

# The Role of Social Partners in Croatia in Tackling Discrimination Based on Age and Disability at the Workplace

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*Discrimination can be defined as any unequal treatment of a person linked to a specific or related trait that is not justified and leads to a disadvantage. The purpose of this text is to present the situation concerning discrimination based on age and disability in the workplace and the role and activities of social partners regarding its reduction in Croatia. The methodology involved desk research of various documents related to workplace discrimination and social partners' activities. Furthermore, six semi-structured interviews with social partners were conducted on the topic. The results show that social partners are quite active in the fight against age and disability discrimination. Some social partners stress that other priorities must take precedence because there are more urgent problems in the Croatian labour market than discrimination. However, despite sophisticated laws, research and interviews have shown that a significant part of employers and employees do not understand the concept of discrimination and/or do not even know whether discrimination is punishable by law. There is a need to organize a public campaign to raise citizens' awareness of all types of discrimination, particularly workplace discrimination related to age and disability.*

**Key words:** discrimination, Croatia, labour market, age, disability, social partners.

JEL classification: I31, J7, K4

## INTRODUCTION

Discrimination can be defined as any unequal treatment of a person linked to a specific or related trait that is not justified and leads to a disadvantage. Not every instance of unequal treatment constitutes discrimination. In some cases, differences

between individuals can justify unequal treatment, such as when specific knowledge or skills are required. However, discrimination often arises from unfounded expectations or prejudices, where people associate certain personal characteristics with particular attributes or behaviour, e.g.,

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older persons are not flexible enough and not willing to participate in adult educational programmes (Boström, 2017), and therefore will not be hired and/or promoted, although they fulfil all formal requirements (Bjursell, 2019). As prejudices are mostly irrational and typically impossible to argue against, it is very hard to fight against them (Abrams, 2010). However, it is essential to address discrimination, which can manifest in various forms, from unkind behaviour and exclusion to segregation and even explicit violence (McBride, 2015).

The objective of the paper is to present the situation concerning discrimination based on age and disability at the workplace and the role and activities of social partners (trade unions and employers) regarding its reduction in Croatia. After this introduction notes, the second section is dedicated to theoretical analysis and the danger of discrimination. Section 3 deals with the applied methodology, while discrimination based on age is presented in Section 4. Section 5 of the text is devoted to discrimination on grounds of disability, where also present situation and related measures are shown. The text finishes with the conclusion and proposals for improvement.

## **THEORETICAL AND CONCEPTUAL FRAMEWORK**

Discrimination can arise for various reasons, affecting individuals or groups based on different factors. However, not all unfavourable or seemingly unfair treatment qualifies as discrimination. For it to be deemed discriminatory the unequal treatment must relate to one or more protected characteristics. Age discrimination, for example, affects people across all age ranges, meaning no one should face unfair treatment for being too young or too old. There is no specific age that defines someone as "old," as abilities and traits vary widely depending on factors like life

experience, physical condition, and other influences. Furthermore, various institutions differently define old age, for example, Eurostat 55+, World Health Organization 45+, UN 60+, Eurobarometer 63.9+. Setting a strict age limit is often a clear indicator of discrimination, though there are several exceptions, such as offering benefits to older individuals.

Furthermore, the disadvantage and discrimination of older workers in the workplace are partly due to the assumption that older workers are taking the place of the young. That assumption originates from an old theory called "the lump of labour", which claimed that the quantity of jobs in the economy is fixed (Walker, 2007). Even though the theory was shown to be fallacious several times over the years and quite the opposite was proved (Gruber & Wise, 2010) this theory is still believed at some level.

In literature, there are many forms and definitions of age discrimination in the labour market. Palmore (1999: 119) states that "Age discrimination may take the form of refusal to hire or promote older workers, or forcing retirement at a fixed age regardless of the worker's ability to keep working". According to Macnicol (2006, p. 6), discrimination is "the use of crude 'age proxies' in personnel decisions". Carmichael et al. (2011: 122) formulated a definition based on real experiences of older persons who themselves outline age discrimination at a job as "not being allowed to do something you are capable of or willing to do just because of your chronological age". Stypińska & Nikander (2018: 92) argue that the definition based on the subjective perception of age discrimination permits a better understanding of how age discrimination works and sheds light on the personal attitudes and experiences of older workers.

Another significant distinction was introduced with the tripartite definition of

ageism which is in frequent use, especially among psychologists. This model conceptualizes ageist attitudes as comprising three key mechanisms: prejudice (affective), discrimination (behavioural), and stereotyping (cognitive). It distinguishes age discrimination from the broader concept of ageism, as discrimination specifically refers to actions with observable, external manifestations. This separation has improved the understanding of both ageism and age discrimination and was adopted by McMullin & Marshall (2001), who introduced two additional dimensions: "ageist ideology" and "ageist behaviours." Ageist ideology encompasses negative stereotypes, beliefs, and attitudes, while ageist behaviours involve actions that exclude or disadvantage individuals based on their chronological age (McMullin & Marshall, 2001). This distinction is particularly useful when addressing the legal prohibition of age discrimination in employment (Macnicol, 2010). Empirical research highlights that while biased ageist attitudes may lead to discrimination, they do not always do so (Furunes & Mykletun, 2010). Therefore, ageism can exist without direct discrimination. Moreover, policies that offer excessive employment protection for older workers, often implemented as anti-discrimination measures, may unintentionally lower their employability and reduce their possibilities of finding jobs (Heywood & Siebert, 2009).

Discrimination based on disability includes attitudes toward long-term physical, intellectual, mental, or sensory impairments. This includes people who have chronic or progressive conditions as well as people whose disorders are more stable (United Nations, 2006). For example, people with hearing impairment (Pérez-Garín, Recio, and Molero, 2021), vision impairments, paraplegia, people with Down syndrome, autism, schizophrenia, and so on. Discrimination is always about a real or

supposed comparison. One individual can be treated in a different way from another in a comparable situation without any reasonable justification. The unequal treatment occurs due to an actual or perceived ground that is connected to the person, for example, his or her age, health status, sexual orientation, ethnic origin, or religion.

In addition to respecting the fundamental principles arising from the Universal Declaration of Human Rights such as esteem for inherent dignity, freedom of choice, and independence of the person; non-discrimination, and equality of men and women, the Conventions on Rights of Persons with Disabilities from 2006 for the first time guarantees rights deriving from disability (United Nations, 2006). They include full and effective participation and inclusion in a society of persons with disabilities, respect for diversity and "acceptance of disability as a part of human diversity and humanity; equality of opportunity; accessibility and respect for the ability of children with developmental difficulties" and respect for preserving their own identity, and particularly to the right to work and employment (United Nations, 2006).

Despite all these positive legal regulations, discrimination based on disability happens in various forms of behaviour or provisions, primarily as direct and indirect discrimination. Direct discrimination happens when different treatment is linked to an actual or perceived attribute that is connected to a protected ground. "The comparison between an individual affected by discrimination and another person, real or imagined, not affected by discrimination in a similar situation is an important part of direct discrimination" (Zimmer, 2013: 14). Indirect discrimination happens when a neutral provision, criterion, or practice places or could place a person in a less favourable position on at least one of the protected grounds (Zimmer, 2013).

## **POSSIBLE AND APPLIED METHODOLOGY**

To examine workplace discrimination based on age and disability, a mixed-methods approach can be used. Quantitative analysis involves surveys or questionnaires to gather data from employees, measuring experiences of discrimination through standardized scales. This can include Likert-scale questions on perceived bias, promotion barriers, or differential treatment. Regression analysis can determine the relationship between discrimination and variables like job satisfaction, performance, and retention.

Qualitative methods, such as interviews or focus groups, provide deeper insights into personal experiences and organizational culture. Thematic analysis helps identify recurring patterns of bias or exclusion. Additionally, case studies of specific organizations or industries can be conducted to compare policies, while legal and Croatian records are reviewed to assess formal complaints. Combining both methods ensures a comprehensive understanding of how age and disability discrimination manifests in workplaces.

The methodology for this contribution was a desk review of various documents related to discrimination in the workplace and the social partners' activities. Furthermore, 6 semi-structural interviews with social partners (3 representatives from trade unions, and 3 representatives from the Croatian Employers' Association) were conducted about the topic. The author is fully aware that the sample is quite small, but this analysis sought to identify primarily the qualitative factors of discrimination in the labour market, while somewhat less attention was paid to quantitative characteristics. The key priority of this contribution is to analyse the scope and seriousness of these forms of discrimination in the Croatian labour market and the activities of the social partners in improving the situation.

## **DISCRIMINATION BASED ON AGE**

### **Situation**

According to the study by the Office of the Ombudswoman of the Republic of Croatia (Pučka pravobraniteljica, 2017), discrimination in Croatia is the most frequent in the workplace, during the hiring process, particularly regarding the age – both for older (50+) and younger persons (under 29 years). The goal of the study was to examine attitudes about discrimination and awareness of the problem, as well as the types of discrimination that occur in Croatian society. The study points to an interesting paradox. A large number of respondents said they did not support attitudes that reflected discriminatory bias; however, the study showed those biases were still quite strong. Biases and discrimination are directed most frequently against the Roma minority and trade union members, but also towards the elderly and young. Therefore, one-third of interviewed persons deem that older persons are less capable than younger. These results almost did not change in comparison with the results from the surveys from December 2009 and April 2012. The 2016 survey shows a greater presence of discrimination, particularly towards the elderly, than that reported to the competent bodies.

The unfavourable position of older workers (50+) in the labour market in Croatia has been confirmed by the survey performed by Galić, Parmač Kovačić and Vehovec (2019). According to their results, older workers perceive their economic security as significantly lower than younger workers (Myounger = 3.39 vs. Molder = 3.26). The same is applied to social relations at work (Myounger = 4.10 vs. Molder = 4.04), and job satisfaction (Molder = 3.08 vs. Myounger = 3.09). The only Quality of Work and Life (QWL) dimension that older workers see better than younger workers is the meaningfulness of their work (Myounger

= 4.25 vs. Molder = 4.36). Post-hoc testing (Tukey's HSD test) showed substantial differences between Croatian workers and EU17 and/or EU10 workers on three out of four QWL dimensions and job satisfaction. Croatian workers rate their social relations at work and job satisfaction pointedly lower than the workers from EU17 countries, whereas they assess their economic security and autonomy at work lower than the workers from both EU17 and EU10 countries. Significant interactions between job satisfaction and two QWL variables (participation in decision-making on one side, and economic security and autonomy on the other) show that Croatia is characterised by a higher degree of inequalities between younger and older workers than the EU17 and EU10 combined. Croatia began to lag behind other transitional nations regarding economic security and autonomy/participation in decision-making is especially concerning. It is also interesting to note that in the most recent 6<sup>th</sup> EWCS dataset, favourable ratings of social relations at work – which in previous studies were considered a comparative advantage of the Croatian workplace – vanished. It is possible to hypothesize that Croatia's protracted economic downturn has an impact on interpersonal relationships at work.

On the other hand, the position of youth in the Croatian labour market is also not positive. According to the Croatian Youth Network (Mreža mladih Hrvatske, 2012), 36% of the interviewed young people met with direct age discrimination. They have mostly been discriminated against because of their age and being told they are too young for a particular job. Moreover, the transition from the education system to the labour market is a particularly vulnerable phase, especially for young people striving for independence or to start a family, as the economic crisis exacerbates their challenges in finding employment. While some

statistics, viewed in isolation, may suggest a reduction in the proportion of young people among the unemployed, securing employment remains difficult for them. As a result, targeted measures have been introduced to promote youth employment.

One such measure is Workplace training without commencing employment (WTWCE), allowing the young persons with no working experience in the profession they were educated for, to acquire the experience and knowledge necessary to find a steady job. Since the measure works in favour of the employers, who can, apart from getting financial incentives, employ even in the systems where employment was limited, the WTWCE almost entirely replaced the internship institute. As a result, the measure effectively became a barrier to entering the labour market through regular employment. Many young people were hired in state institutions, where the employment ban remains in effect, using them as a low-cost substitute for regular employees. Consequently, they had no opportunity to secure permanent employment. The WTWCE, although by a definition classified as training, by its implementation could be classified as a direct job creation, a temporary *safety net*. Persons engaged through the WTWCE model continue to be paid less than interns or other beginners and are deprived of certain workers' financial rights, such as paid sick leave or unemployment benefits after they stop working (Brnardić, 2020).

The results of the ALMP evaluation conducted by the Croatian Employment Service in 2016 indicated that the beneficiaries of the WTWCE worked on jobs for which they were overqualified and that they were "feeling used" (Hrvatski zavod za zapošljavanje, 2016). Therefore, the Croatian Youth Network together with the Union of Autonomous Trade Unions of Croatia (UATUC) began with the programme to limit such practice, which is explained in the further text.



### Measures and activities for improvement

The Government adopted the National Plan to Combat Discrimination from 2017 to 2019, along with the accompanying Action Plan for 2017 to 2019, which included specific measures, implementation deadlines and competent bodies, but information about the implementation of the National Plan is not available. The measures are directed towards the prohibition of discrimination based on age and reducing the number of employed and active persons that are usually in adverse positions in the labour market (mainly those aged 50+). Another activity includes the promotion of equal opportunities in the field of work and employment. The monitoring has been conducted primarily through the indicator: reduced discrimination in the field of work and employment, especially among women of fertile age and the elderly.

The Office for Human Rights and the Rights of National Minorities was supposed to conduct an external evaluation of the previous Action Plans, including an assessment of meeting the goals, the efficiency of the implementation of measures, and recommendations for a new Action Plan. Based on the Strategic Plan for the 2017-2019 period, six acts related to judicial reform were adopted in 2018: the Act on the Amendments to the Courts Act, the Act on Court Seats and Jurisdictions, the Act on the Amendments to the State Judicial Council Act, the Act on the State Attorney, the Act on Seats and Jurisdictions of State Attorney's Offices, and the Act on the State Attorney Council, but their effects remain to be seen in the future. The main goal of all these changes is the better prevention of discrimination, a more efficient judiciary process related to discrimination, and the acceleration of judiciary processes that usually last a very long time.

The possibility for people in retirement to work and receive pensions at the same

time was introduced. This was introduced with the Amendments to the Act on the Pension Insurance, Article 14 (*Odluka o proglašenju zakona o izmjenama i dopunama Zakona o mirovinskom osiguranju* – OG 115/18). They can receive their pension and work up to half of their weekly working time. Although this legislative change did not aim to reduce discrimination against older people, it had a positive impact on the workplace anti-age-discrimination agenda.

The Union of Autonomous Trade Unions of Croatia (UATUC) and the Croatian Youth Network jointly carried out an activity whose goal was the limitation of the Workplace Training Without Commencing Employment (WTWCE) and the reintroduction of internships (SSSH, 2017). Furthermore, as part of an awareness-raising campaign, the booklet "A Small Guide to the Great Struggle" (*Mali vodič za veliku borbu*) (SSSH, 2019) was published. Due to the improved situation in the labour market and pressures from the UATUC and the Croatian Youth Network, the WTWCE was discontinued in early 2020. The Croatian Employment Service abolished this measure, but it disappeared completely within two years. Namely, in 2019, slightly more than 2.5 thousand people entered the WTWCE. Although there were relatively many criticisms of the WTWCE as a way of decreasing the cost of work and lower youth pay for the work done (Brnardić, 2020), the evaluations conducted by the Croatian Employment Service nevertheless showed that the WTWCE participants were better off than those who did not participate in the measure (Hrvatski zavod za zapošljavanje, 2016). Instead of the WTWCE, internship, and apprenticeship will be applied (Hrvatski zavod za zapošljavanje, 2019).

Social partners are quite active in the fight against age discrimination, but they sometimes stress other priorities that take precedence, like disrespect for basic employment rules, non-payment and/or delays

in payment of salaries and wages, the serious lack of labour force, problems with illiquidity and complicated administrative procedures, primarily unnecessary bureaucracy for employers. Considering the number of older workers enduring the negative impacts of job restructuring compared to the relatively few complaints submitted to the Ombudswoman, it can be presumed that a significant portion of individuals may not even recognize the discrimination they are experiencing. The Report by the Ombudswoman (2018) shows, that, in situations where broader activities need to be implemented, trade unions have an important role and often address the Ombudswoman to point out discriminatory effects of employers' business decisions at the expense of certain categories of workers.

Active labour market policies (ALMPs) in Croatia are not well-adapted to provide opportunities for older people to keep working, even if they wish to do so. In this context, lower taxes and other incentives have proven to be most effective (European Commission, 2015), because age is the only criterion, while a record in employment bureaus is not a condition, which is otherwise the usual precondition for participation in ALMPs measures. Older workers are often employed and ALMPs should aim to keep them employed, which is different from the objectives of ALMPs towards the unemployed. In Croatia, the ALMPs for those over 50 are aimed only at those who are registered with the employment service. In principle, older persons can take part in almost all kinds of employment measures, except in programmes designed only for the young.

## **DISCRIMINATION ON GROUNDS OF DISABILITY**

### **Situation**

In Croatia, there were no recent national surveys/studies regarding people's views about the extent to which various forms of

disability are an issue in the workplace. However, there was a valuable survey by the Ombudsperson Office (2017) on general attitudes towards discrimination. It shows that in 2016, 8.4% of interviewed persons believed that persons with disabilities faced discrimination in Croatia. On the statement "I would not like to have a severely disabled person as a work colleague because that would mean that I have to do a part of his or her job," on a scale of 1-4 – where 1 means that a person fully agrees, while 4 means that he or she does not agree at all – the average rate was 3.5 in 2016 (very similar to 3.5 in 2009 and 3.6 in 2012). In 2016, on the same statement, interviewed persons with higher educational attainment expressed more tolerant opinions. For people with primary education average rate was 3.2, for those with secondary and tertiary education attainment, it was 3.6 and 3.7, respectively.

In 2017 the Ombudswoman for Persons with Disabilities (OPD) received 59 complaints, of which 34 (58%) were against the legal persons with public authority. According to the Yearly Report by the Ombudswoman for Persons with Disabilities (2018), many working-age persons with disabilities are capable of work and the noteworthy work capacities of this group have been ignored. The OPD's annual activity reports over the years have reiterated that for persons with disabilities, discrimination most commonly occurs in the area of work and employment because there are prejudices and discrimination by employers who are not willing to employ such persons. Inefficient and inadequate legal arrangements also hinder their position – for example, personal assistance for use at work is still not legally defined. Furthermore, there is a significant mismatch between education output and the needs of workers in the labour market, as well as impediments in the environment, primarily inaccessible workplaces, denial of reasonable accommodation, and a lack of accessible public transportation.

Problems in the area of employment and work are also linked to insufficient adjustments in terms of the organizational, physical, psychosocial, and cognitive aspects of the workplace and work environment to the needs and capabilities of persons with disabilities. "Much of the problem lies also in a long-term culture of early retirement on grounds of disability and a lack of engagement between potential clients and professional rehabilitation services" to preserve remaining working abilities" (Žiljak, 2019: 11).

### Measures and activities for improvement

According to the *Zakon o profesionalnoj rehabilitaciji i zapošljavanju osoba s invaliditetom* (The Act of Professional Rehabilitation and Employment of People with Disabilities – OG 157/13, 152/14 and 39/18), the quota system has been introduced, which implies the obligation for all employers who have at least 20 workers to employ a certain number of people with disabilities in appropriate workplaces and with adequate working conditions. Unlike the old Act that mandated the employment of disabled people only for public sector employers, the new Act which has been in force since 1 January 2015, extended this requirement to employers in the real sector, with the establishment of an appropriate system for monitoring and controlling the employment of people with disabilities. In addition to the employment of persons with disabilities, the Act stipulates that the quota obligation can be fulfilled in several alternative ways (for example, by concluding business cooperation agreements with protective and integrative workshops, applying working practice for students with disabilities, providing scholarships for regular education and training of disabled persons, etc.).

The Act also contains a system of remuneration (incentives) for those employers

who are not subject to quota employment but still employ persons with disabilities, as well as for employers who employ more persons with disabilities than the defined quota. The companies that fail to meet the quota, either by employment or in a substitute manner, are liable to pay a monetary allowance of 30% of the minimum wage, per month, for each person with a disability they are obliged to employ. Collected pecuniary resources paid as financial compensation are used exclusively for payment of "incentives for the employment of persons with disabilities, and the implementation of programmes and projects for the employment of persons with disabilities" (The Government of the Republic of Croatia, 2017). Social partners were included during public discussion of the mentioned Act as well as through the activities of the Economic-Social Council.

According to Žiljak (2019): "There is a positive trend in employment opportunities for persons with disabilities as a major labour shortage has emerged due to the emigration of a large number of young people". Where there is a lack of workers (for example, auxiliary workers in tourism and hospitality), new opportunities are created also for persons with disabilities. Here, the response of employers and the Croatian Employment Service will be important, as well as the way the state implements the principles of reasonable accommodation. In the application of the principles of reasonable accommodation, the implementation of the Act on Professional Rehabilitation and Employment of Persons with Disabilities is important. Other developments relevant to disabled people's labour market participation and employment opportunities include the impact of policy measures in education and training, and social protection measures, but primarily focused on addressing the employers' prejudice regarding limited productivity and employability of persons with disabilities. The possible merging



of “all ombudspersons in a single office would be a step back in the protection of the specific rights of persons with disabilities. The independence of the disability ombudswoman needs to be respected and her appointment and normal work need to be continued” (Žiljak, 2019).

The main Active Labour Market Policy (ALMP) measure for people with disabilities is called “sheltered and supported employment and rehabilitation,” and it consists of subsidies for the productive employment of persons with a permanent (or long-term) reduced capacity to work. Countries with well-developed industrial relations (such as Scandinavian countries) have in recent decades invested most of their ALMP’s resources in this particular measure. On the other hand, Croatia has invested the least resources in this measure.

Representatives of the trade unions and the Croatian Employers’ Association participated in the preparation of the *National Strategy for Equalization of Opportunities for Persons with Disabilities from 2017 to 2020* (OG 42/2017). Objectives and expected results of the Strategy include strengthening the awareness of society about the rights of people with disabilities to partnership, marriage, parenting, and family, awareness of the need to respect the right to family life, and the importance of a quality family life for persons with disabilities. The strategy includes the following measures directed to the employment of persons with disability: “Measure 7.1: Analyse, monitor, and improve the application of existing legal regulations and current policies in the field of rehabilitation and employment of persons with disabilities; Measure 7.2: Implement active measures of employment policies for persons with disabilities in the open labour market; Measure 7.3: Ensure effective protection against discrimination in the area of employment and work of persons with disabilities (preventive measures and supervision); Measure 7.4:

Increase the availability of information and education to promote various forms of self-employment of persons with disabilities and to provide effective measures to encourage self-employment of persons with disabilities; Measure 7.5: Develop a model of non-profit (social) entrepreneurship and other models of social employment of persons with disabilities in the Republic of Croatia, including employment with support in accordance with successful international practices” (The Government of the Republic of Croatia, 2017).

As a praiseworthy measure of awareness raising one should mention the Annual Prize for the Best Employer of Persons with Disabilities given by the Croatian Employers’ Association and partner organisations and institutions. The first objective of the mentioned Annual prize is to raise awareness of the importance of integration of people with disabilities into the labour market and improve the general awareness of their efficient inclusion in the world of work. The second objective is to highlight employers with positive practices and experiences in hiring people with disabilities. The third objective of the measure is to reduce the discrimination that people with disabilities face in the labour market. Finally, the fourth objective is to promote and encourage additional employment of people with disabilities and to assure their equal participation in the world of work. All indirectly contribute to reducing discrimination against people with disabilities. The Annual Prize for the Best Employer of Persons with Disabilities is very well covered in the mass media and really contributes to the better knowledge and information of the general public, particularly employers, about the benefits and importance of employment of disabled persons on the open market. It takes place in an environment that fosters the health, welfare, self-respect, dignity, and autonomy of the person and considers gender- and age-specific needs. Therefore,

it could be a very important step to reduce the discrimination of persons with disabilities in the labour market.

## CONCLUSION

Despite sophisticated laws, recent research (primarily Bjelić, 2017) has shown that almost one-third of employers and over half of unemployed persons do not understand the notion of discrimination, whereas one-third of unemployed persons and employers do not even know whether discrimination is punishable by law or not. These results partly explain the fact that the first enforceable judgment for age discrimination in Croatia was passed only recently. Furthermore, the problem area of age discrimination in the labour market in Croatia has not been given sufficient significance in the scientific research so far and it has been approached mostly one-dimensionally in the context of "mandatory retirement" at the age of 65 as an arbitrary determined limit between worker's productivity and unproductivity. Zekić Eberhard (2014) argues that only a legal framework "is not sufficient to struggle against age discrimination without institutionalized support in raising the social consciousness of promoting age limits, lifetime, and working productivity in the population". Therefore, there is a need for a public campaign to raise the citizens' awareness of all types of discrimination, particularly age discrimination, in the labour market.

In Croatia, disabled people – in comparison with people without disabilities – are faced with discrimination in the employment process, and therefore affected by unemployment and marginalization. They are often exposed to multiple exclusions usually stemming from poor educational opportunities, limited participation in the labour market, and/or a lack of working experience. The welfare state aims to diminish exclusion from various systems; in

particular, the education and the employment system. Vocational (professional) rehabilitation is a socio-political instrument that permits individuals to regain employment opportunities, improve employability, and achieve full social participation. Social partners have been active in the fight against discrimination of such persons in the labour market, but there is still considerable scope for the enhancement of social partners' activities and impact.

This issue of various forms of discrimination in the labour market is probably not on the radar of the social dialogue because some other themes are more urgent, such as the disregard for basic employment rules, non-payment, and/or delay with payment of salaries and wages. Although the growing dissatisfaction with the working conditions, intensified by mass emigration from Croatia, coupled with the obvious workforce shortage, should result in positive changes in the approach of employers to workers, the number of complaints, inquiries, and applications received by the Ombudswoman in 2018 and 2019 was on the same level as in the previous years. While legislation is probably adequate, due to the low level of rule of law its implementation is mostly weak. Therefore, employers still do not pay enough attention to the aspect of work relations, despite that the protection of workers' dignity is one of their fundamental legal obligations. However, there are encouraging collaborations between various institutions and social partners.

The main gap of this paper is that it examines results for only two forms of discrimination in the labour market – on age and disabilities – while there are without doubt other forms of discrimination which are equally important, like ethnic origin, religious affiliation, and/or sexual orientation have been neglected. Further problems are related to the limited number of surveys that exist in Croatia on the topic of discrimination and the role of social partners in

its reduction. Moreover, the number of respondents in the research is quite small, but it can be expected that interviewing more people will enable the collection of different opinions. However, it is also quite possible that a broader scope of interviews would only confirm the already collected attitudes. Additionally, it is necessary to keep in mind that the number of social partners dealing with the aforementioned topic in Croatia is very small and that a larger number of interviews might not necessarily result in quality answers. Therefore, future research needs to analyse whether similar problems exist with other forms of discrimination. Future research based on current findings can stimulate further studies in the field, particularly having in mind the examination of possible improvements and stronger impact of the social partners on the limitation of discrimination.

In Croatia, despite a relatively developed legal framework and sophisticated laws, the literature review and conducted interviews have shown that a significant part of employers and employees do not understand discrimination as a social evil. Some of them are not aware of whether discrimination is unlawful or not. Therefore, there is a need to organise a public campaign to raise the citizens' awareness of all types of discrimination. Such activity should be particularly oriented towards discrimination in the workplace related to age and disability and should include social partners as important players on the political scene in Croatia. Improving the citizens' and social partners' knowledge and awareness of all types of discrimination is not an easy task that will enable significant enhancement in the short period. Nevertheless, it could be a considerable measure to enhance industrial relations and a vital element in the attainment of a rule of law in Croatia.

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### **Sažetak**

## **ULOGA SOCIJALNIH PARTNERA U HRVATSKOJ U UBLAŽAVANJU DISKRIMINACIJE NA TEMELJU DOBI I INVALIDNOSTI**

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*Diskriminacija se može definirati kao svako nejednako postupanje prema osobi povezano s određenom osobinom koje nije opravdano i dovodi je u nepovoljan položaj. Svrha ovog rada je prikazati stanje diskriminacije na temelju dobi i invaliditeta na radnom mjestu te ulogu i djelovanje socijalnih partnera na njeno smanjenje u Hrvatskoj. Metodologija je uključivala analizu dokumentacije povezane s diskriminacijom na radnom mjestu i aktivnostima socijalnih partnera. Nadalje, provedeno je šest polustrukturiranih intervjua o toj temi sa socijalnim partnerima. Dobiveni rezultati pokazuju da su socijalni partneri dosta aktivni u borbi protiv diskriminacije na temelju dobi i invaliditeta. Neki od njih ističu da postoje drugi prioriteti kojima su morali dati prednost jer su to na hrvatskom tržištu rada gorući i veći problemi od diskriminacije. Moglo bi se istaknuti da unatoč sofisticiranim zakonima, istraživanje kao i intervjui pokazuju da značajan dio poslodavaca i zaposlenika ne razumije pojam diskriminacije ili uopće ne zna je li diskriminacija zakonski kažnjiva ili nije. Postoji potreba za organiziranjem javne kampanje kako bi se podigla svijest građana o svim vrstama diskriminacije, posebice o diskriminaciji na temelju dobi i invaliditeta na radnom mjestu.*

**Ključne riječi:** diskriminacija, Hrvatska, tržište rada, dob, invaliditet, socijalni partneri.