



European
Social
Charter

Charte
sociale
européenne



**EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITE EUROPEEN DES DROITS SOCIAUX**

28 May 2018

Case Document No. 8

University Women of Europe (UWE) v. Croatia
Complaint No. 126/2016

**OBSERVATIONS BY EQUINET, EUROPEAN NETWORK OF
EQUALITY BODIES**

Registered at the Secretariat on 4 May 2018



**REPUBLIKA HRVATSKA
PRAVOBRANITELJICA
ZA RAVNOPRAVNOST SPOLOVA**

Ev. broj: PRS 12-05/18-31

Ur. broj: 23-18-02

Zagreb, 02. svibnja 2018.

Katrine Steinfeld
Policy Officer (Gender Equality)
EQUINET – European Network of Equality Bodies
Katrine.Steinfeld@equineteurope.org

Dear Ms Steinfeld,

As previously agreed, I am sending you experiences of Gender Equality Ombudsperson of the Republic of Croatia on equal pay.

When it comes to gender pay gap in Croatia, according to the latest statistical data, women earn 88,7% of an average salary of men. This means that each year men in average earn 11.412 KN more than women i.e. 1,47 of an average Croatian gross salary. Ombudsperson noticed a worrying increase of the gender pay gap in Croatia in the last few years both in public and private sector.

Women's salaries are significantly lower (for more than 20 percentage points) in two areas of activity: „finance and insurance“ and „health care and social care“. In public sector registered pay gap is even higher than in private sector, according to Eurostat data. During the period between years 2012 and 2014, gender pay gap in public sector increased from 9,3% to 16,4% while in private sector it increased from 3,7% to 11,2%.

When it comes to barriers in accessing justice, Ombudsperson can confirm that underreporting of pay discrimination represents a serious problem in Croatia. Institution received only few complaints on this ground and most of them concerned either discriminating system of incentive severance pay or pensions. Ombudsperson assumes that the most likely reason for this is the unawareness of legal rights (equal pay for equal work or work of equal value) and available legal remedies. Case law in this area is almost inexistent in Croatia.

Furthermore, the most important problems are lack of transparency of wage policies as well as indistinct classification of job positions and vague description of obligations and tasks they comprehend. It is most certain that there is lack of assessment criteria for establishing work of equal value given that there hasn't been significant number of cases in front of the courts where such criteria could be constructed. We can also confirm the lack of case law on job evaluation systems. In some other types of court cases we are familiar with, which were based on civil action to determine sex discrimination, judges weren't aware of the principle of shifting the burden of proof so continuous education of judges is a priority.

Ombudsperson recently received a complaint in which complainant claims that women are discriminated by the Croatian legal system which considers maternity benefit (which is in most of the cases lower than their salary) as the basis for calculating their pension. Investigating this case Ombudsperson noticed that women are not only in a way „punished“ when doing their paid work, but also when they are doing the unpaid work (when taking care of their children and elderly in cases when it is not possible for them to maintain their job). In this case Ombudsperson recommended to Ministry of Demographics, Family, Youth and Social Policy and Ministry of Labour and Pension System to form Interdepartmental working group which would discuss the issue of gender gap in pensions. At the same time she recommended, pursuant *Report on the need for an EU strategy to end and prevent the gender pension gap (2016/2061(INI))* from 12 May 2017 of the Committee on Women's Rights and Gender Equality of the European Parliament, the possibility of considering the introduction of mechanism for correction of inequalities which could lead to differences in pensions of men and women, especially the introduction of system of „points for care“ as well as the „system of pension credit points“.

The other case which was mentioned earlier is the one in which employer tied the amount of incentive severance pay to the number of years left to retire and, seeing that women are by the Croatian law still allowed to retire earlier than men (although we are in a transition period in which the age of women and men when they can retire should equalise), they received smaller pension than their male colleagues. Ombudsperson recommended this employer to revise his decision on pensions and he accepted her recommendation but he did not give that particular complainant her rights - the difference in pension, because the new decision was formed to only affect the employers *pro futuro*. This case is at the moment in front of the Supreme Court of the Republic of Croatia in a case in which Ombudsperson intervened.

Kind Regards,

**GENDER EQUALITY
OMBUDSPERSON**

Višnja Ljubičić