

THE CROATIAN PARLIAMENT

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Pursuant to Article 89 of the Constitution of the Republic of Croatia, I hereby issue the

DECISION

PROMULGATING THE LABOUR INSPECTORATE ACT

I hereby promulgate the Labour Inspectorate Act, passed by the Croatian Parliament at its session on 31 January 2014.

Class: 011-01/14-01/37

Reg. No.: 71-05-03/1-14-2

Zagreb, 5 February 2014

The President
of the Republic
of Croatia
Ivo Josipović,
m.p.

LABOUR INSPECTORATE ACT

1. GENERAL PROVISIONS

Article 1

(1) This Act regulates the organisation of the Labour Inspectorate, the management of the operations of the Inspectorate, the conditions for conducting inspections over the implementation of legislation from within the scope of the activities of the Labour Inspectorate, the duties and powers of labour inspectors aimed at protecting public interests in the implementation of legislation, and misdemeanour responsibility.

(2) Gender-related references used in this Act are gender-neutral and apply equally to both male and female gender.

2. ORGANISATION AND SCOPE OF ACTIVITIES OF THE LABOUR INSPECTORATE AND CONDITIONS FOR CONDUCTING INSPECTIONS

Article 2

The Labour Inspectorate is organised as an administrative organisation within the Ministry of Labour and the Pension System under the following name: the Ministry of Labour and the Pension System, the Labour Inspectorate (hereinafter: the Labour Inspectorate).

Article 3

(1) The Labour Inspectorate conducts inspections in the field of work and occupational health and safety, unless provided otherwise by a special law.

(2) The activities referred to in paragraph 1 of this Article mean conducting inspections over the implementation of laws and other legislation governing:

1) labour relations and occupational health and safety

2) the obligation to register, de-register, and report changes during the period of insurance of workers under mandatory pension insurance and mandatory health insurance

3) relations between the employer and the natural person who does not have an employment contract with the employer, but performs certain jobs for the employer or is undergoing professional training for work in accordance with a special regulation (persons on seasonal work performing temporary or occasional seasonal work in agriculture; full-time students and full-time secondary school students working for the employer under special regulations; persons working during enforcement of a prison sentence or a correctional measure; persons undergoing professional training for work and other persons who do not have an employment contract with the employer, but perform certain jobs for the employer under a special regulation)

4) the performance of employment-related activities

5) the realisation of the right to priority employment of veterans of the Homeland War and members of their families, persons with disabilities, and peacetime, military and civilian war-disabled persons and members of their families.

(3) The Labour Inspectorate conducts inspections in connection with the implementation of other legislation whenever stipulated in a special law.

(4) The Labour Inspectorate performs activities and inspections of the implementation of legislation in the field of construction in conformity with a special regulation on construction.

(5) The Labour Inspectorate shall notify the authority competent for drawing up the relevant legislation about defects and problems in the implementation of legislation that it is authorised to supervise.

Article 4

The worker and the employer, within the meaning of this Act, are persons who are regarded as worker and employer under the law governing labour relations and the law governing occupational health and safety.

Article 5

The activities within the scope of the Labour Inspectorate are performed at:

- 1) the central office,
- 2) regional offices,
- 3) branch offices of regional offices.

Article 6

- (1) The central office has its seat in Zagreb, and employees of the office are authorised to conduct inspections throughout the territory of the Republic of Croatia.
- (2) In addition to the central office in Zagreb, regional offices in Osijek, Rijeka, Split, Varaždin, and Zagreb and branch offices of such regional offices are set up to perform activities from within the scope of the Labour Inspectorate.
- (3) The internal organisation of the Labour Inspectorate, other than issues regulated in this Act, the number and seats of branch offices of regional offices, the framework number of inspectors, other civil servants and employees, and the conditions for performing such activities shall be regulated by the regulation of the Government of the Republic of Croatia on the internal organisation of the Ministry of Labour and the Pension System (hereinafter: the Ministry).
- (4) The number of labour inspectors shall be determined on the basis of the number of workers in activities that they supervise and of the territory in which they conduct inspections and, as a rule, there shall be one inspector per four to five thousand workers.

Article 7

- (1) Inspections from within the scope of activities of the Labour Inspectorate shall be conducted by the director of the Labour Inspectorate, who is at the same time the labour inspector general of the Republic of Croatia (hereinafter: the director), heads of sectors, heads of regional offices, heads of departments, heads of sections, heads of branch offices of regional offices, senior labour inspectors – specialists, senior labour inspectors, and labour inspectors.
- (2) Work posts referred to in paragraph 1 of this Article shall be regarded as work posts with special working conditions.
- (3) Persons referred to in paragraph 1 of this Article may conduct inspections from within the scope of the Labour Inspectorate in their official uniform or in civilian clothes.
- (4) The minister responsible for labour (hereinafter: the Minister) shall stipulate by way of an ordinance the appearance, the type, the lifespan, and the manner of use of the official uniform.
- (5) The means of transport of persons referred to in paragraph 1 of this Article used for official purposes may be marked with the sign of the Labour Inspectorate and the words: "Labour Inspectorate".

Article 8

- (1) The Labour Inspectorate is managed by the director who holds the position of assistant minister and is a state official.
- (2) The director also manages the activities of the central office.
- (3) The director is appointed for a five-year term by the Government of the Republic of Croatia (hereinafter: the Government) at the proposal of the Minister, further to a public announcement procedure.
- (4) The director is accountable for his work to the Minister and the Government.
- (5) The director may be a person who, in addition to meeting the statutory requirements for admission to the civil service, has completed an undergraduate and graduate university study or an integrated undergraduate and graduate university study or a specialist professional graduate study in law, mechanical engineering, electrical engineering or chemical engineering, who has at least ten years of working experience, of which at least six years on the most complex duties of inspection of the implementation of legislation referred to in Article 3 of this Act, who has passed the state professional examination for labour inspector, possesses a category B driver's licence, and with respect to whom there are no security obstacles for performing such duties.
- (6) Until the appointment of the director in accordance with this Act, the Government may, at the proposal of the Minister, appoint a director temporarily for a period of six months at most.
- (7) Exceptionally, if the public announcement procedure for the appointment of the director has not been completed within the term stipulated in paragraph 6 of this Article, that term may be extended before its expiration at most until the appointment of the director further to the public announcement procedure, but for a period no longer than three months.

Article 9

The head of sector designated by the director substitutes for the director if the director is prevented from attending to his duties or is absent.

Article 10

- (1) The head of sector manages the activities of a sector at the central office and performs other activities from within the scope of the Labour Inspectorate in accordance with the ordinance on the internal order, and is accountable for his work and for the work of the sector in his charge to the director and the Minister.
- (2) The head of office manages the activities of a regional office and performs other activities from within the scope of the Labour Inspectorate in accordance with the ordinance on the internal order, and is accountable for his work and for the work of the regional office in his charge to the director and the Minister.
- (3) The head of service manages the activities of a service at a central or a regional office and performs other activities from within the scope of the Labour Inspectorate in accordance with

the ordinance on the internal order, and is accountable for his work and for the work of the service in his charge to the head of office, the head of sector, the director, and the Minister.

(4) The head of section manages the activities of a section in a service and performs other activities from within the scope of the Labour Inspectorate in accordance with the ordinance on the internal order, and is accountable for his work and for the work of the section in his charge to the head of service, the head of office, the head of sector, the director, and the Minister.

(5) The head of branch office manages the activities of a branch office of a regional office and performs other activities from within the scope of the Labour Inspectorate in accordance with the ordinance on the internal order, and is accountable for his work and for the work of the branch office in his charge to the head of service, the head of regional office, the director, and the Minister.

Article 11

(1) The duties of the head of sector and the senior labour inspector – specialist in supervision of the implementation of legislation governing labour relations may be performed by a person who, in addition to meeting the statutory requirements for admission to the civil service, has completed an undergraduate and graduate university study or an integrated undergraduate and graduate university study or a specialist professional graduate study in law, who has at least seven years of working experience, of which at least five years on the most complex duties of inspection of the implementation of legislation referred to in Article 3 of this Act, who has passed the state professional examination for labour inspector, possesses a category B driver's licence, possesses computer literacy skills, and with respect to whom there are no security obstacles for performing such duties.

(2) The duties of the head of sector and the senior labour inspector – specialist in supervision of the implementation of legislation governing occupational health and safety may be performed by a person who, in addition to meeting the statutory requirements for admission to the civil service, has completed an undergraduate and graduate university study or integrated undergraduate and graduate university study or a specialist professional graduate study in mechanical engineering, electrical engineering or chemical engineering, who has at least seven years of working experience, of which at least five years on the most complex duties of inspection of the implementation of legislation referred to in Article 3 of this Act, who has passed the state professional examination for labour inspector, possesses a category B driver's licence, possesses computer literacy skills, and with respect to whom there are no security obstacles for performing such duties.

(3) By way of derogation from paragraphs 1 and 2 of this Article, the duties of other heads of sectors at the central office may be performed by a person who, in addition to meeting the statutory requirements for admission to the civil service, has completed an undergraduate and graduate university study or an integrated undergraduate and graduate university study or a specialist professional graduate study in law, mechanical engineering, electrical engineering, chemical engineering, civil engineering or occupational health and safety, who has at least seven years of working experience, of which at least five years on the most complex duties of inspection of the implementation of legislation referred to in Article 3 of this Act, who has passed the state professional examination for labour inspector, possesses a category B driver's

licence, possesses computer literacy skills, and with respect to whom there are no security obstacles for performing such duties.

(4) The duties of the head of regional office may be performed by a person who, in addition to meeting the statutory requirements for admission to the civil service, has completed an undergraduate and graduate university study or an integrated undergraduate and graduate university study or a specialist professional graduate study in law, mechanical engineering, electrical engineering, chemical engineering, civil engineering or occupational health and safety, who has at least seven years of working experience, of which at least five years on the most complex duties of inspection of the implementation of legislation referred to in Article 3 of this Act, who has passed the state professional examination for labour inspector, possesses a category B driver's licence, possesses computer literacy skills, and with respect to whom there are no security obstacles for performing such duties.

(5) The duties of the head of service for the supervision of the implementation of legislation governing labour relations may be performed by a person who, in addition to meeting the statutory requirements for admission to the civil service, has completed an undergraduate and graduate university study or an integrated undergraduate and graduate university study or a specialist professional graduate study in law, who has at least six years of working experience, of which at least three years on the most complex duties of inspection of the implementation of legislation referred to in Article 3 of this Act, who has passed the state professional examination for labour inspector, possesses a category B driver's licence, possesses computer literacy skills, and with respect to whom there are no security obstacles for performing such duties.

(6) The duties of the head of service for the supervision of the implementation of legislation governing occupational health and safety may be performed by a person who, in addition to meeting the statutory requirements for admission to the civil service, has completed an undergraduate and graduate university study or an integrated undergraduate and graduate university study or a specialist professional graduate study in mechanical engineering, electrical engineering, chemical engineering, civil engineering or occupational health and safety, who has at least six years of working experience, of which at least three years on the most complex duties of inspection of the implementation of legislation referred to in Article 3 of this Act, who has passed the state professional examination for labour inspector, possesses a category B driver's licence, possesses computer literacy skills, and with respect to whom there are no security obstacles for performing such duties.

(7) The duties of the head of branch office of a regional office may be performed by a person who, in addition to meeting the statutory requirements for admission to the civil service, has completed an undergraduate and graduate university study or an integrated undergraduate and graduate university study or a specialist professional graduate study in law, mechanical engineering, electrical engineering, chemical engineering, civil engineering or occupational health and safety, who has at least four years of working experience, of which at least two years on the most complex duties of inspection of the implementation of legislation referred to in Article 3 of this Act, who has passed the state professional examination for labour inspector, possesses a category B driver's licence, possesses computer literacy skills, and with respect to whom there are no security obstacles for performing such duties.

(8) The duties of the senior labour inspector and head of section for the supervision of the implementation of legislation governing labour relations may be performed by a person who,

in addition to meeting the statutory requirements for admission to the civil service, has completed an undergraduate and graduate university study or an integrated undergraduate and graduate university study or a specialist professional graduate study in law, who has at least four years of working experience, of which at least two years on the most complex duties of inspection of the implementation of legislation referred to in Article 3 of this Act, who has passed the state professional examination for labour inspector, possesses a category B driver's licence, possesses computer literacy skills, and with respect to whom there are no security obstacles for performing such duties.

(9) The duties of the senior labour inspector and head of section for the supervision of the implementation of legislation governing occupational health and safety may be performed by a person who, in addition to meeting the statutory requirements for admission to the civil service, has completed an undergraduate and graduate university study or an integrated undergraduate and graduate university study or a specialist professional graduate study in mechanical engineering, electrical engineering, chemical engineering, civil engineering or occupational health and safety, who has at least four years of working experience, of which at least two years on the most complex duties of inspection of the implementation of legislation referred to in Article 3 of this Act, who has passed the state professional examination for labour inspector, possesses a category B driver's licence, possesses computer literacy skills, and with respect to whom there are no security obstacles for performing such duties.

(10) The duties of the labour inspector for the supervision of the implementation of legislation governing labour relations may be performed by a person who, in addition to meeting the statutory requirements for admission to the civil service, has completed an undergraduate and graduate university study or an integrated undergraduate and graduate university study or a specialist professional graduate study in law, who has at least one year of relevant working experience, who has passed the state professional examination for labour inspector, possesses a category B driver's licence, possesses computer literacy skills, and with respect to whom there are no security obstacles for performing such duties.

(11) The duties of the labour inspector for the supervision of the implementation of legislation governing occupational health and safety may be performed by a person who, in addition to meeting the statutory requirements for admission to the civil service, has completed an undergraduate and graduate university study or an integrated undergraduate and graduate university study or a specialist professional graduate study in mechanical engineering, electrical engineering, chemical engineering, civil engineering or occupational health and safety, who has at least one year of relevant working experience, who has passed the state professional examination for labour inspector, possesses a category B driver's licence, possesses computer literacy skills, and with respect to whom there are no security obstacles for performing such duties.

(12) The Ordinance on the internal order of the Ministry prescribes special conditions for performing other duties within the Labour Inspectorate.

(13) Inspections from within the scope of the Labour Inspectorate are conducted in the first instance by civil servants referred to in paragraphs 1 through 11 of this Article (hereinafter: labour inspectors) in accordance with the provisions of Articles 6, 14 and 15 of this Act.

(1) Persons referred to in Article 7, paragraph 1 of this Act may not conduct inspections if on the basis of a report on basic security clearance checks, conducted in accordance with a special regulation on security clearance checks, it is established that there are security obstacles for performing such duties.

(2) A person who is admitted to perform the duties referred to in Article 7, paragraph 1 of this Act or a person who already performs such duties shall conform to the check referred to in paragraph 1 of this Article at a request of the head of the body.

Article 13

If, in conducting inspection, it is established in accordance with Article 12 of this Act that there are security obstacles to performing such duties or if the person referred to in Article 7, paragraph 1 of this Act, at a request of the head of the body, does not personally complete the security clearance questionnaire or does not sign the consent to the security clearance check in accordance with a special regulation, such person shall be assigned to another work post for which he is eligible, and if there is no appropriate work post to which he might be assigned, a decision on his placing at Government disposal shall be issued.

Article 14

(1) Labour inspectors shall perform duties in the first instance in the field of inspections relating to labour relations and occupational health and safety in accordance with their assignment to appropriate duties.

(2) All labour inspectors, regardless of the field of inspection referred to in paragraph 1 of this Article, shall conduct inspections of the implementation of provisions of legislation set out in the programme referred to in Article 44 of this Act.

Article 15

(1) The labour inspector in a regional office and in a branch office of a regional office may, in view of the needs of the job or more efficient conducting of inspection duties, be ordered to temporarily perform such duties in another branch office of the regional office, in another regional office or at the central office, regardless of the distance from his place of work to his place of residence.

(2) The labour inspector who temporarily performs inspection duties at another place of work which is more than 100 kilometres away from his place of residence shall exercise his rights in accordance with a special regulation governing salaries and other material rights of employees in the civil service.

(3) Temporary performance of inspection duties in another branch office, another regional office or at the central office may last no longer than three months without interruptions or no longer than six months with interruptions over the course of one year, and shall be ordered by the Minister at a proposal of the director.

Article 16

(1) If the legislation referred to in Article 3 of this Act relates to the means of work in maritime, river, rail, road, and air transport, the application of such legislation shall be supervised by the labour inspector in accordance with Articles 6, 14 and 15 of this Act, based on the seat of the employer or the location where duties are performed.

(2) Within the meaning of paragraph 1 of this Article, the means of work in maritime transport means waterborne craft of Croatian nationality in national navigation.

Article 17

(1) The labour inspector shall be prohibited from conducting the procedure whenever conditions for his exemption under the legislation governing the general administrative procedure are fulfilled.

(2) The labour inspector shall notify his immediate superior without any delay about the facts referred to in paragraph 1 of this Article.

(3) The director, the head of sector or the head of office shall decide on the exemption of the inspector from the procedure either *ex officio* or at the request of a party.

(4) The director, the head of sector or the head of office shall issue a ruling deciding on objections as a regular legal remedy stipulated in the legislation on the general administrative procedure.

Article 18

(1) The Labour Inspectorate shall co-operate with state bodies, local and regional self-government units and legal persons vested with public authorities to ensure efficient performance of activities from within its scope of work.

(2) The Labour Inspectorate shall co-operate with workers and employers and their associations, organisations, communities, civil society organisations, other bodies and the interested public in order to ensure more efficient preventive action and development of partnerships in the identification and prevention of illegal activities.

Article 19

State bodies and other bodies vested with public authorities shall provide the required professional and other assistance to the Labour Inspectorate in performing activities from within its competence.

Article 20

(1) The Labour Inspectorate shall participate in the work of the Senior Labour Inspectors Committee of the European Commission and shall conduct activities agreed by the Committee.

(2) The director shall propose to the Minister the appointment of representatives of the Labour Inspectorate to the Senior Labour Inspectors Committee of the European Commission and to the working bodies of that Committee.

3. DUTIES AND POWERS OF LABOUR INSPECTORS

Article 21

- (1) The persons referred to in Article 7, paragraph 1 of this Act shall hold an official identity card and an official badge demonstrating their official capacity, identity, and powers.
- (2) The Minister shall prescribe the shape and content of the form of the official identity card, the appearance of the official badge, the manner of their issuing and use, and the keeping of the register on official identity cards and badges issued.

Article 22

- (1) The person referred to in Article 7, paragraph 1 of this Act shall, under criminal and material responsibility, issue a written statement on his property status and the property status of his spouse or common law spouse and minor children, and a written statement providing consent to verify the authenticity of data provided in the statement.
- (2) The content of the written statement referred to in paragraph 1 of this Article for persons referred to in Article 7, paragraph 1 of this Act, with respect to whom the content of such statement is not regulated by legislation on the prevention of conflicts of interest, shall be established by the Minister by applying, *mutatis mutandis*, legislation on the prevention of conflicts of interest.
- (3) A written statement referred to in paragraph 1 of this Article shall be provided in the form referred to in paragraph 2 of this Article immediately before the establishment of employment for performing duties referred to in Article 7, paragraph 1 of this Act; with respect to the director it shall be submitted to the competent commission and with respect to other persons it shall be deposited in their personal files.
- (4) A person who on the day of the entry into force of this Act already performs the duties referred to in Article 7, paragraph 1 of this Act shall provide the statement referred to in paragraph 1 of this Article within 30 days of the entry into force of this Act.
- (5) If the person referred to in paragraph 4 of this Article refuses to provide a statement referred to in paragraph 1 of this Article within the prescribed deadline, he shall be assigned to another work post for which he is eligible, and if there is no appropriate work post to which he may be assigned, a decision on his placing at Government disposal shall be issued.

Article 23

- (1) In view of the needs of the service, labour inspectors shall perform their duties according to the schedule of working hours, including night-time work and work in shifts.
- (2) At the order of their superior, labour inspectors shall conduct inspections in excess of their full working hours or in re-scheduled working hours in accordance with the general labour legislation, if this is necessary to ensure successful and timely performance of such duties.
- (3) Labour inspectors may be ordered to postpone their annual leave or to interrupt their annual leave in order to conduct inspection that may not be delayed.

(4) In the case referred to in paragraph 3 of this Article, labour inspectors are entitled to compensation of the actual costs resulting from postponement or interruption of their annual leave.

Article 24

(1) The labour inspector shall be on stand-by out of the working hours in conformity with a decision, which is adopted by the Minister at a proposal of the director.

(2) The labour inspector who was ordered to be on stand-by is entitled to remuneration for the duration of such stand-by in conformity with a special regulation governing salaries and other material rights of employees in the civil service.

Article 25

(1) The collection and further processing of data processed by the Labour Inspectorate are governed by the legislation governing the protection of personal data, confidentiality of data, and information security.

(2) The Labour Inspectorate may collect personal and other data and information for the purpose of inspection from the sources of data that already exist, directly from the person to whom the data relate and from other persons who may have information about such data.

(3) The collection of personal and other data and information referred to in paragraph 1 of this Article from minors shall be conducted in the presence of the legal representative of the minor and, if necessary, a professional from the social welfare centre, unless the minor acquired full or limited business capacity before coming of age in one of the legally permitted ways.

(4) The labour inspector collecting personal and other data and information does not need to notify persons to whom the data relate if that would make the collection of such data for the purpose of inspection impossible or disproportionately more difficult.

(5) Bodies, institutions and other entities who are in the possession of data and information pursuant to law and within the scope of their activities shall submit, at a request of the labour inspector, the requested personal and other data and information essential for the implementation of inspection and for performing other activities from within the competence of the Labour Inspectorate.

(6) The labour inspector may collect personal and other data and information at the official premises, at the work place of the person and, subject to a previous consent of the person, in the person's home.

Article 26

(1) The labour inspector may not use for unofficial purposes information, data or knowledge that are in his possession or that become available to him during inspection and may not use and provide information, data or knowledge for the purpose of acquiring any material or other gain for himself or any other person.

(2) The labour inspector shall, in conducting inspection, keep confidential the identity of complainants, unless the identity of the complainant is relevant in view of conducting the procedure and the complainant provided a written consent that his identity need not be protected.

(3) The director, the labour inspector, and all other civil servants and employees of the Labour Inspectorate shall keep as an inspection secret or other type of secret all personal and other confidential information learnt in performing their duties in accordance with the legislation governing the confidentiality of data.

(4) The persons referred to in paragraph 3 of this Article shall keep the secrecy and confidentiality of data even after termination of their work in the Labour Inspectorate.

(5) The Labour Inspectorate shall keep as an inspection secret all documents (annotations, minutes, draft rulings, rulings, conclusions, motions to indict, instructions for work, statements by a party, complaints, objections) and all other data and evidence established by or resulting from the inspection procedure.

(6) The Labour Inspectorate may submit the documents and data referred to in paragraph 5 of this Article, collected or established in the course of inspection, and the identity of the complainant in accordance with paragraph 2 of this Article, only to courts, state administration bodies, and other state bodies, at their written substantiated request in procedures within their competence.

Article 27

(1) The labour inspector shall instigate the procedure *ex officio* and, exceptionally, at the request of a party, whenever prescribed by law.

(2) Where the labour inspector conducts inspection further to a complaint received, the complainant shall be notified in writing of the state of facts established and measures taken.

(3) If on the basis of the content of a complaint received, the labour inspector is not authorised to conduct inspection or take measures, he shall notify the complainant thereof in writing.

Article 28

(1) Where, in the course of inspection, the employer prevents the labour inspector from entering an apartment or premises where the activity concerned is performed or suspected of being performed and if there are suspicions that the employer acts contrary to legislation within the competence of the labour inspector, the inspector shall request the competent court to issue a written order for search of the apartment or premises in an urgent procedure.

(2) The competent court shall resolve the request referred to in paragraph 1 of this Article within one day of the receipt of the request.

Article 29

(1) In the course of inspection, the labour inspector may, directly related to the subject of inspection and at the employer's request, provide advice to the employer about the manner of the most efficient implementation of the provisions of the legislation subject to inspection.

(2) The inspector shall draw up an official annotation about the content of the request and of the advice given.

(3) In the event of any vagueness or ambiguities regarding the implementation of legislation subject to inspection, and with a view to taking the prescribed measures or providing the advice referred to in paragraph 1 of this Article, the Labour Inspectorate may request the authority competent for drawing up the legislation to issue a professional opinion or a clarification on the implementation of certain provisions of the legislation.

Article 30

(1) The employer who is subject to inspection shall enable the labour inspector to conduct inspection and ensure conditions for unhindered work.

(2) The employer shall also be deemed not to have enabled conducting of inspection referred to in paragraph 1 of this Article if he fails to provide the requested business documents and other documents required to establish the state of facts in the inspection within the deadline set in the minutes of the labour inspector, or fails to respond to the summons to a hearing within the deadline stated in the summons to a hearing, or fails to perform the action referred to in Article 33, paragraph 6 of this Act.

(3) At the request of the labour inspector, the employer shall suspend the operation of the supervised facilities for the duration of inspection if the labour inspector would not otherwise be able to conduct inspection or establish the state of facts.

(4) The labour inspector shall make a note of the temporary suspension of operation of the employer subject to inspection and the duration of suspension in the minutes on inspection conducted.

Article 31

(1) The person referred to in Article 7, paragraph 1 of this Act shall present an official identity card and badge to the representative of the employer or the person found at the place of inspection before the commencement of inspection, thus proving his official capacity, identity, and powers.

(2) The labour inspector may notify the responsible person of the employer, if available, about the commencement of inspection, unless the labour inspector holds that such information would diminish the efficiency of the inspection.

Article 32

(1) The labour inspector shall draw up minutes about the conducted inspection.

(2) The minutes on the conducted inspection shall be drawn up according to the provisions of the General Administrative Procedure Act.

(3) One copy of the minutes shall be served to the employer or the authorised representative of the employer subjected to inspection or to the worker of the employer found at the site.

(4) One copy of the minutes on the conducted inspection following an injury at work shall be served to the injured person or his authorised representative, and in the event of death, to a member of his family if requested in writing.

Article 33

(1) While conducting inspection, the labour inspector is authorised to photograph and film persons and examine, photograph and film buildings, facilities, business premises and areas, harbours, temporary working sites, performance of works, facilities intended for work with auxiliary areas, premises and installations, residential rooms and areas in households and residential buildings in which an activity or work is performed, products, devices, equipment, means of work, vehicles, business books, registers, records, devices, video recordings and audio recordings, documents, contracts, and other business documentation that enable insight into the operation of the employer in terms of the implementation of the legislation referred to in Article 3 of this Act.

(2) Business premises and areas within the meaning of this Act mean also residential rooms registered as business premises and other rooms, means of transport and the like, in which the employer performs his activity or work.

(3) In the implementation of inspection, the labour inspector is authorised to request and examine public documents on the basis of which the identity of a person may be verified and established (personal identity card, passport, and the like), where the person subject to inspection or the person found at the place of inspection must present such document to the labour inspector for review.

(4) At the written request of the labour inspector, within a deadline sufficient to perform the obligation, the employer shall prepare and submit accurate and complete data, information and materials required to conduct inspection.

(5) While conducting inspection, the inspector may take statements from natural persons found at the site who, at his request, in accordance with the legislation on the administrative, misdemeanour or criminal procedure, must provide statements that include accurate data and details relevant for determining facts in the inspection that is underway.

(6) After the inspection has been completed, the labour inspector may also request the employer to perform an action and may set a deadline for performing such action.

Article 34

(1) While conducting inspection, the labour inspector may temporarily seize any documents and objects that may be used as evidence in the misdemeanour or criminal procedure until a final decision on misdemeanour or a final decision on criminal offence has been rendered, and the employer must submit the requested documents and objects at the request of the inspector.

(2) The labour inspector shall issue a receipt on the temporarily seized documents and objects referred to in paragraph 1 of this Article.

Article 35

If the labour inspector, while conducting inspection, observes any illegalities but is not authorised to act, and another competent body is, he shall notify that competent body accordingly.

Article 36

(1) If this Act or some other legislation foresees that, in the event an illegality is found, an appropriate administrative measure is issued or another action ordered, the labour inspector shall issue such measure or order such action.

(2) Unless this Act or some other legislation provides otherwise, the labour inspector shall issue the administrative measure referred to in paragraph 1 of this Article without delay, and at the latest within eight days of the date of completion of the inspection in the course of which facts relevant for the adoption of the measure were established, however, if the measure has not been issued within the said deadline, the obligation to issue it remains.

(3) The Minister shall, in an instruction, prescribe the manner of sealing the premises if the administrative measure adopted under this Act or other legislation is to be performed by sealing.

Article 37

The labour inspector shall control enforcement of the ruling immediately after it becomes enforceable, and at the latest within eight days of the date of its enforceability.

Article 38

The labour inspector may, in a ruling, order the employer to eliminate identified violations of the legislation on labour relations, except in the case of a right that the worker may exercise in court.

Article 39

An appeal may be filed against the ruling on the objection referred to in Article 17, paragraph 4 of this Act, the ruling of the labour inspector referred to in Article 36, paragraph 1 of this Act and the ruling referred to in Article 38 of this Act.

Article 40

(1) An appeal against the ruling referred to in Article 39 of this Act shall be resolved by the Appeals Commission within the Labour Inspectorate (hereinafter: the Appeals Commission).

(2) The Appeals Commission consists of three members and three deputies who are appointed by the Minister at the proposal of the director from amongst the ranks of civil servants referred to in Article 11 of this Act.

(3) The chairman and the deputy chairman of the Appeals Commission may be a civil servant who has completed an undergraduate and graduate university study or an integrated

undergraduate and graduate university study or a specialist professional graduate study in law, who has at least four years of working experience as labour inspector, and who has passed the state professional exam for labour inspector.

(4) A member and a deputy member of the Appeals Commission may be a civil servant who has not completed an undergraduate and graduate university study or an integrated undergraduate and graduate university study or a specialist professional graduate study in law, but meets other conditions referred to in paragraph 3 of this Article.

(5) The Commission shall adopt its rules of procedure.

Article 41

The procedure to be followed by the labour inspector that is not regulated in this Act shall be governed by the provisions of the General Administrative Procedure Act and other special laws, the implementation of which they govern.

Article 42

(1) If, in the course of inspection, the labour inspector establishes that a violation of legislation resulted in a misdemeanour subject to the verbal issuing and collection of a fine at the site of the misdemeanour under misdemeanour or other legislation, he shall issue such a fine and collect it from the perpetrator of the misdemeanour.

(2) If, in the course of inspection, the labour inspector establishes that a violation of legislation resulted in a misdemeanour subject to the issuing of a mandatory misdemeanour order under misdemeanour legislation, he shall issue such an order with respect to the perpetrator of the misdemeanour without any delay, and at the latest within eight days of the date of completion of the inspection in the course of which facts relevant for the taking of measures were established, however, if such an order has not been issued within the said deadline, the obligation to issue the order remains.

(3) If, in the course of inspection, the labour inspector establishes that a violation of legislation resulted in a misdemeanour for which he may not issue and collect a fine at the site of the misdemeanour under misdemeanour or other legislation and does not need to issue a mandatory misdemeanour order, but might issue a misdemeanour order under misdemeanour legislation, he may issue it immediately, at the latest within eight days of the completion of the inspection in the course of which facts relevant for the taking of measures were established.

(4) If, in the course of inspection, the labour inspector establishes that it is justified to suspect that a violation of legislation resulted in a misdemeanour for which he may not issue and collect a fine at the site of the misdemeanour under misdemeanour or other legislation and does not need to issue a mandatory misdemeanour order or did not issue the misdemeanour order referred to in paragraph 3 of this Article, although he could have issued it, at the latest within fifteen days of the completion of the inspection in the course of which facts relevant for the taking of measures were established, he shall submit a motion to indict for the initiation of misdemeanour proceedings, however, if he does not submit such a motion to indict by the mentioned deadline, the obligation to submit it remains.

(5) If, in the course of inspection, the labour inspector establishes that it is justified to suspect that a violation of legislation resulted in a criminal offence, at the latest within fifteen days of the completion of the inspection in the course of which facts relevant for the taking of measures were established, he shall submit a motion for the initiation of criminal proceedings, however, if he does not submit such a motion by the mentioned deadline, the obligation to submit remains.

(6) The court to which the motion to indict was submitted or the state attorney office to which the motion referred to in paragraph 4 or paragraph 5 of this Article was submitted shall notify the submitter about the outcome of the proceedings.

(7) In addition to misdemeanours for which a special law governing the misdemeanour procedure stipulates conditions for urgent procedure, the labour inspector shall propose urgent procedure to the competent misdemeanour court also in cases that involve the prohibition to perform one's activity, failure to register workers under mandatory pension insurance or mandatory health insurance with the first day of work or failure to register workers for such insurance for the appropriate working hours, illegal work by a foreigner, and for obstructing the conducting of inspection.

Article 43

(1) The Ministry shall provide protection to persons referred to in Article 7, paragraph 1 of this Act in the course of work they perform.

(2) In the case of criminal proceedings against the person referred to in Article 7, paragraph 1 of this Act, initiated by a private plaintiff in connection with performing regular work and work tasks within the scope of activities of the Labour Inspectorate, the Minister may decide, at a proposal of the director, that the costs of such proceedings, including representation, shall be borne by the Ministry.

(3) The costs referred to in paragraph 2 of this Article shall be secured as an advance payment from the funds of the Ministry and collected later from persons who must refund them according to the provisions of the Criminal Procedure Act that govern the costs of the procedure.

Article 44

At a proposal of the director, the Minister shall set the minimum number, structure, and priorities for conducting inspections over the implementation of legislation from within the scope of activities of the Labour Inspectorate as well as joint work to be performed by labour inspectors in the field of labour relations and labour inspectors in the field of occupational health and safety.

Article 45

(1) The labour inspector shall keep an electronic register of conducted inspections and measures taken.

(2) The keeping of data in the electronic register that are not accurate and up to date shall represent a serious violation of official duty.

(3) The Minister shall prescribe in an ordinance the content, form, and the manner of keeping the electronic register referred to in paragraph 1 of this Article.

Article 46

(1) With the aim of ensuring uniform and proper proceeding in conducting inspections and efficient operation, the Minister may, at a proposal of the director, issue instructions and explanations concerning the manner of conducting inspections and other issues of significance for uniform, proper, and efficient operation.

(2) The instructions referred to in paragraph 1 of this Article shall be binding for all labour inspectors.

(3) In order to achieve as efficient performance of work as possible, in addition to training programmes conducted in accordance with legislation on civil servants, specific specialist programmes for labour inspectors shall also be conducted, whenever necessary, which shall be organised by the Labour Inspectorate and the Ministry.

(4) Further to an agreement between the Minister and the head of another body, labour inspectors may be sent for training or professional development to another state body or institution in the Republic of Croatia or abroad.

Article 47

The Labour Inspectorate shall conduct internal controls of the legality of actions of labour inspectors and of proper implementation of legislation in order to ensure the elimination of any irregularities detected, the making of work practice uniform, and in order to identify, establish, and prevent violations of the lawfulness of work, rules of the service, and the code of ethics.

Article 48

The rights, obligations, and responsibilities of labour inspectors not prescribed in this Act shall be governed by legislation governing the rights, obligations and responsibilities of those employed in the civil service.

Article 49

(1) Certificates of appreciation may be presented to state administration bodies, public services, associations and economic and other subjects for significant contribution in co-operation with the Labour Inspectorate and for development of partnership in the identification and prevention of unlawful operation.

(2) The decision on the presentation of a certificate of appreciation referred to in paragraph 1 of this Article shall be adopted by the Minister at the proposal of the director.

4. MISDEMEANOUR PROVISIONS

Article 50

(1) The employer who is a legal person shall be fined a sum between HRK 120,000.00 and HRK 150,000.00 if:

1) the employer prevents the labour inspector from conducting inspection or does not ensure conditions for undisturbed work of the labour inspector or does not temporarily suspend, at a request of the labour inspector, the operation of the facility subject to inspection for the duration of inspection if the inspector cannot otherwise conduct inspection or establish the state of facts (Article 30, paragraphs 1, 2 and 3);

2) the employer, at a written request of the labour inspector, does not prepare or submit accurate and complete data, information, and materials required for conducting inspection within the specified deadline, or if such employer submits inaccurate or incomplete data, information or materials, or if, after inspection, the employer does not perform the actions required or does not perform them within the specified deadline (Article 33, paragraphs 4 and 6);

3) the employer, at a request of the labour inspector, until the adoption of a final decision on the misdemeanour or a final judgement on the criminal offence committed, does not submit the requested documents or objects that may be used as evidence in the misdemeanour or criminal procedure (Article 34, paragraph 1);

4) the employer does not act in accordance with an enforceable ruling of the labour inspector adopted further to this Act or another law (Articles 36 and 38);

(2) The employer who is a natural person and the responsible person in a legal person shall be fined for the misdemeanour referred to in paragraph 1 of this Article by a sum between HRK 30,000.00 and HRK 50,000.00.

Article 51

A natural person who is subject to inspection and a natural person found at the place of inspection shall be fined for a misdemeanour by a sum between HRK 3,000.00 and HRK 4,500.00 if, at a request of the labour inspector, they do not present a public document that can be used to check and confirm their identity (Article 33, paragraph 3).

Article 52

A natural person found at the site shall be fined for a misdemeanour by a sum between HRK 3,000.00 and HRK 4,500.00 if, at a request of the labour inspector, he refuses, without justification, to provide a statement with data and details relevant for establishing facts in the course of inspection or provides incorrect data and details in such a statement (Article 33, paragraph 5).

5. TRANSITIONAL AND FINAL PROVISIONS

Article 53

(1) Proceedings initiated under the provisions of the State Inspectorate Act (Official Gazette 116/08, 123/08, and 49/11) prior to the entry into force of this Act shall be completed in accordance with the provisions of the former Act.

(2) Appeals against rulings of the labour inspector and against rulings on the objection referred to in Article 17, paragraph 4 of this Act not resolved before the day of the entry into force of this Act by the Appeals Commission of the State Inspectorate shall be resolved by the Appeals Commission of the Labour Inspectorate.

Article 54

Labour inspectors found in performing the duties referred to in Article 3 of this Act on the day of the entry into force of this Act shall continue to perform such duties even if they do not meet the conditions stipulated in Article 11 of this Act regarding the type and degree of education and the driver's exam, provided that they performed such work for a period of at least two years before the entry into force of this Act.

Article 55

The Minister shall adopt the ordinances referred to in Article 7, paragraph 4, Article 21, paragraph 2, and Article 45, paragraph 3 of this Act, and the instruction referred to in Article 36, paragraph 3 of this Act, within three months of the day of the entry into force of this Act.

Article 56

(1) Until the entry into force of the ordinances referred to in Article 55 of this Act, in the part in which they relate to labour inspectors and to the extent they are not contrary to the provisions of this Act, the following shall apply *mutatis mutandis*:

1) Ordinance on the manner of keeping the register of inspections and measures taken by the inspectors of the State Inspectorate (Official Gazette 134/09 and 68/13)

2) Ordinance on the form of the official identity card and the appearance of the designation of the economic inspector, mining and electrical energy inspector, labour inspector and pressure vessels inspector (Official Gazette 105/99)

3) Instruction on the method of sealing where the ruling of the inspector of the State Inspectorate is enforced by sealing (Official Gazette 134/09).

(2) Until the entry into force of the Instruction on data to be included in the report on an event that caused the death or group injury of workers, which is adopted further to a special regulation on occupational health and safety, to the extent it is not contrary to the provisions of this Act, the Instruction on data to be included in the report on an event that caused the death or group injury of workers (Official Gazette 86/12) shall apply *mutatis mutandis*.

(3) Until the entry into force of the ordinances referred to in Article 21, paragraph 2 of this Act, and the issuing of new official identity cards and badges in accordance with that ordinance, labour inspectors shall continue to use the official identity cards and badges issued in accordance with the Ordinance referred to in paragraph 1, sub-paragraph 2 of this Article.

Article 57

On the day of the entry into force of this Act, the provisions of the State Inspectorate Act (Official Gazette 116/08, 123/08, and 49/11) relating to inspections in the field of labour and occupational health and safety and to labour inspectors, shall cease to have effect.

Article 58

This Act shall enter into force on the eighth day after the day of its publication in the Official Gazette.

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Zagreb, 31 January 2014

THE CROATIAN PARLIAMENT

The President
of the Croatian
Parliament
Josip Leko, *m.p.*

PROVISIONAL TRANSLATION