

REGISTER OF EMPLOYEES

From 01.09.2017. new Rulebook is in force on content and manner of keeping register of employees. New Rulebook has completely replaced old Rulebook. New Rulebook is published in Official Gazette no. 73/17.

Employers are still obliged to keep two categories of data:

1. about employees:
 - a) employed persons with employment status
 - b) special evidence about persons without employment status (so called other persons performing for the employer), and
2. about working hours of employees – **more about this evidence you can find in additional newsletter**

REGISTER OF EMPLOYEES

Rulebook prescribes a minimum data which register of employees must contain, in total 18.

Compared with previous Rulebook, news in register on employees is that some data from previous Rulebook are left out.

*Regarding register of employees, it is important that employer starts to keep the register at the beginning of employment and keeps it until the termination of employment. The register **must be kept as permanent value documentation.***

Register on employees must contain data, according to Article 3., par. 1, as follows:

- 1) name and surname;
- 2) personal identification number (OIB),
- 3) gender,
- 4) day, month and year of birth,
- 5) citizenship,
- 6) place of residence,
- 7) residence and working permit or certificate of work registration, if the worker is foreigner with obligation to have them,
- 8) vocational education, special exams, courses which are required for performing job (including licenses, certificates and similar),
- 9) start date of work,
- 10) an indication of whether the contract referred to Article 61., par. 3. and Article 62., par. 3., Labour Act and number of working hours which worker will perform based on that contract, plus the consent of employer where worker perform full time or of employer's where worker perform part-time for 40 hours per week,
- 11) duration of employment abroad, State and place of work, in case of assignment,

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- 12) duration time of temporary posted employee to the associated company, headquarter and place of work of posted employee and State of associated company in case of posting worker abroad,
- 13) an indication of job in which the insurance service is calculated with increased duration and how,
- 14) place of work, if there is no regular and main place of work, note that work is performed in different places,
- 15) contracted working hours per week, determined full time ie prescribed shortened working time in hours,
- 16) time of standstill of employment, unpaid leave, maternity and parental leaves or usage of other rights based on special provisions
- 17) ending date of employment,
- 18) the reason for termination of employment.

In addition to the above data, the employer must keep record of other information's relevant for achieving certain rights arising from employment status or related to employment status (years of service period before the beginning to work at the current employer, confirmation of pregnancy, maternity, breastfeeding, status of single parents, adoptive status, occupational disease, injury at work, occupational inability to work, reduction of working capacity with the remaining work capacity, reduction of working capacity with a partial loss of working ability, immediate danger of reduction of working ability, immediate danger of disability, disability, disability pension due to partial loss of working ability, for workers who work part-time data on every other employer in which the employee works part-time, etc.).

SPECIAL REGISTER ABOUT OTHER PERSONS PERFORMING FOR THE EMPLOYER BUT WITHOUT EMPLOYMENT STATUS

Employer is obliged to keep special register about:

- employees which are temporary posted to the associated company with the company,
- persons to which employer provides professional training for work,
- regular students performing for employer through authorized student institution,
- regular scholars performing for employer through authorized high school institution,
- regular scholars which are attending traineeship by the employer,
- persons which are working for common good in accordance with special provisions.

Special register must contain minimum data as follows:

- 1) name and surname,
- 2) identification number (OIB),
- 3) gender,
- 4) day, month and year of birth,
- 5) place of residence,

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- 6) name of the document based on which this person is performing for the employer, proof about compliance with the conditions prescribed for such job,
- 7) place of work,
- 8) start date
- 9) date of ending of work.

Employer starts to keep special register at the day when those persons start to work and keeps it until the end of work. The register must be kept at least 6 years counting from the ending of their work.

Both registers, about employees and about other persons, can be kept in paper form or electronically.

Each change of data, employee or other person, must report to the employer immediately, latest 8 days counting from the date when change occurred. Employer enter each change based on statement, notice, personal documentation of employee, document or similar).

If there is obligation to keep the other data, by the special provisions beside the data from Article 3. and 4. of Rulebook, employer is obligated to keep those data in accordance with special provisions.

CONSEQUENCES FOR THE EMPLOYER IF THE PRESCRIBED REGISTERS ARE NOT KEPT

Inspectional supervision of the application of the Rulebook is exercised by the state administration body responsible for labour inspection affairs. Upon request of a labour inspector the employer is obliged to provide records on employees and working hours.

Article 229. of the Croatian Labour Act are specified gravest violations fines for employers. A fine in an amount ranging from **HRK 61,000.00 to 100,000.00** shall be imposed on the employer-legal person for failing to keep records on employees and working time or failing to keep such records in a prescribed manner or for failing to provide information on employees and working time upon request of a labour inspector. An employer-physical person and the responsible person in the employer-legal person shall be fined in an amount ranging from **HRK 7,000.00 to 10,000.00**.

Also, if the records on working hours are not kept, the employer takes over additional risk because in case of a labour dispute related to the working hours the burden of proof shall lie with the employer.

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