

## CROATIAN PARLIAMENT

1091

On the basis of Article 89 of the Constitution of the Republic of Croatia, I adopt

### THE DECISION

#### ON THE PROCLAMATION OF THE LAW ON AMENDMENTS TO THE LAW ON MATERNITY AND PARENTAL BENEFITS

I am promulgating the Law on Amendments to the Law on Maternity and Parental Support, which was adopted by the Croatian Parliament at its session on April 19, 2013.

Class: 011-01/13-01/85

Registration number: 71-05-03/1-13-2

Zagreb, April 25, 2013.

President

of the Republic of Croatia

Ivo Josipović, vr

### LAW

#### ON AMENDMENTS TO THE LAW ON MATERNITY AND PARENTAL BENEFITS

##### Article 1.

In the Maternity and Parental Allowances Act ("Narodne novine", No. 85/08, 110/08 - amendment and 34/11), Article 1.a is added after Article 1, which reads:

##### »Article 1.a

This Law contains provisions that are in accordance with the following acts of the European Union:

- Directive 92/85/EEC of 19 October 1992 on the introduction of measures to improve the safety and health of pregnant workers and workers who have recently given birth or are breastfeeding at the workplace (the tenth individual directive in the sense of Article 16, paragraph 1 of Directive 89/391 /EEC) (OJ L 348, 28 November 1992);

- Directive 2010/18/EU of 8 March 2010 on the implementation of the revised Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC and on the repeal of Directive 96/34/EC (OJ L 68, 18. 3 2010);

- Directive 2010/41/EU of the European Parliament and of the Council of July 7, 2010 on the application of the principle of equal treatment to men and women engaged in self-employment and on the repeal of Council Directive 86/613/EEC (OJ L 180, 15. 7.2 010).«.

#### Article 2.

In Article 12, paragraphs 3 and 4 are amended to read:

"(3) The day of expected delivery is determined by the chosen gynecologist from the mandatory health insurance.

(4) As an exception to paragraph 2 of this article, an employed or self-employed pregnant woman, depending on her state of pregnancy and state of health, may start using maternity leave from paragraph 2 of this article 45 days before the day of the expected birth, which is determined by the selected gynecologist from paragraph 3 of this article."

#### Article 3.

In Article 13, paragraph 4 is deleted.

#### Article 4.

In Article 14, paragraph 1 and paragraph 2, subparagraph 1, the number: "6" is replaced by the number: "8".

Paragraphs 3 and 4 are changed to read:

»(3) The right to parental leave from paragraph 2 of this article is generally used by both parents from paragraph 1 of this article each for a duration of 4 or 15 months.

(4) If the parental leave referred to in paragraph 2 of this article is used by only one parent, in accordance with the agreement, it is used for a duration of 6 months for the first and second born child, or 30 months for twins born, the third and each subsequent child.«.

#### Article 5.

In Article 16, paragraph 2, the word: "consent" is replaced by the word: "opinion".

#### Article 6.

In Article 20.a, paragraph 5 is added after paragraph 4, which reads:

"(5) The right from paragraphs 1 to 4 of this article also applies to a self-employed pregnant woman in an appropriate manner."

#### Article 7.

In Article 21, the word: "consent" is replaced by the word: "opinion".

#### Article 8.

In Article 23, paragraph 8, the word: "consent" is replaced by the word: "opinion".

#### Article 9.

In Article 24, paragraphs 2 and 3 are amended to read:

»(2) While using the right to parental leave from Article 14, paragraph 2 of this Act, the salary compensation for the first 6 months if one parent uses this right, or the first 8 months if both parents use this right, amounts to 100% of the compensation base wages determined in accordance with paragraph 1 of this article, which cannot amount to more than 80% of the budget base per month for full-time work.

(3) During the use of the right to parental leave in half of the full-time working time referred to in Article 15, paragraph 4 of this Act, the compensation amounts to 50% of the budget base per month.«.

Paragraph 4 is deleted.

The previous items 5 to 10 become items 4 to 9.

#### Article 10.

In Article 24a paragraph 8, the word: "consent" is replaced by the word: "opinion".

#### Article 11.

Article 36, paragraph 1 is amended to read:

"(1) An employed adoptive parent or a self-employed adoptive parent obtains adoption leave for a duration of 6 months for a child up to 18 years of age."

Paragraph 3 is amended to read:

"(3) After using the adoption leave referred to in paragraphs 1 and 2 of this article, an employed adoptive parent or self-employed adoptive parent has the right to parental leave for an adopted child up to the age of 8 for a duration of 6 months."

Items 4 and 5 are deleted.

#### Article 12.

Article 39, paragraph 3 is amended to read:

"(3) The adoptive parent referred to in paragraph 1 of this article or the adoptive parent outside the labor system referred to in paragraph 2 of this article has the right to adoptive care for the child for a period of 12 months."

#### Article 13.

Article 44, paragraph 2 is amended to read:

"(2) As an exception to paragraph 1 of this article, the start of using the right to maternity leave 45 or 28 days before the expected date of birth is realized on the basis of a report from the selected gynecologist from the compulsory health insurance, which indicates the day of the expected birth and the starting date of using the right to mandatory maternity leave."

In paragraph 3, the words: "if this Law or a regulation adopted on the basis of this Law does not prescribe otherwise" are deleted.

#### Article 14.

Article 51, paragraph 3 is amended to read:

"(3) The right to financial support from paragraph 2 of this article can be exercised by passing a decision that consists only of a sentence in the form of a note in the file."

#### Article 15.

In the name of the head XIV. the word: "PUNISHED" is replaced by the word: "MISCONDUCT".

## Article 16.

Article 58, paragraph 1, is amended to read:

»(1) The user from this Act will be fined for an offense in the amount of HRK 3,000.00 to 10,000.00 if he does not report within the prescribed period any change that affects the loss or change of the grounds for using any right from this Act. «.

In paragraph 2, subparagraph 1, after the words: "leave of a pregnant worker or extended maternity leave or leave of a worker who is nursing a child," the words: "does not pay the corresponding salary from Article 20, paragraph 4 of this Act" are deleted.

## TRANSITIONAL AND FINAL PROVISIONS

### Article 17

(1) Requests for the exercise of the right to maternity leave and maternity allowance, as well as other requests for the exercise of rights, which were submitted before the date of entry into force of this Act, will be dealt with in accordance with the Act on Maternity and Parental Support ("Official Gazette", No. 85/08, 110/08 – correction and 34/11), if the right specified by this Law is not regulated in a more favorable way.

(2) Persons who, on the date of entry into force of this Act, are found to be exercising their rights under the Act on Maternity and Parental Support ("Narodne novine", no. 85/08, 110/08 - correction and 34/11), continue to exercise the same rights under the established conditions.

(3) Beneficiaries from paragraph 2 of this article may, by written request from the locally competent organizational unit of the Institute, request the realization of this right according to the provisions of this Act, if it is more favorable for them.

### Article 18.

This Act will be published in the "Narodne novine" and will enter into force on July 1, 2013.

Class: 113-04/12-01/01

Zagreb, April 19, 2013.

## CROATIAN PARLIAMENT

President

of the Croatian Parliament

**Josip Leko**, vr