



**EQUAL RIGHTS
EQUAL PAY
EQUAL PENSIONS**

GUIDELINES FOR THE NATIONAL LEGISLATIVE FRAMEWORK FOR EQUAL PAY AND PENSIONS IN THE REPUBLIC OF CROATIA



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**PRAVOBRANITELJICA
ZA RAVNOPRAVNOST SPOLOVA**



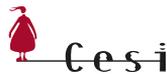
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PRAVOBANITELJICA
ZA RAVNOPRAVNOST SPOLOVA



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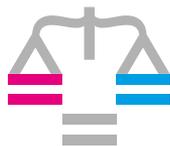
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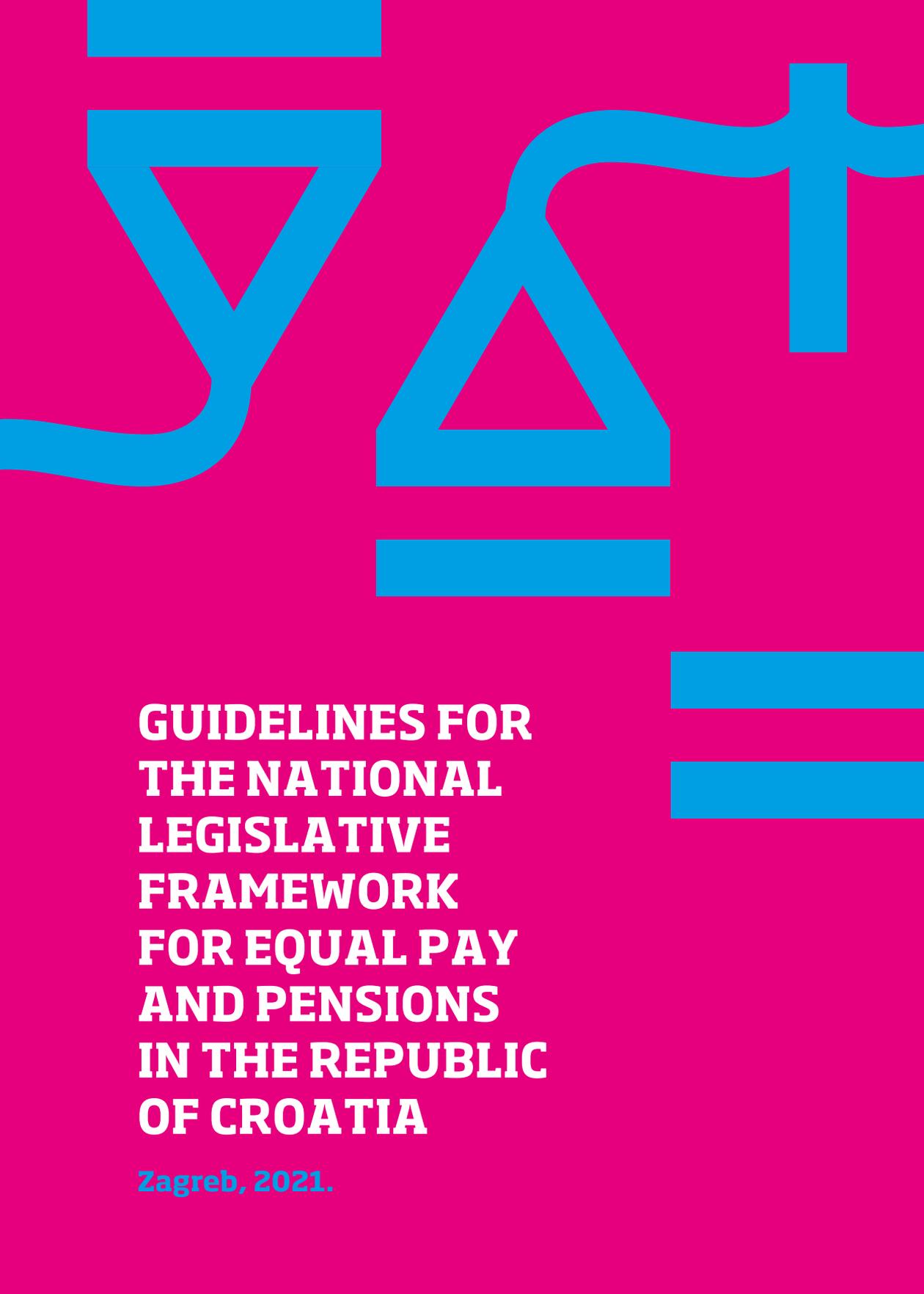
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**GUIDELINES FOR
THE NATIONAL
LEGISLATIVE
FRAMEWORK
FOR EQUAL PAY
AND PENSIONS
IN THE REPUBLIC
OF CROATIA**

Zagreb, 2021.

PREFACE

Inequality between men and women in the labor market, which is reflected in their income and living standard in retirement, is a persistent socio-economic problem caused by traditional gender prejudices and stereotypes and discrimination against women. One of the significant indicators of this inequality is the pay gap between men and women, which has been widening in recent years. Namely, statistical indicators of the Croatian Bureau of Statistics (CBS) and Eurostat show that in Croatia women's salaries are increasingly lagging behind men's - in 2018 women earned on average HRK 1,126 less than men per month (HRK 7,711 versus HRK 8,837 according to the CBS data on average gross salaries of the employees in legal entities). It means that annually women receive on average HRK 13,512 less than men. Also, when we talk about their retirement income, there is a noticeable difference of HRK 648 in favor of men (HRK 3,074 versus HRK 2,426 according to the CBS data on the average pension on December 31, 2019). Looking at the above differences in percentage ratios, **women have on average 12.74%**

lower salaries and 21.08% lower pensions, which makes them more exposed to social and economic insecurity, especially in old age.

The Ombudsperson for Gender Equality (further Ombudsperson) has been warning for years in her reports about the negative trends regarding gender pay and pension gaps in Croatia, identifying the causes that lead to the lag of women's salaries and pensions and making recommendations for solving this problem. Among the indicators showing the inequality of women in the labor market and related to the gender pay and pension gaps, the Ombudsperson points out the low employment rate, unequal access to employment opportunities, gender-based segregation, unfair pension system, work of women in lower paid jobs and at lower hierarchical positions, the burden of women with household chores and family care, and the belittling of the work that women do, whether in the household or at work.

Aware that the lagging of women's salaries and pensions is a structural problem caused by multiple and interrelated factors and insufficient

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awareness of the public as well as legal solutions, the Ombudsperson who is the holder of the European project *“Equal rights - equal pay - equal pensions”* - *Expanding the scope of implementation of gender equality actions and legal standards towards achieving gender equality and combating poverty in Croatia* (REC-RGEN-PENS-AG-2017-820696-GPPG), in cooperation with project partners and supporting institutions, put the topic of unequal pay and pensions into the public space and took an initiative to approach the prevention of gender inequality in the labor market at all levels: from education to changes in the legislative framework.

The publication in front of you summarizes the entire work on the project and is divided into two parts. The first section provides an analysis of the situation, taking into account statistics, policies, practices, laws and existing literature on the gender pay and pension gap, the labor market, the pension system, education, and the balancing of work and family life. The predominant factors leading to gender pay and pension gaps are: labor market

segregation (horizontal and vertical), discrimination resulting from a lack of transparency in employment, labor, salary and promotion policies and practices, gender stereotypes, inadequate policies for balancing family and work responsibilities, gender gap in unpaid work related to the care of children and other dependent family members, gender segregation in education and parental/motherhood penalties.

The second part provides an overview of mechanisms and measures for achieving a gender-equal labor market in the context of the gender pay gap and examples of good practices in combating the gender pay gap in Europe, with a special emphasis on the salary transparency mechanism with a comprehensive analysis of the ways the problem of gender pay gap was addressed in Belgium as a country that passed the Gender Pay Gap Act in 2012.

The publication concludes with the Guidelines for the development of a national legislative framework on possible standards, positive measures and actions to achieve gender equality in the labor market

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and in the pension system with the aim of reducing the risk of poverty for women, which are given in the form of recommendations.

Given that it identifies multiple and interrelated factors of the gender pay and pension gap, which lead to economic and social insecurity of women, especially the elderly, and advocates a multidimensional approach to addressing it through the establishment of standards, measures and actions, this publication is intended primarily for the holders of future legislative proposals and national policies related to gender equality, the employers and trade unions, the experts dealing with the issue of the socio-economic position of women, the individuals working on strengthening the economic and social position of women, as well as the students and pupils with the aim of raising awareness about this complex problem.

Republic of Croatia

The Ombudsperson for Gender Equality

Višnja Ljubičić





**GENDER PAY AND
PENSION GAPS IN CROATIA:
SITUATION ANALYSIS**

INTRODUCTION

Gender pay gap (GPG) refers to the difference in salaries and incomes between men and women (Borić, 2007). We differentiate between unadjusted (raw) and adjusted (conditioned) GPG (Nestić, 2010). The unadjusted GPG is calculated by comparing the average salaries of a man and a woman. The adjusted GPG takes into account the different and numerous characteristics of men and women in the labor market that contribute to creating and maintaining this gap (Nestić, 2010). While in the Republic of Croatia, compared to other EU members, the total unadjusted GPG is one of the lowest (Nestić, 2010; Broz and Levačić, 2015), and in 2014 it amounted to 8.7%, the adjusted GPG was almost twice as large (with a tendency to grow) and in 2014 it amounted to 16.9% (Leythienne and Ronkowski, 2018).

The gender pay gap is a structural and complex phenomenon determined by a series of interrelated factors that, categorized according to the social level, are divided into micro, mid and macro level factors.

Micro level factors include a combination of the position in social structure (gender, age, level and type of education, un/employment, occupation, profession, marital and family status, material status), in the labor market (type of employment contract, occupation, working place, number of working hours, length of service) and of the value attitude towards issues of gender egalitarianism. For example, although in the Republic of Croatia employed women have on average a higher level of education than men¹, the educational gender structure did not significantly affect the reduction of GPG (Nestić, 2010). Numerous micro factors contribute to this, some of which relate to the fact that women work part-time more often (Levačić, 2013) and that due to their obligations towards family, which is viewed as their traditional duty (unpaid work), it is more difficult for them to balance their private and business life, which contributes to gender segregation in the labor market, especially when it comes to salaries. The data thus show that women spend more time in unpaid work and men more time in paid

¹ Among employees in 2014, 31.9% were highly educated women versus 21.9% men, while in 2018 there were 36.2% highly educated women versus 24.1% highly educated men (CBS, 2016; 2020 .)

work. Moreover, the gender gap in unpaid work among the employees in the Republic of Croatia (2015) was over 15 hours per week in favor of women (Eurofound, 2018).

Mid-level factors refer to the characteristics of the employer's organization or institution and are closely related to the characteristics of the sector and activities to which they belong (Broz and Levačić, 2015). Primarily, they are related to the demographic/gender structure and the presence of horizontal and vertical segregation. **Horizontal segregation** means the distribution of occupations by gender, visible both at the level of the company/institution and at the level of the sector. For example, female-dominated sectors are characterized by lower salaries, lower social status and social reputation (Borić, 2007). **Vertical segregation** refers to a hierarchical position by gender within an occupation or a sector, so it is often the case that in an activity that is mostly made up of women, the leading positions are occupied by men, which is reflected in the level of income if observed by gender. Women in the Republic of Croatia are focused on traditionally "female" branches of work activity, and 70% of women work in sectors whose GPG is almost twice as high

as the average. At the same time, the **feminization of the sector indicates a reduction in the cost of labor** (Levačić, 2013). The type of a sector has a great influence on GPG, so the unadjusted GPG in 2013 was more than twice as high as the average (7.4%) in the finance and insurance sector (16.8%) and in the health sector (26.5%) (Broz and Levačić, 2015), and this trend continued in the following years. Therefore, according to the latest available data by Eurostat, the average unadjusted GPG in 2018 was 10.5%, and in the sector of finance and insurance 24.9% and in the sector of health and social care 27.2%. It means that over the years the unadjusted GPG has risen, both as average and in selected sectors. Also, given that this is an unadjusted GPG, it can be assumed that the actual gap is far larger than shown.

Macro-level factors relate to policies and laws in the field of labor, social policy and the family, which relate to the achievement of gender equality. They are also directly related to the value structure of society in terms of gender equality and the level of public awareness about the gender pay gap. Regarding the latter, it should be noted that the awareness of the existence of GPG in the Republic of Croatia is slightly

lower than the EU average. Namely, 58% of respondents in the Republic of Croatia believe that women are paid less than men per hour, while in the EU-28 such views have 69% of respondents. In the Republic of Croatia, 29% of respondents believe that equal pay is guaranteed by law (European Commission, 2017). Apart from the laws related to the issue of GPG - *Gender Equality Act and Labor Act* - (Bergman, Danzer and Sorger, 2016), the Republic of Croatia lacks adequate legislation of workers' rights, which would include, for example, contracting flexible working hours as an important determinant of efficient harmonization of work and family responsibilities (Eurofound, 2018). At the same time, the Republic of Croatia belongs to the circle of Central and Eastern European countries with an underdeveloped system of support for family caregivers, relying on the "family model" (Eurofound, 2018).

The gender pension gap refers to the difference in pensions between men and women. The gender difference in the amount of pensions is the percentage in which the average pension of women is lower than the pension of men, and it expresses how much women's pensions lag behind men's pensions

(European Commission, 2013). This **difference arises as a result of the sum of life-related gender inequalities due to motherhood, the segregated labor market and the impact of gender norms and stereotypes** (EIGE, 2015). In other words, the gender pension gap is determined by various factors that have a cumulative effect (Frericks, Maier, 2008). The gender pension gap is directly related to the gender pay gap and its causes and is present in a smaller or higher percentage in all EU member states. The data show that in the EU-28 the gender pension gap for people at the age 65+ in 2013 was 38.21% and in 2016 it dropped to 36.56%. In the Republic of Croatia, this gap is lower compared to the EU-28, so in 2013 it was 23.2%, and in 2017 - 25.3% (European Commission, 2019).

One of the factors influencing gender pension gap is the lower participation of women in the labor market and the lower number of working hours per year compared to men (European Commission, 2013). The inability to achieve higher women's pensions is also conditioned by sectoral segregation: women are highly represented in feminized sectors with low salaries. Despite the high representation of women in tertiary education, women

are not as educated for occupations in which they will be able to earn higher income. Gender segregation index in occupations and economic sectors expressed as the share of the employed population that should change occupation or sector in order to achieve an equal distribution of men and women by occupations or sectors (varies from 0 - no segregation to 50 - complete segregation), in the EU-28 in 2017 it was 24% for occupational segregation and 18.8% for sectoral segregation. The index of professional segregation for the Republic of Croatia in 2017 was 29.1%, and the index of sectoral segregation was 22.4% (European Commission, 2019). Another domain, vertical segregation and the frequently mentioned glass ceiling effect, as well as the low representation of women in management, stand out as important for gender pension gap. The share of women in the management boards of the largest public companies in the Republic of Croatia in 2017 was 19.3% (in the EU-28, 26.2%) (European Commission, 2019). Furthermore, women who have children, as opposed to those who do not, earn less, so the term "motherhood penalty" has become common in the literature (Sigle-Rushton and Waldfogel, 2007; Gangl

and Ziefle, 2009, according to EIGE, 2015). In those societies where cultural norms mostly confirm the preconception that an employed mother cannot do her job as she should and that employment has a negative impact on the upbringing of children, there is a larger pay gap and, consequently, pension gap (EIGE, 2015).

The gender pension gap is directly related to the increased risk of poverty. Bearing in mind that the risk of poverty increases significantly after the age of 65 (European Commission, 2018a), and that it is often closely linked to low pensions which, on average, have women, women become a particularly vulnerable group in this respect. In the EU, the risk of poverty and social exclusion affects an average of 18% of people over the age of 65, while the Republic of Croatia is significantly above that average with more than 30% of people at risk of poverty. This is supported by the fact that the average allocations for all pensions in the Republic of Croatia make up a quarter of the average allocations for pensions at the level of the entire EU (European Commission, 2018a). Insufficient amount of pensions has significant negative repercussions on the quality of life, of which

perhaps the most important are health care (women live longer on average), adequacy of living or housing conditions (covering of housing costs) and adequate daily nutrition.

LABOR MARKET AND GENDER PAY GAP

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Despite the mass employment of women after World War II in Europe, which in the former Yugoslavia was influenced not only by economic but also ideological reasons, since the socialist doctrine advocated equality of women and men in employment, it did not take place uniformly in all occupations. All European economies are characterized by the feminization of certain occupations and the absence of women from others. The consequences of feminization of certain occupations have been employment on jobs with lower social prestige and lower incomes, which have traditionally included the jobs of teachers and educators, social and medical care jobs, and, with the growing bureaucratization of modern societies, a number of administrative jobs. This contributed to the horizontal and vertical segregation of women and men in the labor market, with women occupying the lowest positions and "caretaker" jobs, and men mostly occupying managerial positions and jobs in highly qualified occupations.



Vertical segregation had special repercussions on the employment of women in management positions, and the frequently mentioned “glass ceiling” is a reflection of such a structure, i.e. the inability of women to advance to higher positions.

Despite the regulated legislative framework, which is largely in line with that of the developed countries of the European Union, women in the Republic of Croatia still face multiple discrimination in the labor market, starting with the way job interviews are conducted (by asking questions prohibited by the legal framework such as issues of marital and parental status, family planning, etc.), through discrimination and harassment in the workplace, successive extensions of fixed-term employment contracts, to unequal compensations, etc. Even in the case of achieving fair and stimulating working conditions, due to the high burden of family and parental duties and the lack of institutional support for balancing private and working life, women fail to achieve maximum financial gain, i.e. they receive lower financial compensation for their work which, ultimately, reflects in their lower pensions on average.

Legislation and policies in the European Union and Croatia

The United Nations, the Council of Europe and the European Commission have developed a number of laws and regulations to raise awareness of the gender pay gap and reduce it at Member State level. Gender equality policy is probably one of the most developed areas in European policy, thanks to the fact that it has been incorporated into its main guidelines since the establishment of the European Economic Community. When we talk about this area, we can talk about four dimensions of policies: the regulatory framework and its incorporation into core policies (mainstreaming), the financial framework (which in recent times relies on the European Social Fund) and the evaluation and audit mechanisms (in the first period with open method of coordination, and since 2011 through the European Semester). The fact that the gender pay gap still exists, some sixty years after it was first addressed by the international community (by the Treaty establishing the European Economic Community in 1957 in Rome), indicates that there is still

a need to reflect and research this topic, as well as to create specific policies and instruments for their monitoring and evaluation. Article 141 of the 1957 Treaty emphasizes the need for strict, not only *de jure*, but also *de facto* equality between women and men when it comes to employment and working conditions.

Basic guidelines for the provision of equal working conditions and equal pay for equal work for women and men are also contained in the 1975 Directive of the Council of the European Community on equal pay for men and women, 1976 Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions, 1986 Council Directive 86/378/EEC on the implementation of the principle of equal treatment for men and women in occupational social security schemes, Council Directive 97/80/EC on the burden of proof in cases of discrimination based on sex, Directive 2002/73/EC of the European Parliament and of the Council amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment,

vocational training and promotion, and working conditions, as well as the recast Directive 2006/54/EC. We should also mention the Council of the European Union Directive establishing a general framework for equal treatment in employment and occupation of 2000. These documents of the European Union explicitly recognize equality in terms of financial benefits (salaries), allowances for work, pensions, sick leave pay, allowances for holidays and non-working days and the like. Directive 54 of 2006 emphasizes that the establishment of the principle of equal pay for equal work has to take into account a number of elements, such as the nature of the job, level of education and working conditions, with the principle of equal pay not limited to employment with the same employer. Accordingly, the 2007 Charter of Fundamental Rights of the European Union, in its Article 23, emphasizes that equality between women and men must be achieved in all areas, including employment, work and salaries, while the Communication from the European Commission of 2007 titled "Tackling the pay gap between women and men" includes causes of gender pay gap and actions to eliminate the problem.

Since 2010, the European Union bodies, driven by the economic crisis that culminated in Europe in 2008 which exacerbated gender pay inequalities, have issued a number of guidelines to close this gap, and therefore the provisions related to the need for equal treatment for women and men in the labor market are embedded in almost all statements and recommendations. First and foremost, Europa 2020: Strategy for growth promotes more effective gender equality policies with the aim of increasing women's employment rate. The European Pact for Equality between Women and Men (2011-2020) encourages EU members to promote gender equality policies, especially in the area of employment guidelines. Furthermore, the Conclusions of the Council of the European Union on the European Pact for Gender Equality 2011-2020 advocate for the elimination of gender pay inequality and emphasize the adverse impact of this type of inequality on equality between women and men in education, employment and social inclusion. European Commission Communication 83 of 2013 calls on Member States to make further efforts to remove obstacles to greater participation of women in the labor market and the achievement of

the gender pay equality. Following this communication, the European Commission's 2013 report calls on Member States to address barriers to gender pay equality and motivate employers to actively remove these barriers. The report also concludes that an insufficient transparency of income and allowances from work and an unsatisfactory level of legal certainty are the main reasons for the failure to achieve the goals set by the common European regulations.

At the same time, it is recommended to conduct campaigns to raise awareness of employers about the need to eliminate gender pay gaps, with pay audit as a mechanism to reduce gender inequalities, but with restrictions that such monitoring should be carried out only in companies with more than 250 employees, which reduces the space for operation in smaller markets such as Croatian. Also, the Recommendation of the European Commission of 7 March 2014 on strengthening the principle of equal pay for men and women emphasizes the need for transparent determination of salaries, both in private and public sectors. In 2017, the European Commission adopted EU Action Plan 2017-2019: Tackling the gender pay gap, identifying 8 main strands of action: 1) Improving

the application of the equal pay principle; 2) Combating segregation in occupations and sectors; 3) Breaking the glass ceiling: initiatives to combat vertical segregation; 4) Tackling the care penalty; 5) Better valorizing women's skills, efforts and responsibilities; 6) Fighting the fog: uncovering inequalities and stereotypes; 7) Alerting and informing about the gender pay gap; and 8) Enhancing partnerships to tackle the gender pay gap.

Recent analyses of gender inequality in European labor markets and recommendations for the elimination of unequal treatment of women and men in the labor market are also contained in the Council of Europe's Gender Equality Strategy 2018-2023 which advocates for the elimination of inequalities between women and men in all areas, including the labor market, with the aim of reducing the costs borne by national economies due to multiple discrimination against women.

The European Commission's Directorate-General for Justice lists basic documents that address gender pay gaps and make recommendations for their elimination, as well as international and national reports in this area. It also works to identify new priorities and challenges in

the field of combating gender pay inequalities, taking into account the wider economic changes that Member States are going through (such as increased production and export, reduced unemployment rates, higher incidence of new forms of work and precarious employment). Since Croatia has been a member of the EU since 2013, its activities in the field of providing equal opportunities and working conditions and compensations for work, regardless of gender, are regularly evaluated. The Republic of Croatia has adopted the European Union's political guidelines on closing the gender pay gap, but these guidelines are being implemented with insufficient efficiency.

In the Republic of Croatia, the *Gender Equality Act*² explicitly prohibits discrimination in the field of employment in the public and private sectors, including equal pay for equal work and work of equal value (Article 13), which is in line with Article 91 of the *Labor Act* (2014)³. The same article of the Labor Act also defines what is meant by the term salary (basic or minimum and all additional benefits of any kind that the employer directly or indirectly,

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² Official Gazette, no. 82/08; 69/17

³ Official Gazette, no. 93/14; 127/17; 98/19

in cash or in nature, on the basis of employment contract, collective agreement, labor regulations or other regulation pay to the employee for the work performed) and determines the conditions under which it is considered that two persons of different sex perform equal work and work of equal value - 1) if they perform the same work in the same or similar conditions or could replace each other in relation to the work they perform; 2) if the work performed by one of them is similar in nature to the work performed by the other, and the differences between the work performed and the conditions under which each of them performs their work are irrelevant to the nature of the work as a whole or occur so infrequently that they do not affect the nature of work and 3) if the work performed by one of them is of the same value as the work performed by the other, taking into account criteria such as education, skills, responsibility, conditions in which the work is performed and whether the work is of a physical nature. Finally, any provision of an employment contract, collective agreement, rulebook or other legal act that is contrary to the employer's obligation to pay equal salary to male and female employee for equal

work and work of equal value, is considered null and void.

Other relevant documents for gender pay equality include the *Joint Memorandum on Social Inclusion* (2007) and the *Active Employment Policy Measures*, which were last amended in 2016. In the Republic of Croatia, the *Minimum Salary Act*⁴ has been in force since 2008, which stipulates that it is not possible to contract a salary lower than the minimum amount through collective agreements or some other mechanisms. The salary in the minimum amount of gross HRK 3,750.00 and net HRK 3,000.00 at the beginning of 2019 was received by about 100,000 workers, of which about 90% work in the private sector. From 2020, the gross minimum salary was increased to HRK 4,062.51, which meant an increase in the net minimum salary to HRK 3,250.01. The share of the gross minimum salary for 2019 in the average gross salary for 2019 (HRK 8,766) was 42.78%, and the share of the net minimum salary in the average net minimum salary (HRK 6,457) was 46.46%. The share of the gross minimum salary in the median gross salary for the same year (HRK 7,272) was 51.57%, while the share

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⁴ Official Gazette, no. 118/2018

of the minimum net salary in the median net salary (HRK 5,569) was 53.87%. It is estimated that **about 11% of women and 5% of men receive the minimum salary**, which means that an increase in the minimum salary would contribute to reducing the gender pay gap (Nestić and Rašić Bakarić, 2010).

The National Policy for Gender Equality for the period from 2011 to 2015 prescribes three main goals and related activities, which address gender salary inequality: 1) Raising awareness about anti-discrimination legislation, gender equality and women's human rights, which is achieved, among other things, by marking the European Equal Pay Day as the day when, based on the calculation of the pay gap between women and men, women work for free until the end of the year; 2) Promoting measures that enable the reconciliation of work and family life, by raising the awareness of all actors involved in collective negotiations, especially of the employers, about the need for equal pay for equal work for women and men; 3) Progress in the procedures for collecting, processing and disseminating gender pay gap data.

Of the main bodies in the Republic of Croatia, the county commissions for gender equality have the obligation to achieve the stated goals, but they do so with very unequal results (Broz and Levačić, 2015). Although the Republic of Croatia is involved in the work of the European Observatory on Gender Equality, only 16 Croatian counties, 13 cities and 2 municipalities have signed the European Charter for Equality of Women and Men in Local Life, promoted by this platform and adopted by the European Commission. Some Croatian companies are members of the MAMFORCE platform and are thus committed to the development of organizational culture based on family and gender responsibility as well as on the respect for UN principles of women's empowerment. However, in general, there is still a relatively low awareness of the problem of the gender pay gap, to the extent that even companies that advocate for corporate social responsibility do not recognize gender inequality in salaries as a topic to which more attention should be paid in their reports and recommendations. In contrast, the annual reports of the Ombudsperson for Gender Equality regularly include a component of

gender pay inequality, especially since 2010.⁵

The research conducted as part of the project “*Equal Rights - Equal Pay - Equal Pension*”, conducted by the Ombudsperson for Gender Equality⁶, confirms the problem of low awareness of the employers about the gender pay gap. The vast majority of employers participating in a survey (from the private and public sectors) do not keep separate gender segregated records or statistics on pay differences, gender representation by occupation, promotion, salary supplements or vocational trainings, nor have they taken any action to close the gender pay gap, believing that such a gap does not exist in their companies/institutions.

General indicators of the gender pay gap in Croatia

According to Eurostat data, lower employment rates of women in the Republic of Croatia, along with low availability of part-time work and higher incidence of care for family members, also contribute

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⁵ https://www.prs.hr/cms/posts_all/1/36

⁶ <https://gppg.prs.hr/>

to a slightly lower average weekly hours for women than for men (38.9 versus 40.2 working hours). **While at the European level there is a modest decline in the gender pay gap, in the Republic of Croatia it is increasing.** Thus, according to Eurostat, it increased in the Republic of Croatia from 5.7% in 2010 to 8.7% in 2014 with a further jump to 11.6% in 2017, which means a double increase in the unadjusted gender pay gap in a seven-year period. In 2018, the gap dropped to 10.5%.⁷

The public and private sectors in the EU Member States record different pay gaps between women and men with a slightly higher gap in the private sector. However, in Croatia, it is in the public sector in which women receive on average a lower salary than men. Thus, in 2018, there was a gender pay gap of 8.2% in the public sector compared to 6.1% in the private sector, in 2014 this gap in the public sector was 13.8% and in the private sector 9.9%, and in 2010 in the public 12.6% and 6.3% in the private sector. Eurostat data show that the gender pay gap tends to increase with the older age of employees, i.e. that it is the smallest among the youngest employees. In

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⁷ The most up-to-date statistics available at the time of writing are presented.

Croatia, in 2018, the gender pay gap among the employees under the age of 25 was 7.6%; for the employees at the age of 25-34 it was 7.7%, for those at the age of 35-44 it rose to 12.8%, while the highest (13.9%) was for the employees at the age of 45-54, with a significant drop to 7.4% for the employees at the age of 55-64. These data confirm the thesis about the “motherhood penalty”.

The amounts of the salary and the length of service are the two main determinants of the amount of pensions, and the Republic of Croatia is at the back of European countries, with an expected length of service of 32.5 years (the EU average in 2019 was 35.9 years). When it comes to gender differences in the length of service, the Republic of Croatia records a difference which is at the level of the European average; this difference in 2019 was 4 years, i.e. **men in the Republic of Croatia retire on average with 34.5 years of service, and women with 30.5 years.** In addition to equal pay during working life, the gender pension gap is the largest for women who have had interruptions in employment during their life due to caring for children or other family members, or in general due to family obligations. Eurostat data show that in 2019, 2.3% of men and 11.5%

of women at the age of 20 to 64 in the Republic of Croatia were out of the labor market due to family/ caretaking obligations.

The most important mediating factors commonly taken into account when interpreting gender pay inequality are age, level of education, occupation, branch of activity, full-time or part-time employment, type of contract, size of enterprise and employment sector. Approximately two-thirds of the gender pay gap cannot be explained by common factors (European Commission, 2018). It is assumed that most of this inexplicable difference goes to career breaks **due to motherhood, and all data indicate that only due to maternal obligations, a woman’s career can be shortened compared to that of a man by as much as one third.** Therefore, it is considered that part of the difference in salaries lies in “gender based work” (Galić, 2011c; Schieder and Gould, 2016), i.e. the fact that career choices do not take place in a vacuum: women’s decisions are formed by demands that their male colleagues are mostly exempt from and primarily relate to the balancing of private and working life and the choice of employment that will allow them to perform household and maternal duties.

Social attitudes and experiences about the gender pay gap

Research data from the Republic of Croatia show that respondents do not have a real insight into the criteria by which salaries are determined or at their amounts. Thus, 60.7% of respondents agree with the statement that women are paid less than men for work of equal value, 17.7% expressed opposite views while 21.6% of respondents were undecided (Galić, 2011a). At the same time, more men than women tend to choose men for important and well-paid jobs, and more women than men agreed with the statement that the best-paid jobs were mostly for men. Most respondents perceived gender inequalities in the labor market in a way that women were more discriminated against.

According to the experiences of personal discrimination in the workplace, women and men do not differ significantly statistically, except in the case of the salaries amounts, where 19.4% of women had experience of receiving lower pay than men, while 10% of men reported receiving lower pay than their female colleagues. At the same time, 66.9% of respondents did not

find it acceptable that men were paid better than women even when doing the same job, and as many as 16.7% of respondents (among whom men dominated) found this acceptable.

Data from European surveys on gender inequalities in the labor market are in line with the previously presented results. A survey of attitudes about the labor market of Eurobarometer (2017) shows similar results; in Croatia 58% of respondents claimed that women were paid less than men and 33% claimed that they were paid equally. 83% of Croats did not agree with the statement that in some circumstances it is acceptable for men to be paid more than women for the same job, which puts Croatia on the European bottom in this regard (the European average is 90%). However, the data also suggest that Croats show a slightly higher level of awareness of the fact that in their country equal pay for women and men for equal work is guaranteed by law (29%) than the EU average (26%). Data on awareness of equal pay for women and men in the companies where respondents work give similar results as the European data: 35% of Croats answered that women receive lower salaries on average, which is similar to the attitude of 33% of Europeans,

while 48% of respondents from Croatia and an average of 51% of EU respondents said that their companies have equal income for women and men.

Analysis of the manufacturing industry, finance and insurance, health care and social welfare

These particular branches of industry were selected because they show the largest unadjusted gender pay gap of all industries, which is significantly higher than the average unadjusted gender pay gap in Croatia. Furthermore, health care and social welfare, finance and insurance are dominated by female workforce, because women make up more than two thirds of the total number of employees in these branches of industry. In addition, the manufacturing industry and health care and social welfare are among 5 industries that employ the largest percentage of the total female workforce, so they could give us much better insights into economic inequalities between women and men.

Finance and insurance

The structure of the financial sector consists of 1,796 (31st December 2018) registered legal entities, out of which 954 are active (938 for-profit and 16 non-profit), and 496 trades and freelance occupations (CBS, 2019). The sector is dominated by large private companies and several state/public monetary financial institutions (Croatian National Bank, Croatian Bank for Reconstruction and Development, Croatian Post Bank, Croatian Insurance and Croatia Bank). 38,344 persons are employed in finance and insurance, out of which 69.1% are women and 30.9% men, which is significantly higher percentage than the average of the employed women in the total number of the employed (47.5%) (CBS, 2020). The majority of women employed in finance and insurance have secondary level education (46.8%), higher education (39.4%) and college education (12.6%) (CBS, 2018). The average monthly gross salary in these fields is the highest of all other fields of industry and amounts to HRK 12,487, but the share of women's salaries in men's salaries is one of the lowest compared to other fields of industry - 73.2% in 2018 (CBS, 2020). According to Eurostat, unadjusted gender pay gap by economic activity

in finance and insurance on the level of EU is significantly high compared to the economy as a whole; thus in 2017 in Croatia it amounted 25%, and in 2018 - 24.9%.

Health Care and Social Welfare

In 2018, 4,555 legal entities were registered in health care and social welfare branch, out of which 2,777 were active, 788 were for-profit, and 1,989 were non-profit. Crafts and freelance occupations were performed by 5,149 persons (CBS, 2019). In 2018, an average of 95,357 persons were employed in legal entities of these branches, out of which 78.1% women and 21.9% men (CBS, 2020). According to the rank of employees in health care, predominant were health workers with secondary education (47%), doctors of medicine (25%) and health workers with college education (15%). The share of women employed in legal entities by level of vocational education in 2017 was the highest among secondary education (48.5%), followed by higher education (22.3%) and college education (15.9%). Among other groups, according to the level of vocational education, women are represented with less

than 10% (lower educated, highly skilled, skilled and half-skilled), and 4.8% among the unskilled (CBS, 2018). In 2018, women predominated among trainees for doctors of medicine (62.7%), doctors of medicine (71.9%), residents (68.2%) and medical specialists (60.1%) (CBS, 2020), which indicates further feminization of the medical profession. The data indicate structural differences in terms of the workforce in health and social care where, overall, women predominate, but there is segregation by occupation. The share of average monthly salary of women in the salary of men in legal entities in 2016 in these branches was 72%, and in 2018 - 72.9% (CBS, 2018a; 2020). According to Eurostat, the unadjusted gender pay gap in these branches in 2016 was 19.5% and 27.2% in 2018.

Manufacturing

Manufacturing industry consists of 20,756 registered legal entities, out of which 14,357 active. This industry branch almost in total consist of private businesses which in 2017 employed on average 213,019 persons, out of which 64.14% men and 35.86% women. The majority of women employed

in the manufacturing industry have a secondary education (54.2%), with no qualification 13.2%, with higher education 13.2%, and the qualified ones about 10% (CBS, 2018). According to Eurostat, the unadjusted gender pay gap by economic activity in the manufacturing industry in Croatia in 2017 and 2018 was 19.8% and 19.7%, respectively.

Statistics from the Labor Force Survey 2017 show that in all three industries there is a clear segregation by occupation, with "female" occupations receiving lower benefits. Men are predominantly better educated in all three industries, which can also have an impact on creating pay gaps between men and women. On average, men work longer than women in all three industries, while women generally have a higher share of fixed-term employees. Finally, indicators from the research on the structure of salaries show that the gender/age pay gap in the middle age group (30-49) is usually deeper, suggesting that parenthood is likely to play a key role in women's pay lag. Women employed in the manufacturing industry are in the worst position, given the level of income and other characteristics of this industry branch. The organizational culture

regarding gender equality in terms of facilitating the reconciliation of work and family life, understanding the problem of the gender pay gap and taking initiatives aimed at eliminating it, is poorly or not at all developed. This is, after all, in line with the fact that **there is a lack of public awareness that women are paid less than men on average and that there are no targeted initiatives at the policy level to address this problem.**

GENDER PENSION GAP

According to the data of the Croatian Bureau of Statistics for 2018, out of a total of 4,098,400 inhabitants of Croatia, as many as 833,300 were older than 65, which is 20.4%. The dominance of women is visible here as well, because out of the total number of women 23.5% are older than 65, while among men, who live shorter on average, the share is only 17.07%. This is an understandable consequence of the fact that the life expectancy of women is six years longer than that of men. **Therefore, every fifth man and every fourth woman in Croatia, is older than 65.** The fact that 26% of the population of Croatia are recipients of full pensions (pensions according to international agreements are excluded), i.e. 30.3% if we include the so-called incomplete pensions, is the proof that pensions are a significant source of income for a large part of the population. Thus, the share of pension recipients is 1.27 times, i.e. 1.49 times higher than their share in the total population.

The data show different rates of the pension gap for people aged 65+,

which was 38.2% in the EU-28 in 2013 and decreasing to 34.8% in 2017. In Croatia, this gap is lower compared to the EU-28 and in 2017 amounted to 25.3% (European Commission, 2019). It is important to mention that there are sources that cite different data due to different methodologies. Eurostat regularly publishes data on the annual gender pension gap according to the EU-SILC methodology from 2012; statistical sources on income are taken into account when calculating the gender pension gap for EU members, based on a subsample of a group of persons over the age of 65 who receive some type of old-age pension and family pension and/or pensions earned from private plans. Such a methodology was also used in the EIGE survey developed for the needs of the Latvian Presidency of the European Union in the first half of 2015 (EIGE, 2015).

We also tried to obtain data on the gender gap from domestic sources. To the direct request of the project team, the Croatian Pension Insurance Institution replied in February 2019 that they did not have data on the basis of which they could calculate the pension gap according to the EU-SILC methodology, while the Croatian Bureau of Statistics replied that they do not calculate gender

pension gap, nor do they have data on it. So, it is doubtful which source to use as a reliable one.

Data from the European Commission (2018) show that the gender pension gap in 2016 for the age group 65 to 79 varies from 1.8% in Estonia to 48.7% in Cyprus, while the average gap is 37.2%. A high gap is present in the Netherlands (45.4%), Malta (44.8%), Luxembourg (43.1%), Germany (42.1%) and Austria (40.6%), while the pension gap is lower than 20% in Estonia, Denmark (7.75%), Slovakia (8.12%), Czech Republic (13.4%), Hungary (15.2%), Lithuania (15.4%), Slovenia (15.8%) and Latvia (17.5%). The countries which also have a high gender pension gap are Poland (21.8%), Croatia (22.7%), Finland (23.7%), Romania (25.2%), Ireland (26.1%), Belgium (26.6%), Bulgaria (27.4%), Sweden (28.3%), Greece (28.4%), Portugal (32.6%), France (32.7%), Spain (33.8%) and Italy (36.8%). At the same time, the 2018 Annual Report of the Ombudsperson for Gender Equality states that the gender pension gap is 21.6%.⁸ The gender pension gap in Croatia, along with the gap in Poland, is the highest of all gender pension gaps in the new EU member states, namely

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⁸ <https://www.prs.hr/cms/post/8>

the former socialist countries where higher employment has affected the gap reduction. When the average of all countries in this group is calculated (16.76%), it is twice lower than in the remaining 17 countries (33.9%) that did not have the past of the socialist system. For the needs of this project, a group of pensioners, who would show the real pension situation and on the bases of which a gender pension gap in Croatia would have been calculated, was taken out from the total number of pensioners - 1,260,963 pensioners according to general regulations (Pension Insurance Act), international agreements and special regulations.

A part of pensions according to international agreements is excluded from the total number because they are not full pensions but mainly incomes based on additional length of service. After the exclusion of pensions acquired under international agreements, the number obtained were 1,063,458 pensioners who received pensions under general and special regulations on 31st of December 2018. An average pension for this group of pensioners is HRK 2,910.59. An average pension for 591,427 retired women was HRK 2,538.07, for 472,031 retired men HRK 3,377,32 and the gender gap was

24.9%. Thus, the calculation of the gender gap coincides with the EU-SILC calculation from 2010, when it was 25.8% for Croatia, but it is higher than for 2016, when, according to data submitted to Eurostat by the Croatian Bureau of Statistics, based on survey data, it amounted to 22.7% (amounts vary on methodology and sample). It can be assumed that the statistical official sample of the Croatian Bureau of Statistics did not include pensions acquired according to special regulations because these 175,167 pensioners who have more favorable conditions for obtaining a pension, are mainly male, and it significantly affect the final gender pension gap. Thus, the total gender gap according to this research in the group of 1,063,458 pensioners is 24.9%, which shows that retired women in Croatia are among the most discriminated against compared to other new members of the European Union. Based on the set sample, it is possible to monitor the trends of the gender pension gap in the coming years and in accordance with the EU-SILC methodology, when only pensioners over 65 years of age are taken into the sample (without those retired per special regulations, disability pensioners and early retirees), but the necessary computer programs in the Croatian

Pension Insurance Institution have not yet been prepared.

Pension system

Pension systems are the largest component of social protection and have been reformed over many years in line with different social goals. They ensure income maintenance after retirement, distribution of income to reduce age-related poverty, reduction of gender differences, encouragement of longer service in order to respond to the aging needs of the population and fair and effective cooperation with financial services.

The pension benefit system is based on uninterrupted participation in the labor market and lifelong full employment, and as such perpetuates the norm of a family breadwinner being a man (Frericks, Maier, 2008). Namely, pensions were originally designed with male workers in mind, while women were considered indirect beneficiaries whose pension and financial security requirements in old age stemmed from their marital status (European Commission, 2013).

There are two fundamental problems that have worsened the position of retired women. Namely, after some

countries switched from the public first pillars of intergenerational solidarity pension scheme to the second pillar pension savings or occupational pensions, this directly led to a reduction of women's pensions. Encouraging individual responsibility for old-age security and the privatization of pension systems definitely harms lower-income groups, such as women. Firmly linking the amount of the pension with the amount of paid contributions, without sufficient strong mechanisms of solidarity and redistribution, is detrimental to women's pensions. The consequence is that on every poor male pensioner, come two poor female pensioners.

The European Trade Union Confederation warned in 2016, after conducting research in 29 countries, that the gender pension gap will widen even more in countries that have accepted the private and mandatory second pillar of pension capitalized savings, because such a pillar has no elements of solidarity and redistributiveness and it does not compensate for periods of maternity and parental leave or other forms of care, nor does it have an instrument of a minimum pension. Therefore, it is not surprising that the poverty rate of older women is higher than that of older men, especially in EU

Member States where a pension scheme that equates benefits with life earnings and contributions is dominant. Such a scheme, due to the underdeveloped and affordable social services, puts women caring for children and elderly family members at a disadvantage because they have interrupted careers, while the part-time work or some other form of precarious work reduces their living earnings. Longer life expectancy of women compared to men means that inflation reduces their pensions even more, if indexation is inadequate. Thus, women over the age of 75 are at the highest risk of poverty - twice as much as men.

Furthermore, in order to narrow the gender pension gap, it is necessary to take a number of measures in the field of employment, i.e. in the active working age. Women must achieve economic independence and reach a work activity rate of 75%. Governments must develop social and fiscal policies that will not rest on one "breadwinner" families, but stimulate the work of both men and women in the family. Women make up the majority of those who are employed in the so-called flexible jobs. Work per flexible-term contracts or part-time work, low salaries and lower quality jobs

characterize women's work. Just as in Croatia, a part-time work is a fundamental form of precarious work, and the cause of the increased gap pay and pension gaps, so part-time work is the fundamental reason for the high pension gap in Germany and the Netherlands, Austria and Luxembourg (because in these countries 30 up to 70% of women work part-time).

There is also the problem of low employment rates of women and the lack of credit (compensation) mechanisms for the unpaid care work. The privatization of the pension system is also a well-known and crucial reason. According to surveys conducted by women's union groups in Croatia in 2008, married women have significantly lower pensions, as do those with more children. As governments seek to reduce budget costs, they cut social security benefits and redistributive elements of pension systems, such as reducing or abolishing minimum pensions.

It is necessary, therefore, to ensure with laws, regulations, collective agreements, etc. a good education for young people, good quality and safe jobs, as little part-time work as possible, socially developed system of care for children and the

elderly and to combat various forms of discrimination against women, especially in childbearing age when they are threatened with dismissal from work if they become pregnant.

It is also necessary to take a number of measures within the pension system itself. In the first place, it is the introduction of a minimum guaranteed pension that will not be directly dependent on the number of years of service and contributions paid. Also, it is expected that the unpaid work of women and social services they provide in the community will finally be recognized in pension systems, thus preventing their impoverishment. Compensation for such periods of work is necessary and many states have begun to express this share of work in their budgets.

The first public pension pillar scheme benefits women, while the second pension pillar scheme of capitalized savings directly harms women and exposes them to poverty. It is also necessary to have good quality models of adjustment (indexation) of pensions that affect the reduction of the gender pension gap and to strengthen solidarity systems.

Redistributive elements in the pension formula are important because they contribute to the

recognition of average salaries for certain periods of unemployment, even though the contributions have not been paid. An important instrument is childcare benefits, which vary among EU members - from three months in Belgium to three years in Germany. Unfortunately, care allowances for elderly family members are not yet widespread in Europe, but are only envisaged in Germany and Finland. For the first time, Croatia introduced from January 1, 2019, six months of additional work service per child, but only for new retirees, which is very modest compared to most European countries (Germany, for example, introduced 2.5 years of work service per child, retroactively for all and without conditioning prior work service).

The right to an old-age pension is acquired by the insured person when he/she reaches the age of 65 and has 15 years of pensionable service (Article 33 of the Pension Insurance Act). The old-age pension from the first pillar scheme is realized from the age of 65 (men) or 62 years and 6 months (women) in 2020 and at least 15 years of pensionable service. The intention is that by 2030, the retirement age for women and men will be equalized. When it comes to early old-age pension, it can be

achieved when a man reaches the age of 60 and has at least 35 years of pensionable service. In 2020, women can receive early retirement at the age of 57 years and 6 months and at least 32 years and 6 months of pensionable service. As can be seen, the conditions for achieving old-age and early old-age pensions are more favorable for women, but this will be equalized by 2030. This conditional advantage of women being able to retire earlier than men, in order to be able to perform various social services in the family, actually contributes to the reduction of their pensions.

Pension reforms are a common factor influencing the gender gap. For example, the method of calculating pensions valid from January 1, 1999, is less favorable for most users, and especially for women. Namely, from January 1, 1999, the accounting period, which includes salaries for determining the pension, includes the entire length of service, including those periods spent on maternity and/or parental leave, i.e. less favorable years with salary compensations that are regularly lower than the salary itself. Until December 31, 1998 the basis for determining the pension were ten most favorable years. The difference in the amounts of pensions of

these two groups of pensioners is significant. So with January 1, 2019, the average pension of beneficiaries who exercised the right to a pension until December 31, 1998, (without beneficiaries based on international agreements) was HRK 2,876.74, and for those who exercised this right after January 1, 1999, it was HRK 2,608.63, with a visible decline in all pensions and a difference of 9.32%. It is interesting that with the decline of all pensions, there is an apparent reduction of the gender pension gap, because the gap in the group of pensioners retiring until December 31, 1998, was 22%, and in the group of retirees from January 1, 1999 - 20.5%.

Increasing female poverty rate

The criterion considered when assessing the exposure of the elderly to poverty is the rate of the population at the age 65+ who receive any type of pension. According to the available sources (Croatian Bureau of Statistics and Croatian Pension Insurance Institution) there are no official data on the share of persons over 65 who are not covered by the pension scheme. However, the *UNDP Quality of Life Survey* from 2006 mentions

that the rate of those not covered by pensions in the population at the age 65+ was 12.4%, of which 95% were women. According to the *Pension Adequacy Report* from 2018, and with a reference to SHARE surveys from 2015, the rate of men not covered with pensions was 17.2% and women 19.3%, which is a difference of 2.1%.

When it comes to coverage by old-age pensions, Croatia, along with Spain, is the most endangered, because the coverage rate is 64% (Ombudswoman of the Republic of Croatia, 2019: 90). However, according to the explanation of the Croatian Pension Insurance Institution, this information is a consequence of the fact that disability pensions were not "translated" into old age pensions when the beneficiary turn 65 years of age (ESSPROS methodology).

The risk of poverty and social exclusion for the elderly is higher than for the total population. According to Eurostat, in 2019 it was 33.6% for people over 65, out of which for men 28.3% and for women 33.6%. When it comes to the age group 75+, the risk poverty rate is 37.8%, out of which 28% for men and 43.4% for women. The poverty rate for those at the age 65+ in single

households was 50.3%, but the Croatian Bureau of Statistics does not have data on gender differences for the elderly.

The Croatian poverty line is determined at the beginning of each September by the Croatian Bureau of Statistics, based on a survey sample. In 2019, it amounted to HRK 2,321, while the median pension of all groups (excluding pensioners according to international agreements) was HRK 2,314.91, so the poverty line is equal to the median (1.13 times), which means that 50% of pensioners, who receive a full pension under general and special regulations (without international agreements under which partial pensions are mostly realized), are below the poverty line.

When only pensions acquired according to general regulations and international agreements are taken into account, the average pension in January 2019 was only HRK 2,407.10, and the median was HRK 2,210.87, which means that more than half of pensioners are below the line of poverty. The extent of poverty is also indicated by the data on the persistent decrease in the relative value of pensions, i.e. the share of the average general net pension in the average net salary (in

January 2019 - HRK 6,400), which decreased from the international standard of 40%⁹ to only 37.6%. Thus, the value of the Croatian pension in relation to the salary has significantly lost its real value and is the lowest of all countries in the region.¹⁰ Croatia, in addition, has a share of only 29% in the average gross salary, making it the worst behind the UK.

For the needs of this project, on the above-mentioned number of 1,063,458 pensioners, it was calculated that the average women's pension on December 31, 2018, amounts to HRK 2,538.07, which indicates that it is almost equal to the poverty line (1.09 times), while the average male pension of HRK 3,377.32 is 1.46 times higher than the poverty line. And that figure confirms how much poorer retired women are than retired men.

There are 517,988 pensioners who have a pension below the poverty line (HRK 2,321), out of which 68.37% are women, while among 53,285 pensioners with pensions of more than HRK 6,000, as many as 71.5% are men. The share of women in the total sample of all pensioners

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⁹ *International Convention no.102, ILO*

¹⁰ *Bulletin Glas umirovljenika (Voice of the Pensioners), no. 255/2018*

is 55.61%, and men 44.39%, which shows that women are placed in the lowest class and that there are two poor women per one poor man. It is obvious that the feminization of poverty in older age groups dominates in Croatia.

Until December 31, 1998, there was a category of minimum pension which, to some extent, guaranteed survival at the Croatian poverty line, while on January 1, 1999, the institute of the lowest pension was introduced, which is closely linked to the length of service. In addition, the lowest pension introduced was calculated at about 47% lesser value, and in addition, the value unit of was reduced by 3.13% for the calculation of the lowest pension. The average value of a pension for one year of pensionable service from January 1, 2019, is HRK 66.35, however, for the calculation of the lowest pension only it is HRK 64.34.

For retired persons before December 31, 1998, 12,834 pensioners received the minimum pension, out of which 11,188 (89.03%) were women, and for those retired after January 1, 1999, as many as 216,924 pensioners received the lowest pension, out of which 68.32% were women. When we add up the minimum and the lowest pension, we

talk about 229,758 pensioners who would have a much lower pension if it were not for a social instrument which at least guarantees HRK 64.34 per year of service. As this is a group that does not include pensions according to special regulations, but only acquired on the basis of work, it follows that as many as 23.67% of all pensioners (excluding privileged) receive only the lowest pensions and that most of them are women. In conclusion, every sixth female pensioner and every fourteenth man receives the lowest/minimum pension.

It is expected that in the area of the lowest pensions, an illusory, i.e. a false gender equality is created, because pensions are compressed around low values and in a very narrow range, so the average male minimum pension is HRK 1,766.97, and the lowest women's pension is HRK 1,670.48. The gender gap regarding the lowest pensions is very small, amounting to only 5.4%, to the detriment of women, although they have almost the same average years of service of 26 years.

BALANCING WORK AND FAMILY RESPONSIBILITIES

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The gender pay gap is closely linked to the problems of balancing work and family responsibilities. In most EU countries, balancing motherhood and labor market participation is hampered by cultural factors (acceptance of traditional gender roles), lower representation of men in private family and household responsibilities and structural barriers involving public childcare, labor market rigidity and inability to achieve flexibility in working hours (Eurofound, 2018: 18). These factors are firmly linked to an underdeveloped awareness of the importance of adjustment of policies and a lack of political will to introduce changes (Bertek and Dobrotić, 2016: 15). Surveys at the level of all EU countries show that the majority of workers in 2015 (80% of men and 84% of women) stated that their workload fits well or very well with family and social obligations outside work (Eurofound, 2018: 9).

The incompatibility of working hours and private obligations is more reported by men, so it was the same in the Republic of Croatia (about 30% of men and about 20% of women) for the period 2005-2015. The reason for this is that men usually work longer hours than women. Balancing work and private life is the most difficult for women who live with a partner and have a child less than 7 years of age and for men who have a child between 7 and 12 years of age. Even more difficulties in the adjustment of working hours and private life are also reported by single mothers, men who live in a couple and have children, and women who take care of other members of the household. In terms of activities, the lowest compliance is reported by the employees in transportation, trade and health care, and the highest in the public sector, education, public administration and financial services (Eurofound, 2018: 11).

Croatia is one of the countries with an average working time of 39.5 hours per week. Both men and women work full-time and only 6.9% of women who work part-time use this work opportunity to devote themselves to caring for children or elderly dependent family members (Dobrotić, 2017). There are no significant differences in the use of

sick leave and vacations between men and women (Dobrotić, Matković and Zrinščak, 2013). The Republic of Croatia is one of the countries with a small gap in paid work between women and men, but a large gap in unpaid work: **men do less than 10 hours of unpaid work per week on average, and women almost 25 hours** (Eurofound, 2018: 23). Opportunities for contracting working hours in the Republic of Croatia do not exist, nor does a social dialogue which enables negotiations on working hours at the level of sectors or companies. What can be noticed for now is that the share of workers working from home is slightly increasing in the Republic of Croatia (Eurofound, 2018: 33), although researches show that working from home is not necessarily associated with greater harmonization of work and private life. In most EU countries, including the Republic of Croatia, there is an insufficient systematic care for people who cannot take care of themselves. In families where such persons exist, care is most often taken by women, and it is not uncommon for them to leave the labor market as a result.

Research on the position of pregnant women and mothers of young children shows that women

are extremely aware of the fact that the responsibility for caring for children is on them, so they expect only partial help from their partners (PRS, 2012). Although 77.3% of those included in the research believe that their partner would take full or partial care of the children to help them balance work and family responsibilities, only 39% of them asked for and received this type of help while 40.3% of them have never asked for help from a partner, and only 34% of them believe that their partners would help them more. This research not only suggests that the distribution of child care in Croatian families is gender based, but that women internalize, practice and maintain such gender inequality, which ultimately has disastrous consequences for their participation in the labor market and their career choices and thus also for the (in) equality of opportunities on the labor market.

Policies for balancing work and family responsibilities in the European Union

The European Union bases its policy of work-life balance primarily on the idea of reducing gender inequality in the labor market and creating conditions that would encourage greater participation of women in paid work. In this sense, three basic directives should be emphasized: the European Commission's Maternity Leave Directive of 1992, the Council of the European Union's Parental Leave Directive of 2010, and Directive 2019/1158 of the European Parliament and of the Council of June 20, 2019, on the work-life balance of parents and carers and repealing Council Directive 2010/18/EU.

The 1992 Maternity Leave Directive establishes the fundamental rights of all women before and after pregnancy, prescribing a minimum duration of maternity leave of 14 weeks, of which two weeks must be before childbirth. That period, according to the 2008 Directive proposal, should be extended to 18 weeks, of which a minimum of 6 weeks should be before childbirth and with full pay, but the Commission withdrew that

proposal in 2015, launching a new initiative to harmonize work and private life. The 2010 Parental Leave Directive replaced the 1996 Council of the European Union Directive, prescribing the right of every parent to a leave for at least 4 months due to the birth or adoption of a child, equal treatment for men and women regardless of the type of employment contract, their right to return to work at the end of leave and prohibition of discrimination on the grounds of parenthood. However, it did not impose any obligations on financial benefits for parental leave and left it to the Member States and the social partners to define more detailed conditions (Eurofound, 2018). Furthermore, at EU level, such a legal framework contained limited provisions related to men (for example, it did not prescribe father's leave or a leave to care for sick or functionally dependent family members) (PRS, 2018: 72).

The new initiative to balance work and private life is based on Principle 9 of the European Pillar of Social Rights, which guarantees parents and guardians the right to adequate leave, flexible working conditions and access to care services. The initiative resulted in the proposal and adoption of a new Directive on work-life balance of parents and carers and

repealing Council Directive 2010/18/EU (Parental Leave Directive), adopted in 2019 by the European Parliament and the Council. EU Member States must transpose the provisions of the directive into national laws by August 2, 2022. With several new measures, this directive seeks to create better conditions for balancing work and family responsibilities with the aim of reducing the gap between men and women in terms of employment, salaries and pensions. These measures include: prescribing a European minimum standard of ten working days of father's leave on the occasion of the birth of a child (with financial compensation at the level of sick leave at the least); further strengthening of the existing right to four months of parental leave (with at least two months non-transferable and paid, with payments determined by national governments so as to facilitate the use of parental leave for both parents); introduction of a new right of five working days of leave for caregivers per year (with payment to be decided by national governments); recommendations to governments to ensure an adequate level of parental leave benefit (at least at the level of sick pay); strengthening the right of parents of children up to 8 years of

age and all caregivers to seek flexible working conditions (reduction of working hours, flexible working hours, flexibility of the workplace); the introduction of an obligation for the European Commission to closely monitor the implementation of the directive which requires national governments to collect data on the use of leave and flexible working conditions. Other measures set out in the initiative that gave rise to this proposal for a directive include insurance against discrimination and dismissal of parents, especially pregnant women and workers returning to work from maternity and parental leave, and carers, encouraging gender-balanced use of family leave and flexible working arrangements, improving formal care services using European funds and eliminating negative economic factors for the work of persons receiving other income in the household. The Government of the Republic of Croatia has supported the directive in question and plans to adopt a new regulation in the field of maternity and parental benefits, which is harmonized with it, although there are no indications yet about the deadline for the adoption of this regulation.

In addition to the above directive, there are others which aim to

establish a balance between the sphere of work and private life. Thus, the Working Time Directive, although limited in scope, limits the average working time to a maximum of 48 hours per week, as well as the length of night work, and provides adequate rest time between working days. Furthermore, the Part-Time Work Directive seeks to facilitate the practice of voluntary part-time work, improve the quality of such work and eliminate discrimination against part-time workers. Finally, at the same time as the Directive on the reconciliation of business and private life, the Directive on transparent and predictable working conditions was proposed, which was adopted by the European Parliament and the Council in 2019. *Directive (EU) 2019/1152 on transparent and predictable working conditions in the European Union* contains revised obligations of employers on timely notification of employees about the workplace, type of work, working hours, income, and duration of paid annual leave or leave. One of the novelties is that if the employee's work schedule is unpredictable, the employer must still specify in advance the approximate period in which the employee can be required to work. In this way, workers have greater

predictability of their working hours - which is an important element in the organization of work and private life. One of the significant initiatives at EU level, which should be mentioned in this context because of its significant effect on facilitating the balancing of work and family life, are the "Barcelona targets". In line with these targets, EU members were required to provide 90% of quality and affordable childcare facilities for children at the age of 3 to compulsory school age, and 33% of such facilities for children less than 3 years of age by 2010. These targets remain a priority at EU level, as evidenced by the Lisbon Strategy and the Europe 2020 Strategy, as care obligations are the main reason for women's low participation in the labor market and the associated significant economic losses. From the above, it can be seen that the availability of quality childcare facilities, flexible working conditions and an appropriate system of family leave are considered key to achieving a balance between work obligations and the lives of men and women at the European Union level.

Instruments and measures aimed at balancing work and family obligations in Croatia

Instruments and measures aimed at balancing work and family responsibilities are very broad, so that this spectrum includes many aspects of work and family life: parental leave with workplace protection, flexible working hours, protection at work, tax relief for dependent family members, family-oriented benefits, pre-school and school services, registered childcare and parenting support, services for dependent family members and the promotion of gender equality (Bertek and Dobrotić, 2016: 17).

Leaves intended for child care most often include maternity leave (the first 6 months of a child's life) and parental leave (after the child reaches the age of 6 months). In the context of work-life balance policies, they are one of the most important instruments (Bertek and Dobrotić 2016). Maternity and parental leave in Croatia are regulated by the Maternity and Parental Benefits Act.¹¹ Maternity leave is much longer

¹¹ Official Gazette, no. 85/08, 110/08, 34/11, 54/13, 152/14, 59/17 i 37/20

given the minimum prescribed standards of Council Directive 92/85/EEC and other EU countries (average duration 23 weeks (Schulze and Gergorić, 2015)), and is defined as the right of an employed and self-employed mother which includes, in addition to compulsory, additional maternity leave, which the mother may transfer to the father of the child in full or for a limited period of time. The maternity and parental leave scheme is more in favor of working parents and families with both parents (e.g., two-month quotas for fathers can only be used by employed parents). Such a conclusion is supported by the financial benefits paid during maternity and parental leave. It should also be noted that parental leave was extremely poorly paid because the amount of compensation was not indexed to the cost of living (Bertek and Dobrotić 2016: 51), so the share of parental benefit in the average net salary fell from 38-60% in 2004 to 30- 48% in 2014 (Dobrotić, 2014). The amount of compensation in recent years has increased so that in 2020 its maximum amount for employed and self-employed parents would increase to HRK 5,654.20 per month, which is in the amount of the median salary, which in 2019 amounted to HRK 5,569 and is still

below the average net salary, which in 2019 amounted to HRK 6,457. Although there is no father's leave in the Republic of Croatia, fathers have had the individual right to use the leave since 2009. Since 2013, the individual right of the father to parental leave is four months (Dobrotić and Varga 2018: 228). The data show that the use of leave is in line with gender division: maternity leave up to 6 months of age was used by 0.31% of men in 2017, 0.28% in 2018 and 0.26% in 2019, parental leave after 6 months of age of the child - 4.47% of men in 2017, 7.55% in 2018 and 8.71% in 2019 (PRS, 2018; 2020). There is a **noticeable increase in the use of parental leave by fathers**, which could be associated with an increase in compensation for the use of parental leave, but the fact remains that the percentages of use by fathers are still very low, which places **the Republic of Croatia among EU member states in which the maternity and parental benefits are the least used by men (fathers)**. The reason for such low percentages of both leaves can be seen in various factors: from the quota system which extended the total duration of parental leave, the working status of the mother who must be employed in order for the father to

use the leave, the principle of non-transferability of leave which exist only for the birth of the first and the second child, but also because of the parental benefit which until 2020 was significantly below the average net salary in Croatia. The gender pay gap should also be taken into account. In addition, the traditionalism of employers is not in favor of men who decide to take a leave (Dobrotić and Varga, 2018). Several studies have pointed to the fact that attitudes towards gender roles are one of the main reasons why there has been no more egalitarian use of parental leave. Approximately 49% of men and women believe that it is the mother's duty to use the leave for the entire duration, 27% believe that the father should use only a small part of the leave and the mother the majority of it, while approximately 24% of men and women believe that the leave should be equally shared (Jugović, 2016). Furthermore, two-thirds of men and women believe that when it comes to arranging family and working in families with a preschool child, it is most desirable for the mother to stay at home caring for the child or working part-time (Maskalan, 2016). In practice, these numbers are even more devastating, so that, for example, every fifth mother with a child under school age

stayed at home, while only 2.4% of men did the same. 95.3% of men and 70.2% of women with a child under school age were employed full-time (Maskalan, 2016). *The Law on Maternity and Parental Benefits for Parents* in the labor market has the following measures: free working day for prenatal examination, breastfeeding break, leave of a pregnant worker, worker who has given birth, worker breastfeeding a child, part-time work up to the 3rd year of child's life and suspension of employment until the 3rd year of the child's life. In addition, the Labor Act offers the possibility of using seven days of paid leave for important personal needs such as marriage, childbirth, serious illness of a close family member, etc. (Bertek and Dobrotić 2016). Despite the existence of these measures, research shows that it is difficult for women to exercise their rights (PRS, 2015).

Protection at the workplace is regulated by the Labor Law¹², which prohibits unequal treatment of pregnant women, women who have given birth or who are breastfeeding. The same law prohibits direct or indirect discrimination in the field of work and working conditions

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¹² Official Gazette, no. 93/14, 127/17 i 98/19

and in relation to employment and promotion conditions, vocational guidance, vocational training and advanced training and retraining. In practice, although not legally permitted, at job interviews women and men face questions about plans to start a family (13% of men and 33% of women were asked these questions), and more often than men women experience offensive comments in the workplace (33%) and sexual harassment (21%) (Bertek and Dobrotić, 2016).

In the Republic of Croatia, there are four types of family oriented benefits: financial benefits for the birth of a child (regulated by the *Maternity and Parental Benefits Act*¹³), child allowance and pronatality allowance (regulated by the *Child Allowance Act*¹⁴) and tax relief (regulated by the Income Tax Act¹⁵). In recent years, there has been a shift in the issue of family oriented financial benefits. This primarily refers to increasing tax benefits, raising the income threshold for child allowance to 70% of the budget base, which increases the number of

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¹³ Official Gazette, no. 85/08, 110/08, 34/11, 54/13, 152/14, 59/17 i 37/20

¹⁴ Official Gazette, no. 94/01, 138/06, 107/07, 37/08, 61/11, 112/12, 82/15, 58/18

¹⁵ Official Gazette, no. 115/16, 106/18, 121/19 i 32/20

beneficiaries of this measure, and extending the rights of children attending a five-year high school program. However, the measures of family-oriented financial benefits and tax relief are not crucial in the context of balancing work and family life (Bertek and Dobrotić 2016: 63). It could be said that the goals of these measures in Croatia are more demographic in nature, like most family policy reforms in the last twenty years.

Unlike previous measures, preschool education services are crucial for women's participation in the labor market, but it seems that at the level of public policies in Croatia their multiple advantages are not recognized (Dobrotić, Matković and Baran, 2010; Bertek and Dobrotić, 2016). Preschool education (regulated by the *Law on Preschool Education*¹⁶) is an integral part of the system of education and care for children and forms the initial level of the educational system in which three programs are organized: nursery (for children up to the age of three), kindergarten (for children from the age of three until starting school) and preschool program (one year before starting school).

Data on the number of kindergartens and other legal entities that implement preschool education programs show an increasing trend in the total number of kindergartens and children attending them. Thus, in the period 2014-2018 their total number increased from 1,562 to 1,715, in all forms of ownership (state, private and religious). The number of children attending them increased from 131,037 in 2014 to 139,228 in 2018 (CBS, 2018). The method of determining the benefits at the enrollment of children indicates that preschool education programs are primarily intended for employed parents, which means that children of unemployed or economically inactive parents have significantly more difficult access to these services, which is further complicated by the prices of programs and indirect costs. Lower-income families with one or both unemployed parents have limited access to the preschool system, especially in municipalities and cities whose subsidies are not generous. In such a situation, parents, who do not have access or have difficult access to preschool services due to their own unemployment, are not inclined to become economically active and actively look for work (Hazl et al. 2011). The system of pre-school

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¹⁶ Official Gazette, no. 10/97, 107/07, 94/13, 98/19

education is characterized by a general lack of resources and excessive responsibility of educators; insufficient/unequal capacities of public kindergartens (especially in cities); differences in prices of public and private kindergartens; insufficient or poor inclusion of children with disabilities; uneven arrangement of space and equipment with didactic toys; lack of on-call duty, shifts and work on weekends and lack of assistance to parents in organizing transport to kindergarten (Bertek and Dobrotić, 2016). In addition, Croatia is one of the 11 EU member states that have not reached the "Barcelona targets", according to which 33% of children under 3 and 90% of children up to school age should be covered by nursery or kindergarten programs. Comparatively, Croatia is among the countries with the lowest percentage of children enrolled in pre-school programs, especially in the category of children from 3 years of age to the age for starting compulsory education (EU-SILC). In 2016, 15.7% of children less than 3 years of age in Croatia were covered by nursery programs and only 51.3% of children from 3 years of age to school age.

The biggest regional differences concerning policies of balancing work and family life in the Republic of Croatia are in financial benefits for newborns, in the introduction of the category of "parents educators" in the City of Zagreb and, most importantly, in stubborn differences in availability, affordability and quality of preschool services of upbringing and education. As expected, these differences are conditioned primarily by the financial capabilities of municipalities and cities. The City of Zagreb, besides standing out for significant financial allocations for every third newborn child in the family, at the end of 2016 introduced the category of "parents educators" as a new measure of pronatality policy. According to this measure, an unemployed parent with three or more children, at least one of whom is of preschool age, is entitled to receive a monthly allowance from the City of Zagreb. Although this measure is extremely attractive to parents of low socio-economic status and those who are in a precarious position in the labor market, as more women than men are in this position, it can further adversely affect women's economic activity and permanently deter them from participation in the labor market and thus put at greater risk

of poverty in old age. Given that local and regional self-government units finance the preschool education services from their budgets, there are large differences between counties, cities and municipalities in regard to the rates of children included in the programme as well as in prices, quality and adaptation of facilities and services which should fulfill the parental needs for formal child care. For example, nursery programs at the county level vary from 4.7% in Virovitičko-Podravska County to 38.6% in the City of Zagreb. Furthermore, the average coverage of kindergarten programs in Croatia was 63% in 2011. At the regional level, the City of Zagreb stands out again with the highest coverage rate of 91.1%, followed by the County of Istria (74.4%), the Primorsko-goranska County (72.8%), and the Splitsko-Dalmatinska and Šibensko-kninska counties (60.7%). Brodsko-Posavska County (17.4%), Požeško-Slavonska County (24.3%) and Vukovarsko-Srijemska County have the lowest coverage rates with 24.9% (Bertek i Dobrotić, 2016).

In the Republic of Croatia, there is also a low level of care for the elderly because public accommodation capacities are insufficient, while private accommodation capacities are significantly more expensive

than the average amount of pensions, so the financial burden of accommodation for the elderly is transferred to the family. Furthermore, there is an absence of services related to the specific needs of users, the quality of care is insufficient and there is fragmentation and, more importantly, non-transparency of the system (Dobrotić, 2016). The Republic of Croatia has insufficiently developed schemes for persons caring for dependent family members. Moreover, reforms in the last twenty years mainly seek to reduce the role of the state and introduce market elements into the system, which is characterized by individualization and professionalization (Dobrotić, 2016).

Transition to parenthood and penalization of motherhood in the labor market

There are significant differences in the employment rates for women without children and women who have children, and among women with children. Mothers' employment rates increase with the age of their children, which means that mothers of children in nursery age, after using paid maternity and parental leave, have the lowest employment rate (Dobrotić, Matković and Zrinščak, 2013). In terms of the gender gap in employment rates, Croatia belongs to the group of European countries with a smaller gap, with a tendency of increasing employment gap between men and women in case of an increase in the number of children, which means that women's employment rates are significantly lower (Dobrotić, 2017). The chances of a woman becoming unemployed or economically inactive increase by 25 and 45% for each subsequent child (Gelo, Smolić and Strmota, 2011).

Public perception and practice that women generally use maternity and parental leave in their entirety and

that they are more likely to use sick leave in the event of a child's illness results in discriminatory practices by employers towards women. These discriminatory practices have been noted in various studies (Galić and Nikodem, 2009; PRS, 2012; CESI, 2014) and regular annual reports of the Ombudsperson for Gender Equality, which point out that most official complaints come from the field of labor and employment. These complaints are usually related to the discriminatory attitude of employers towards mothers based on their pregnancy, motherhood and parenthood. A survey of the position of pregnant women and mothers of young children shows that 40% of women who were pregnant at some point in their employment or job search were exposed to unfavorable treatment by the employer due to their pregnancy, i.e. the use of maternity rights. 41.2% of them who participated in the labor market while at the same time had to take care of children older than 1 year believe that the employer treated them unfavorably because of their obligations to children. Out of the participants who experienced gender discrimination based on their pregnancy or obligations to children, most of them faced the practice of not renewing their employment

contracts (34.1%), dismissal (21.2%), transfer to a worse job (16.4%), reduction in salary (14.6%) and denying promotion to a better position (9.7%). Regarding the behavior of employers during job interviews, 69% of respondents testified that employers asked them questions related to pregnancy plans, while 21% of them, whose pregnancy the employer was aware of, experienced questions about pregnancy and plans around

maternity leave (PRS, 2012). **Single mothers**, who according to the 2011 census make up **84% of all single-parent families in the country**, face unemployment problems (the employment rate of adults with children in 2014 was 9 percentage points lower than the employment rate of adults living as a couple and having children - 68.4% compared to 77.6%), and housing and insufficient protection in the labor market (Pećnik, 2015).

EDUCATION AND GENDER EQUALITY

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Women's inequality in the labor market is inseparable from gender inequality in education (Blackmore, 2001). The education system participates in various ways in the (re)production of gender inequality: with employment policy, election procedures for managerial positions in school, educational programs, teaching materials (textbooks), access to education (school enrollment procedures), school ethos or school culture, teacher-student relationship, evaluation of students, etc. (Baranović, 2011). When it comes to education, it has been recognized that the employment of men and women, the amount of their salaries, and then the gender gap between them are most significantly influenced by two factors: access to education and type of education (Baranović, 2011). Since today in the Republic of Croatia men and women are educated at the primary and secondary school levels in equal proportions and at the higher education level women even predominate, access to education

is no longer a factor that can be considered relevant to explain the pay gap. Moreover, women in Croatia and in most European labor markets on average have a higher level of education than men, which is mainly transferred to their higher salaries. This makes a negative contribution to the unadjusted gender pay gap (Leythienne and Ronkowski, 2018). Although women's education directly affects the amount of their salaries, the same cannot be said for their increased participation in the labor market, since only 61% of working women are employed in the Republic of Croatia, compared to 71% of men (World Bank, 2019).

What is still determined as a significant factor that is directly related to the poorer position of women in the labor market, and then with the pay gap, is the segregation of occupations into "male" and "female" preceded by educational segregation, i.e. the establishment of gender differences in educational achievements, motivation, professional aspirations and choices? Educational segregation directs men and women towards different occupations, of which "female" ones are traditionally lower valorized and then paid. Also, their concentration on certain educational programs distances women from highly

prestigious professions (Baranović, 2011; Moreau, Osgood and Halsall, 2008). In the Republic of Croatia, women lag significantly behind men when it comes to the number of graduates in STEM fields, especially in construction, engineering and information and communication technologies. On the other hand, they predominate in the areas related to the education of educators and teachers, social sciences, humanities and the sciences of education, social welfare and health.

Gender segregation is deeply rooted in education systems and occupations across the EU. One of the most important ways to solve this problem is to diversify the choice of occupation by encouraging women to pursue non-traditional occupations, especially in the field of science and technology, and by encouraging men to seek employment in the social sector. This diversification is primarily ensured through the education system. In order for the education system to be a good medium for the desired change, interventions are needed in the system itself, which often inherits and promotes inherited gender stereotypes from family homes. Gender stereotypes lead to different expectations of men and women, boys and girls

regarding their skills, traits and self-perceptions, and are passed on to children from birth by parents, teachers, peers, the media and other socialization agents (Kollmayer, Schober and Spiel, 2018).

In recent decades, there has been a significant increase in the education of men and women. According to Eurostat data from 2017, 20.6% of the population of the Republic of Croatia at the age 15 to 64 were highly educated (17.7% of men and 23.4% of women), while the share of those with completed primary school (or less) was 19.9% (18.1% men and 21.7% women).¹⁷ Although the number of highly educated men and women in the Republic of Croatia has been increasing in recent decades, it still lags behind the European average of 26.3% (EIGE, 2017). Although the share of highly educated women is higher than that of men, more than one fifth of Croatian women have only primary education (or lower).

Data on participation in Croatian primary and secondary education indicate equal representation of male and female students. The average enrollment rate for boys and girls in primary school is 87%, which is 10 percentage points lower than

¹⁷ Eurostat, edat_ifse_03

the EU average (World Bank, 2019). The average enrollment rate in high school is 89% for boys and 92% for girls, which corresponds to the European average. Enrollment rates at higher education institutions in the Republic of Croatia are as high as 78% for women and 57% for men. 49% more women than men complete tertiary education (World Bank, 2019). In recent decades, women in the Republic of Croatia have been graduating, to a greater extent, from higher education institutions, and since the end of 2000 they have been leading in the number of master's degrees, completed postgraduate specialist university studies and doctorates. In 2017, 59.7% of women and 40.3% of men graduated from higher education institutions in the Republic of Croatia. In the same year, 60.4% of women and 39.6% of men obtained a master's degree, i.e. completed a postgraduate university specialist study, and 55.4% of women and 44.6% of men received a doctorate (CBS, 2019a).

Significant differences in education between men and women exist in the choice of high schools and universities. These differences in the types of secondary schools are observed with regard to high schools and art schools, which are mostly

chosen by women and industrial and craft schools, which are mostly chosen by men, and which significantly hinder or completely prevent further education in higher education institutions.

Thus, for example, in the school year 2017/2018, 62.3% of women compared to 37.7% of men completed high school, 72.8% of women to 27.2% of men art school and 34.4% of women to 65.6% of men industrial/craft secondary school (CBS, 2019a). The percentage of male and female students in certain types of high schools in the last decade shows a stable maintenance of gender segregation. A more precise analysis of gender distribution in secondary industrial and craft schools with respect to the field of education also shows clear gender segregation. Men thus dominate in schools where they are educated in mechanical engineering, electrical engineering, road traffic, construction and geodesy, and woodworking, while women are mostly in schools for textile processing and personal services (CBS, 2018b). As far as technical and related schools are concerned, men and women enroll in equal proportions, but when choosing the type of school there is again a clear polarization: men

enroll in mechanical engineering, shipbuilding, electrical engineering, forestry and wood processing, while women enroll in economics, health and textiles (CBS, 2018b). Similar segregation is observed in the choice of studies, so women to a much greater extent complete studies that cover the following fields of education - education of teachers, science of education, art, humanities, social sciences, business and administration, law, biological sciences, mathematics and statistics, manufacturing and processing, health, and social welfare services, while men are increasingly enrolling in studies related to computing, engineering and engineering, transportation services, and protection services (CBS, 2015). Women today, to a greater extent than men, obtain master's degrees and complete postgraduate university studies in almost all fields of education except in the field of technical sciences, where their share in the last 15 years ranges from 12 to 45%. The largest share of women in this period is in the natural sciences (ranging from 58.3 to 100%). As in the case of completed master's and postgraduate specialist studies, women are more likely than men to obtain doctorates in all fields except technical sciences, where their share

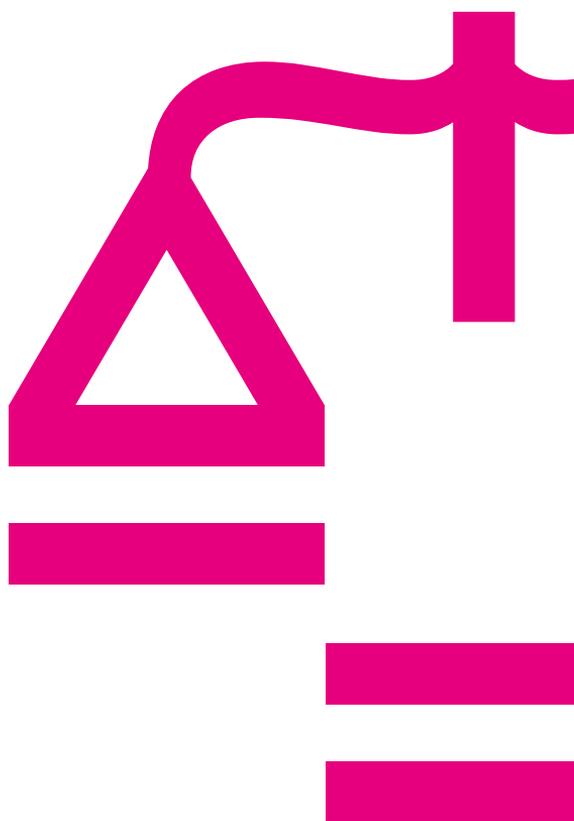
has ranged from 19.7 to 33.8% in the last 15 years. The largest share of women is in the natural sciences (from 46.8 to 72.3%).

Of the three business sectors in which significant differences in salaries between men and women were recorded in the Republic of Croatia - manufacturing, finance and insurance, and health and social care, the latter two employ a significantly higher share of women than men. This is already evident in the choice of high school. An analysis of the share of male and female students in 11 high schools that educate students for occupations in the health and social care sector in four city centers, Zagreb, Split, Rijeka and Osijek, found that in the school year 2018/2019 there were 75.1% women and 24.9% men. An analysis of the share of male and female students in 10 high schools that educate students for occupations in the finance and insurance sector in the same city centers in the same school year, show that there were 61.5% women and 38.5% men. A similar analysis was conducted on high schools that educate students for occupations in the manufacturing industry. In the four cities of the 2018/2019 school year in recorded 41 high schools 67.6% were male students

and 32.4% female students. The manufacturing industry is thus a sector in which men still dominate in numbers, which is reflected in their choice of high schools, where they mainly choose (electro) technical, mechanical and industrial schools. Women-dominated high schools are schools that educate for occupations in the textile industry.¹⁸

The Gender Equality Index of the Institute for Gender Equality for 2015 shows that gender inequality in education (measured by so-called knowledge indicators: the share of highly educated men and women in the general population over 15, the share of men and women participating in formal and non-formal education in general population over the age of 15 and the share of men and women studying in the fields of education, health and social care, and humanities and arts in the student population) is one of the three main challenges for gender equality in both Croatia and the EU (plus gender disbalance in making political decision and an uneven distribution of time spent on household chores). When it comes to this area, Croatia (score: 49.8) is

significantly below the European average (score: 63.4) and, together with Latvia and Romania, occupies the European bottom (EIGE, 2017).



¹⁸ Source of data on the number of students in secondary schools in four Croatian cities: ŠeR - (School e-Mine) of the Ministry of Science and Education, 2019.



**GUIDELINES OF THE NATIONAL
LEGISLATIVE FRAMEWORK
FOR EQUAL PAY AND PENSIONS
IN THE REPUBLIC OF CROATIA**

The main conclusions of the analysis of the situation indicate that the phenomenon of the gender pay gap is caused by multiple and interrelated factors, and to combat it requires a multidimensional approach that changes the institutional environment in order to achieve real equality.

Measures that directly affect gender discrimination in salaries are indispensable for achieving gender equality standards worldwide. Thus, the principle of equal pay has been incorporated into the legislation of a significant number of countries. However, this usually solves only a part of the problem, namely that of unequal salaries for work of equal value. However, these laws do not regulate the issue of discrimination faced by women in promotion, training, education or employment (which is why they take lower-paid jobs), nor the issue of unpaid care work. In order to truly address the problem of the gender pay gap, it is necessary to first supplement the existing laws governing the issue of equal pay with other measures for combating discrimination in the workplace (ILO, 2016).

Mechanisms for achieving gender equality in the labor market

The International Labor Organization (2016) lists gender-specific measures for the achievement of the equality in the labor market and consequently closing the pay gap between men and women:

- *Gender pay audits* aimed at revealing how processes such as job classification, determination of starting salaries, access to additional payments and bonuses, salary increases or promotions lead to a pay gap between men and women.
- *Job evaluation* which can be used for addressing the question of evaluation of women's work
- The introduction of mandatory gender quotas in promotion and recruitment committees can improve access and promotion in the workplace and limit the impact of gender stereotypes in organizational culture.
- Measures related to working hours, such as limiting unforeseen and long working hours, can make it easier for women to access higher-ranking

jobs. The possibility of flexible working hours, if applicable to both sexes, can also allow women to keep their jobs. In the case of part-time work, there should be measures in place to allow a return to full-time employment, especially after the end of the care period, in order to combat the practice of 'maternity penalties'.

- Policies for the reduction of gender segregation (horizontal and vertical) should reduce prejudices in employment and promotion practices, such as gender quotas.
- Measures to promote gender equality in a broader sense, which, in addition to the issue of the gender pay gap, also include complementary policies for balancing work and family obligations and combating gender segregation.

In order for these measures to be introduced and implemented, a state-level initiative, i.e. state support, is primarily needed. However, the effectiveness of implementation at the sector and company levels depends exclusively on the active involvement and engagement of employers, trade unions or workers' councils.

The effectiveness of gender equality mechanisms depends significantly on transparency in the labor market. There are three types of mechanisms that promote transparency in the labor market. In the context of the phenomenon of the gender pay gap, the **salary revision mechanism** is most commonly used, which is specifically designed to detect pay gaps between men and women. Such revisions can reveal key problems within the organization and affect the reputation of the employer, which can contribute to change, but at the same time can be too general to be transparent enough, so the entire audit process requires the involvement of unions or workers' councils to uncover the right processes which lead to a gender pay gap.

Another transparency mechanism is **the publication of salary structures** at company or sector level with data on maximum and minimum salaries, classified by job or salary grade, and on salary supplements related to working conditions or achievements. Without this data, it is difficult to carry out a detailed control of how the salaries are determined in companies.

The third mechanism involves **collecting and publishing data**

on individual salaries through, for example, publicly available data on tax refunds, as is the case in Sweden. In addition to the state level, the collection and publication of data on individual salaries is also possible at the company level, which can provide insight into the distribution of salaries within salary grades and jobs without the need to directly link data with actual individuals. In any case, the public availability of salary data may have an indirect impact on the determination of salaries in companies.

UN Women (2016) advocates institutional changes in the labor market to address the gender pay gap, focusing on three areas: the minimum salary, the evaluation of women's work and employment and promotion opportunities.

As women dominate in performing jobs with the lowest status or lowest salaries, it is particularly important that minimum salary are created in relation to living costs or median salaries. Internationally, a low salary is considered to be any salary below 60-65 percent of the median salary, and minimum salaries are often below this threshold.

Even in countries that have the principle of equal pay for work of equal value in their laws, this

principle applies only to comparisons within the company. Bearing in mind gender segregation by occupation, UN Women believes that **laws governing pay equality must allow for the comparison of salaries between sectors and companies**. Furthermore, such a legal framework will not in itself be sufficient, but **coordinated collective salary regulation is necessary** to reduce pay inequalities between sectors and create a framework for establishing fair rewarding of skills, especially for women. Measures that seek to give greater value to women's work are primarily found in the public sector or in laws that prescribe the obligation of collective bargaining for equality or are introduced by involving trade unions in gender pay audits. Gender pay audits are considered useful in identifying practices that lead to inequality between women and men, followed by the development of action plans in cooperation with trade unions to limit discretion and gender bias in job evaluation and determination of salaries.

The third set of policies relates to improving women's employment and advancement opportunities in an attempt to reduce gender segregation. Many jobs that are predominantly performed by women

(care for children, the elderly and the sick) are extremely valuable to society, and it is therefore necessary to take measures to increase salaries for such jobs so that those who provide care would not be financially penalized. In this sense, on the one hand, greater advancement in predominantly female occupations should be possible. On the other hand, adequately paid maternity and parental leave, with the right to return to a similar or the same job after the end of maternity/parental leave, should be provided. Both parents must be legally able to use maternity/parental leave, while fathers should be encouraged to use parental leave through different quotas. Finally, working hours need to be regulated in the interests of working fathers and mothers. The right to reduced working hours or more flexible working arrangements could also help women stay in the same job, especially if there is a right to return to standard working hours at the same time.

UN WOMEN RECOMMENDATIONS FOR ELIMINATION OF THE GENDER PAY GAP

- Raise the minimum salary floor, extend its coverage to previously excluded groups and ensure it is implemented through comprehensive labour inspection regimes
- Support coordinated and inclusive collective regulation of salaries
- Implement the principle of equal pay for work of equal value and extend equal pay legislation to allow for comparisons across organizations and sectors
- Extend employer responsibilities to undertake compulsory gender pay audits and develop action plans to eradicate unfair pay practices, with involvement from trade unions
- Include developing opportunities for pay progression within female-dominated occupations as part of required action plans
- Enable women (and men) to remain employed when they have children by providing universal, collectively financed maternity and parental leave, including use-or-lose quotas for fathers, as well as flexible working hours

Examples of good practice in elimination of the gender pay gap in Europe

The European Commission's 2014 Recommendation (Recommendation C (2014) 1405) on strengthening the principle of equal pay between men and women through transparency lists 4 main measures:

- 1) Right of employees to obtain information on pay levels for categories of employees doing the same work or work of equal value;
- 2) obligation of the employers to report on the average salaries by the category of employee or position, broken down by gender;
- 3) obligation of the employers to conduct revision of the salaries and pay differentials on grounds of gender;
- 4) measures which ensure that the issue of equal pay, including pay audits, is discussed at the appropriate level of collective bargaining. In this way, the awareness of discrimination is raised and the implementation of the principle of equal pay is facilitated.

An increasing number of EU countries have in recent years introduced certain measures from this Recommendation, primarily through legal solutions. Most often,

employers are required to report on the issue of equal pay for men and women. Furthermore, in some countries there is a practice of gender neutral classification and evaluation of jobs as a measure that encourages salary transparency, but it is not the main measure according to the EC recommendation. Job evaluation is a systematic way of determining the value of a job compared to other jobs in a particular organization, with the goal of determining a rational salary structure. Therefore, for example, the Italian Equal Opportunities Act and the Portuguese Labor Act explicitly require that they be gender neutral in the case of the application of job evaluation or classification systems.

Finally, in some countries, the issue of balancing work and family responsibilities is explicitly embedded in solutions to achieve equal pay (e.g. in Italy and France) because there is an awareness that inequality in balancing work and family life between men and women leads to shorter working hours for women, poorer evaluation of their work, shorter careers, harder advancement and poorer training, which ultimately results in lower salaries for women.

In 2011, **Austria** amended the *Equal Treatment Act* to increase transparency of salaries and reduce the gender pay gap. As of 2014, the provisions related to reports on company receipts have fully entered into force. Thus, private companies with more than 150 employees are obliged to prepare a report every 2 years on the number of men and women by occupational groups (pay grades) and the amount of average or median income of men and women by occupational group (pay grade). A number of unions have succeeded in incorporating provisions into the existing sectoral collective agreements, which set the minimum salary and working conditions for employees, to include periods of unpaid maternity, parental and paternity leave into the salary promotion scheme.

In **Denmark**, on the other hand, the Ministry of Labor and the Minister of Equality (Equal Wage Act) are obliged to write a three-year report on the state of equal pay for men and women which includes data on labor market from gender perspective and the analysis of the consequences of gender segregation on the labor market. Furthermore, employers from the private and public sectors with more than 35 employees must prepare annual statistics on the

salaries of men and women, for at least 10 employees of each gender who perform equal work. Salary data are sent to the National Bureau of Statistics, which once a year sends to the employers gender-segregated salary statistics showing the percentage difference in salaries between men and women in each pay category with at least 10 men and women. Employees have the right to receive information on these statistics, but the report doesn't have to be published. The employer has no direct obligation to close the gender pay gap, but the obtained statistics can serve as a basis for initiating proceedings against the employer for violating the Equal Wage Act. If, on the other hand, the employer does not submit a report to the Statistical Office, he must independently compile statistics on the gender pay gap or be subject to financial sanctions.

The **Finnish** Gender Equality Act obliges employers to actively promote gender equality in employment and salaries. Private and public sector employers with 30 or more full-time employees must develop a gender equality plan every 2 years with salary analysis as an integral part, which aims to determine whether the existing salary system is fair for men and women working for the

same employer at jobs of equal work or work of equal value. The analysis of salaries contains details on the employment of men and women in different jobs, categories of jobs in which men and women are employed and potential differences in salaries (including bonuses, etc.) for these jobs. The data must not be associated with an individual employee. The equality plan must include information on the state of equality in the workplace, the necessary measures that are planned to be introduced or implemented in order to achieve, for example, salary equality, and an analysis of the results of implemented measures from last year's gender equality plans. The employer has a statutory obligation to inform employees about the equality plan (including salary analysis), its content and changes. Furthermore, all employee representatives participating in the pay analysis must have access to all the information needed to conduct the analysis. The equality plan must be available to all employees. If salary differences are identified, the employer must explain why the gap has occurred, and develop a gender equality plan that must include measures to eliminate them. If the employer does not draw up an equality plan several times, the

competent court shall prescribe that obligation, as well as the deadline within which it must be fulfilled. In Finland, every employee has the right to request gender-segregated pay grade data for equal work or work of equal value, but in order for the employer to comply with this requirement, he or she needs the consent of the person or persons whose payroll data are published (which is, at the same time, the biggest obstacle to the measure of the right to information on the pay gap). If the consent is not obtained, the employee may submit a request to the Equality Ombudsperson.

In **France**, businesses with 50 or more employees have a legal obligation to draw up a written annual report submitted to the workers' council or trade union representatives on the state of equality between men and women. The employer must create a database that contains the diagnosis and analysis of the position of men and women for each professional category in terms of benefits and analysis of differences in salaries/careers by gender, type of work and length of service. The Collective Agreement on Gender Equality or the Action Plan for Achieving Gender Equality is published on the company's bulletin board and

intranet and is available on request. A shorter version of the action plan must be published on the company's website and communicated to the labor inspector. From 2020, all companies must publish data on the size of the pay gap between men and women every year.

Employers have a legal obligation to consult with the workers' council once a year on the issue of gender equality. Each year, they must reach a collective agreement with the trade union representatives on gender equality with the aim of combating the gender pay/career gap and inform them about the effects of the measures already taken to combat the identified gap.

Since 2018, **Iceland** has become the first country where employers have to prove that they offer equal pay for work of equal value regardless of gender. This is made possible by a legal provision requiring employers with 25 or more employees to obtain this certificate each year, which is awarded on the basis of equal pay standards, assessing the salary policies of a particular employer, job classification and formalized salary policies and processes of salary creation.

Although current practices in **Italy** are not specifically aimed at reducing the gender pay gap, under existing law, private and public sector employers with more than 100 employees have a legal obligation to report on the situation of employees. The employer must prepare a report on the condition of employees in terms of employment, training, professional advancement, dismissal, early retirement and regular retirement, and paid financial benefits. The report must be submitted every two years to the workers' council and to the "regional equality advisers" who analyze them and send them to the "national equality advisers"; the Ministry of Labor and the Governmental Office for Equality. Italian law provides for sanctions in case of non-compliance with legal obligations by financially sanctioning employers who do not report on the state of gender equality or find that there are discriminatory practices in employment, training, salaries, promotion and retirement, while in case of non-compliance with a court order based on individual or collective court proceedings in case of discrimination, there is a possibility that, in addition to financial, the employer might face the sanction of imprisonment.

Other examples of good practice in

Italy relate to the role of positive measures found in the Equal Opportunities Act and can be aimed at closing the gender pay gap.

Law no. 53/2000 in one part contains positive measures to achieve a balance between professional and family life, with particular emphasis on those actions aimed at people caring for family members in order to avoid their marginalization (innovative job evaluation systems for such people, training programs upon returning to the labor market, flexible working hours and vocational training programs, etc.).

The **German** Salary Transparency Act from 2017 enacts three key salary transparency measures: 1) entitles employees in companies with more than 200 employees to request information on the criteria and procedures for determining the employer's salaries related to their own salaries and the salaries of the members of the opposite sex who do comparable jobs (equal jobs or jobs of equal value) provided that there are at least 6 employees of the opposite sex in comparable jobs; 2) obliges companies with more than 500 employees to publish regular reports on the implementation of specific measures for the promotion of equality between men and women

(every 3 years); 3) encourages companies to conduct internal audits of the salary structure and to develop countermeasures to combat any pay gap, but it should be emphasized that companies are not legally obliged to do so. Regular triennial reports of the administration on the implementation and effects of specific measures to promote equality between men and women and the achievement of equal pay must be publicly available (published in the federal public gazette - Bundesanzeiger). According to the observed pay gap, the employer must take the necessary steps to close the gap. Since employees are entitled to equal pay, they have the right to claim equal pay if it is established that they have lower incomes than the employees with whom they compare themselves.

With the new legislative amendments from 2018, **Portugal** adopted a set of measures aimed at better implementation of the principle of equal pay through the following transparency measures:

1) mandatory annual publication of detailed statistics on the gender pay gap by the Ministry of Labor, both at the general and sectoral level, and statistics at the level of companies, occupations and education that

companies submit to the Ministry in their annual business reports; 2) mandatory implementation of salary transparency policy by the companies; 3) the possibility that the Agency for Gender Equality in Employment, based on the above statistics and observed differences in salaries in a particular company, ask employers to justify these differences with a plan to evaluate differences in salaries and eliminate unjustified differences within 12 months; 4) the possibility for representatives of workers and trade unions to request the Agency to establish discrimination in pay based on sex, and in the event of such discrimination, the Agency can fine the employer and order him to eliminate such practices.

In **Sweden**, the obligation to report on the salaries of men and women was introduced in 1994, and since 2009 the issue has been regulated by the Discrimination Act, which requires employers with at least 10 employees to prepare a written annual report on salaries and working conditions with analysis of pay differences between men and women doing the same job, work of equal value, or performing at jobs dominated by women. Based on such an analysis, the employer should gain insight into

whether pay differences have been identified as directly or indirectly related to gender. Employers with less than 10 employees must also analyze employment practices and regulations related to work and pay to identify, prevent and combat unfair differences between men and women, but they have no obligation to document their work in writing. Local union representatives must have access to the report, but it does not have to be made public. If the pay gap cannot be explained by some other reasons, the employer must close it, and the competent authorities (the Equality Ombudsperson) may request an insight into the pay audit, conduct an inspection or fine the employer who fails to fulfill his obligations.

In **Belgium**, the Gender Pay Gap Act, passed in 2012, stipulates that companies with more than 50 private sector employees are required to include in the annual activity report every two years a section on the gender pay gap that contains data on average basic salary, allowances and social benefits classified by sex for each category of employee, job level, job class, length of service and level of education. Also, the law obliges employers to submit certain data, disaggregated by gender, to the National Bank for further analysis. The statistical report has the status of confidentiality, but it should be presented to the workers' council or trade union representatives. If a comparative analysis of the pay structure shows that women earn less than men, the workers' council or union representatives decide whether the company should draw up an action plan to eliminate perceived differences. If an action plan is adopted, it should be included in the analytical report and its evaluation should be included in the next analytical report. The employer, at the suggestion of the workers' council or trade union representative, may hire a mediator to draw up an action plan and, in the event of allegations on pay discrimination, be in charge of researching and resolving the problem.

Employees, in the event of an appeal or the initiation of proceedings before a competent court, enjoy special protection against layoffs. An employer who fails to comply with the obligation to draw up an analytical report, as well as a member of a workers' council or a trade union delegation who violates the confidentiality provision, is subject to a fine.

The Belgian Gender Pay Gap Act explicitly mentions gender-neutral job evaluation as one of the measures of salary transparency that must be applied in the context of mandatory reporting on the gender pay gap at company level, but only if the company applies a job evaluation system. The National Collective Labour Agreement obliges social partners to make efforts to achieve equality between men and women. This involves revising the classification of jobs in order to achieve their gender neutrality. Namely, the Collective Labor Agreement no. 25 on equal pay for male and female employees obliges all sectors and individual companies to assess and, if necessary, correct their job evaluation and classification systems to ensure gender equality as a precondition for achieving equal pay as there must be no discrimination between men and women in no element on which the salary is based.

Advantages and shortcomings of the law

Since the law has been in force for years, its advantages and shortcomings have become visible.

Advantages:

1. Incorporation of new regulations into existing labor legislation and processes

Although the law has a large number of references to existing labor legislation, this is precisely its great advantage because it establishes a link with existing institutions and legal obligations. Civil servants were thus given additional tasks, which sometimes required additional training in the field of gender equality, but they performed them conscientiously and accurately. For example, the Directorate for Analysis and Evaluation of Collective Agreements analyzed the compliance of new collective agreements with the law, including a new norm on gender neutrality in job classification, which it will continue to do in the future. National Bank statisticians collected more data disaggregated by gender, and

sometimes conducted additional analyzes by gender. Finally, during the preparation of the collective agreement, the latest data on the gender pay gap were presented and explained. In conclusion, it can be said that this is the very core of gender mainstreaming: no new and parallel actions are taken, but a gender perspective is built into existing regulations and processes.

2. Active involvement of employers in combating the gender pay

One of the advantages of the new law lies in the fact that employers have been actively involved in combating the gender pay gap because by incorporating this topic into social dialogue, it has once again become a shared responsibility. In this way, the fight against the gender pay gap is not understood exclusively as something progressive, left-wing or something that is only within the competence of trade unions.

3. The periodicity of obligations makes the fight against the gender pay gap permanent

Most legal obligations are periodic (must be met every year or two), allowing for regularity

and continuity in monitoring and evaluating the gender pay gap. This is an advantage of this law because the gender pay gap cannot be bridged in one act, but it requires regularity and continuity.

4. Raising awareness that goodwill is not enough

Goodwill is very important, but much more is needed to achieve gender equality as a fundamental human right. First of all, gender equality needs to be effectively incorporated into processes and a link established with other legal obligations. For example, the 2012 law incorporates the obligation to conduct a gender neutrality analysis in the classification of jobs from the collective agreement and establishes the Directorate responsible for controlling and monitoring the technical and legal correctness of collective agreements with regard to gender neutrality. That is the advantage of this law. However, the shortcoming of the law lies in the fact that it does not establish effective sanctions for non-compliance.

Shortcomings:

1. Absence of sanctions

This shortcoming is present in several areas of the law. A quarter of all tabular reports with data disaggregated by gender are poorly or incorrectly filled in, and the data are often presented in such a way that the gender pay gap is 0.00%, which is not true. Although the National Bank warns about the inaccurate data and excludes them from its statistics, it has no authority to act against irresponsible employers, i.e. it cannot impose sanctions like it can in the case of submitting inaccurate economic or financial data. Therefore, employers who ignore the requests of the National Bank and do not correct their data do not bear any consequences. Moreover, the lack of sanctions provided by law has not been remedied during all eight years the law has been implemented.

2. There is no obligation to achieve results

The lack of well-defined goals and the fact that the law does not require real results represent an even greater shortcoming than the absence of sanctions. The law

obliges stakeholders to make an effort, not to achieve results. The social partners must also discuss the issue of the gender pay gap during collective bargaining, but they do not have to effectively reduce or eliminate the gender pay gap. They can draw an action plan, but they are not forced to do so either. The effectiveness of this law has rightly been called into question for some time now because, according to general statistics, the gender pay gap in Belgium has not declined significantly since 2012. In addition, its effectiveness cannot be determined at the company level because the data is usually confidential and difficult to access.

3. Misinterpretation of indicators and lack of gender expertise

The 2012 law uses the gender pay gap indicator as a tool to discuss gender inequality at national, sectoral and sub-sectoral levels, as well as at the company level, encouraging the social partners at all levels of social dialogue to engage in combating the gender pay gap. However, misinterpretation of indicators poses another threat to successful law enforcement.

Although the gender pay gap is an indicator that is easy to calculate, it should be borne in mind that it is made up of a lot of factors. Therefore, in order to interpret it, it is necessary to have a good knowledge of the gender dimension of work and the structure of salary regulations. However, the law assumes that the figures are easy for everyone to interpret and that no further gender analysis is required, but both assumptions are wrong.

In public debates on the gender pay gap, several things are often confused: the difference between the gender pay gap and pay discrimination; criteria according to which the company has good or bad indicators of gender equality; the idea that the gender pay gap represents the sum of the pay gap between men and women in all companies; a numerical indicator of the gender pay gap as a substitute for salary transparency. We can assume that in the work of workers' councils or trade union representatives there is a misinterpretation of the data. It should be noted that the pay gap indicator is not in itself a measure or approximation of pay discrimination. The gender

pay gap and pay discrimination are related but not identical. The pay gap is a general indicator of gender inequality in the labor market calculated on the basis of the difference in average gross salaries between men and women. The pay gap is in principle calculated as broadly as possible, i.e. at the level of the overall economy, while pay discrimination can in principle be measured at the individual level. In order to study pay discrimination, it is necessary to compare the actual salaries of men and women who are doing comparable work. The absence of a gender pay gap does not guarantee that there is no pay discrimination as individual data can be ignored when the broader picture is taken into account. The pay gap can be calculated at the level of sectors, subsectors or large and medium-sized enterprises. The lower the level, the less reliable the data. The data on the pay gap should not change if one worker is replaced by another of the opposite sex with the same salary. Small changes in the workforce should not have a significant effect. Otherwise, the gender pay gap could be closed by firing a cleaning lady.

In theory, the pay gap between a female and a male colleague can be calculated, but in this case it is a comparison of two specific salaries, rather than a calculation of a general indicator of gender inequality. But even then, pay differences do not indicate that there is automatically pay discrimination because all the relevant elements that make up salaries must be taken into account, and work must be of equal value. Pay discrimination is illegal and punishable, while gender inequality is undesirable. Pay discrimination entails legal action and sanctions, while gender inequality requires awareness raising and supportive policies.

Secondly, with regard to the criteria according to which a company has good or bad indicators of gender equality, it should be noted that the absence of a gender pay gap does not guarantee that a company has good gender equality indicators, just as the existence of a gender pay gap does not necessarily mean that the gender equality indicators are bad. Simply put, a company with 0% of employed women will not show a gender pay gap, while a company that

creates opportunities for the long-term unemployed and lower-skilled women will show a clear gender pay gap. Simply put, a company with 0% of employed women will not show a gender pay gap, while a company that creates opportunities for the long-term unemployed and lower-skilled women will show a clear gender pay gap. In reality, the latter company makes a contribution to the fight against gender inequality, while the former company makes no contribution. Blind and reckless use of one indicator as a criterion and goal leads to undesirable results.

Third, it is sometimes considered that by having the obligation to publish their gender pay gap data from analytical reports, companies have a salary transparency policy.

Third, it is sometimes considered that by having the obligation to publish their gender pay gap data from analytical reports, companies have a pay transparency policy. However, calculating the gender pay gap at the company level does not offset the need for a good pay transparency policy. There

where pay transparency exists, it is clear who gets what compensation. This primarily refers to the classification of jobs, which must be clear, gender neutral and publicly available, but also to the differences in actual payments compared to the set minimum amounts. Finally, the biggest differences between men and women are found in the part that is paid above the set minimum amount. The logic behind the requirement for pay transparency is that the responsibility for pay discrimination does not fall on the back of every employee, but is taken over by the employer. The importance of salary transparency has also been recognized by the European Commission, but in Belgium the issue of openness on real salaries remains sensitive and there is strong resistance to such a policy. The law explicitly refrains from this interpretation of transparency.

4. *Unrealistic expectations*

Furthermore, it is expected that once the pay gap in each individual company is closed, the pay gap across the country will be eliminated, as if the pay

gap is just the sum of the pay differences that exist in each company. This assumption ignores the large segregation that exists between sectors, industries, and companies. Businesses and activities differ in the amount of money earned, and this difference most often coincides with the degree of gender segregation. Closing the gender pay gap cannot be the sole responsibility of the social partners as there are many factors beyond their reach. It must therefore be clear that the law was enacted to make a significant contribution to closing the gender pay gap, but that the law alone is not sufficient. Efforts must also be invested to establish equal sharing of care responsibilities, as well as to combat gender stereotypes in education and career choices. Gender inequality is a wider problem, and both the social partners and businesses have a responsibility to eliminate it.

5. Lack of transparency: unresolved privacy issue

A particular shortcoming of the law lies in the fact that the secrecy of salaries is

constantly invoked, whether it is individual salaries or salaries at the company level. The regulations governing the issue of privacy are strict, but leave the possibility to give priority to other socially desirable goals. Therefore, only political determination is needed on this issue because it is very difficult to expose pay discrimination while salaries remain secret. Moreover, the burden of proof needs to be shifted to the employer.

6. Limited interpretation of work of equal value

The law interprets the issue of work of equal value quite restrictively. By focusing exclusively on the classification of functions, work of equal value is limited to work done within the same subsector. In legal practice, the matter is further limited by comparison within the same company, between the same jobs, functions and the like.

7. Lack of measures for small businesses and the public sector

The law applies only to the private sector and medium and large enterprises, and a large part of the Belgian economy is made up of small enterprises,

which have no legal obligations to combat the gender pay gap.

8. *The role of mediators is not sufficiently embedded in structures*

There is currently no data on how many companies have actually hired mediators, but there seem to be exceptions. Neither government institutions nor unions nor employers are satisfied with this part of the law. The Institute for Equality between Women and Men in Belgium advocates a solution that would give the inspectorate a greater role in the context of complaints of pay discrimination in companies. The unions point out that their representatives are better protected by law when operating in companies. In short, the law introduced a parallel line of responsibility, rather than strengthening and expanding existing structures and procedures.

Recommendations for increasing the effectiveness of the gender pay gap law

In order to increase the effectiveness of the law which seeks to bridge the gender pay gap, it should be amended as follows:

1. *Define clear sanctions in accordance with other regulations from labor legislation*

Failure to comply with obligations and measures to achieve gender equality must be sanctioned in a similar way as non-compliance with obligations under Labor Law. The management board must be allowed to act effectively, and the National Bank must be given clear powers to sanction incorrect or incomplete tabular reports so that the data can be used to the maximum. Finally, it is necessary to check whether the analytical reports of the company are of sufficient quality and whether they are in-depth analyzed by workers' councils or union representatives. If a systematic check is not feasible with current resources, at least the inspectorate should be allowed to conduct a random

check. Clear sanctions should be defined for this obligation.

2. Support proper data interpretation: development of gender analysis tools

The current forms for creating an analytical report are not user-friendly and are difficult to interpret. Given the available technological resources, a tool for automatic generation of analytical reports could be developed, for example by using a unique profile for each employee. The analysis should be supplemented by other gender indicators, and guidelines should be developed for reading and interpreting reports and data.

3. Address the issue of privacy, both at the individual and corporate level

The current law gives priority to the right to privacy over the right to transparency, both at the individual and corporate level. Given the increasing emphasis on transparency at the European level, it is recommended that this issue be resolved in parliament, as it is a question of a political choice. It should be realized that full salary transparency is a great weapon in the fight against

pay discrimination. After all, pay discrimination exists precisely because of secrecy. However, one should be aware of the potential negative consequences of full transparency, because the level of salary has a strong hierarchical effect and can lead to the mutual alienation of employees. In fact, the debate should be broadened and what constitutes a fair salary should be agreed upon. There has been a big gap between high and low salaries in recent decades, so one should ask whether this is really desirable. Therefore, the issue of privacy and transparency of salaries goes beyond bridging the gender pay gap. If priority is still given to the right to privacy, then minimum control mechanisms should be provided. The right to privacy should not be used to obscure the achievement of or non-compliance with certain standards.

4. Set clear goals

It is not enough to just oblige social partners to discuss the gender pay gap. The responsibility given to the social partners means that they must also think about how they want to promote gender equality and

what concrete actions they want to take in that direction. As far as companies are concerned, the measures taken to establish gender equality should be supervised, even if it is a system of random checks similar to the supervision of analytical reports.

At the same time, the government should make things easier by drafting plans for equal opportunities. Good proposals and manuals should turn business action plans into useful tools. A database of good practices in companies and organizations could serve as a source of inspiration.

5. Develop tools for small businesses

Small businesses are outside the reach of the law, and a quarter of employed women work in them. Extending the current legal obligations to small businesses alone does not make much sense, but the development of gender-sensitive policies towards employees in small businesses should be supported as well as developing attractive tools for this, such as a series of thematic online videos.

6. Remove the glass ceiling in the public sector

The law also does not apply to the public sector, but it would not make much sense to just extend the current legal solutions to it because negotiations about salaries do not take place in the same way in the public and private sectors. Namely, in the public sector, salaries are most strictly regulated, while the existing gender pay gap is primarily a consequence of vertical segregation. In this case, it is better to tackle the problem of underrepresentation of women in management positions.

7. The mediator and equal opportunity plans must become visible

Although the tasks and responsibilities of mediators are well defined, it is completely unclear whether companies use them at all. Their engagement should be an act of cooperation and accountability and an example of good practice, such as the adoption of an equal opportunities plan. In this way, companies would present themselves as gender sensitive and up to date, while public

authorities could support such practices by creating a platform for companies that would be invited to share their examples of good practice with other companies.

8. Strengthen the role and powers of the inspectorate

When conflicts arise in a company, the role of mediators is not strong enough to resolve them. Victims of pay discrimination can contact the Institute for Equality between Women and Men, which cooperates with the inspectorate in gathering evidence. A clear and unambiguous extension of the inspectorate's powers in the event of pay discrimination would definitely help to combat this problem more effectively.

9. Develop a tool to define work of equal value in all sectors enabling comparison

In order to be able to have a comprehensive discussion of what constitutes work of equal value, it is necessary to look at the issue of salary comparison from a broader perspective. This should not only be about similar work, but it should be possible to give equal importance to quite different responsibilities, regardless of the sector and the fact that they are performed predominantly by men or women. It is recommended that this instrument become available online to make it available to everyone. Such an instrument should clarify who is responsible for the salary differences that occur in different companies and sectors, which is quite difficult because it is not just one employer. Therefore, the question of how to achieve pay equality between sectors is a future challenge for pay gap policies.

Conclusion

In spite of its shortcomings, the Belgian law on the gender pay gap is an interesting instrument for closing the gender pay gap and to involve social partners in the process. A number of adjustments should be made in order to make the law more effective, such as defining sanctions, providing tools, supporting a correct interpretation of data and providing a platform for good practices. Separate initiatives should be taken to address the gender pay gap in small businesses and in the public sector. The law is not the best instrument to fight pay discrimination as such. In order to tackle it a clear mandate should be given to the labour inspectorate. The questions of salary privacy, pay fairness, comparability of work, and the correction of discrimination and past inequality, should be taken up for a broader discussion in parliament and with a larger public discussion.

In **Croatia**, the Ombudsperson for Gender Equality recommends the above measures of salary transparency, which facilitate the application of the principle of equal pay, because they are currently poorly or not at all developed. Croatian practice lacks a fundamental commitment of the social partners - employers and trade unions - to gender equality and equal pay. Namely, previously conducted researches show a low level of inclusion of the gender aspect in the agenda of collective negotiations in Croatia. They are mainly limited to protecting the dignity of workers from harassment and to relatively underdeveloped rights aimed at balancing work, family and private life obligations. As far as the provisions on equal pay are concerned, only the provisions that fundamentally and generally determine the obligation of equal pay for women and men have been recorded, in the case of a very small number of collective agreements. There is no mechanism at all to monitor whether the salaries of men and women are equal, which is a big lag behind the practice of EU countries.

Finally, policies aimed at balancing business and family obligations prove inadequate to achieve the

desired goal. Despite recent increases in public expenditure on children and families, parental benefits in Croatia remain insufficient and unadjusted with real living costs, and the measures themselves are more conditioned by demographic targets than created to make life easier for parents, especially mothers. Public allocations for care services for children and dependent family members are insufficient, and the existing infrastructure is inadequate, so the responsibility for care is distributed within the family and, according to the logic of gender role division, is transferred to women. This tells us that family policies in Croatia continue to be created according to the model of the male breadwinner and rely on the existence of informal (family) networks that parents, especially mothers, will use to balance their business and family obligations. Furthermore, at the company level, there are practically no adequate family-oriented policies and, as a rule, the practice of *penalizing maternity* when hiring, retaining, training or promoting employees with children is perpetuated. Traditional gender norms regarding housework and childcare are deeply rooted in society, with no indication of imminent change, to the extent

that women themselves internalize and maintain them. In such a context, it is much more difficult for women to maintain a link with the labor market or to advance to better paid positions, thus exposing themselves to a significantly higher risk of lower incomes in old age or poverty itself. Particularly at risk are mothers who do not have informal (family) social support for child care, single mothers, mothers who have non-standard employment, who work in sectors with atypical working hours, and those who are in a weaker position for negotiating with their employers.

Recommendations of the Ombudsperson for Gender Equality for Combating the Gender Pay and Pension Gaps

The Ombudsperson continuously monitors the implementation of the Gender Equality Act, on the basis of which, as well as on the results of the activities of partner organizations, the Ombudsperson developed the Guidelines for drafting a national legislative framework on possible standards, positive measures and actions to achieve gender equality in the labor market and in pension

system in order to reduce the risk of poverty for women, which are here given in following recommendations:

1. Introduce salary transparency measures in all industries.
2. Define the mechanism for monitoring salaries, the method of their determination and the method and time period for conducting salary analysis.
3. Involve trade unions and/or workers' councils in the implementation of salary transparency measures.
4. Include the issue of the gender pay gap in the process of collective negotiations.
5. Develop measures that, in order to eliminate horizontal segregation, will increase the employment of men in the area of services and increase the employment of women in the area of industry (e.g., measures to increase the inclusion of the underrepresented gender in education for certain occupations).
6. Develop measures to promote a gender-balanced structure of employees in order to eliminate horizontal and vertical segregation (e.g., gender quotas

in employment and promotion practices, increase of salaries in predominantly female occupations).

7. Stop the trend of employment per fixed-contracts.
8. Encourage more intensive use of active employment policy measures for women.
9. Develop a new Strategy for the development of women's entrepreneurship with action plans that will include shorter periods and activities and being clear on how to achieve the set goals.
10. Include in the new National Policy for Gender Equality a package of measures aimed at achieving equal opportunities in the labor market, taking into account the experiences of leading countries in gender equality in the field of labor.
11. Plan gender-sensitive budgets at the state level and at the level of local and regional self-government units in relation to the field of labor and employment.
12. Stronger engagement of local and regional self-government units in the implementation of special measures from the Gender Equality Act and the Anti-Discrimination Act in order to increase the inclusion of women in the labor market.
13. Consider measures to eliminate the elements of the pension gap resulting from lower incomes at the time of parental leave and leave due to other care obligations.
14. Incorporate and strengthen elements of solidarity and redistributivity into the pension system.
15. Continuously raise the level of knowledge and awareness about the differences in salaries and pensions between men and women and improve the system of collection, processing, dissemination and availability of statistical indicators on the gender pay and pension gaps.
16. Introduce flexible working conditions for parents for the purpose of favorable effects on reducing unpaid women's work in the family so that they have more time for paid jobs.
17. Continuously raise the level of knowledge and awareness of the harmonization of family

- and professional obligations and encourage fathers to participate more in raising children.
18. Reward families in which parents share parental leave more equally.
 19. Provide the full amount of salary during the exercise of the right to breastfeeding leave.
 20. Continuously create a positive climate in society towards the use of maternity and parental leave by fathers, with a special involvement of employers.
 21. Align the legislative framework as soon as possible with Directive (EU) 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.
 22. Introduce the father's leave as soon as possible, i.e. prescribe the right to at least ten working days with a salary compensation corresponding to the full salary.
 23. Improve the system of parental leave by encouraging active parenting of both parents.
 24. Create policies and strategies that will contribute to the equal involvement of fathers in parenting and ensure inter-sectoral access.
 25. Open additional quality and economically affordable nursery and preschool programs throughout the Republic of Croatia with the minimum goal to achieve the goals from Barcelona in every environment (33% of children in nurseries and 90% of children in kindergartens) and the goal within the Europe 2020 Strategy (95% of children at the age 4+ covered by kindergartens).
 26. Improve the affordability of preschool programs and harmonize the organization of work and working hours with the requirements of the labor market and the needs of (employed) parents.
 27. Improve the system of public care services for the elderly and other dependent family members in terms of improving the infrastructure, accessibility and affordability of services.

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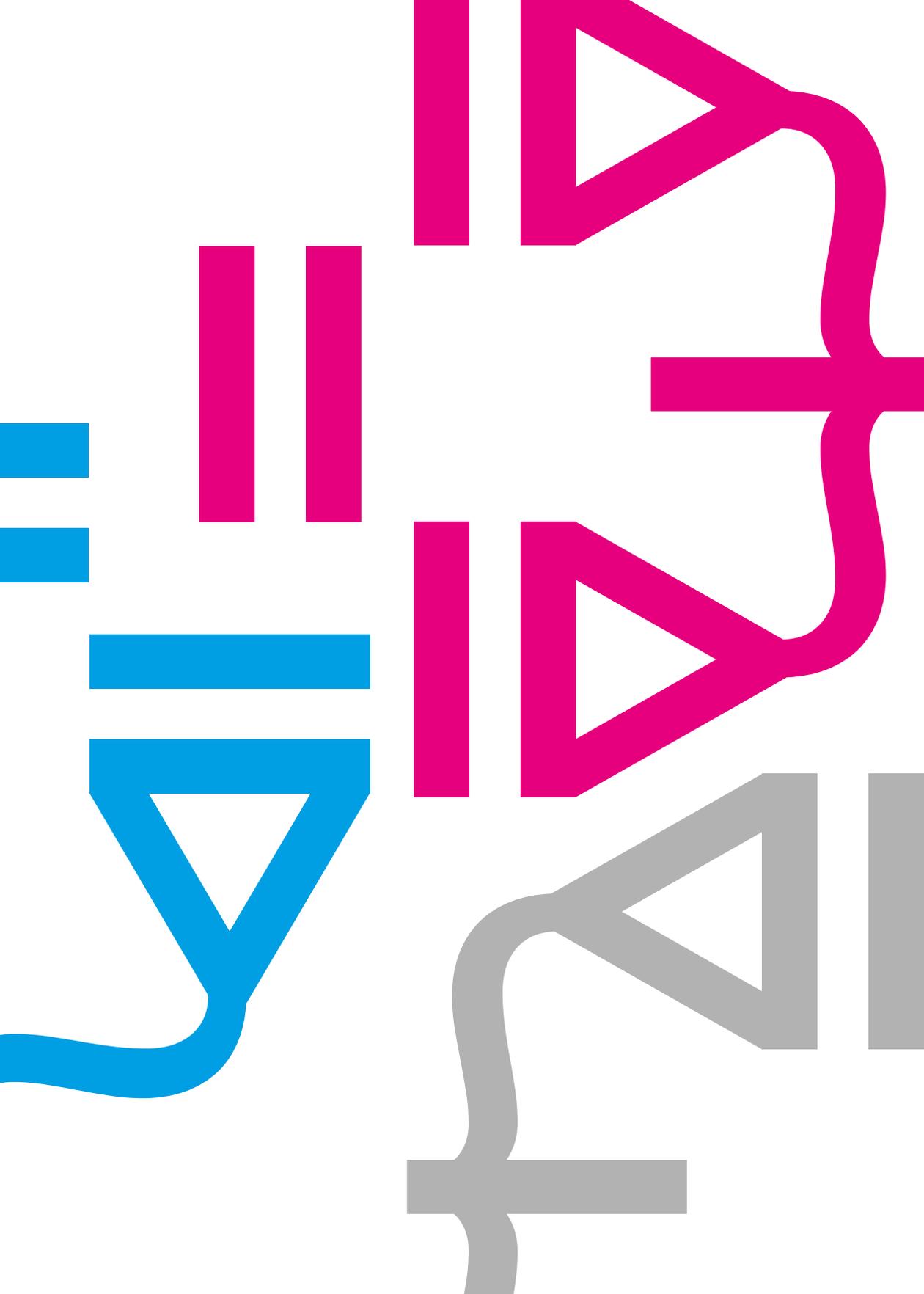
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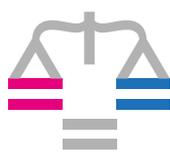
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