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REGISTER ON WORKING HOURS

From 01.09.2017. is in force new Rulebook on content and manner of keeping register on employees according to Article 5., par. 2 of Croatian Labour Act. New Rulebook has completely replaced old Rulebook. New Rulebook is published in Official Gazette no. 73/17.

Employers are still obliged to keep, beside register of employees also data about:

1. working hours of employees

REGISTER ON WORKING HOURS

Rulebook prescribes a minimum data with the register on working hours must contain. Please find attached, excel table with guidelines how the register on working hours should be kept. Table contains minimum data which are prescribed by the Rulebook (Art. 8, par. 1), and those are:

- 1) name and surname of employee,
- 2) date of the month
- 3) start of work
- 4) end of work
- 5) time and hours of delay, interruption of work etc. which occurred by the fault of the employer or due to circumstances for which the employee is not responsible,
- 6) total daily working time,
- 7) hours of field work,
- 8) hours of preparedness
- 9) time of absence at work:
 - hours of rest usage (daily rest, weekly rest and annual leave)
 - non-working days and holidays in accordance with special provisions
 - hours of inability to work due to temporary incapacity for work
 - hours of paid leave
 - hours of absence during the daily schedule of working hours based on the request of employee
 - hours of absence during the daily schedule of working hours where the worker not perform by their own fault
 - hours spent in a strike
 - hours of lockout.

Beside those data, employer must keep also additional data in relation with working hours relevant for achieving certain rights arising from employment status or related to employment status, e.g. night hours of work, overtime, shifts, split shifts, work on holidays or non-working days determinate with special provision etc.

Data about start and end of work, employer is obliged to keep only if that commitment is established by collective agreement or agreement between the working council and the employer, employment contract or rulebook.

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Employer which keeps data about start and end of work is not obliged to keep data about hours of usage daily and weekly rest.

Also, for employees which working time is arranged in evenly distributed and evenly patterns of working time over days, weeks and months is not obliged to keep data about hours of usage daily and weekly rest.

Regardless of the mentioned above, if you as employer have employees in the mentioned groups and you are not obliged to keep data about start and end of their work, it is recommended that you keep this information anyway.

Employer is obliged also for the employees for which, due to the specificity of their work, the working hours cannot be measured and/or predetermined or whose working time can be determined by the workers themselves (managing executive or a family worker with the employer – natural person, living in the same household with the employer and performing certain works for the employer, etc.), to keep data on working hours relevant for achieving certain rights arising from employment status, or if not contracted independence in determining the maximum duration of weekly working time, night work and daily and weekly rest, employer is obliged to keep data also for those employees.

The employer is obliged to keep only data in register of working hours which are obtained in the period, i.e. the month for which the salary is paid or salary compensation.

Working hours register must be kept duly and intelligible for the period of time for the month for which the salary is paid, must be kept accurately, understandable and timely. Employer is obliged to fill in the register latest within seven days starting with day from which data should be filled.

In case if some data are not known by the end of the working day of employee, employer is obliged to record data immediately upon of discovery of the data.

The employee is entitled to see the register on working hours.

Records about working hours can be kept in paper form or electronically, usage of abbreviations with clear explanation of meaning is allowed. The records must be kept at least 6 years.

In case when the employer has information that the labour dispute regarding the employee's rights is initiated, register should be kept until the final judicial decision about ending the dispute.

Employees which are posted by the Temporary employment agency

Employer is obliged to keep register on working time, based on Article 8., par. 1. of Rulebook, and for the employees which are posted by the Temporary employment agency, if by the contract employer takes over that commitment.

Employees which are assigned on limited time to work in Republic of Croatia (expats)

One of the news in Rulebook is entering obligation to keep register of working hours also for employers from abroad which sends employees to work in Croatia, in limited period of time (usually up to two years). Foreign employer is obliged for

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assigned employee (expats) keep all data prescribed in the Article 8., par. 1. Rulebook on content and manner of keeping register on employees. Register of working hours must be kept in the place, or other clearly determined and available place in Croatia. Must be kept by the person which is authorized and determined by the employer. The same person needs to, translated to Croatian language, deliver register of working hours, upon request of a labour inspector/competent authority of Republic of Croatia.

Employees which performs their work on separate place of work

Employer, if it is not determined differently by some special provision, collective agreement or agreement between the working council and the employer or employment contract, is obliged to keep register on working hours also for the employees which performs on separate place of work.

Register on working hours for those employees, should have minimum data, as follows:

- 1) name and surname of employee,
- 2) date of the month,
- 3) total daily working time,
- 4) hours of field work,
- 5) hours of preparedness,
- 6) time of absence at work:
 - time of the rest (daily, weekly and annual)
 - non-working days and holidays determined by the special regulation,
 - time of inability to work due to temporary incapacity for work
 - time of paid leave.

For employees which working time is arranged in evenly distributed and evenly patterns of working time over days, weeks and months is not obliged to keep data about hours of usage daily and weekly rest.

Employer can keep this register on working hours (for employees with separate place of work) in the way to put in charge employee to regularly fill the register and deliver it to employer for review.

CORRELATION OF SALARY CALCULATION AND WORKING HOURS REGISTER

The data in the salary calculation arise from the working hours register kept by the employer. Salary calculation for each employee must follow register of working hours of that particular employee.

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

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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.

BENKO KOTRULJIĆ d.o.o.
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