al.: *What Do I Need to Know If I Want to Negotiate: A Practical Manual on Collective Bargaining*, Union of Autonomous Trade Unions of Croatia (UATUC), Zagreb 2015., p.12: <https://bit.ly/2XO9TX1>

- to regulate their labour relations to a large extent on their own, assuming that workers and employers know the situation in practice better than the legislator, directly motivated to reach a sustainable compromise. Therefore, no surprise that collective bargaining is still the dominant model of labour market regulation in the EU Member States, including Croatia.

Improving collective bargaining on gender aspects results in multiple benefits. As a social value, pay equity fosters better employment and selection practices, more effective training, improved workers' relations, which in turn leads to higher productivity and better quality of products or services. An empowered work environment, based on the principles of equality, results in a higher degree of job satisfaction and commitment to the work community. Pay equity also means less disputes, faster resolution of complaints and conflicts, and more effective collective bargaining.

Unlike the situation where each worker has to negotiate individually with an employer about his or her working conditions, collective bargaining allows workers to strengthen their bargaining position towards the employer and make more effective use of the resources they can invest in the process (e.g. involvement of legal and economic experts, ability to organize industrial actions, including a strike). Research (e.g. ETUI, 2012.³) indicates that in highly developed industrial countries, **workers covered by collective agreements earn up to 5-10 per cent higher wages on average** than workers in the same industries to which collective agreements do not apply. Equally, the position of women in the labour market in those countries is more protected, and good practices in regulating the work-life balance are far more common.

A more coherent wage policy leads to harmonization of wage structure based on the value of each job, as well as to a more efficient distribution of total wage spending. Women are able to gain a more favourable position if there is a fairer system established, recognizing and compensating for their family responsibilities, whereas the society benefits from social justice and greater productivity.

Scientific research has shown that collective bargaining reduces social inequalities, as one of the basic preconditions for a high degree of social

³ Delahaie, N., Vandekerckhove, S., Vincent, C.: Wages and collective bargaining systems in Europe during the crisis, *Wage bargaining under the new European Economic Governance*, The European Trade Union Institute (ETUI), Brussels, 2015, pp. 61-91: <https://bit.ly/2VK2pBH>

cohesion. In contrast, neoliberal claims that collective bargaining has a negative impact on economic efficiency are common and frequent, since the agreed standards prevent employers from being fully flexible in adapting to market conditions.

Moreover, when it comes to legislative regulation of labour market, collective bargaining provides necessary flexibility because it is far easier to amend and adapt collective agreements to the current situation than the law, with both negotiating parties being directly interested in finding a viable solution that will enable successful business operation and job retention. The usefulness and effectiveness of this mechanism has also been demonstrated by the practice of collective bargaining in the real sector at the time of the crisis⁴ in the early 21st century across the European Union.

Collective bargaining is, therefore, a more flexible mechanism for regulating working conditions and employment-based rights, and very often the forerunner of future legislative resolution of issues previously governed by collective agreements. Collective agreements are, thus, particularly important for addressing specific issues of interest to employed women.

How to protect workers in the best possible way? How to improve their living and working conditions? How to include gender equality issues, and work-life balance in collective bargaining? How to reduce the gender pay gap in wages and pensions? We will try to provide answers to these questions.

Jasna A.Petrović

⁴ Ibid, p. 15

2. International framework for collective bargaining and protection against gender-based discrimination

The International Labour Organization (ILO)⁵ is the oldest United Nations (UN) agency, established back in 1919, at the same time when the League of Nations, as the forerunner of the UN, was founded. The ILO is the only UN agency that is not organized as an intergovernmental organization but is managed on a tripartite basis, i.e. jointly by governments, employers and trade unions. The ILO's mission is to encourage the cooperation between governments, employers and trade unions with a view to promote social and economic development by establishing and adopting international labour standards in the form of recommendations and conventions.

The ILO Conventions are international treaties that oblige the Member States that have ratified them, because by ratifying them, Member States formally undertake to implement the provisions contained therein and to periodically report to the ILO on their application. The governments have an obligation to report on the measures they have taken to implement the conventions, and employers' and workers' organizations can submit their reports to the ILO on the application of conventions ratified by their country and initiate supervisory and appeal procedures if they believe their governments are in breach of their commitments.

But the fact that there are conventions also has an indirect implication for Member States that have not ratified them.

Two ILO conventions are key to collective bargaining:

Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)⁶

This Convention obliges a Member State, which has ratified it to ensure the freedom of association for workers and employers. This means that both parties have the right, without any distinction and prior approval, to establish, and under the same conditions as may be prescribed only by rules of their own accord, to join the associations of their choice. The freedom of association is a right that applies equally to workers and employers; the Convention sets out the right to draft statutes and rules of the association, freedom to elect representatives, complete freedom to organize and manage activities, and complete freedom to determine their own programmes, whereas public authorities must refrain from any interference that would restrict that right or obstruct its lawful exercise; workers' and employers' associations cannot be dissolved, nor can their

⁵ International Labour Organization: <https://www.ilo.org/global/lang--en/index.htm>

⁶ Official Gazette, no. 3/2000: https://narodne-novine.nn.hr/clanci/medunarodni/2000_02_3_22.html

activities be suspended by a decision of the administrative authorities; freedom of association also comprises the right of workers' and employers' associations to form and join federations and confederations, and they have the right to join international associations of workers and employers⁷.

The Right to Organize and Collective Bargaining Convention, 1949 (No. 98)⁸

This Convention prescribes the right of workers to adequate protection against all acts of anti-union discrimination in relation to their employment. Such protection should prevent employers from making the employment of a worker subject to the condition that he or she should not join a trade union or that he or she should relinquish trade union membership. It should also prevent dismissals or any other discrimination or prejudice to a worker by reason of trade union membership, or participation in trade union activities. Workers' and employers' associations have the right to adequate protection against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration. Also, the States should take measure appropriate to their national conditions to encourage and promote the full development and utilization of mechanisms for voluntary negotiation between employers or employers' organizations and workers' organizations to regulate terms and conditions of employment by means of collective agreements⁹.

The Republic of Croatia has ratified the ILO Conventions no. 87 and 98 by the notification of succession in 1991 and since they have the status of international treaties, according to the Croatian legal system, they have precedence over national law.

Concerning **the gender aspect in the framework of normative effects of collective bargaining**, the most important are equal rights of workers irrespective of their gender. Those rights are set out in the fundamental conventions, namely:

Equal Remuneration Convention, 1951 (No. 100)¹⁰

This fundamental convention requires from the ratifying countries to guarantee the application of its principles of equal pay to all men and women employed in jobs of equal value. In English, the term "remuneration" is

⁷ Lončar, Lj. et al.: *What Do I Need to Know If I Want to Negotiate: A Practical Manual on Collective Bargaining*, Union of Autonomous Trade Unions of Croatia (UATUC), Zagreb 2015, p. 21

⁸ Official Gazette, no. 3/2000: https://narodne-novine.nn.hr/clanci/medunarodni/2000_02_3_23.html

⁹ Lončar, Lj. et al.: *What Do I Need to Know If I Want to Negotiate: A Practical Manual on Collective Bargaining*, Union of Autonomous Trade Unions of Croatia (UATUC), Zagreb 2015, p. 21

¹⁰ Official Gazette, no.3/2000: https://narodne-novine.nn.hr/clanci/medunarodni/2000_02_3_24.html

broadly defined to include the ordinary, basic or minimum wage or salary and any additional emoluments, payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising from the worker's employment. The principle of equal pay is applied through national laws or other regulations; through legally established and recognized mechanisms for determining wages; through collective bargaining between employers and workers; or through a combination of these different modes. The Convention explicitly states that each Member State shall cooperate as appropriate with the employers 'and workers' organisations concerned for the purpose of giving effect to its provisions.

Convention concerning Discrimination in Respect of Employment and Occupation (No. 111, 1958)¹¹

This fundamental Convention defines discrimination as any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation; that is, any other distinction, exclusion or preference which has the effect of nullifying or impairing equal opportunities or treatment in employment and occupation as may be determined by the Member concerned after consultation with the representative employers 'and workers' organizations, where such exist, and with other appropriate bodies.

The Convention also allows for the extension of the list of prohibited grounds of discrimination in agreement with workers' and employer's organisations. In recent years, national legislations have also included a wide range of discriminatory grounds, e.g. HIV, age, disability, sexual orientation or gender identity. The Convention covers the issue of discrimination in relation to access to education and vocational training, possibility of employment in certain specific professions, as well as the field of employment and working conditions.

Workers with Family Responsibilities Convention, 1981 (No. 156)¹²

This Convention applies to men and women workers with responsibilities in relation to their dependent children, where such obligations restrict their possibilities of preparing, entering, participating in or advancing in economic activity. The provisions also apply to men and women workers with responsibilities in relation to other members of their immediate family

¹¹ Official Gazette, no. 5/2000: https://narodne-novine.nn.hr/clanci/medunarodni/2000_04_5_52.html

¹² Official Gazette, no. 5/2000: https://narodne-novine.nn.hr/clanci/medunarodni/2000_04_5_54.html

who clearly need their care or support, where such responsibilities restrict their possibilities of preparing for, entering, participating in or advancing in economic activity.

The competent authorities and bodies in each country have to take appropriate measures to promote information and education which engender broader public understanding of the principle of equality of opportunity and treatment for men and women workers and of the problems of workers with family responsibilities, as well as a climate of opinion conducive to overcoming these problems. All measures compatible with national conditions and possibilities, including measures in the field of vocational guidance and training, shall be taken to enable workers with family responsibilities to become and remain integrated in the labour force, as well as to re-enter the labour force after an absence due to those responsibilities. Family obligations shall not constitute a viable reason for termination of employment, nor for any distinction in salary, promotion, vocational training, etc.

Violence and Harassment Convention, 2019 (No. 190)¹³

With the recent adoption of Convention No. 190 and Recommendation No. 206¹⁴ everyone in the world of work has the right to be free from violence or harassment, including gender-based violence and harassment. Despite the official initiative of the Croatian Ombudsperson for Gender Equality and the largest union confederation, Union of Autonomous Trade Unions of Croatia, the Republic of Croatia has not yet ratified this Convention.

This Convention protects workers and other persons in the world of work, including employees as defined by national law and practice, as well as persons irrespective of their contractual status, persons in training, including interns and apprentices, workers whose employment has been terminated, volunteers, job seekers and job applicants. The term “violence and harassment” refers to a range of unacceptable behaviours and practices or threats thereof, whether a single occurrence or repeated, that aim at physical, psychological, sexual or economic harm. The term “gender-based violence and harassment”, on the other hand, means violence and harassment directed at persons because of their sex or gender. If protection from gender-based violence and harassment is not guaranteed, the consequences can reflect on the general situation at work, especially for women.

Women and men have the right to receive equal remuneration for

¹³ Violence and Harassment Convention, 2019 (No. 190): <https://bit.ly/3czgWqH>

¹⁴ Violence and Harassment Recommendation, 2019 (No. 206), International Labour Organization: <https://bit.ly/2VIXRf3>

work of equal value, not only if they perform the same or similar work, but also when working in completely different jobs of equal value. Pay equity is a widely recognized human right for all men and women, but although it may seem to be a relatively new concept, the right to equal pay for work has been present since 1919 in the founding acts of the International Labour Organization. Having in mind that the fundamental Conventions No. 100 and No. 111 are ratified by more than 90 percent of the Member States, it is obvious that there is a clear consensus on the meaning of the fundamental principles of equity and equality.

3. European framework for the protection against gender-based labour market discrimination

The principle of equal pay for equal work for women and men is enshrined in all European treaties, from 1957 to the present, and the right to equal pay for equal work was established as one of the principles in the European Pillar of Social Rights, proclaimed in 2017¹⁵. The Council of Europe and the European Commission have developed a number of legal and regulatory instruments to raise awareness about the gender pay gap and reduce it in all Member States. Gender equality policy is probably one of the most developed areas in European policies, owing to the fact that it has been enshrined in its main guidelines since the founding of the European Economic Community.

The fact that the gender pay gap in the EU Member States still exists, some sixty years and more after it was first addressed by the international community (Treaty establishing the European Economic Community in 1957¹⁶ in Rome), indicates that there is still a need for reflection and research on this topic, as well as for the creation of specific policies and instruments for their monitoring and evaluation.

In Article 141, the Treaty of Rome emphasizes the need for strict equality between women and men when it comes to employment and working conditions. The basic guidelines for facilitating equal working conditions and equal pay for equal work for women and men are also contained in Council Directive 75/117/EEC of 10 February 1975 on the approximation of the laws of the Member States relating to the application of the principle of equal pay for men and women, that emphasizing that **for the same work or for work to which equal value is attributed, all discrimination on grounds of sex**

¹⁵ <https://bit.ly/2KkJeJJ>, Chapter I, point 15.

¹⁶ Treaty establishing the European Economic Community (Rome, 25 March 1957): <https://bit.ly/3cyOGVd>

with regard to all aspects and conditions of remuneration shall be eliminated. Where a job classification system is used for determining pay, that system must be based on the same criteria for both men and women and so drawn up to exclude any discrimination on grounds of sex.¹⁷

The principle of equal pay is also found in:

- Council Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment of men and women as regards access to employment, vocational training and promotion, and working conditions;

- Directive 86/378/EEC of 1986 on the implementation of the principle of equal treatment for men and women in occupational social security schemes;

- Council Directive 97/80/EC of 15 December 1997 on the burden of proof in cases of discrimination based on sex;

- Directive 2002/73/EC as well as in the recast Directive 2006/54/EC.¹⁸

The Convention concerning Discrimination in Respect of Employment and Occupation from 2000 of the Council of the European Union should also be mentioned. Provisions on gender equality set out in the Treaties and the Charter hierarchically are the highest source of anti-discrimination law in the EU. Individual rights and obligations result from those provisions. Article 23 of the Charter of Fundamental Rights of the European Union (2007/C 303/01) emphasizes: “Equality between women and men must be ensured in all areas, including employment, work and pay. The principle of equality does not prevent the maintenance or adoption of measures providing for special advantages in favour of the under-represented sex.”

The EU Charter of Fundamental Rights explicitly recognizes equality in terms of remuneration (wages), allowances and benefits, pensions, sick leave benefits, holiday allowances, non-working days, etc. Directive 54 of 2006 emphasizes that establishing the principle of equal pay for equal work takes into account a number of elements, such as the nature of the job, level of education and working conditions, where the principle of equal pay is not limited only to employment with the same employer.

Since 2010, the EU bodies, triggered by the economic crisis that cul-

¹⁷ COUNCIL DIRECTIVE 75/117/EEC of 10 February on the approximation of the laws of the Member States relating to the application of the principle of equal pay for men and women: <https://bit.ly/3brsKLE>

¹⁸ DIRECTIVE 2006/54/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of July 5 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation: <https://bit.ly/2RTZS72>

minated in Europe in 2008, exacerbating gender pay inequalities, adopted a host of guidelines to close this gap, and the provisions addressing the necessity of equal treatment of men and women on the labour market are embedded in almost all communications and recommendations. First and foremost, **Europe 2020: Europe's growth strategy**¹⁹ promotes equal pay for men and women and encourages the exchange of good practices between Member States. European Commission Communication SEC (2011) 193 on the gender pay gap of 2011 contains a number of provisions that highlight elements of discrimination against women in the labour market as well as recommendations for eliminating and further controlling gender inequality in the labour market.

European Pact for Gender Equality 2011-2020 encourages EU Member States²⁰ to promote gender equality policies, especially concerning the employment guidelines. Furthermore, the conclusions of the Council of the European Union on the European Pact for Gender Equality 2011-2020 advocate the elimination of gender pay gap and highlight the adverse impact of this type of inequality on gender equality in education, employment and social inclusion.

In the spirit of its legislation, in 2013, the European Commission called upon Member States to make further efforts to remove obstacles to greater participation of women in the labour market and achieve gender pay equity. Subsequently, that same year, the European Commission invited Member States to address barriers to equal pay and motivate employers to actively remove these barriers. **The 2013 European Commission report** (on the application of EU-provisions on equal pay in all Member States) also concludes that a lack of transparency concerning pay levels and bonuses and inadequate levels of legal certainty are the main reasons for the failure to achieve the objectives set out in the common European regulation. At the same time, it is recommended that campaigns be conducted to raise the awareness of employers about the need to close the gender pay gap, with pay audits as a mechanism to reduce gender inequalities, but limiting such audits to be carried out only in enterprises with more than 250 employees, which greatly reduces the manoeuvring space in smaller markets such as the Croatian one. Gender equality plans have been recognized as a very important legally binding instrument in France, Spain, Sweden, Belgium and other countries.

Furthermore, the **European Commission Recommendation of 7 March**

¹⁹ <https://bit.ly/2ygyMvb>

²⁰ Council conclusions on the European Pact for Gender Equality for the period 2011-2020: <https://bit.ly/2VMAfGi>

2014 on strengthening the principle of equal pay between men and women²¹ emphasizes the need for transparent wage setting in both the private and public sectors.

Recent analyses of gender inequality in European labour markets and recommendations to eliminate unequal treatment of men and women in the labour market are also contained in the **Council of Europe's Gender Equality Strategy 2018-2023**²², which seeks to end gender inequality in all areas, including in the labour market, with the aim of reducing the costs that national economies bear due to multiple discrimination against women.

When it comes to promoting the importance of collective bargaining throughout the European Union, trade union and employer organizations have the right to negotiate and conclude collective agreements at the appropriate levels (company, sector, industry, European level, etc.) as well as to take collective action and defend their interests. That right is enshrined in Article 28 of the Charter of Fundamental Rights.

Although the EU does not have any direct competence in the area of wage determination, there has been a **shift made by the adoption of the European Pillar of Social Rights** in 2017²³, based on 20 key principles broken down into three categories: equal opportunities and access to labour market, fair working conditions, and social protection and inclusion. The first chapter explicitly states one of the fundamental principles: “equal treatment and equal opportunities for women and men must be ensured and fostered in all areas, including regarding participation in the labour market participation, terms and conditions of employment and career progression”, emphasizing that “women and men have the right to equal pay for work of equal value.”

This chapter also emphasizes that regardless of gender, racial or ethnic origin, religion or belief, disability, age or sexual orientation, everyone has the right to equal treatment and opportunities with regard to employment, social protection, education, and access to goods and services. available to the public.

The second chapter emphasizes the principle of preventing “entering into employment relationships that lead to precarious working conditions, including the prohibition of abuse of atypical contracts”, which is of particular importance in the light of putting an end to increasing precarious work performed by women (e.g. fixed-term employment contracts, agency work, part-time work) . In particular, the second chapter specifies that “parents and people with caring responsibilities have the right to suitable leave, flexible working arrangements and access to

²¹ <https://bit.ly/2VYBXET>

²² <https://bit.ly/2RSdBLq>

²³ <https://bit.ly/2KkJeJJ>

care services. Women and men shall have equal access to special leaves of absence in order to fulfil their caring responsibilities and be encouraged to use them in a balanced way.“

However, along with putting a very significant emphasis on the fact that women and men have equal opportunities to exercise their right to a pension, and that all older persons have the right to resources that ensure living in dignity, Chapter III for the first time promotes the idea of a minimum income for all EU citizens (“Everyone lacking sufficient resources has the right to adequate minimum income benefits ensuring a life in dignity at all stages of his life and effective access to enabling goods and services provided.”). This significant document indirectly focuses on the equality and quality of life of women in the labour market and society, which is especially important for women as a vulnerable category in the labour market.

However, in the vast majority of cases, the EU law is not respected to the detriment of women. The European Union is making efforts to change this situation, which is why in 2006 **it established EIGE - the European Institute for Gender Equality**²⁴, as an EU-agency implementing gender equality within and outside the European Union. To this end, the EIGE makes available research, data and examples of good practice.

Furthermore, the **Court of Justice of the European Union** plays a very important role, and its main task is to review the legality of Union acts and ensure a uniform interpretation and application of the EU law. In its work, the Court is the main driver of the European Union’s objectives and judges interpret and enforce the law in the light of current conditions. *Defrenne vs Sabena (43/75)*²⁵ was the first case with which the Court began to develop gender equality through the case law. Thanks to Gabrielle Defrenne, a Belgian flight attendant at the then Belgian airline company called Sabena, the Court was given the opportunity to ensure the application of the principle of equal pay in all Member States.

4. Croatian framework for combatting gender discrimination

Article 3 of the Croatian Constitution identifies gender equality as one of the fundamental values, whereas **Article 14 emphasizes protection against gender discrimination.**

The first National Gender Equality Policy was adopted in 1997, fol-

²⁴ <https://eige.europa.eu>

²⁵ Judgment of the Court of 8 April 1976 (European Court reports 1976 Page 00455): <https://bit.ly/34QVxH3>

lowed by the first **Gender Equality Act** of 2003. Currently, the 2008 Act and the amendments from 2017 are in force.

The Gender Equality Act explicitly prohibits discrimination in the area of employment in both the public and private sectors, including government bodies, particularly in relation to “conditions of employment and work, all labour and employment rights, including equal pay for equal work and work of equal value. “(Article 13), which is in line with the provisions of Article 91. Labour Act (Official Gazette 93/14, 127/17, 98/19).

Other relevant documents concerning pay equity include the **Joint Memorandum on Social Inclusion (2007)** and the Active Employment Policy Measures, as last amended in 2016. In Croatia, the Minimum Wage Act (NN, 67/08), which was adopted after the agreement of social partners, including the Government, trade unions and employers, was in force since 2008, and a new version of the Act (NN, 118/18) is in force since 2019. This law stipulates that it is not possible to contract wages below the minimum wage by collective agreements or any other mechanisms, which should prevent employee benefits from falling below the poverty line. Unfortunately, pension regulations do not stipulate a minimum pension nor the lowest pension limit. It is only a relative safeguard, i.e. it implies a pension supplement to which the insured person has the right if his or her pension is determined on the basis of a wage/ the insurance basis is lower than the minimum pension.

On 15 July 2011, the Croatian Parliament adopted the National Policy on Gender Equality for the period 2011-2015, pursuant to Article 81 of the Constitution of the Republic of Croatia, emphasizing that “reducing unemployment and eliminating all forms of discrimination against women in the labour market remains the most important strategic goal. In addition to adopting and implementing parallel strategies, key activities shall be undertaken to reduce the pay gap, support the development of women’s entrepreneurship at both national and local levels and promote measures to balance family, private and professional responsibilities.”

The National Gender Equality Policy sets out three main objectives and related activities addressing gender pay gap: raising awareness of anti-discrimination legislation, gender equality and women’s human rights, which is also achieved by marking the European Equal Pay Day, promoting of measures that facilitate work-life balance by raising awareness of all actors involved in collective bargaining, and in particular employers, of the need to introduce pay equity for equal work for women and men, and the improvement in the collection, processing and dissemination of data on gender pay gap.

Unfortunately, the level of awareness about the gender pay gap is still relatively low to the point that even the companies with CSR do not recognize

gender pay gap in their reports and recommendations as a topic that demands more attention. In contrast, **the annual reports by the Ombudsperson for Gender Equality regularly comprise a component concerning gender pay gap** in their analyses, particularly so since 2010.²⁶

A very wide and insufficiently utilised **area of collective bargaining regulation is also incorporated in the Croatian Constitution**, which stipulates that in order to protect their economic and social interests all employees have the right to form, join or leave trade unions and that employers also have the right to form their associations (Article 60). The Croatian Constitution also guarantees the right to strike (Article 61) and confirms that the rights of employees and their families to social security and social insurance can be regulated by law and collective agreement (Article 57), thus making the institute of collective bargaining an important tool for preventing and reducing the gender pay gap in wages and pensions.

In Title IV - Collective labour relations (Articles 165-221), **the Labour Act** (OG 93/14, 127/17, 98/19) prescribes the specifics for the foundation and operation of workers 'and employers' associations as well as collective bargaining. Pursuant to the Labour Act, the subject matter of a collective agreement, in addition to the rights and obligations of the parties that have entered into it (trade union and employer or employers' association), may also be legal rules governing the conclusion, content and termination of employment, social security issues and other issues arising from or in relation to employment relationship, including a number of rights related to gender equality. The law also prescribes the obligation to negotiate in good faith, as well as the duty of both contractual parties as well as persons to whom the CA applies to comply with its provisions in good faith. A collective agreement must be made in writing, and the persons representing the parties to the collective agreement must have a written power of attorney to bargain collectively and conclude the collective agreement. The contract itself may be concluded for a fixed or indefinite period of time.

In addition to the Labour Act, the legal framework for collective bargaining and conclusion of collective agreements in the Republic of Croatia is governed by the following legal sources: Act on Representativeness of Employers' Associations and Trade Unions (Official Gazette, 93/14, 26/15), Ordinance on the Delivery Procedure and Manner of Keeping Records of Collective Agreements (NN, 70/10) and the Ordinance on the Manner of Submitting Notifications for Entry in the Records of Representative Trade Unions (OG 146/14). Legislative preconditions, therefore, do exist, but to what extent are collective agreements

²⁶ <http://www.prs.hr/index.php/izvjesca>

really a source of labour rights, especially when it comes to gender equality and pay equity?

5. The Analysis of collective bargaining agreements from the perspective of gender and pay equity

5.1 In 2009, the **Ombudsperson for Gender Equality** conducted an **Analysis of collective agreements from the perspective of gender equality, equal opportunities and work-life balance**²⁷ in order to gain an insight into the implementation of Article 11 (6) of the Gender Equality Act. Article 11 prescribes the obligation of social partners to respect the provisions of the Gender Equality Act and measures for the establishment of gender equality while conducting collective bargaining and contracting collective agreements. The Ombudsman presented the analysis in the **2009 Annual Activity Report**.²⁸

Although prescribed by law, this obligation came into force on July 15 2008, the very idea of promoting, harmonizing and contracting the rights of parties, and also the rights of individual workers through collective agreements, social partners should have been guided by the postulates of gender equality and non-discrimination even before the said provision came into force.

The purpose of the analysis was to see whether the provisions of the Gender Equality Act are being respected in collective agreements, but also to see what are the possibilities for making progress in that respect. Namely, collective agreement is one of the instruments that can have a large impact on gender equality in the domain of work with regard to the possibilities and responsibilities that the social partners have in contracting the provisions thereof.

The analysis was conducted according to the legislative framework in force in March 2009, including the Labour Act (Official Gazette 134/04 - consolidated text) and the Gender Equality Act (Official Gazette no. 82/08).

As there is **no single administrative record of collective agreements**, there is no accurate data on the total number of collective agreements in force in Croatia. Practice has shown that individual collective agreements have not been properly published at all. This analysis takes into account the collective agreements in force in Croatia at the time of the analysis (March 2009) or those in force until the end of 2008, i.e. those which were still in force in Croatia because of their extended application stipulated in the Labour Act.

The analysis of Croatian collective bargaining agreements focused on gender equality, i.e. the provisions pursuing gender equality, either through

²⁷ <https://bit.ly/3amAyNj>

²⁸ <http://www.prs.hr/index.php/izvjesca/izvjesce-2009>

the general commitment or through concrete measures, and the provisions focusing on family or seeking a work-life balance and introduced as a new solution reached by the social partners because of their shared commitment to regulating such relationships.

One hundred and twenty-five collective agreements were analysed at random. The analysis was conducted for the purpose of research, and without the intention to draw a comparison between various collective agreements. The main objective was to gain insight into the situation due to the complexity of the mechanism of collective bargaining and the fact it depends on the will of both parties, as well as the industry and its economic situation. For that reason, only the basis of the right was presented without any other indications or the analysis of the level of the right.

While researching the sample, the basic provisions were reviewed to determine to which extend are social partners committed to gender equality at the fundamental level. The provisions contributing to gender equality, protection of dignity and pay equity were taken into account. In relation to gender equality, the basic provisions on gender equality and non-discrimination throughout a collective agreement have been analysed. It can be concluded that a total of 21 collective agreements contain basic provisions on gender equality, non-discrimination and protection of dignity, most of which are provisions on mandatory protection of dignity under the Labour Act. Only a fraction of the total of 21 collective agreements have such provisions represented in the very basic provisions of the collective agreement.

The collective agreements that have such provisions incorporated in the basic provisions at the same time also stand as examples of the agreements that further elaborate the very topic of protection of dignity by developing some new ideas and systems in other parts of the collective agreement. Legal provisions are often quoted, which is not necessarily a bad thing, having in mind that the provisions have to be presented to those to whom they apply, and thus influence the creation of new practices. It is through collective bargaining, which repeats at certain intervals, that new situations are created to regulate such relationships in a better way.

Out of 120 analysed collective agreements 58 contain provisions that further regulate this field by setting out a new arrangement. This primarily refers to **further elaboration of the protection of workers' dignity**, i.e. development and regulation of the protection procedure itself since the Labour Act stipulates the possibility of regulating that protection by a collective agreement. Additionally, 24 collective agreements have been identified that have dealt with the problem very successfully with regard to the existing practice. It is important to note that they cover a variety of industries (food,

hospitality, banking, insurance and public sector, including companies and institutions) although they are more prevalent in certain sectors, indicating that such practices are spreading within those industries.

In terms of regulating the protection of dignity and protection procedure itself, the most complex example is certainly the Collective agreement for employees in secondary schools that regulates a very complex mechanism of protection of workers' dignity but what is lacking in collective agreements is the regulation of employment, i.e. employment possibilities. Only two collective agreements emphasize the prohibition of gender discrimination in employment without further elaborating the procedure (without taking into account the collective agreements which outlined all areas where discrimination is prohibited under the Labour Act in the basic provisions) or questions that may be raised or determining how or by what documents that area may be regulated.

In particular, the emphasis is put on contracts that stipulate the appointment of an authorized person with the consent of the trade union or works' council, the manner for disclosing that person's name and the procedure that person conducts. Additional changes should be introduced in that area so to inform workers who are harassed or sexually harassed about the possibility of protection. **Only six collective agreements stipulate the establishment of a special commission as a body in charge of deciding on the protection of workers' dignity.** This is a very small number, given that there are large systems that could spread good practice in this area. It should be hereby noted that the lack of interest for these issues is very much present in large systems and sometimes they lag behind much better solutions offered by smaller systems.

The nine collective agreements analysed contain provisions on gender-neutral language; the terms expressed in the masculine gender are neutral in application and equally cover both sexes. Further changes are possible in this area since many collective agreements list certain professions in the feminine gender - as if those professions are typically female occupations - while other professions are only listed in the masculine gender. Some of the professions typically expressed in the feminine gender are: cleaning lady, secretary, caregiver, cook, etc. The Ombudsperson for Gender Equality assessed that such practices should be changed, and therefore this analysis does not specifically highlight the examples of collective agreements that have such provisions, but rather points out to the need to amend them.

With regard to the provisions on pay equity, only those provisions that fundamentally and generally define the obligation of pay equity for women and men have been recorded. The provision on pay equity appeared in only seven collective agreements and such a small number indicates that there is a need

for change. In that sense, it is certainly **necessary to define a mechanism for monitoring wages**, the way they are determined, and how and for what period of time a wage analysis should be conducted. There is no mechanism in place to monitor if men and women get paid equally and this is a serious case of backlog in comparison with the practice of many EU Member States.

The provisions governing work-life balance are much more developed and considerable regulation of this field is evident. The provisions going above the legal minimum, i.e. those providing added value, were explored. The analysis took into account the provisions on weekly rest periods since social partners can regulate this area with a direct impact on family life through collective agreements. Such provisions are found in almost all collective agreements. The analysis also considers the provisions on annual leaves, or the basis for the calculation of additional days of annual leave depending on specificities of family life, providing additional valuation. Those provisions are also found in almost all collective agreements however, there are different arrangements providing a wide range of possibilities and combinations.

The provisions on paid leave have been taken into account due to the fact of special valuation of certain family situations when family support plays a very important role on the one hand, while on the other no earnings are lost. Such provisions are found in almost all collective agreements. It should be noted that the above mentioned provisions of collective agreements go beyond the applicable law in the determination of the rights themselves, and that each collective agreement defines the bases for the calculation of paid leaves stipulated in the Labour Act. The provisions on solidarity support are also contained in almost all the analysed collective agreements.

Part-time work is further regulated in 27 collective agreements. The analysis has taken into account the provisions that further regulate this area in relation to already prescribed legal provisions. Given the fact that this modality of work has not been widely used in Croatia, part-time or other possible arrangements have not been regulated in more detail, except in the sectors where it is used as an option (e.g, public sector).

Eleven collective agreements provide **additional arrangements for fixed-term employment contracts**, mainly related to setting a limit to the total duration of a single or several consecutive fixed-term contracts. Some collective agreements allow the extended duration of that time period. In any case, although such arrangements partly follow the data indicated for the industries with more part-time work on average, further improvements are certainly possible. A good example is the possibility where a fixed-term employment contract cannot expire during pregnancy, or until the child reaches one year of age. Another good example concerns the situation when the

employer is required to offer an open-ended employment contract after one year of service if the worker meets all the requirements and if there is a need to perform the job.

Regarding **regulation of overtime**, only four collective agreements have further regulated this area by providing additional protection to persons with particular family responsibilities (e.g. nurturing a close family member, single parent of a child up to a certain age must give his or her consent). Additional efforts are needed in this area, given the fact that increased working hours have become our everyday practice and that their total number is higher than the legal standard.

Twenty-three collective bargaining agreements contain provisions concerning the redundancy programme that additionally specify special care due to family responsibilities providing a number of combinations, and thus providing additional protection to persons who enjoy that right because of their family status. Only seven collective agreements further regulate work from home. In Croatia, this form of work is obviously not a common practice, but with such ideas introduced in the collective agreements, we can observe a certain change in particular sectors. It should be noted that the provisions on gifts for children, usually contained in almost every collective agreement, have not been taken into account due to the fact that the level of rights was not analysed. Individual collective agreements vary accordingly but their basis remains the same.

One of the general conclusions is that social partners have to be knowledgeable of the legislation, especially concerning the parts that regulate discrimination, but also other areas, since **it has been observed that collective agreements to a large extent contain provisions that result in real inequality**. Some of the examples of such practice include: additional days of annual leave given only to mothers of children of a certain age or only to single mothers of children of a certain age; solidarity assistance granted only to mothers, if a mother needs to be relocated, only her consent is required and such a requirement does not exist for a father; work from home can only be given to a mother of a child of a certain age; the level of rights determined by law or a collective agreement can be reduced in case of deterioration of business performance; a works' council (or a trade union) must give the consent to a dismissal on economic or personal grounds in case of a pregnant woman both to the mother and father during maternity leave. In view of this fact, the education in the field of gender equality and discrimination in the process of collective bargaining is necessary because such provisions of a collective bargaining agreement are null and void.

Even the collective agreements that contain provisions on equality, also contain provisions **introducing inequalities between men and women, e.g. to the detriment of men**, since only female employees are entitled to addi-

tional days of annual leave (for children). From this perspective, creation of a negotiation manual comprising a gender dimension appears to be an idea that will provide the necessary training in this field. Qualified negotiators should have an idea of the final effect of individual provisions. Therefore, training is an issue that needs to be specifically addressed since collective agreements lack any reference to training in this area. Due to the fact that social partners lack practice on prevention (collective agreement do not contain such provisions), workers are generally entirely uninformed about possible solutions and thus accept certain types of behaviour. When drawing up specific provisions of collective agreements, their effect must be taken into account with regard to what relationships are covered and - most importantly - what relationships are not but should be covered. Planning organised in this way is the only tool that can lead to the ultimate goal, i.e. improving gender equality at work.

In relation to the European practice, **the Croatian practice lacks the fundamental commitment of the social partners - employers and trade unions - supporting gender equality and pay equity.** There is a lack of provisions on training and transparency of the whole system, and a large number of collective agreements that stipulate a well-regulated protection of workers' dignity regulate this procedure identically. The legal framework and the situation in the European Union should be used as the basis for reflecting on which direction to take in the future. There are numerous adjustments, and social partners have the responsibility to respect gender equality. Equality of people is a fundamental right and a goal, and regardless of the economic situation and the fear of losing employment, it should remain the focus of interest.

Many collective agreements invoke constitutional provisions and ILO Conventions without referring to those provisions that specifically regulate equality. It is possible to achieve significant shifts with the application of good practice and positive experiences in defining all forms of equality.

5.2 Women's union groups

On March 8, 2010, the Ombudsperson for Gender Equality supported the initiative of the Women's Section of the Union of Autonomous Trade Unions of Croatia, Committee of Women of the Independent Croatian Trade Unions and the Coordination of Women of the Croatian Association of Trade Unions to launch a campaign aimed at protecting women and workers with family responsibilities through collective agreements. In 2012, in cooperation with the above **women's trade union groups the Ombudsperson issued a publication**²⁹. By citing the Gender Equality Act that obliges social partners to

²⁹ Ljubičić, V. et al.: *How to Identify Gender Discrimination in Practice and Protect Against It: Guidelines for Shop Stewards and Lawyers*, Ombudsperson for Gender Equality, Zagreb, 2012: <https://bit.ly/3bqZdlk>

introduce gender equality in collective agreements, women's trade union groups assessed that in the conditions of economic and social crisis new channels and ways to improve working conditions and quality of life for women workers should be established.³⁰

Unfortunately, out of the seven campaign points, some twenty collective agreements were inspected from a gender perspective, but no action plan was implemented that should have been adopted by the three largest Croatian trade union confederations with the aim of launching a comprehensive trade union campaign. Also, the planned "Women's Guide to Collective Bargaining" was not prepared. Furthermore, to date, very modest results have been achieved in terms of training of trade union activists on the so-called women's collective bargaining content, with the exception of a few workshops organized and funded by the ICFTU CEE Regional Coordination, which also produced and translated a company level manual titled "Collective Bargaining for Better Living and Working Conditions", focusing on work-life balance and gender equality at workplace.

There have also been no positive developments in the promotion of gender parity in the collective bargaining teams, with a female quota of at least 30 per cent, or any significant improvements in the system for CBA record keeping. Subsequently, the situation was further exacerbated. In 2012, the Government Office for Social Partnership, which is also responsible for promoting social dialogue, was transformed into the Social Partnership Service of the Ministry of Labour and Pension System, significantly reducing the significance of the office.

The saddest part is that the campaign request to ratify the Maternity Protection Convention (ILO, No. 183) has remained unfulfilled to this day, despite the fact that virtually all countries of the former Yugoslavia and all new EU Member States ratified the Convention.

The analysis conducted by the women's trade union groups also indicated **a low level of gender mainstreaming in the collective bargaining agenda.**

It is interesting to note that the issue of non-discrimination has been very rarely discussed ("While negotiating terms of employment, it is not allowed to give priority on the basis of marital status or gender when the employee has the knowledge and skills to perform a particular job", Independent Trade Union "Social Justice", Slavonski Brod).

The analysis of collective agreements also indicated that pregnant women are a specially protected category of workers. Therefore, it is a step forward when a collective agreement emphasizes that "a pregnant woman cannot be

³⁰ Hajder, J.: *Discrimination on the Labour Market in the Republic of Croatia*, specialist thesis, University of Rijeka, Rijeka, 2019: <https://bit.ly/2VnPuGI>

required to perform work standing all day long”, i.e. that “pregnant workers, parents taking parental leave, single parents or adoptive parents of a child under the age of 7, parents or adoptive parents of three or more children, parents with a child with special needs cannot be laid off” (*FINA*).

“After having taken parental leave, adoption leave or part-time work, an employee who has used one of these rights shall return to the job he or she worked prior to exercising that right, and, if the need to perform the job ceases, he or she shall be awarded an employment contract for other relevant jobs in accordance with his or her professional skills and qualifications.” (*Croatia osiguranje*).

Some CBAs have taken a step further: “Workers on maternity or parental leave are entitled to free training, postgraduate courses or any other course relevant to their job, to enable them to adapt to their job upon returning from maternity or parental leave.” (*FINA*) Furthermore, “A full-time breastfeeding worker, with prior presentation of a certified physician’s certificate, is entitled to use one-hour breastfeeding break twice a day until the child is one and half years of age .” (*Hrvatske autoceste, INA*)

There are also innovative solutions for workers with family responsibilities: “The daily working schedule of the mother or father entitled to work half-time until the child is one year of age; in case of twins, third and each subsequent child the parent can work half-time until the child is three years of age; the rights of a parent of a child with severe developmental disabilities (a child with severe physical or mental disability or severe mental illness) shall be determined by a special decision by an authorized person on the basis of an agreement with the worker.” (*Croatia osiguranje*)

Also, “an employer shall not transfer the following categories of workers to a location more than 50 kilometres away without their consent: pregnant women, women with children under the age of seven, workers with disabilities, single parents and parents of children with disabilities; the categories of workers who shall not be ordered to work longer than full-time or to work at night are: pregnant women, mothers of a child under the age of three, single parents with a child under the age of six, parents of three or more children under the age of ten, parents of a disabled child, workers taking care of a person with severe disabilities in a family household.” (*FINA*; similar provisions also found in the Zagreb Holding CBA)

It is indisputable that **in the companies whose collective agreements stipulate additional rights and protection in relation to family responsibil-**

ities a smaller pay gap can be expected since women with family responsibilities have to be treated more equally. For example, “a single parent of a child under the age of ten shall receive additional 6 working days of annual leave, as well as a single parent of a child with a psycho-physical developmental difficulties or disability, or three additional days of annual leave if a disabled child is older than 10 years of age.” (Pliva, Zagreb). The same company also provides a paid leave in case of death of a member of extended family or a member of the spouse’s family, as well as in case of illness of numerous relatives or members of the household or extra-marital partners. Unpaid leave of up to thirty days is also possible in case a worker has to take care of a close family, medical treatment paid by the worker, home construction, education, training, etc.”

There is a socially sensitive provision stipulating “up to three days of paid parental leave for taking care of underage children if no other person is able to provide such care”. (Podravka)

The analysis has also indicated that there are cases where non-discrimination actually invokes gender discrimination. For example, the Collective agreement for construction industry stipulates that “mothers with two or more children of up to seven years of age are entitled to three additional days of annual leave”, which discriminates against fathers. The same collective agreement stipulates that “children of deceased workers with open-ended employment contracts at the time of death shall receive support for education until the completion of secondary education”, which discriminates against workers with fixed-term employment contracts. Statistically, those workers are mostly women.

5.3 In 2013, the European Trade Union Confederation (ETUC) conducted a survey titled “Bargaining for Equality”³¹. The survey confirmed that collective bargaining agreements reduce the pay gap to a great extent. The survey has indicated that **centralized and sectoral bargaining, having an impact across the economy, is the most effective way for unions to take action aimed at reducing the gender pay gap. However, a significant progress can also be made at the company level when addressing equality issues at workplace.**

This report was based on a detailed questionnaire sent to the ETUC affiliates in 2013. Forty-seven questionnaires were answered in total; thirty-four from twenty-five countries and thirteen from European trade union federations. The gender pay gap is the lowest in countries with a higher overall level of

³¹ Pillinger, J.: *Bargaining for Equality*, European Trade Union Confederation (ETUC), Brussels, 2014: <https://bit.ly/2VmSFOV>

gender equality and a strong collective bargaining coverage. It is estimated that one percent increase in social dialogue coverage (collective agreements) reduces the gender pay gap by 0.16% (ETUC, 2014³²). The same report concluded that a centralised wage-setting system, i.e. by a national or sectoral CBA, reduces the gender pay gap and leads to a more equal society.

Much of the data obtained from the ETUC study points to the undoubtedly **real and potentially useful role of collective bargaining in narrowing the gender pay gap**. Some trade unions noted the potential of collective bargaining to transform gender relations and structural gender inequalities into a more equal system. In Norway, for example, the gender pay gap has been gradually narrowing since 2008. This is partly attributed to collective bargaining, which was used as a tool to increase salaries in the sectors with predominantly female workforce. As a consequence, there was a 1% reduction in the gender pay gap in the period 2010-2011.

A similar improvement was reported by the Committee on Gender Equality in the Czech-Moravian Confederation of Trade Unions (ČMKOS). The Confederation analysed the impact of collective agreements on the development of average wages for both women and men. It was found that average and mid-level wages in companies with a collective agreement in 2012 were significantly higher than wages in companies without a collective agreement.

In Finland, **the national gender mainstreaming programme has reduced the pay gap by one percent**, which is also attributed to an increased number of collective agreements. In other countries, especially in Central and Eastern Europe, weak collective bargaining structures that emerged after the communist era resulted in fragmented bargaining systems and low collective bargaining coverage. In those countries, collective bargaining mainly takes place at the company level. Germany makes an interesting example because of a steady decline in the collective bargaining coverage due to employers' unwillingness to enter into sectoral (branch) or regional collective agreements. This negative trend has also reflected on collective bargaining at the company level. German trade unions have sought to reverse this trend by incorporating a minimum wage component into national and sectoral CBAs.

In the EU, **about two-thirds of employees (62%) are covered by collective bargaining** (the highest levels are reached in France, Belgium, Austria, Portugal, Finland and Slovenia, and the lowest in Bulgaria, Poland and Lithuania). Croatia's coverage is below the average.

The ETUC analysis indicates that trade unions face a wide range of challenges. They are influenced by a hostile environment and threats to the

³² Ibid.

autonomy of collective bargaining in addition to gender pay gap, structural gender inequality and occupational segregation. There are also significant differences across Europe in terms of union membership figures, levels of organization and collective bargaining coverage. All these factors affect the political and economic power of trade unions, which can have an impact on negotiations for narrowing the gender pay gap.

Generally speaking, trade unions covered by the ETUC survey reported that the 2008 global financial crisis had a negative impact on collective bargaining, wage levels and gender equality. **The economic crisis also aggravated the structural dimension of gender inequality that existed even before the crisis. This has had a profound impact on collective bargaining and gender equality and jeopardized the achievement of the EU goals concerning increasing the employment rate of women.**

The ETUC study “Bargaining for Equality” found that in addition to the provisions of collective agreements setting wage transparency, trade unions have also used three main forms of bargaining to improve pay transparency, i.e. a gender-neutral job-classification system in order to make the system transparent; job evaluation, as a tool for combating gender discrimination based on the undervaluation of women’s work that can result in better pay transparency; and equal pay surveys, or reports on pay equity used to identify and address the gender pay gap at workplace.

“Bargaining for Equality”³³ clearly indicates the existence of a hostile environment for collective bargaining across Europe, which has also resulted in a reduction of collective bargaining coverage and sometimes even in employers’ unwillingness to extend existing CBAs to all employers in the sector, regardless of whether they have or have not signed a branch collective agreement. The countries most affected by the economic crisis have experienced the greatest decline in collective bargaining. The economic crisis has focused attention on bargaining on the issue of equality, however, most countries have not assessed to which extent the austerity measures and wage cuts, often taking place without any cooperation with unions, had a direct impact on widening the pay gap and, consequently, the pension gap. Nevertheless, the unions that responded to the survey expressed that their organisations remain committed to achieving gender equality.

In conclusion, in most European countries collective bargaining is the most important wage-setting mechanism. Social partners can also use collective bargaining to detect pay gaps or to prevent the creation of new differences and gaps. The experience across Europe indicates that centralized collective

³³ Ibid.

bargaining can make a significant positive impact on pay equity, which is in turn more difficult to achieve in case of decentralized bargaining.

Previous research on collective bargaining has generally been gender-blind. However, since the late 1980s, researchers have begun questioning different ways in which collective bargaining could improve gender equality at workplace. The practice of negotiating employment and working conditions in order to improve gender equality at workplace is known as gender equality bargaining. The ETUC analysis demonstrates that definitions and concepts have expanded in so far as that gender equality bargaining is currently a subset of a broader project of “equality bargaining” undertaken by some unions. As the concept of equality bargaining has been expanded, the scope of gender equality bargaining has started reflecting gender differences between workers.

However, is gender equality negotiated in the process of collective bargaining and to what extent the social partners, especially trade unions, are aware of the need for gender bargaining? The aforementioned research, as well as available educational material, however, indicate a very low level of awareness, i.e. **the gender aspects of collective bargaining are almost at the bottom of the trade union priority list**, and particularly so in countries with a relatively underdeveloped collective bargaining systems.

6. How to bargain collectively

6.1 Contents of collective bargaining agreements³⁴

A collective bargaining agreement regulates issues related to employment, that is, its conclusion, content and termination.

While respecting the principle of contractual freedom, it is important to emphasize: a collective agreement can, as a rule, regulate only the working conditions that are more favourable to workers than those stipulated by the Labour Act or some other piece of legislation or, in other words, the working conditions that are less favourable than those stipulated by the Labour Act only if this is expressly prescribed by that or another law.

In Croatia, the content of legal rules that can be subject to negotiations is determined by the Labour Act, as well as other laws (e.g. the Occupational Health and Safety Act and the Minimum Wage Act). The laws stated above explicitly address the issues that can be regulated by a collective agreement, such as:

- salary and remuneration

³⁴ Lončar, Lj. et al.: *What Do I Need to Know If I Want to Negotiate: A Practical Manual on Collective Bargaining*, Union of Autonomous Trade Unions of Croatia (UATUC), Zagreb 2015, p. 14-15

- duration, distribution of working hours, part-time, reallocation of working hours, overtime, night work, etc.
- extended duration of annual leave and paid leave
- rest periods, shortest duration of a daily rest period, weekly rest periods, etc.
- objective reasons for fixed-term employment longer than three years of service and working conditions that apply to fixed-term employment
- notice periods
- severance pay, standby time and standby compensation
- posting of workers to a related undertaking abroad
- special conditions for concluding an employment contract and conditions for concluding an employment contract with a foreign national or stateless person
- professional examination of trainees and apprentices
- part-time work
- awards for inventions made at work or in connection with work, awards for technical advancement
- contractual prohibition on competition
- predetermined damages and the amount of compensation, including measure to reduce or release the worker from the obligation to compensate the damage
- notification of a decision in procedures related to the protection of workers' rights, the procedure for reconciliation of individual labour disputes
- procedures and measures to protect workers' dignity from harassment and sexual harassment
- time limits for investigating complaints on harassment, composition, procedure and other issues relevant to the process of arbitration or reconciliation
- diminution of workers' rights transferred to a new employer in insolvency or resolution proceedings
- social security issues
- other issues related to employment or in relation to employment.

The law does not stipulate that all of these items have to be part of every collective bargaining agreement at any level, but in such a case the relevant law or employment regulations or related regulation apply immediately. However, it is important to emphasize that each item on the list should also re-examine the gender aspect, i.e. potential discriminatory effect on women, or men.

In Croatia, parties to a CBA are clearly defined depending on the level or scope of negotiation, i.e. the application of a CBA. Firstly, they can be one or several employers or their associations representing the employer side, and one or more representative trade unions on the workers' side. Secondly, they can be employers associated in a higher-level association and one or more higher-level trade union associations whose representativeness has been established in tripartite bodies at the national level. Thirdly, in public companies and public services, the employer side is represented by the Government of the Republic of Croatia, and the workers' side by the representative trade unions, i.e. negotiating committees, the composition of which is determined depending on whether a collective agreement will have to cover several areas (according to the National Classification of Activities) or only a single area of public services.

6.2 Levels of collective bargaining³⁵

Collective bargaining can take place at different levels. A collective bargaining agreement has to clearly define the level of its application, which in turn depends on who negotiated and concluded the collective agreement on the employer side.

A collective agreement may apply:

- **at the level of one employer** (the so-called “company” collective bargaining agreement), if only one employer has negotiated and concluded a collective agreement on the behalf of the employer;

- **at the level of several employers**, if several employers have negotiated and concluded a collective agreement on the behalf of employers;

- at the level of an employers' association, if a representative association of employers or an association of employers of a higher level has negotiated on the behalf of the employer. Such collective agreements are also called branch, sectoral or national agreements that apply to employers, members of employers' associations carrying out the same group of economic activities classified according to the National classification of economic activities (sections, subsections, groups, etc.).

It should be emphasized that in addition to the mandatory legal effect of the provisions governing the mutual relations of the parties to the collective agreement, the normative part of the collective agreement regulating working conditions has a normative effect, i.e. **it applies to all workers employed by an employer at the level for which it has been concluded regardless whether they are members of a union or not.** This is particularly signif-

³⁵ Ibid, pp. 27-28.

icant as it indicates the need to expand bargaining coverage on all workers.

A collective agreement may be concluded for a definite or indefinite period of time. A collective agreement concluded for a definite period of time may not be signed for a period longer than five years.

A collective agreement concluded for an indefinite period of time may be cancelled. A collective agreement concluded for a definite period of time may be terminated only if the possibility of termination is set out in the agreement. In both cases, collective agreements must contain provisions on grounds for termination and time limits.

The implementation of the institute of extended application of CBAs is of particular importance for the Croatian legal system. Namely, the competent minister may decide to expand the application of the collective agreement if the following preconditions are met: a collective agreement was negotiated and concluded between unions representing the largest number of members and the employer's association with the largest number of workers at the level for which a CBA is extended, if all parties to a CBA submit the proposal and if there is a public interest in the extension. Employers usually avoid supporting such extensions of application, while trade unions advocate this institute.

EXAMPLES OF GOOD PRACTICE

GERMANY: The Federal Ministry for Family, Senior Citizens, Women and Youth financially supports ongoing research projects that examine the impact of collective bargaining on the gender pay and pension gap. The project is implemented together with the social partners with the aim of finding answers on how to reduce the pay gap in the framework of the collective bargaining process.³⁶

BELGIUM: CASE STUDY³⁷

The principle of pay equity has been mentioned in numerous international and Belgian legislative documents concerning women and men. Equality has not taken root in reality despite numerous rules and policies. The 2013 report of the European Institute for Gender Equality indicated that women earned around 10 % less per hour. at the level of annual income the gap is as high as 23 %. This percentage is higher because of the uneven distribution of working time. Furthermore, 48 % of the pay gap can be explained by various objective factors (women are more involved in part-time work, female-dominated sectors, etc.). Most of the pay gap remains unexplained.

³⁶ *Combating pay discrimination in Member States*, European Commission: <https://bit.ly/2Krs2C1>

³⁷ Burri, S., Eijken, H.: *Gender Equality Law in 33 European Countries*, European Commission and European Network of Legal Experts in the Field of Gender Equality, 2014: <https://bit.ly/3bwhptW>

At the cross-sectoral level in Belgium, the Central Economic Council is the main body for negotiating umbrella agreements on a biannual basis. To visualize the gender pay gap and include it in the process of collective bargaining, it is stipulated that the technical report, as the basis for umbrella negotiations, must include a section dealing with the evolution of the gender pay gap. The objective of this report is to adopt measures for narrowing the gender pay gap in the framework of cross-sectoral collective agreements.

At the sectoral level, negotiators are obliged to negotiate measures against the gender pay gap, especially focusing on the gender-neutral classification of jobs. To ensure gender-neutral classifications at the sectoral level, the law stipulates mandatory monitoring. The monitoring is performed with the use of a measuring tool prepared by the University of Leuven, Brussels. This tool comprises twelve questions based on the criteria considered as good practice. If the opinion is negative, the Joint Committee has twenty-four months to find a solution.

At the company level, an employer employing at least one hundred employees on average is required to prepare an analytical report based on the pay gap among all employees. An employer employing at least fifty workers is required to prepare a detailed analysis of the remuneration system on a biannual basis. The purpose of that analysis is to provide transparent information on the implementation of gender-neutral policies. Such reports are then first examined by the union in the company and subsequently submitted to the works' council in charge of taking action and adopting measures.

One measure is to develop an action plan based on the reports and evaluations prepared by the members of the works' council and trade unions in order to anticipate necessary measures. For this task, a mediator is appointed at the proposal of the works' council and trade union delegation. He or she has the obligation to provide expert advice to the employer and workers' representatives in order to adopt an action plan for the implementation of gender-neutral remuneration systems within the company. In the process, the mediator discusses both with the employer and workers. His or her main task is to analyse the remuneration system, and job valuation and classifications (job titles, job descriptions and coefficients) and to organize social dialogue during the process, as well as trainings and other information and mediation methods. All the costs are borne by the employer.

The European Institute for Gender Equality published a guide consisting of six manuals, five of which are intended for different categories of negotiation issues, i.e. an overview of how to negotiate on equality; working conditions; motherhood and family responsibilities; how to defend rights of occasional and vulnerable categories of workers; dignity in the workplace; and giving voice to women.

6.3 Collective bargaining agreement coverage

Extensive research confirms a direct link between collective bargaining coverage at various salary levels. The higher the quality of trade union bargaining, the higher the salary level, i.e. in industries where bargaining is organised at a lower level or takes place less frequently, salaries are consequently lower.

Although Croatia is considered as a country with a relatively satisfactory legal system in the field of the protection of workers' rights, collective bargaining coverage in Croatia has fallen below the EU average. In 2009, **the coverage rate was 61 % but five years later it already fell to 53 %**, continuing a downward trend. **The union density followed the trend and in 2016 it was only 26 percent.**³⁸

The Ministry of Labour and Pension System keeps a register of all collective agreements concluded in the Republic of Croatia. However, there is no accurate information on the number of workers covered by collective agreements.

Collective bargaining coverage in Europe is very diverse, varying from a high collective bargaining coverage reaching around 80 percent or higher in Austria, France, Belgium, Finland, Sweden, the Netherlands, Denmark, Italy and Spain, and medium-level coverage between 40 and 70 percent in Norway, Portugal, Slovenia, Malta, Luxembourg, Germany, Croatia, Czech Republic, Cyprus and Greece, to a low level of collective bargaining coverage of only 10-35 percent in Romania, Ireland, the United Kingdom, Bulgaria, Hungary, Slovakia, Estonia, Latvia, Poland and Lithuania. (Eurofound, 2013)³⁹

According to the European Commission's Report on the Organization,

³⁸ Bagić, D.: *Characteristics of the Collective Bargaining System in the Republic of Croatia: What We Know and What We Yet Have to Learn?*, Union of Autonomous Trade Unions of Croatia (UATUC), Zagreb, 2015: <https://bit.ly/2Ko1cem>

³⁹ Dramatic decline in collective agreements and worker coverage, Eurofound, Dublin, 2013: <https://bit.ly/34WuJFd>

Effects and Effectiveness of Social Dialogue in Croatia⁴⁰, it is estimated that there is a relatively strong legal framework for collective bargaining in place that does not result in the effect it should due to a significant gap between the negotiated and contracted and the implemented.

It should be emphasized that a collective agreement is a bilateral mandatory legal act, as opposed to internal company regulations as unilateral acts of the employer. In the event that a collective agreement is concluded, the employer does not have to adopt company regulations. If a collective agreement is not concluded, the employer employing at least twenty workers is obliged to adopt and publish company regulations in accordance with the procedure laid down in the Labour Act. If a collective agreement is concluded and the employer nevertheless adopts company regulations governing workers' rights differently, **the more lenient law applies to the worker.**

Croatian law also provides the possibility for a works' council to conclude a written agreement with the employer. Such an agreement that may contain legal rules governing various issues related to the employment relationship. Such an agreement has a direct compulsory application to all workers employed by the employer that entered into the agreement in question. The agreement concluded between the works' council and the employer shall not regulate remuneration, working hours and other issues regulated by a collective bargaining agreement, unless the parties to the collective agreement so authorize the parties to that agreement.

In the context of various sources in labour law, it is important to mention the rule of lenity, i.e. if an employment right is governed differently by an employment contract, company regulations, agreement concluded between a works' council and an employer, or a collective bargaining agreement or law, a more lenient right for the worker shall apply, unless the law provides otherwise.

When it comes to **gender aspects and contents in collective bargaining, they are primarily limited to protecting workers' dignity from harassment and a relatively underdeveloped level of rights concerning work-life balance.**

7. Protection against discrimination and protection of workers' dignity

The prohibition of direct and indirect discrimination in the field of employment and working conditions is one of the fundamental rights and

⁴⁰ EC Peer Review on "The organisation, outcomes and effectiveness of social dialogue", Brussels, 23-24 October 2018: <https://bit.ly/2RSHI5J>

obligations arising from employment (Labour Act, Art. 7). The prohibition of discrimination, inter alia, refers to the selection criteria and conditions for employment, career advancement, vocational guidance, vocational training and development and retraining, i.e. all matters that have a direct or indirect impact on pay equity, regardless of gender.

The Croatian Anti-Discrimination Act defines various forms of discrimination (**direct and indirect discrimination, harassment and sexual harassment, incitement to discrimination and omission of reasonable adaptation, segregation, more severe forms of discrimination, victimization**) and regulates the scope of the law and protection against discrimination.

Pursuant to the aforementioned provision of the Labour Act, the employer has a fundamental obligation to protect the worker's dignity from the actions of superiors, associates and persons with whom the worker regularly comes into contact when performing his or her job, if such treatment is undesirable or contrary to the Labour Act. The procedure and measures for the protection against harassment and sexual harassment are regulated by a special law, collective agreement, agreement between the employer and the works' council or company regulations.⁴¹

In respect of the protection of workers' dignity by a collective bargaining agreement, the following issues should be addressed:

- definition of the concept of harassment, discriminatory harassment and sexual harassment;
- list of actions that violate workers' dignity;
- procedure for the protection of workers' dignity;
- possibility of workers' representation in the process of protecting workers' dignity before the employer;
- regulation of termination of employment in case of abuse, and compensation of salary in case of termination of employment;
- sanctions for abusers, i.e. provisions on the protection of workers' dignity to be included in the provisions of an employment contract.

Unfortunately, the collective bargaining practice concerning the protection of workers' dignity aims at regulating the protection against discriminatory harassment or sexual harassment. However, there is no protection against harassment or abuse or any obligation to review the gender aspect and no possibility to terminate employment in case of abuse. Also, there is no possibility to organise union representation of the worker, or such cases are very rare.

In relation to union competences concerning the protection of workers' dignity, there are many significant possibilities in the Croatian law but

⁴¹ Lončar, Lj. et al.: *What Do I Need to Know If I Want to Negotiate: A Practical Manual on Collective Bargaining*, Union of Autonomous Trade Unions of Croatia (UATUC), Zagreb 2015

due to a low level of unionization, union fragmentation and the relatively small number of union members, they have not been exploited.

When it comes to protecting the workers' dignity, the union has the right and the possibility to:

- in a collective bargaining agreement, provide the possibility of protecting the workers' dignity;

- represent workers in the dignity at work procedure taking place with the employer;

- represent workers in proceedings to protect the workers' dignity in courts;

- inform the employer about unacceptable behaviours related to the workers' dignity;

- initiate that the provisions on the protection of workers' dignity be included in an employment contract.⁴²

If there is no works' council established with the employer, a **shop steward assumes all the rights and obligations of the works' council** set out in the provisions of the Labour Act. Furthermore, in order to protect and promote the rights and interests of workers, the works' council cooperates in full confidence with all trade unions that have their members employed by a particular employer. This means that the union has additional possibilities to protect the dignity of workers, namely:

- to participate in consultations with the employer regarding the adoption of the company regulations;

- participate in consultations with the employer related to the adoption of regulations on the procedure and measures for the protection of dignity of workers and measures for the protection against discrimination;

- to participate in counselling or co-decision regarding specific disciplinary measures to be imposed on the abusers;

- to express an opinion on the person who the employer intends to appoint as a person in charge of the protection of the workers' dignity.

Strength and effectiveness of a union is measured by the number of its members. When dealing with mobbing, workers cannot expect true testimonies of their colleagues at work, and that is the biggest problem for victims of mobbing: it is extremely difficult for them to prove that they have been abused, humiliated, offended, harassed or that their right to dignity was violated before the employer and in court.

For fear of losing their jobs, workers very rarely testify the truth or avoid testifying at all. On the other hand, the union may intervene with the

⁴² *The Role of Trade Unions in Protecting Workers' Dignity*, The Association for the Assistance and Education of Victims of Mobbing and SING - Trade Union of Petroleum Industry, 2018: <https://bit.ly/2VMMYZA>

employer during the proceedings, or even before initiating the dignity at work protection procedure and seek protection of the worker from harassment or elimination of stressful working conditions for the worker. In such cases, one should count on the authority that a trade union has with the employer, which stems from a union's principled, objective and, above all, fair assessments of the violation of dignity of a worker.

In practice, CBAs often contain a provision on **the employer's obligation to regulate the procedure and measures for the protection of workers' dignity against harassment and sexual harassment in the company regulations**, or by an agreement between the works' council and the employer. CBAs very often contain only compilations of legal definitions without any further detailed elaboration.

As a rule, **harassment covers a range of behaviours of an offensive nature towards a worker** invoked by his or her race, colour, sex, sexual orientation, marital status, family responsibilities, age, language, religion, political or other beliefs, national or social origin, financial situation, birth, social status, affiliation or non-affiliation to a political party, affiliation or non-affiliation to a trade union, and physical or mental disability, which aims at or actually constitutes a violation of dignity at work and results in fear or a hostile, humiliating or abusive environment.

Sexual harassment is "any verbal, non-verbal or physical conduct of a sexual nature that aims at or actually constitutes a violation of workers' dignity, resulting in fear or a hostile, humiliating or offensive environment."⁴³

In general, Croatian collective agreements explain that, for example, the conduct "violating the dignity of an official or civil servant is considered to be intentional or negligent conduct that includes, for example: defamation, spreading rumours or libel about another person; insults, threats, curse words and humiliation; sexist behaviour directed at persons of another gender or sexual orientation by using socially inappropriate expressions for the purpose of emphasizing their sexual characteristics or sexual orientation, or joking at their expense or by attempting to engage in unwanted physical contact; deliberately withholding information required for business operations or giving misinformation, assigning meaningless, unresolvable, or humiliating tasks or by non-assigning any tasks" (the provision of the Collective Agreement for Civil Servants and State Employees in the Republic of Croatia).⁴⁴

Before entering into employment, workers should be familiarized with the regulations governing the protection of dignity and their rights in the

⁴³ The Gender Equality Act, Official Gazette no. 82/08, 69/17: <https://bit.ly/35331qF>

⁴⁴ <https://bit.ly/3btyeFy>

event of harassment, as well as with the obligation of appropriate behaviour and methods of to avoid harassment.

Where there is no collective agreement and the protection of dignity at work is regulated by company regulations, the employer usually appoints two commissioners (one woman and one man) who are authorized to receive and resolve complaints related to harassment. The final decision on the appointment of a commissioner has to be made with the prior consent of the works' council. The worker can file a complaint, verbally or in writing, to one of the commissioners of his or her choice, regardless of their gender. The commissioner shall independently decide on the form of action to take in order to establish all the circumstances and facts necessary to reach a decision on the complaint.

If the commissioner assesses that the worker needs to be protected prior to reaching a final decision, **he or she may issue a special decision establishing temporary measures for the worker's protection**, such as releasing the worker who has lodged a complaint from the obligation to work, releasing the worker from the obligation to perform tasks that might put him or her in contact with the person who is the object of the complaint, transferring the worker who has lodged a complaint to another place of work with the consent of the worker, or transferring the worker against who is the object of the complaint to another place of work.

8. Establishment of an employment relationship (employment contract) and rights at work

8.1 Undeclared work and fixed-term employment - The Labour Act requires that an employment contract be concluded in writing. However, the absence of a written form of the employment contract does not affect its occurrence and validity, whereby the employment contract is a specific formal contract. The contractual parties to the employment contract (the employer and the worker) shall not negotiate less favourable working conditions for the worker than those stipulated by the law and the normative part of the collective agreement. Nonetheless, **as an informal form of work, undeclared work is very often invisible**. Its share in the informal or grey economy in the gross domestic product is estimated at least 28 percent.⁴⁵ The massive problem related to the abuse of fixed-term employment is a direct consequence of such a high

⁴⁵ *Gray economy in Croatia amounts to 28 percent of the GDP* (Poslovni.hr, 7/10/2014) <https://bit.ly/2KmWg9C>

share of “illegal work”. Croatia is at the forefront of the EU when it comes to a growing share of fixed-term employment, i.e. every fourth worker in the country is employed under a fixed-term contract. The percentage of such workers among the newly employed is as high as 90 percent. (HZMO)⁴⁶

Fixed-term employment is especially high among women and it is therefore particularly important to restrict fixed-term employment by means of collective agreements. Although the Labour Act stipulates the total duration of all consecutive fixed-term employment contracts with an individual worker to three years, it is possible to define the objective reasons for permitting the total duration of all consecutive fixed-term employment contracts for more than three years by a collective agreement (Art. 12). It is very important to conduct regular analyses of the number of worker employed on fixed-term bases taking into account the gender and wage-setting conditions in order to establish discrimination.

According to a survey conducted in 2008 by women’s union groups in collaboration with the Ombudsperson for Gender Equality on a sample of **1,123 women employed on a fixed-term basis**, it was found that 86.4 percent earned less than the average wage. This type of an employment contract is not only questionable because it is, in fact, an exception that is abused contrary to the intention of the legislator, but also because it gives a sense of insecurity, and job instability, limiting the social status (e.g. creditworthiness) and automatically presupposing a lower salary.

The collective agreement for employees of secondary schools in the Republic of Croatia (a branch CBA, 2018) is among the few CBAs that have introduced the automatic recognition of permanent employment: “If an employee works in a secondary school on the basis of several consecutive fixed-term employment contracts for an uninterrupted period of time longer than three years for reasons not provided by the Labour Act and has the appropriate level or type of education, it should be considered that he or she is employed under an open-ended employment contract in accordance with the provisions of the Labour Act.”⁴⁷

However, women are discriminated against during the very first job interview. According to the data obtained from the MojPosao.net portal in 2017, **as much as 57 percent of women had to face unlawful questions**

⁴⁶ *As much as 90 percent of newly employed have fixed-term employment contracts* (Tportal, 22/1/2019): <https://bit.ly/2wS7zDk>

⁴⁷ <https://bit.ly/2RWUJLz>

at a job interview, as compared to 28 percent of men⁴⁸. Questions about planning for pregnancy, number of children, family responsibilities and the like are almost regularly posed only to women. Therefore, trade union have an important task to ensure that collective agreements foresee the establishment of employment committees composed of a proportional number of women, as well as a trade union representative in charge of the protection against discrimination. Unfortunately, Croatian collective agreements do not comprise any of such rules.

Collective agreements also stipulate different durations of probationary periods, within the legal maximum of six months. The criterion that is most often taken into account is the complexity of the tasks that the worker will have to perform. Thus, the probationary period may not exceed two months for low-skilled jobs. The notice period for the contracted probationary period is seven days. Many women on the probation period have experienced this period of notice when it became known that they were pregnant or had to use sick leave to care for children.

Regarding education, vocational training and professional development of workers, collective agreements comprise provisions indicating the mutual rights and obligations between the worker undergoing training and the employer are regulated by a special agreement. Many collective agreements stipulate the possibility of obtaining, for example, one paid day per exam, while most opt for the granting of unpaid leave. To illustrate, the Collective agreement for employees of governing bodies of the Municipality of Sveta Nedjelja guarantees at least 10 days of unpaid leave for taking examinations at a post-secondary school, university or postgraduate studies.

8.2 Trade union guidelines for precarious work - without gender

In 2016, the biggest Croatian trade union confederation, the Union of Autonomous Trade Unions of Croatia (UATUC) conducted a survey⁴⁹ on the most significant characteristics of precarious work, interviewing 394 workers in two subsamples (workers working on a temporary basis and workers in atypical forms of employment). According to the results obtained, **the most significant differences between precarious workers and permanent workers were observed in the area of temporary work, salaries and other forms of remuneration, job (in)security, and working conditions**, while in the field of education and training and other rights (e.g. material rights, right to daily rest periods, vacation, paid leave, cost of transport to and from

⁴⁸ *As many as 57% of women met illegal questions at a job interview* (MojPosao.net, 17/11/2017): <https://bit.ly/2RUB1QF>

⁴⁹ <https://bit.ly/2VqcHby>

work, etc.) no significant differences were observed between the observed groups of workers.

The results of the survey results indicate that precarious workers are primarily characterized by the temporary nature of their current job, which is further emphasised by the fact that **in as many as 42 percent of cases contracts are concluded for 3 months or less**, of which 26 percent of contracts are concluded for 3 months. Furthermore, precarious workers are also paid less. The results showed that 77.5 percent of precarious workers are paid 5,000 HRK or less, while 62.9 percent of workers with a permanent employment contract are paid 5,001 HRK or more. In other words, it can be concluded that there is a significant difference in workers' income depending on the form of employment, i.e. precarious workers earn significantly less than workers who work in standard forms of employment. Also, low-paid workers have a hard time meeting basic needs; 19.7 percent of respondents pointed out that their current salary was not sufficient to cover all basic living needs, while 47.5 percent of respondents answered that they were able to cover only a small part of living expenses.

Due to low wages, workers are often forced to do work several jobs to earn enough to meet basic living needs, and in most cases this is due to insufficient current income, so workers have to increase their household budgets by working additional jobs. However, it is interesting to note that workers with permanent employment contracts take up additional work or perform additional activities to a larger extent than precarious workers. One of the reasons is related to the fact that precarious workers have less favourable working hours. Namely, some of the respondents working in atypical working conditions expressed willingness to take up additional work, but explained that due to the nature of the current job or the lack of time they were unable to do so.

It is also important to note that even the UATUC, as a trade union confederation with the Women's Section established in 1991 that carried out a number of significant activities, has not considered the gender aspect of atypical work at all despite the fact that statistical indicators show that most of the so-called atypical or precarious workers are female, with all the specifics of that status.

The UATUC Guidelines for Union Organizing and Protection of Rights of Precarious Workers⁵⁰ practically do not provide any direct proposals that could result in a pro-active attitude of trade union negotiators regarding the

⁵⁰ Miličević Pezelj, A. et al.: *The UATUC Guidelines for TU Organizing and Protection of Rights of Precarious Workers*, Union of Autonomous Trade Unions of Croatia (UATUC), Zagreb, 2016: <https://bit.ly/3cBd2Ok>

gender aspect of bargaining. The following guideline is perhaps the closest to that objective: “to ensure that collectively agreed standards also apply to precarious workers (in that sense, to establish appropriate trade union supervision), and to agree on special provisions directly covering precarious workers in order to reduce the social risks to which they are more exposed compared to workers employed in safer forms of work and employment.” In the final part of the document emphasizes union strategies and the protection of women in work.

The key success factors are: strength and high level of union density, ability to mobilize workers, solidarity between permanent and precarious workers and their union organizing.

BELGIUM: Joint committees have incorporated restrictions on the use of agency workers in collective agreements. A special commission has been set up to regulate agency work through contracts that apply to different industrial sectors. These contracts protect workers’ rights to pensions, health and safety, and training.

CROATIA: After a strike, the cabin crew union of Croatia Airlines, with a largely female workforce, entered into a collective agreement with the temporary employment agency and negotiated that workers assigned to the airline retain the same level of rights as CA employees and, later, a ban on hiring agency workers.

UATUC is the only trade union confederation in Croatia that has a joint Coordination for Collective Bargaining since 2016. However, during the first three years of work they have not once discussed the gender aspect of collective agreements. Croatian unions (no longer) focus on the gender aspect of collective bargaining and collective bargaining agreements.

8.3 The Ombudsperson for Gender Equality - annual reports

The Ombudsperson for Gender Equality is an independent body responsible for combating discrimination in the field of gender equality by monitoring the implementation of the Gender Equality Act and other regulations on gender equality, and directly protecting and promoting the rights of citizens in this area. The Ombudsperson promotes strengthening of women’s protection in all areas of life, including in the area of work and employment.

The Ombudsperson regularly publishes annual reports and monitors the legislative framework in the area of work and employment in Croatia and the EU and available statistical data.

Based on the data collected, the analysis of legislation and citizens' complaints, in the 2019 Activity Report,⁵¹ the Ombudsperson prepared the following recommendations in the field of work and employment:

1. To stop the trend of fixed-term employment, which is consistently present by comparison with the number of permanently employed workers.

2. Active Employment Policies (AEP)⁵² should be aimed at increasing the employment rate, harmonizing supply and demand in the labour market and strengthening the activities regarding dissemination of information among all stakeholders in the labour market, i.e. - employers and job seekers:

a) Participants in the labour market, both at the national and local levels, should implement synchronized activities to empower and motivate women to make more active use of the measures provided by the AEP Guidelines, especially the measures aimed at obtaining various financial incentives.

b) To provide support for victims of domestic violence in the labour market requires their greater visibility with employers, especially in relation to the opportunities provided by the AEP Guidelines. - bodies at the municipal level (counties, cities and municipalities) should take a more proactive role in informing welfare institutions, shelters and counselling centers for women victims of domestic violence. Another important aspect is mediation between regional offices of the Croatian Employment Office and business entities with the aim of better implementation of the AEP Guidelines with regard to a special group of unemployed, i.e. victims of domestic violence.

3. To encourage more intensive implementation of active employment policies, especially when it comes to the measures allowing more women to enter the labour market and the providing training opportunities to increase women's employability and better adaptation to current labour market demand.

4. To develop a new Strategy for Development of Women's Entrepreneurship with corresponding action plans that will encompass shorter time periods and activities clearly linked to the achievement of the goals set.

5. To include a policy package in the new National Policy for Gender Equality aimed at achieving equal opportunities in the labour market, while taking into account the experiences of countries achieving the best results in gender equality in the world of work.

6. To plan gender-sensitive budgets at the state and local levels in relation to work and employment.

7. To engage more local and regional self-government units in the imple-

⁵¹ <http://www.prs.hr/index.php/izvjesci/2019>

⁵² The Croatian Government has adopted *the Guidelines for the development and implementation of active employment policy in the Republic of Croatia for the period 2018-2020* (28 December 2017).

mentation of special measures laid down in the Gender Equality Act and the Act on Combating Discrimination in order to improve the overall inclusion of women in the labour market.

8. To adopt measures aimed at eliminating horizontal segregation to increase the employment of men in the field of services and women in the field of industry.

9. To adopt measures to promote a gender balanced hierarchical labour force structure in order to eliminate vertical segregation.

10. To consistently transpose and implement new EU directives in the field of work and employment.

11. To introduce salary transparency measures in all industries.

12. To consider measures for closing the gender pension gap resulting from lower incomes at the time of parental leave and other leaves related to providing care for family members.

13. To create policies and strategies that will contribute to the equal involvement of fathers in parenting and ensure a cross-sector approach.

14. To introduce a paternity leave as soon as possible, i.e. to prescribe the right to at least ten working days with full salary compensation.

15. To take other appropriate measures aimed at involving fathers in child-care as early as possible.

16. To introduce flexible working conditions for both parents in order to reduce unpaid women's work in a family so that women have more time for paid jobs.

17. To additionally reward families in which parents share parental leave more equally.

18. To provide a full amount of salary while exercising the right to nursing breaks at work.

19. To continuously work on a positive climate in society encouraging the use of parental leave by fathers and to put an accent on the involvement of employers.

20. To continuously raise the level of knowledge and awareness about the importance of work-life balance and to encourage fathers to participate more in parenting and child rearing.

21. To design and implement various campaigns and other activities aimed at a greater involvement of fathers in parenting and child rearing.

22. To draft a new Maternity and Parental Benefits Act that would be in line with the EU Directive 2019/1158 of the European Parliament and of the Council on the work-life balance of parents and carers and repealing Council Directive 2010/18/EU.

The pension gap has been a special focus of the Ombudsperson since

2017. At that time, the Ombudsperson sent a recommendation to the relevant ministries to correct the inequalities that result in the difference in pensions.

It is important to note that most of the complaints communicated to the Ombudsperson (46.1 %) concern the field of work, employment and social security. Also, women filed most of the complaints since they make up the majority of the unemployed workforce (55 %) (women's overall participation in the labour force is still smaller than men's in all age and level of education categories), mostly work in underpaid sectors, are most often victims of sexual harassment in the workplace, remain underrepresented in high business decision-making positions and faced with a "glass ceiling" (14.4 % in management boards and 21.4 % in supervisory boards of joint stock companies), do not have equal opportunities for career advancement (there are still no appropriate measures to effectively encourage women's participation in economic decision-making positions) and are paid lower wages and pensions (the pay gap in salaries amounts to 12.7 % and in pensions to 21.5 %). According to women's complaints, age and motherhood continue to be the main challenges with regard to gender discrimination against women in the labour market. One part of the Ombudsperson's activities also comprised cases of mothers/women employed by companies that were undergoing bankruptcy proceedings while they were exercising their rights resulting from the system of maternity and parental benefits. The Ombudsperson's recommendations proposed a number of amendments to the Bankruptcy Act, and they were partially taken into consideration by the Ministry of Justice. In addition to this, all statistical indicators on male beneficiaries of maternity and parental leave and benefits indicate a slight and minor increase in the number of male beneficiaries. Such negligible change is inadequate as statistical indicators continue reconfirming that male participation in parental leave places Croatia at the bottom of the list of the EU Member States. As a result, the Ombudsperson continued pointing out the fact that fathers insufficiently use their right to parental leave, i.e. they tend to transfer a significant part of their right to mothers. Also, the work-life still remains a big problem for many parents with child care responsibilities, which has a negative effect on women's employment, or, in some cases, their complete exclusion from the labour market. This is why it is necessary to develop and make social services broadly available.⁵³

In addition to the above activities, the Ombudsperson also implements EU projects in the field of work and employment. From 2013 to 2015, the Ombudsperson carried out the first Progress project in the field of gender equality in the labour market in Croatia entitled "Eliminating the glass maze

⁵³ <http://www.prs.hr/index.php/izvjesca/2019>

- equal opportunities in accessing economic decision-making positions in Croatia.”⁵⁴ After that, from 2016 to 2018, the Ombudsperson was the holder of the project titled “Towards real equality between men and women: reconciling professional and family life”⁵⁵, funded by REC (Rights, Equality and Citizenship) programme of the European Commission, focusing on economic empowerment of women. The Ombudsperson is currently implementing a project in the framework of which this handbook was written, also funded by the REC programme. The project is titled “Equal Rights - Equal Salaries - Equal Pensions” - *Expanding the implementation of actions and legal standards of gender equality and poverty prevention in Croatia*.⁵⁶ It aims at acquiring new knowledge that will enable better understanding of the causes and consequences of the pay gap in salaries and pensions. The Ombudsperson is a supporting institution that has joined the EU project titled “Parents @ work: changing perceptions! - Changing various implications of (possible) parenting for women and men”⁵⁷, headed by the L&R Sozialforschung (L&R Institute for Social Research) from Austria, and aiming to strengthen the principle of gender equality in the employment process.

9. Outlining the process of collective bargaining on gender pay equity

9.1 Payroll/pay equity analysis and monitoring model

Trade unions can and must play an important role in narrowing the persistent gender pay gap within the sectors and companies where they have bargaining power by raising pay equity as a pressing issue to be addressed in the collective bargaining process. In most cases, this process should begin with an analysis of the existing gender pay gap. Where a pay equity audit has already been conducted and the parties (workers’ and employers’ representatives) have established disparities in compensation between individuals or groups of employees who are of different sexes, the parties to the negotiations can specifically negotiate on the level of individual wages or disputed coefficients.

Trade unions may also seek to negotiate the terms and conditions for

⁵⁴ <http://staklenilabirint.prs.hr/>

⁵⁵ <http://rec.prs.hr/>

⁵⁶ <https://gppg.prs.hr/>

⁵⁷ The partner institutions on the project are the Ombudsperson for Equal Treatment from Austria and the Centre for Education, Counselling and Research (CESI) from Croatia. The project covers the period between 1 July 2019 and 30 June 2021: <https://parentsatwork.eu/>.

conducting and supervising the payroll analysis in case that this has not been done yet. In addition, they can negotiate changes in terms of employment, compensation, career advancement, or they can strengthen policies that have proven useful to alleviate the root causes of pay inequity.

Firstly, based on the experience of several countries, it is desirable to establish a joint committee at the company level to conduct and oversee a payroll audit.⁵⁸ Where a pay equity study has not been conducted, the parties could also utilize the collective bargaining process to establish a joint committee, which will conduct a pay audit independently or employ an external expert or consultant to design and conduct such an evaluation. In both cases, the parties will have to agree on the number of union and management representatives on the committee, in particular to establish a gender balance. They will also have to agree on the role of the committee in the audit process and its budget, how often and in what manner the committee will inform the parties of the progress of the audit and report on its findings. It is also important to precisely define both the nature and extent of the committee's authority to make recommendations to the parties to negotiations regarding policy changes, wage rates, job classification, compensation structure or employment practices that will help mitigate identified gender pay gaps.

At the outset, the committee should determine whether wage principal analyses will be conducted during the Contract duration and their new relationships identified in order to address pay inequalities and to set deadlines. The parties should also establish a clear procedure for resolving any disputes over whether or how to implement the proposed amendments. In the process of evaluating the existing gender pay gap, we recommend the following:

- **Review and update job descriptions.** As part of the collective bargaining process, the parties may review job descriptions for all job classifications and job positions covered to ensure accuracy and provision of adequate and specific information that could be useful in conducting a pay equity analysis.

- **Correct any inequalities in pay rates and pay scales.** In the event that a pay equity study has already been conducted and issues of inequity have been identified, the parties should negotiate to correct the inequities, either for individual employees or for whole classifications (where entire classification is paid on a lower scale than another despite doing similar work in similar working conditions).

⁵⁸ *Best Practices for Establishing Pay Equity in Collective Bargaining*, California Commission on the Status of Women and Girls: <https://bit.ly/2Vnes9k>

- **Increase diversity in recruitment and eliminate bias in hiring.** While not typically considered a mandatory subject of bargaining, the parties could discuss and agree upon steps that could be taken during the hiring process to increase the gender diversity of the applicant pool for some or all positions and departments. The parties may also negotiate about ways to reduce or eliminate the impact of bias in the hiring process.

- **Train hiring managers on appropriate salary criteria.** If the collective bargaining agreement gives managers any discretion with respect to setting starting salaries for members of the working unit, the parties could agree to a training programme for managers who make hiring decisions and initial pay offers to ensure that they understand what is permissible or inadmissible.

- **Protect discussion of wages** and discourage retaliation. The parties could agree on rules that employees may discuss their salaries with other employees and union representatives, and that management will not discriminate against any employee for exercising their right to do so.

- **Evaluate the salary of new employees against the existing salaries in the same or similar jobs.** This rule is important not only to protect new employees, but also to protect the existing ones. It implies that the employer is obliged to perform an analysis and take action at any time when a new employee is paid a higher initial salary higher than theirs.

- **Establish objective evaluation process.** The parties could negotiate a fair process for performance evaluations in which employees are evaluated on clear criteria based on the skills and specific tasks performed in the job/position. Such an evaluation individual results must also be free from gender discrimination.

- **Recognize employees with caregiving responsibilities.** The parties could negotiate for flexible work hours or part-time work that recognize the needs of child rearing and other types of caregiving while not diminishing the value of salaries for jobs performed by parents and caregivers. The parties could also negotiate paid parental leave and ensure that it is equally available to employees of all genders, with additional paid leave for the parent who gives birth. The parties could also negotiate for day care for children in the workplace or nearby.

- **Ensure education and training for potential promotional opportunities is available to all employees.** In the event the audit finds that one reason for a gender pay gap is caused by more frequent promotion to one group of employees than to another, the parties could negotiate to provide training opportunities for all employees in management skills or other skills needed for jobs that provide a promotional opportunity.

- **Take proactive steps to avoid occupational segregation.** In the event that the audit shows that jobs are segregated by gender, especially if employees of one gender working primarily in lower paid jobs, the parties could negotiate for the employer to provide employees with access to training and information on job openings and application process so that employees can transfer to higher paying jobs.

The second important question is what are the possibilities of collective bargaining regarding equal pay:

- Inclusion of gender equity in the contents of collective bargaining.
- Innovations in collective bargaining from an equality perspective.
- Complementarity of anti-discrimination legislation and collective bargaining.
 - Increased awareness of the social partners about the impact of collective bargaining on gender equality.
 - Equal pay guarantee through annual equality plans for each company
 - Prescribed protection procedures in defence of equal pay.
 - Trade union representation in the workplace, mediation, arbitration and conciliation mechanisms and complaints to the labour inspectorate.
 - Judicial protection procedure: legal protection against violations of fundamental rights.
 - An assessment of a pay structure that does not have a negative impact on women.
 - Job classification and job complexity scales have to be gender neutral: the general criteria for creating job groups have to facilitate a neutral distribution of jobs to each group of employees.
 - Job titles and roles (professional groups) have to be gender neutral and without prejudice to a gender.
 - Jobs that require equal work or work of equal value have to be classified in equal categories for equal pay.

The model proposed above is a compilation of several existing models in different countries and is recommended here as a template that can be adapted to your specific conditions.

10. Work-life balance

The European Union recognizes the importance of reconciliation of work and family life and has enacted legislation and developed policies in this area.

One of the main objectives of the EU is to boost employment and job growth (especially for women and older workers). One of the objectives of “Europe 2020 - A strategy for smart, sustainable and inclusive growth”⁵⁹ is to raise the employment rate of the population aged 20-64 to at least 75 % by 2020. After having monitored the headline indicators of the strategy, Eurostat concludes that “in addition to the responsibility for caring for children and families, women also face strong financial disincentives in tax systems when entering the labour market, so that in many countries women (and men) are more likely to undertake responsibility for caring for elderly or dependent family members and are therefore more likely to reduce their working hours or leave the labour market”.

The costs of lack of employment and gender gap are enormous. The Eurofound study from 2016 titled “Gender employment gap: challenges and solutions” estimated that **the total cost of inactivity of women in the workforce amounts to around € 370 billion across the EU or 2.8% of GDP, including the loss of tax revenues and the payment of benefits.** The study concludes that “... enabling more women to work by investing in work-life balance would be a certain way to strengthen Europe’s economic recovery”⁶⁰.

There is ample evidence that in the Nordic countries, offering a more generous and flexible approach to responsibilities outside the workplace, workers suffer less stress and the economy benefits from higher productivity (The survey titled “Measuring well-being and productivity in the Nordic countries”, Nordic Council of Ministers, 2011).⁶¹

The practice of work-life balance varies significantly in the EU Member States. There are many initiatives at the sectoral level and at the enterprise level to address this problem and compensate for the lack of or insufficient legal provisions. For example, we should consider flexible working arrangements that are often in the focus of workers’ interests. Most often, collective bargaining agreements introduce clauses concerning the right to various types of leave and additional paid days off for family responsibilities or other reasons. In some countries, this includes providing care for the elderly. Working time and place of work flexibility clauses are also common, and sometimes includes provisions that protect workers with caring responsibilities even from dismissal (e.g. single parents).

Other measures regulated by collective agreements include a wage

⁵⁹ *European Union policies: Europe 2020: A strategy for smart, sustainable and inclusive growth*, European Union, Brussels, 2015: <https://bit.ly/2yyyMvb>

⁶⁰ Eurofound: *The gender employment gap: Challenges and solutions*, Publications Office of the European Union, Luxembourg, 2016: <https://bit.ly/2VPzY5o>

⁶¹ Foldspang, Lars et al.: *Measuring Work Well-Being and Productivity in the Nordic Countries*, Nordic Council of Ministers, Copenhagen, 2011: <https://bit.ly/34QFHMo>

supplement during vacation, agreement on reassignment of work after a period of leave and recognition of a rest period for career advancement and the accumulation of pension funds.

The European Parliament also emphasized the need to reform the existing EU legislation, as well as to strengthen coordination between Member States in order to ensure a level playing field in relation to work-life reconciliation policies. **In the resolution of January 30, 2020,**⁶² the European Parliament identified the lack of accessible, available and affordable care services and the lack of paid leave for fathers or insufficient incentives for fathers to use them as some of the main challenges.

For years, European unions have called for reforms of the European legislative framework on work-life balance, namely the revision of the Directive on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth from 1992 and the Council Directive on parental leave from 2010.

After repealing the Directive on maternity leave on 1 July 2015, the European Commission took two years to come forward with another proposal aimed at addressing the problem of work-life balance for employed parents and carers. **The “New Start” initiative to support work-life balance for parents and carers, launched in April 2017 as a result of the European Pillar of Social Rights,** took into account the results of public consultations and a two-stage policy consultation with social partners, as well as the analysis of the accompanying impact assessment. It took two more years for the proposed directive (Work-life Balance Initiative), which was part of the package, to finally be adopted in 2019.⁶³

Trade unions and NGOs, i.e. European Trade Union Confederation (ETUC), European Public Services Union (EPSU), European Women’s Lobby (EWL) and COFACE Families Europe, among others, worked closely together and pressured Member States for the Commission and Parliament extend the scope of the proposed directive to cover non-traditional families.

The new Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance of parents and carers⁶⁴ extends the existing right to four months of parental leave in a way that two months cannot be transferred to the other parent and introduces an adequate compensation for those two months at least 66 % of earnings. The directive also includes a provision on ten days of paternity leave. Fathers

⁶² *Understanding the gender pay gap: definition and causes*, European Parliament, 2020: <https://bit.ly/2xP0jZk>

⁶³ EU Work-life Balance Directive enters into force, European Commission, 2019: <https://bit.ly/3alcBG5>

⁶⁴ <https://bit.ly/2ziUpQO>

shall receive compensation at the rate set out for maternity leave, as provided for in the 1992 Directive on maternity leave.

Carers' leave is provided as well as the right to a five-day leave to a carer taking care of a close relative who is seriously ill or dependent upon the carer. Finally, the Directive gives parents and guardians the right to request an adjustment of their work schedule due to caring responsibilities.⁶⁵

Reconciliation of work and care is an issue of concern for every worker in each sector and encompasses the entire course of working life, including the care of children and persons with health problems or disabilities. Achieving work-life balance requires reconciling work and private life with an individual life cycle as well as private and working responsibilities, and this is not a simple task.

The data from the 2016 European Quality of Life Survey (Eurofound)⁶⁶ indicates that 28 percent of women (compared to 17 percent of men) between the ages of 50 and 64 have reported on providing care to a family member or a friend with disability at least once a week. Women continue to take most of care for family and are more likely to work part-time than men. Most people with children under the age of 18 (77 %) care for and educate their children on a daily basis, but this applies to 88 percent of mothers and 64 percent of fathers. It is estimated that men are on average involved in child care for 21 hours per week compared to 39 hours of women's involvement. Among the respondents with grandchildren, 29 percent of men and 35 percent of women reported providing care for grandchildren. Due to a traditional double burden on women, good practices achieved through collective bargaining agreements are particularly significant because they provide an outline for the future legislative frameworks.

EXAMPLES OF GOOD PRACTICE

FINLAND: The Finnish STTK union stipulated in the collective agreement the possibility of absence from work due to a child's illness without restriction and age condition (the law allows 4 days of absence in case of illness of a child under 10 years of age). Obviously, this is a great benefit that affects the quality of working conditions.

In Finland, many collective agreements at the local level comprise measures to balance work and private life. The Finnish Union of Sales and Marketing Professionals, affiliated to AKAVA, emphasises the need for strengthening legislation regulating return to work from

⁶⁵ Ibid.

⁶⁶ *European Quality of Life Survey, 2016*, Eurofound: <https://bit.ly/3cAQCfX>

maternity or parental leave because they have established in 2012 that one third of 1,130 participants in the study had to find a different job, while 10% were faced with serious problems when they had to return to work. In some cases, employment contracts were terminated because of maternity leave. Although the Finnish labour law stipulates the right to return to work under the same conditions as before taking maternity leave, in practice this is not disregarded.

FRANCE: The collective bargaining agreement covering French television workers stipulates 10 fully paid days of leave for taking care of a family member in the terminal phase of a disease, and the right to 44 days of paid leave a year for taking care of a sick family member. It is very interesting to note that paid maternity/parental leave may be extended until the child reaches the age of 3 upon a worker's request.

GERMANY: IG Metall's collective agreement introduced the right to part-time work that applies to all workers working no less than 28 hours per week during the period of two years maximum, with a proportionally reduced salary. Verdi union signed a contract with the financial company ING DIBAAG according to which parents or caregivers can take part-time work compensated by the employer in the amount of 20 percent of the full gross salary at the least and up to one hundred percent at the most. In addition, the CBA guarantees the return to work under full-time conditions when a worker requests so.

ITALY: The Italian railways signed a collective agreement with four unions introducing the smart work schedule model because of the pressure from workers who wanted more flexible working hours. Therefore, workers can take up to 8 days a month outside work, but they have to be available over the phone. However, they have to work full time on other days and complete all their obligations. Another example of good practice is the collective agreement with Ferrero and other food industry companies, which adds up to the full amount of salary the required amount for maternity and parental leave, as the state covers only 30 percent of that amount. For this purpose, a bilateral fund has been established into which employers contribute the most.

LITHUANIA: The collective agreement for public services provides flexible working hours for workers with children under the age of 18, unemployed or disabled partner, family member working less than 55 percent of full-time or a pensioner, and for single parents with a child under the age of 24 undergoing higher education.

NETHERLANDS: Based on the CBA, hospital workers are entitled to up to 11 weeks of paid leave a year for providing “necessary care” and caring for a person with a terminal illness, namely for a spouse or life partner, their child or their partner’s child, adoptive child or child or a parent living at the same address. The employer is also required to consult with each worker at the beginning of each year on foreseeable caring needs and responsibilities.

PORTUGAL: The branch collective bargaining agreement for the pharmaceutical industry stipulates the right to part-time work or flexible working hours, applying to workers with children with a disability or chronic illness. The branch collective bargaining agreement for transport and energy stipulates a supplement for taking care of children up to the age of six, immediately after the initial maternity/parental leave, amounting to 50 percent of the monthly price in an appropriate institution.

SLOVENIA: The collective agreement for police officers stipulates that parents cannot be employed or relocated further than 30 km from the previous place of work until the child is seven years of age. This right is also guaranteed to single parents and carers for persons with mental or physical disabilities.

SPAIN: The CBA in Spanish Ericsson stipulates up to one month of special leave in the case of hospitalization, serious illness or accident of a first-degree relative. The CBA for air traffic guarantees the right to reduced working hours due to family responsibilities in certain cases without any consequences with regard to pension rights.

SWEDEN: The national CBA stipulates additional days of parental leave paid by the employer (up to 180 days) that have to be used during the first four years of a child’s life with full salary during

an uninterrupted period. The supplementary benefit can be used until the child reaches the age of 18 months or 18 months after adoption. The worker and the employer have to agree on the payment timeline.⁶⁷

11. Achieving equality through education

Since the 1990s, the International Labour Organization has invested a great deal of resources and effort into the preparation of training manuals for the members of trade union negotiating committees and negotiators, women's committees/offices, educators and union executives and organizers. The purpose of such manuals is primarily to raise awareness of negotiating parties, especially the weakest links in the collective bargaining system - trade unions and women's trade union groups - in order to learn how to recognize the discriminatory provisions and policies that are now in practice or even in collective bargaining agreements. The women's issue is a workers' issue – is a message often emphasized in numerous ILO manuals and guides.

Likewise, in many branch unions across Europe, modules or interactive manuals are used to educate and train negotiators and women activists within unions.

For the countries of the Central and Eastern Europe and Central Asia region, a 10-year project was implemented in the first half of the 2000s, following the founding of the ICFTU (International Confederation of Free Trade Unions) Women's Network for Central and Eastern Europe in 1991 in Gdansk. Under the coordination of the International Labour Organization and with the project support of the Belgian and Dutch trade unions, it yielded four interactive manuals and educated about 800 trade unionists in 27 countries where the Women's Network operated. It was founded on 15 November 1997 in Gdansk⁶⁸, and at the end of the first phase of its very active work, it was present through 48 women's union structures of trade union confederations in 27 countries of the region (Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Montenegro, Czech Republic, Estonia, Georgia, Croatia, Kosovo, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Hungary, Moldova, Poland, Romania, Russia, North Macedonia, Slovakia, Slovenia, Serbia, Tajikistan, Ukraine and Uzbekistan). The annual Women's

⁶⁷ Helfferich, B., Franklin, P.: *Rebalance - Trade unions' strategies and good practices to promote work-life balance*, European Trade Union Confederation (ETUC), Brussels, 2019: <https://bit.ly/2Kklyou>

⁶⁸ Petrović, J.: The position of women in trade unions: male leaders and invisible female assistants, *SEER: Journal for Labour and Social Affairs in Eastern Europe*, Vol. 5, No. 2 July 2002, pp. 59-86: <https://www.jstor.org/stable/43291932?seq=1>

Trade Union School was organized, which began to operate in Rovinj in 2000 and has continued in some form to be active to this day, now under the umbrella of the ITUC-PERC (International Trade Union Confederation - Pan-European Regional Council).

The following manuals were created through the ICFTU-WCL-ILO project “Gender Content in Collective Bargaining in Central and Eastern Europe and the Commonwealth of Independent States”, 2006-2007: 1) Negotiating better working and living conditions - company level; 2) Across the factory fence - Negotiating better working and living conditions - local community level, branch level and national social dialogue; 3) Collective bargaining at European and global level; and 4) Negotiation techniques and strategies.⁶⁹

Through this set of training manuals for 40 women’s trade union groups in 27 countries, it was possible to empower women’s trade union groups within the regional Women’s Network and train them to be the educators for collective bargaining. It was the first time for many to hear about the importance of collective bargaining agreement also for the so-called women’s issues. Seminars for trainers held in a dozen countries made it possible to translate at least part of the manuals into the languages available, and later the confederations independently translated primarily the first company-level manual.

The objectives of the manual emphasize the following: learn more about traditional collective bargaining at the company level; learn and encourage the use of new channels and collective bargaining mechanisms; get to know and understand new models of worker participation as an instrument of collective bargaining and discover the importance of addressing gender issues in collective bargaining at company level. This first manual was also translated into Croatian and formed the basis for organizing numerous trade union workshops.

The role of women’s trade union groups or committees/sections/co-ordinations is of particular importance for the establishment of pay equity. Specifically, where there are such groups or coordinators for equality issues, it has been noted that awareness of gender issues is also higher in collective bargaining. In Croatia, three trade union women’s groups are active and co-operative at the trade union confederation level - the Women’s

⁶⁹ Dalton, D: *Building National Campaigns: Activists, alliances, and how change happens*, Oxfam GB, 2007: <https://bit.ly/2XRZp9d>

Section of the Union of Autonomous Trade Unions of Croatia (established on 7 March 1991), which was later joined by the Women's Committee of the Independent Trade Unions of Croatia and the Women of the Croatian Workers' Trade Union Association. They established the joint Coordination of Women's Trade Union Groups in 2017 and have since organized numerous joint activities.

It is interesting to note that among the more visible actions of the Women's Section of the UATUC were "Women's Content in Collective Bargaining Agreements!" in 2005 and "Women's Kuna Worth 80 Lipa" in 2009, thanks to which the union, but also the Croatian public were sensitized to the issue of gender pay equity.

12. Recommendations for work-life balance

12.1 The pay gap mainly reflects the inequalities that tradition and social norms impose on women in their choice of education, occupation and participation in the labour market, as well as in the responsibilities of women in family and society. Female-dominated sectors and professions are generally underpaid compared to male-dominated ones. Women are still poorly represented in management positions and face more obstacles and resistance in developing their careers. The balance between work and private/family life continues to affect women, resulting in them opting for less prestigious and less paid jobs. Workers and their unions and workers' representatives have many opportunities to reduce the pay gap and to increase equality between women and men at all levels of work, with collective bargaining agreements being the main means.

Numerous studies have shown that collective bargaining is an extremely important mechanism for reducing pay discrimination between women and men. However, despite the relative awareness existing in trade unions and significant progress made in this area, we cannot speak of fully integrating gender pay inequity into collective bargaining and taking into account structural gender differences. In addition, it is worrying that EU actions are partly aimed at stopping the development of collective bargaining, which also contributes to the widening of gender pay inequity. **This is also evident from the recommendations of the European Semester, whose aim is to implement the Europe 2020 strategy, which favour decentralization of collective bargaining, reduction of the importance of minimum wage growth and greater linkage between wages and productivity,** which also affects the autonomy of collective bargaining and the ability of trade unions to negotiate on reducing pay inequity between women and men.

It is therefore important to recognize the priorities of the fight for pay equity at all levels, as follows⁷⁰ (version below supplemented and revised):

12.2 The European Union

1. **Oversee the implementation of the new Directive on work-life balance**; ensure that appropriate sanctions are imposed if the directive is not properly implemented.
2. Develop a **new gender equality strategy for the European Union** and include it in the European Council's list of priorities.
3. Propose **new legislation on equal pay**, eg. by adopting a directive on pay transparency.
4. Increase the use of the EU Semester **to evaluate the effectiveness of national policies and care structures** (kindergartens, nurseries, school meals, retirement homes, etc.) that promote work-life balance.
5. **Revise the Barcelona objectives** for childcare services and ensure that they are met in a timely manner - and provide incentives where necessary.
6. Develop the **new objective of the Lisbon Strategy on the care for elderly family members** and support EU initiatives in this area with available financial resources, as care for the elderly should be treated as a universal human right.
7. Introduce new binding **provisions obliging companies of all sizes to draw up gender equality plans** that include pay surveys, in conjunction with employee representatives/trade unions, and oversee their implementation.
8. Adopt measures that strengthen the **national monitoring of agreed measures** with appropriate indicators, benchmarks and other measures aimed at improving the work-life balance of women and men.
9. Foster **measures to use appropriate tax incentives, as well as individualisation of taxes**, which can have a significant positive impact on gender equality and a better work-life balance.
10. **Support social dialogue and analyse sectoral collective bargaining agreements** and company contracts and ensure that data are disaggregated by gender and socioeconomic status.
11. **Promote good practices** of certain benefits and rights.

12.3 EU Member States

1. **Monitor national gender equality legislation**, including equal pay

⁷⁰ Helfferich, B., Franklin, P.: *Rebalance - Trade unions' strategies and good practices to promote work-life balance*, European Trade Union Confederation (ETUC), Brussels, 2019: <https://bit.ly/2Kklyou>

- for equal work and work of equal value, work-life balance and equality with a view to establishing real equality.
2. Ensure that **parental leave**, when transposing the work-life balance directive into national frameworks, is adequately paid at a minimum of 66% of earnings
 3. Commit to the **minimum percentage/share of GDP for social security**.
Ensure that **social security** (pension/health) is work-based and provides a secure basis for all people to receive a fair retirement benefit.
 5. Ensure **individualisation of rights** as a key policy measure in relation to the work-life balance, as existing social benefits can be recognized as being mainly to the detriment of women.
 6. Improve the **availability, accessibility, affordability and quality of publicly funded institutions** and services for the care of all vulnerable groups of citizens (children, the elderly, people with disabilities, etc.).
 7. Ensure the **working status for carers of vulnerable groups**.
 8. Calculate the **value of free labour** through care and its share of GDP.
 9. Provide **quality out-of-school care programs** and bridge the gap between school and full-time work.

12.4 European Trade Union Confederation (ETUC)

1. Create a **European framework for monitoring the systems and effects of all levels of collective bargaining agreements** on work-life balance.
2. **Create tools (manuals, training programs, etc.) for trade unions** to negotiate on work-life balance.
3. Develop a **trade union manual for 'transposing' the Work-Life Balance Directive** into collective bargaining.
4. Make **existing studies** on equality in the labour market and at work available to all Member States.
5. **Model collective bargaining agreements** to include work-life balance provisions for different sectors.
6. Develop other **education tools and models for collective bargaining** on work-life balance issues.
7. **Develop sector-specific collective bargaining agreement models**.
8. Collect and publish **best practice examples of gender content** in collective bargaining agreements.
9. Provide **training for members on gender equality** and work-life balance.

12.5 Social partners at national level

1. Understand that work-life balance is an **investment in productivity** because it enables a greater quality of life
2. Promote collective bargaining as an **effective way to improve the work-life balance** of workers.
3. Ensure **equal pay for equal work** or work of equal value. **Integrate gender equality content** into all collective bargaining agreements with regular monitoring and evaluation and supervision of implementation.
4. **Integrate gender equal content** into all collective bargaining agreements with regular monitoring and evaluation and supervision of implementation.
5. Ensure that external and internal experts engaged in collective bargaining understand gender mainstreaming and gender equality; support this by providing appropriate **training to negotiating teams**.
5. Establish **gender equality in negotiating teams**.
7. Promote collective bargaining agreements that **recognize the diversity of families**, such as families of single parents, adoptive parents and the rights of same-sex parents, etc.
8. Encourage the elimination of stereotypes regarding **the use of paternity leave** and improve the work-life balance of women and men.
9. Encourage policies geared towards the **needs of employees**, eg. younger workers have different expectations regarding working hours and holidays compared to single parents.
10. Provide space for employees to find their own **working time solutions**; workers should demand and initiate the introduction of flexible working hours.
11. **Introduce technology** that helps create conditions for a better work-life balance, especially for women.
12. Encourage **collective bargaining at sectoral/branch level**, and complementary at company level.
13. **Collect systematically past and present collective bargaining agreements** to assess their usefulness in relation to work-life balance and gender equality.
14. Establish company-wide **gender equality planning commitments**.

12.6 Trade unions at the national level

1. Raise **awareness of union leaders and members** on gender

- equality, pay equity and work-life balance to strengthen collective bargaining. Prescribe by way of collective bargaining agreements additional social support for maternity, parental and carer leave.
2. Encourage union integration and **increase the density of union organizing** and, in general, strengthen the trade union movement.
 3. Encourage the capacity and **commitment of unions to addressing the matters of gender equality**.
 4. Evaluate **unpaid care work at the company level** and find models for the ability to combine care and employment.
 5. **5.Lobby** to improve legislation and collective bargaining agreements on work-life balance to make the measures sustainable.
 6. Establish or support the work of existing **women's trade union groups** so that they are able to work independently and that their advisory role is strengthened.
 7. Advocate for **as many women as possible in union governing bodies**.
 8. Prescribe **gender balance in negotiating teams**.
 9. Program and **educate members of the negotiating teams on gender equality**, and run campaigns to raise awareness of the importance of gender in collective bargaining agreements.
 10. **.Collect transparent indicators** on gender pay inequity and encourage public debate
 11. Encourage **the survey and analysis of wage indicators** at the level of trade union branches in enterprises and of the systematization and classification of jobs.
 12. Advocate for **gender balance in employment**, vocational training and promotion.
 13. Promote **trade union policies and strategies** aimed at breaking stereotypes about gender roles and discriminatory social patterns.
 14. Negotiate **higher minimum wages**, as well as compensatory measures at the level of legislation and collective bargaining agreements, to offset the consequences of discrimination against women.
 15. Negotiate **higher minimum pensions**, redistributive measures and forms of crediting that will offset the consequences of the additional triple burden (children/family/household) on the backs of women.

13. SUMMARY

Gender pay equity is the focus of international institutions such as the UN and ILO as well as the European Union, but such **international and European standards are more likely to be applied better and to achieve better results in countries with more developed and egalitarian labour markets**. Unions and the collective regulation of rights are crucial both for developing inclusive labour markets and for achieving gender pay equity. Numerous studies support the thesis that collective bargaining reduces the overall pay inequity among employees. It is highly unlikely that, without unions, the market alone would pay a fair and equitable wage even to workers with similar characteristics.

It is important to conclude that the effect of overall pay inequity is also visible through the lower wage gap between men and women, so the effect that unions have on reducing general disparities is also important for women, even when the measures do not explicitly address them. **Every campaign to increase the minimum wage for all workers, to extend unionization to disadvantaged groups, to extend the legal applicability of collective bargaining agreements to all employees in the sectors and narrow the wage range are practices that contribute to increasing the relative and absolute pay levels of women.**

The principle of equal pay for equal work presupposes an internally fair and consistent wage structure, but where there is widespread wage inequity across companies and sectors, there are most likely pressures that make it difficult to maintain such a fair wage structure. And this is where the importance of unions is recognized. **Trade unions and collective bargaining are the main mechanisms by which specific actions are taken to counteract the gender pay gap**, either through policies to increase wages in occupations or sectors with a dominant female workforce, to establish more gender-sensitive job evaluation, or to implement action plans to correct the gender pay gap identified in a company/sector.

Unions are also active in campaigns or negotiations on other measures for gender equality, especially in relation to work-life balance, which can significantly reduce the wage gap. However, **unions can still do more**, even when their actions are limited by the policies and strategies of employers and their associations. However, this is not sufficient justification for the lack of interest and activities of trade unions in promoting gender aspects and the content of collective bargaining, as well as for the frequently low representation of women in trade union leadership and in the main negotiating teams.

Trade unions have a very difficult task of raising awareness of the

importance of collective bargaining and collective bargaining agreements for the issues that have not, particularly in Croatia, been on their regular agenda, these being the content that affects pay equity of men and women, their more equal position in the labour market and in career development, and work-life balance.

References:

Annual Report 2019, Ombudsperson for Gender Equality of the Republic of Croatia, 2020.

<http://www.prs.hr/index.php/izvjesca/2019>

Annual Report 2018, Ombudsperson for Gender Equality of the Republic of Croatia, 2019.

<http://www.prs.hr/index.php/izvjesca/2018>

Annual Report 2009, Ombudsperson for Gender Equality of the Republic of Croatia, 2010.

<http://www.prs.hr/index.php/izvjesca/izvjesce-2009>

Act on Amendments to the Pension Insurance Act, Official Gazette, no. 115/18

https://narodne-novine.nn.hr/clanci/sluzbeni/2018_12_115_2235.html

Antonczyk, D.; Fitzenberger, B; Sommerfeld, K.: *Rising wage inequality, the decline of collective bargaining and the gender wage gap* (Discussion Paper No. 4911), The Institute for the Study of Labor (IZA), Bonn, 2010.

<http://ftp.iza.org/dp4911.pdf>

Arulampalam, W., Booth A.L. and Bryan, M.L.: Is there a Glass Ceiling over Europe? Exploring the Gender Pay Gap across the Wages Distribution, *Industrial and Labor Relations Review* (ILR Review), Vol. 60, No. 2 (Jan, 2007), p. 163-186.

<http://www.jstor.org/stable/25249069?seq=1>

As many as 90 percent of new employees with temporary contracts (Tportal, 22/01/2019)

<https://bit.ly/2wS7zDk>

As many as 57% of women have to answer unlawful questions at a job interview (MojPosao.net, 11/17/2017)
<https://bit.ly/2RUB1QF>

Bagić, D.: *Characteristics of the Collective Bargaining System in the Republic of Croatia: What We Know and What We Yet Have to Learn?*, Union of Autonomous Trade Unions of Croatia (UATUC), Zagreb, 2015.
<https://bit.ly/2Ko1cem>

Bagić, D.: *Deterministic or Regular Chaos: Characteristics of Collective Bargaining in the Republic of Croatia*, Zagreb, 2014.
<https://bit.ly/3aoKndF>

Best Practices for Establishing Pay Equity in Collective Bargaining, California Commission on the Status of Women and Girls
<https://bit.ly/2Vnes9k>

Bodiroga-Vukobrat, N., Laleta, S.: Peculiarities of Collective Bargaining in European and Croatian Law, *Proceedings of the Faculty of Law*, University of Rijeka, Vol. 28, No. 1, 2007, p. 317-362.
<https://hrcak.srce.hr/25369>

Bridging the Gender pay gap, European Commission, Brussels 2007.
<https://bit.ly/2KiQQfJ>

Burri, S.: *National cases and good practices on equal pay*, European Commission, Brussels, 2019.
<https://bit.ly/2zblF3s>

Burri, S., Eijken, H.: *Gender Equality Law in 33 European Countries*, European Commission and European Network of Legal Experts in the Field of Gender Equality, 2014.
<https://bit.ly/3bwhptW>

CEMR / EPSU Guidelines for Drawing up Gender Equality Action Plans in Local and Regional Government (As adopted by plenary of 14 December 2007), Council of European Municipalities and Regions (CEMR) and European Public Service Union (EPSU), Brussels, 2007.
<http://www.epsu.org/a/3541>

Collective Agreement for INA Retail Services d.o.o., Zagreb, March 23, 2018.
<https://bit.ly/2RUiZO9>

Collective Agreement for Civil Servants and State Employees, Official Gazette no. 112/2017
<https://bit.ly/3btyeFy>

Collective Agreement for Employees in Preschool Institutions of the City of Zagreb, 7 August 2015.
<https://bit.ly/2VR9Lnk>

Collective Bargaining Agreement for Employees in Secondary Schools, Official Gazette no. 51/2018
<https://bit.ly/2RWUJLz>

Combating pay discrimination in Member States, European Commission
<https://bit.ly/2Krs2C1>

Commission Recommendation of 7 March 2014 on strengthening the principle of equal pay for men and women in a transparent way, European Commission
<https://bit.ly/2VYBXET>

Convention on Discrimination Against Employment and Occupation (No. 111, 1958), Official Gazette no. 5/2000
https://narodne-novine.nn.hr/clanci/medunarodni/2000_04_5_52.html

Council conclusions on the European Pact for gender equality for the period 2011 – 2020
<https://bit.ly/2VMAfGi>

Council Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment of men and women as regards access to employment, vocational training and promotion, and working conditions
<https://bit.ly/2VorHX4>

Council Directive 97/80/EC of 15 December 1997 on the burden of proof in cases of discrimination based on sex
<https://bit.ly/2yuY4dW>

COUNCIL DIRECTIVE 75/117/EEC of 10 February 1975 on the approximation of the laws of the Member States relating to the application of the principle of equal pay for men and women
<https://bit.ly/3brsKLE>

Council of Europe's Gender Equality Strategy 2018 - 2023, Office for Gender Equality of the Republic of Croatia, 2018.
<https://bit.ly/2RSdBLq>

Dalton, D: *Building National Campaigns: Activists, alliances, and how change happens*, Oxfam GB, 2007.
<https://bit.ly/2XRZp9d>

Delahaie, N., Vandekerckhove, S., Vincent, C.: Wages and collective bargaining systems in Europe during the crisis, *Wage bargaining under the new European Economic Governance*, The European Trade Union Institute (ETUI), Brussels, 2015, pp. 61-91.
<https://bit.ly/2VK2pBH>

Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on the work-life balance of parents and carers and repealing Council Directive 2010/18/EU
<https://bit.ly/2ziUpQO>

DIRECTIVE 2006/54/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation
<https://bit.ly/2RTZS72>

Directive 86/378/EEC of 1986 on the implementation of the principle of equal treatment for men and women in occupational social security schemes
<https://bit.ly/3bmbBD0>

Dramatic decline in collective agreements and worker coverage, Eurofound, Dublin, 2013.
<https://bit.ly/34WuJFd>

EC Peer Review on “The organisation, outcomes and effectiveness of social dialogue”, Brussels, 23-24 October 2018.
<https://bit.ly/2RSHI5J>

Equal pay - Exchange of good practices, European Commission, Brussels, 2007.

<https://bit.ly/34SL2mp>

Equal Remuneration Convention, 1951 (No. 100), Official Gazette no. 3/2000

https://narodne-novine.nn.hr/clanci/medunarodni/2000_02_3_24.html

Eurofound: *The gender employment gap: Challenges and solutions*, Publications Office of the European Union, Luxembourg, 2016.

<https://bit.ly/2VPzY5o>

Eurofound: *Working time and work-life balance in a life course perspective*, Eurofound, Dublin, 2012.

<https://bit.ly/3at65x4>

European Union policies: Europe 2020: A strategy for smart, sustainable and inclusive growth, European Union, Brussels, 2015.

<https://bit.ly/2yyyyMvb>

European Quality of Life Surveys 2016 (EQLS), Eurofound

<https://bit.ly/3cAQCfX>

Foldspang, Lars et al.: *Measuring Work Well-Being and Productivity in the Nordic Countries*, Nordic Council of Ministers, Copenhagen, 2011.

<https://bit.ly/34QFHMo>

Foubert, P.: *The enforcement of the principle of equal pay for equal work or work of equal value*, European Union, Brussels, 2017.

<https://bit.ly/3eNRTIU>

Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), Official Gazette no. 3/2000

https://narodne-novine.nn.hr/clanci/medunarodni/2000_02_3_22.html

Gender Equality Act, Official Gazette no. 82/08, 69/1

<https://bit.ly/35331qF>

Gender Gap in Pensions: Looking Ahead, European Parliament, Brussels, 2017.

<https://bit.ly/3eFBHDa>

Gović Penić, I. et al.: *Manual on Discrimination and Mobbing in the Workplace*, The Association for the Assistance and Education of Victims of Mobbing and SING - Trade Union of Petroleum Industry, 2018.

<https://bit.ly/2xP5Yyy>

Hajder, J.: *Discrimination on the Labour Market in the Republic of Croatia*, specialist thesis, University of Rijeka, Rijeka, 2019.

<https://bit.ly/2VnPuGI>

Helfferich, B., Franklin, P.: *Rebalance - Trade unions' strategies and good practices to promote work-life balance*, European Trade Union Confederation (ETUC), Brussels, 2019.

<https://bit.ly/2Kklyou>

Judgment of the Court of 8 April 1976. (European Court reports 1976 Page 00455)

<https://bit.ly/34QVxH3>

Kokanović, M. et al.: *Discrimination against Women in Croatia*, ICFTU CEE Women's Network: UATUC Women's Section, Zagreb, 2000.

Labour Act, Official Gazette no. 93/14, 127/17, 98/19

<https://bit.ly/3cuhGgO>

Lončar, Lj. et al.: *What Do I Need to Know If I Want to Negotiate: A Practical Manual on Collective Bargaining*, Union of Autonomous Trade Unions of Croatia (UATUC), Zagreb 2015.

<https://bit.ly/2XO9TX1>

Ljubičić, V. et al.: *How to Identify Gender Discrimination in Practice and Protect Against It: Guidelines for Shop Stewards and Lawyers*, Ombudsperson for Gender Equality, Zagreb, 2012.

<https://bit.ly/3bqZdlk>

Miličević Pezelj, A. et al.: *The UATUC Guidelines for Trade Union Organising and Protecting Rights of Precarious Workers*, Union of Autonomous Trade Unions of Croatia (UATUC), Zagreb, 2016.

<https://bit.ly/3cBd2Ok>

Oelz, M., Olney, S., Tomei, M.: *Equal pay: An introductory guide*, International Labor Office, Geneva, 2013.

<https://bit.ly/2Vq6TyA>

Petrović, J.: *The Male Face of Trade Unions in Central and Eastern Europe: The Secret of Invisible Women*, ICFTU CEE Women's Network, Zagreb, 2002.

Petrović, J.: The position of women in trade unions: male leaders and invisible female assistants, *SEER: Journal for Labor and Social Affairs in Eastern Europe*, Vol. 5, No. 2, July 2002, p. 59-86.

<https://www.jstor.org/stable/43291932?seq=1>

Petrović, J.: Women save the union, *SEER: Journal for Labor and Social Affairs in Eastern Europe*, Vol. 3, No. 2, July 2000, p. 117-130.

<https://www.jstor.org/stable/43292109?seq=1>

Petrović J., Ghinararu, A.: *Negotiating Better Working and Living Conditions - Company Level*, Manual 1, Grafem and PPDIV Trade Union, Zagreb, 2005.

Petrović J., Ghinararu, A.: *Negotiating Better Working and Living Conditions, Gender Mainstreaming in Collective Bargaining: Collective Negotiating at the European and Global Level*, Booklet 3, ICFTU CEE and NIS Women's Network, Zagreb, 2005.

Petrović J., Ghinararu, A.: *Negotiating Better Working and Living Conditions, Gender Mainstreaming in Collective Bargaining: Company Level*, Booklet 1, ICFTU CEE and NIS Women's Network, Zagreb 2005.

<https://bit.ly/34QN8U5>

Petrović J., Ghinararu, A.: *Negotiating Better Working and Living Conditions, Gender Mainstreaming in Collective Bargaining: Company Level*, Booklet 2, ICFTU CEE and NIS Women's Network, Zagreb 2005.

<https://bit.ly/2VMul81>

Petrović J., Ghinararu, A.: *Negotiating Better Working and Living Conditions, Gender Mainstreaming in Collective Bargaining: Strategy and Techniques of Negotiations*, Booklet 4, ICFTU CEE and NIS Women's Network, Zagreb, 2005.

<https://bit.ly/3bt3TqL>

Pillinger, J.: *Bargaining for Equality*, European Trade Union Confederation (ETUC), Brussels, 2014.
<https://bit.ly/2VmSFOV>

Recommendation on the Prevention of Violence and Harassment in the World of Work, no. 206, 2019, International Labour Organization
<https://bit.ly/2VIXRf3>

Right to Organize and Collective Bargaining Convention, 1949 (No. 98) Official Gazette no. 3/2000
https://narodne-novine.nn.hr/clanci/medunarodni/2000_02_3_23.html

Ruberry, J., Johnson, M.: *Closing the Gender Pay Gap: What Role for Trade Unions?*, ILO ACTRAV, Geneva, 2019.
<https://bit.ly/2RSZaXN>

Ruždjak, M.: Collective Bargaining Agreements, Solidarity Contribution and Termination of Employment and Prolonged Application, *Pravo u gospodarstvu*, no. 43/4, July 2004, p. 222-236.

Šeperić, D.: *Annual Review of labour relations and social dialogue, Croatia*, Friedrich-Ebert-Stiftung (FES), 2017.
<https://library.fes.de/pdf-files/bueros/bratislava/13200.pdf>

The Analysis of collective bargaining agreements from the aspect of gender equality, equal opportunities and work-life balance, Ombudsperson for Gender Equality, Zagreb, 2010.
<https://bit.ly/3amAyNj>

The European Pillar of Social Rights and its 20 Principles, European Parliament, Council of the European Union and European Commission
<https://bit.ly/2KkJeJJ>

The gray economy in Croatia amounts to 28 percent of GDP (Poslovni.hr, 7.10.2014.)
<https://bit.ly/2KmWg9C>

The Role of Trade Unions in Protecting Workers' Dignity, The Association for the Assistance and Education of Victims of Mobbing and SING - Trade Union of Petroleum Industry 2018.
<https://bit.ly/2VMMYZA>

Treaty establishing the European Economic Community (Rome, 25 March 1957)

<https://bit.ly/3cyOGVd>

Understanding the gender pay gap: definition and causes, European Parliament, 2020.

<https://bit.ly/2xP0jZk>

Violence and Harassment Convention, 2019 (No. 190), International Labour Organization

<https://bit.ly/3czgWqH>

Vojnović, N.: *Mobbing in Public Administration, Mobbing*, Association of Psychologists of Primorje-Gorski Kotar County, Rijeka, 2006, pp. 89-105.

<https://www.bib.irb.hr/874826>

Women in Collective Bargaining, Module 2, The European Transport Workers' Federation (ETF), Brussels, 2018.

<https://bit.ly/3bCvPs8>

Workers with Family Responsibilities Convention, 1981 (No. 156), Official Gazette no. 5/2000

https://narodne-novine.nn.hr/clanci/medunarodni/2000_04_5_54.html

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