

# CROATIAN PARLIAMENT

2298

In accordance with article 88 of the Constitution of the Republic of Croatia, I hereby issue the following

## DECREE

### PROMULGATING THE ACT ON VOCATIONAL REHABILITATION AND EMPLOYMENT OF PERSONS WITH DISABILITIES

I hereby promulgate the Act on Vocational Rehabilitation and Employment of Persons with Disabilities, which was passed by the Croatian Parliament at a sitting on 22 November 2002.

No.: 01-081-02-3687/2

Zagreb, 26 November 2002.

President of the  
Republic of Croatia  
**Stjepan Mesić**

## ACT

### ON VOCATIONAL REHABILITATION AND EMPLOYMENT OF PERSONS WITH DISABILITIES

**(Nos 143/02 and 33/05) – consolidated text**

#### I. GENERAL PROVISIONS

##### Section 1.

In order to protect persons with disabilities, this Act sets out the rights of persons with disabilities to vocational rehabilitation, employment and work, defines the concepts of persons with disabilities and reduced working capacity, and regulates employment and work for persons with disabilities under ordinary and special terms, the creation, activities and legal and administrative organs of establishments for vocational rehabilitation, sheltered workshops and work centres, measures to promote employment of and work by persons with disabilities, the establishment of the Fund for Vocational Rehabilitation and Employment of Persons with Disabilities and liability for violations of the provisions of this Act.

#### DISABILITY AND REDUCED WORKING CAPACITY

##### Section 2.

(1) For the purposes of this Act, a person with a disability shall be any person who has a physical, sensory or mental impairment that results in permanent or temporary (i.e. of at least 12 months' duration) reduction in capacity to meet basic needs in daily life.

(2) A person with a disability and reduced working capacity is a person whose disability results in permanent or temporary (i.e. of at least 12 months' duration) reduction in capacity for training or employment under ordinary terms, by comparison with the capacity of an able-bodied person of identical or similar age, identical or similar education and identical or similar working conditions occupying an identical or similar post.

(3) Exceptionally, a person with a disability may also be classed as a person with a disability and reduced working capacity if his/her performance lies within the expected range but, based on his/her actual and evaluated general abilities, it is judged to be in the interests of preserving his/her physical, sensory and mental abilities.

### Section 3.

For the purposes of section 2 of this Act, a person with a disability and reduced working capacity is:

1. Any person with a disability who has received financial support before finding employment and who has exercised the right to vocational rehabilitation in accordance with social welfare regulations;
2. Any person with an occupational incapacity for work who has exercised the right to vocational rehabilitation under regulations on pensions insurance;
3. Any person who has exercised the right to vocational rehabilitation under regulations protecting military and civilian war invalids;
4. Any person who has exercised the right to vocational rehabilitation under regulations on the rights of Croatian Defenders in the Homeland War and members of their families;
5. Any student with developmental difficulties who has exercised the right to vocational rehabilitation, and any student with severe development difficulties, in accordance with regulations on secondary schooling;
6. Any person aged over 21 who has a disability but who cannot claim the right to vocational rehabilitation or work under parts 1 to 4 of this section.

### Section 4.

(1) A person's disability or reduced working capacity under section 3, parts 1 to 5 of this Act shall be confirmed by the relevant competent body.

(2) A person's disability or reduced working capacity under section 3, part 6 of this Act shall be confirmed in the first instance by an office of the state department responsible for social welfare, on the basis of an authorized expert's assessment and opinion.

(3) The procedures for confirming disability or reduced working capacity and for exercising the right to vocational rehabilitation may be initiated at the request of a person with a disability, their parents, legal representative, guardian, chosen primary care physician, social worker or therapist.

(4) Complaints regarding the first-instance decision of the office referred to in paragraph 2 of this section shall be considered by the ministry responsible for social welfare.

### Section 5.

The General Administrative Procedure Act shall apply to the procedure for ruling on a request for confirmation of disability or reduced working capacity, and to the procedure for recognition of rights pursuant to this Act.

## II. VOCATIONAL REHABILITATION

### Section 6.

(1) A person with a disability shall be entitled to vocational training and rehabilitation (hereinafter: vocational rehabilitation) under general terms or, if so warranted by the nature and severity of the disability or in order to ensure the success of the rehabilitation process, in special schools and establishments for vocational rehabilitation, through adapted or special programmes.

(2) Vocational rehabilitation includes the following measures and activities:

- Assessment of remaining working capacity and general abilities;
- Vocational information, advice and assessment of vocational options;
- Analysis of the labour market and possibilities for finding and securing employment;
- Evaluation of possibilities for introducing, developing and improving vocational training programmes;
- Vocational training, acquiring further qualifications, re-qualification, and programmes to maintain and improve vocational and social skills and abilities in the pre-employment period;
- Information and advice on technological support for learning and work;

- Individual and group programmes to improve vocational and social integration;
- Advisory suggestions on the use of various technologies and techniques for learning and work based on assessments of their applicability;
- Pre-vocational study, planning and use of selected technologies;
- Motivating and training persons with disabilities to use selected technologies;
- Technical assistance, support, monitoring and evaluation of results;
- Information and support regarding sources of funding.

(3) The duration of vocational rehabilitation shall depend on remaining working capacity and the complexity of organizing and carrying out rehabilitation activities.

(4) Vocational training for persons with disabilities shall be organized and carried out by vocational rehabilitation establishments, secondary schools or other legal persons that meet the criteria for training set out in this and other acts.

(5) The practical element of vocational training during vocational rehabilitation shall be carried out with an employer, and only exceptionally at a vocational rehabilitation establishment or special educational establishment.

#### Section 7.

(1) In the first instance, a decision on how an unemployed person with a disability may exercise the right to vocational rehabilitation shall be taken by the district office of the Croatian Employment Institute with which that person is registered as unemployed.

(2) The procedure covered by paragraph 1 of this section may be initiated at the request of a person with a disability, their parents, legal representative, guardian, chosen primary care physician, social worker or therapist. Such a request shall be accompanied by evidence of confirmed disability or reduced working capacity.

(3) The Central Office of the Croatian Employment Institute shall consider any complaints regarding the first-instance decision of an office under paragraph 1 of this section.

#### Section 8.

Deleted.

### III. EMPLOYMENT OF AND WORK BY PERSONS WITH DISABILITIES TERMS OF EMPLOYMENT

#### Section 9.

(1) Persons with disabilities may be employed under ordinary or special terms.

(2) Ordinary terms of employment refer to the employment of a person with a disability under the general provisions governing work and employment.

(3) Special terms of employment refer to employment at an institution or company established for the purpose of employing persons with disabilities (hereinafter: sheltered workshop), along with self-employment by persons with disabilities.

(4) Persons with disabilities who, as a result of work-related or general requirements, are unable to find or retain a position shall be employed under special terms, with the benefits provided for in section 29 of this Act.

#### EMPLOYMENT UNDER GENERAL TERMS

#### Section 10.

(1) Government authorities, judicial authorities, local and district (regional) authorities, public services, extra-budgetary funds, legal persons under the full or majority ownership of the Republic of Croatia, and legal persons under the full or majority ownership of local or district (regional) authorities must employ, in appropriate positions of the employer's choosing and under appropriate working conditions:

- At least one person with a disability for every 50 employees by 31 December 2005;
- At least one person with a disability for every 42 employees by 31 December 2008;
- At least one person with a disability for every 35 employees by 31 December 2011;

- At least one person with a disability for every 25 employees by 31 December 2014; and
- At least one person with a disability for every 20 employees by 31 December 2017 and thereafter.

(2) The obligations set out in paragraph 1 of this section shall not apply to physical or legal persons employing fewer than 20 workers.

(3) Employers covered by paragraph 1 of this section shall give preference to a person with a disability in the recruitment process, provided that the person concerned satisfies all the requirements set out in the announcement or competition.

#### Section 10.a

(1) All employers, except those covered by section 10, paragraph 2 of this Act, shall pay a special contribution to promote employment of persons with disabilities (hereinafter: special contribution).

(2) The basis for calculating the special contribution shall be the same as the basis on which an employer is obliged to calculate employment contributions under regulations governing compulsory insurance contributions, and the amount of the contribution shall be calculated at the rate of 0.1%.

(3) As an exception to the provisions of paragraph 2 of this section, for employers who are subject to the obligations set out section 10, paragraph 1 of this Act but who have not recruited any persons with disabilities, the amount of the contribution shall be calculated at the rate of 0.2%.

(4) Except as otherwise provided for by this Act, the special regulations governing compulsory insurance contributions, together with general taxation regulations and associated implementing regulations, shall apply to the obligation to calculate, pay, keep account of and cover contributions, the obligation to pay late payment interest in the event of failure to pay special contributions within the prescribed period, other employer obligations related to special contributions, authorization for gathering information, registration, payment, supervision, limitations, the right to pay special contributions, and appeals and violations procedures.

(5) Special contributions shall be paid to the account held by the minister of finance provided for in the implementing regulations on collection of budget revenue, compulsory insurance contributions and revenue to finance other public needs.

(6) The first calculation and collection of special contributions referred to in paragraph 2 of this section shall take place at the same time as the calculation and collection of compulsory insurance contributions for January 2005.

### DEFERRAL FOR NEWLY ESTABLISHED EMPLOYERS

#### Section 11.

(1) For newly established legal persons under the full or majority ownership of the Republic of Croatia and legal persons under the full or majority ownership of local or district (regional) authorities, the ministry responsible for labour may defer the obligation to employ persons with disabilities arising from section 10, paragraph 1 of this Act while the legal person in question commences operations, but for no longer than 24 months from the day on which it begins work.

(2) A legal person covered by paragraph 1 of this section who seeks a temporary deferral of the obligation to employ persons with disabilities must give the reasons for the request in full.

(3) The General Administrative Procedure Act shall apply to the procedure of ruling on requests for deferral of employment obligations submitted under paragraph 2 of this section.

(4) A copy of any ruling made under paragraph 3 of this section on the deferral of the employment obligation shall be sent to the Fund for Vocational Rehabilitation and Employment of Persons with Disabilities (hereinafter: the Fund).

## Section 12.

(1) For the purposes of this Act, self-employment of a person with a disability shall be understood to mean:

1. Entering a trade or establishing a cooperative;
2. Pursuing a liberal profession (professional activity); or
3. Engaging in agricultural or forestry activities founded by one or several persons with disabilities.

(2) Activities under paragraphs 1.1 and 1.2 of this section are recorded as self-employment for which authorization is granted by the competent authority and which is entered in the relevant register of that authority.

(3) Activities under paragraph 1.3 of this section are recorded as activities that are included in registers of peasant farming and family agricultural businesses kept by the state authorities at local or district (regional) level, or the administrative authority of the City of Zagreb responsible for agricultural workers, and that are included in the register of those liable for income tax in accordance with income tax regulations.

## EMPLOYMENT OF A PERSON WITH A DISABILITY

### Section 13.

(1) A person with disability shall be employed on the basis of a contract of employment or in another manner defined by separate regulations, and shall thus acquire the rights and assume the obligations arising from employment and related to employment set out in this Act, the Labour Act, other regulations, collective agreements, work rules and agreements between workers' councils and employers.

(2) The provisions of the Labour Act pertaining to workers with an occupational disability or in imminent danger of the onset of a disability shall also apply to all other persons with a disability referred to in section 3 of this Act.

(3) The minimum notice period, as stipulated in the Labour Act, shall be extended by one month in the case of a person with a disability, unless the person concerned has given cause for notice to be issued.

(4) Every calendar year, a person with a disability shall be entitled to paid holiday of at least 24 working days' duration.

(5) Holders of employment insurance, as referred to in section 29, paragraph 1 of this Act, or other physical or legal persons may agree conditions with an employer for adaptations to allow for work by a person with a disability with regard to place of work, working hours, duration and method of monitoring adaptation, professional supervision, evaluation of working capacity, covering the costs of adaptation and the amount of such costs, and other matters of mutual relevance.

### Section 14.

Deleted.

## WORK AT WORK CENTRES

### Section 15.

(1) A person with a disability who, as a result of his/her vocational and general abilities, is unable to find or retain employment under special terms with an employer or at a sheltered workshop, may be given work at a work centre.

(2) A person with a disability who works at a work centre shall have the status of a service user.

(3) A person with a disability, his/her legal representative or guardian or another physical or legal person may request his/her referral to a work centre for work.

(4) In the first instance, the social welfare centre that is geographically competent for the area where the person with a disability resides shall decide on the referral of a person with a disability to a work centre; the ministry responsible for social welfare shall decide in the second instance.

#### IV. ESTABLISHMENTS FOR VOCATIONAL REHABILITATION, SHELTERED WORKSHOPS AND WORK CENTRES

##### ESTABLISHMENTS FOR VOCATIONAL REHABILITATION

###### Section 16.

(1) For the purposes of this Act, an establishment for vocational rehabilitation (hereinafter: an establishment) is understood to mean an establishment created for the purpose of organizing and providing vocational rehabilitation for persons with disabilities in accordance with section 6, paragraph 2 of this Act.

(2) An establishment may be created individually or jointly by the Republic of Croatia, local or district (regional) authorities, the Croatian Employment Institute, employers' organizations, trade unions, organizations for people with disabilities, humanitarian organizations, faith groups or other legal or physical persons.

(3) In order to be created and to operate, an establishment must fulfil certain requirements relating to space, equipment and professional staff.

(4) The requirements for creation and operation referred to in paragraph 3 of this section shall be set out in an order of the minister responsible for social welfare.

(5) If establishments are created by two or more founders, their mutual rights and obligations shall be governed by the founding act or by an agreement.

(6) Establishments for vocational rehabilitation may found sheltered workshops and work centres.

###### Section 17.

The statute of the establishment shall regulate all important issues related to the establishment's organization and operation, in particular the structure of the organization, the composition and scope of activity of the management council, the composition and scope of activity of the professional council, the authority of the director, and the status and rights of persons with disabilities during vocational rehabilitation at the establishment.

###### Section 18.

(1) Financial resources to operate the establishment shall be provided by the founder and by the Fund for Vocational Rehabilitation and Employment of Persons with Disabilities.

(2) Revenue for the establishment may also be generated through the provision of contractual services to users and the sale of products made in the course of vocational rehabilitation, and from donations.

###### Section 18.a

(1) The establishment may act as an intermediary in the placement of users in temporary jobs with no established employment relationship for the period of vocational rehabilitation, and in the employment of users who have been rehabilitated but are under the care of the establishment.

(2) The activities described in paragraph 1 of this section may be undertaken by:

– Social welfare homes that also provide secondary education for users during and following the completion of schooling;

– Social welfare homes for people with physical or mental impairment, as part of psychosocial rehabilitation for users thereof who have no working capacity; and

– Social welfare homes for users with reduced working capacity.

## SHELTERED WORKSHOPS

### Section 19.

(1) A sheltered workshop is created for the purpose of providing people with disabilities with employment and work.

(2) A sheltered workshop is an establishment or company that employs persons with disabilities as at least 51% of its total number of employees.

(3) A sheltered workshop shall provide occupational health services for the purpose of monitoring hazards and circumstances harmful to health, ensuring safety and avoiding further reduction of the working capacity of persons with disabilities, and shall ensure that periodic medical examinations of such persons are carried out at least once every two years and that measures are taken in accordance with the recommendations of an expert in occupational medicine.

### Section 20.

(1) A sheltered workshop may be created individually or jointly by local or district (regional) authorities, companies, the Croatian Employment Institute, organizations for people with disabilities, employers' organizations, trade unions, humanitarian organizations, faith groups or other legal or physical persons.

(2) If a sheltered workshop is created by two or more founders, their mutual rights and obligations shall be governed by the founding act or by an agreement.

### Section 21.

(1) Domestic and foreign employers may create special work units to employ persons with disabilities.

(2) A work unit to employ persons with disabilities shall have the status of a sheltered workshop if it employs persons with disabilities as at least 51% of its total workforce, and at least six persons with disabilities, and if the employer establishes it as a special accounting unit.

(3) In the event that a work unit attains the status of sheltered workshop, it shall be subject to the relevant provisions of this Act and other acts on sheltered workshops.

## WORK CENTRES

### Section 22.

(1) For the purposes of this Act, a work centre is an establishment providing work for persons with disabilities who are unable to find or retain employment under general or special terms.

(2) Under paragraph 1 of this section, a person with a disability means a person who does not achieve work output of at least 50% of the appropriate output for his/her age, professional qualifications and working conditions.

(3) The purpose of a work centre shall be work and therapeutic activities to train and rehabilitate persons with disabilities.

(4) At least 80% of those at a work centre must be persons with disabilities engaged in work.

(5) In order to operate, a work centre must meet certain requirements relating to space, equipment and professional staff.

(6) The requirements for operation referred to in paragraph 5 of this section shall be set out in an order of the minister responsible for social welfare.

### Section 23.

(1) A work centre may be established by any domestic or foreign physical or legal person.

(2) A work centre may be established as a special organizational unit of a sheltered workshop.

(3) Resources for operating a work centre shall be provided by the founder and the Fund for Vocational Rehabilitation and Employment of Persons with Disabilities.

(4) A work centre may accept donations from domestic and foreign physical and legal persons.

## V. COMMON PROVISIONS COUNCIL OF MANAGEMENT

### Section 24.

(1) The establishments referred to in section 16 of this Act, sheltered workshops and work centres shall be run by a council of management.

(2) The size and composition of the council of management shall be defined in the founding act or statute.

(3) The chairperson and members of the council of management shall be appointed by the founder.

(4) The council of management shall be appointed for a term of four years.

(5) The operations of a sheltered workshop established as a company shall be managed in accordance with the Companies Act.

### Section 25.

(1) The council of management shall deliberate and decide on all issues designated by law and the founding act.

(2) The work of the council of management shall be public, except in cases when it deliberates and decides on issues concerning personal information, or on issues and facts whose public disclosure could cause moral, commercial or material damage to the establishment, sheltered workshop or another natural or legal person.

(3) The statute shall define in detail the circumstances in which the work of the council shall not be made public.

## PROFESSIONAL COUNCIL

### Section 26.

(1) A professional council must be founded at an establishment, sheltered workshop or work centre if the number of persons with disabilities working or receiving training is greater than 30.

(2) The scope of activity, appointment and composition of the professional council shall be defined by the founding act or statute.

(3) The work of the professional council shall be conducted in private when it considers the personal circumstances of a person with a disability, and in the cases defined in the statute.

## DIRECTOR

### Section 27.

(1) The director shall organize and manage the work and operations of an establishment, sheltered workshop founded as an establishment, or work centre and shall represent it.

(2) The director shall appoint the council of management for a term of four years, subject to the prior approval of the founder. The director's appointment may be renewed.

(3) Any person with higher professional qualifications in the social sciences and at least three years of relevant professional experience may be appointed to the post of director.

## LIABILITY FOR OBLIGATIONS

### Section 28.

(1) The establishments referred to in section 16 of this Act, sheltered workshops founded as establishments, and work centres shall be liable for obligations in respect of all their assets.

(2) The founder of an establishment referred to in paragraph 1 of this section shall assume



full and unlimited liability for its obligations.

## BENEFITS AND INCENTIVES FOR EMPLOYING PERSONS WITH DISABILITIES

### Section 29.

(1) An employer who employs persons with disabilities under general terms shall be entitled to the same benefits as an employer who employs persons with disabilities under special terms, to wit:

1. The right to tax relief, as prescribed in special regulations;
2. The right to monetary incentives; and

3. The right to the incentives provided for in special agreements on the employment of persons with disabilities concluded with the Fund, the Croatian Employment Institute, the relevant social welfare service, local or district (regional) authorities, or other employers (hereinafter: holders of employment insurance).

(2) The rights arising from paragraph 1 of this section apply to employers and to self-employed persons with disabilities, irrespective of whether the person with a disability has previously been registered as unemployed with the Croatian Employment Institute.

(3) The incentives in paragraph 1 of this section agreed with holders of employment insurance may be one-off material allowances, resources to adapt workplaces and working conditions, credit offered on favourable terms for the purpose of purchasing machinery, equipment, tools or accessories needed to employ a person with a disability, and various benefits to offset reduced working output or to co-finance the cost of special assistants (workplace helpers) to help persons with disabilities while at work.

## FINANCIAL INCENTIVES

### Section 30.

(1) The financial incentive for an employer who employs a person with a disability is set at the combined level of the contributions paid for basic health insurance and employment contributions calculated and paid in accordance with regulations on compulsory insurance contributions.

(2) The financial incentives for persons with disabilities based on self-employment are set at the level of contributions paid for basic health insurance.

(3) Employers covered by paragraph 1 of this section may apply to the Fund for payment of financial incentives, enclosing:

- A calculation of the financial incentive with information on the persons with disabilities employed and the contributions paid in accordance with paragraph 1 of this section;
- Evidence that compulsory insurance contributions have been paid in respect of all workers; and
- Evidence that the person with a disability has been paid a salary, with the relevant calculations, and, on the first occasion, evidence of the employment of a person with a disability.

(4) A person with a disability who is covered by paragraph 2 of this section may apply to the Fund for payment of financial incentives, enclosing:

- A calculation of the financial incentive with information on the person with a disability and the contributions paid in accordance with paragraph 2 of this section;
- Evidence that, for the same period, compulsory insurance contributions have been paid in respect of the individual submitting the application, and, on the first occasion, evidence of registration for compulsory pensions and health insurance, along with evidence of disability.

(5) Applications for payment of financial incentives from persons covered by paragraphs 1 and 2 of this section may be submitted no earlier than the end of the quarter in which contributions were paid for the previous quarter. Financial incentives shall be paid within 30 days of the date on which the application is submitted with the required supporting

documentation.

(6) The Fund is hereby authorized to publicly and accessibly announce the manner in which the right to financial incentives may be exercised and to monitor, through the competent administrative bodies, the accuracy of employers' calculations of financial incentives and the authenticity of supporting documentation.

## RESOURCES FOR SPECIAL PURPOSES

### Section 31.

(1) A sheltered workshop may accept aid and donations in money or material assets.

(2) The purpose of aid or donations shall be defined by the donor.

(3) Aid and donations in money shall not be used for payments to workers deemed to be income according to tax regulations.

(4) Sheltered workshops shall record and use aid and donations made in money or other material assets as resources for special purposes.

(5) A separate account shall be kept for resources for special purposes. Users of the resources on a separate account referred to in paragraph 1 of this section must adopt financial reports on income and expenditure for resources for special purposes for every financial year and submit them to the Fund for Vocational Rehabilitation and Employment.

(6) Financial resources for special purposes under paragraph 1 of this section that have not been used for the purposes referred to in paragraph 2 of this section shall be remitted to the Fund for Vocational Rehabilitation and Employment of Persons with Disabilities.

### Section 32.

Deleted.

## VII. FUND FOR VOCATIONAL REHABILITATION AND EMPLOYMENT OF PERSONS WITH DISABILITIES

### Section 33.

(1) The Fund for Vocational Rehabilitation and Employment of Persons with Disabilities (hereinafter: the Fund) is a public institution founded by decree of the Government of the Republic of Croatia.

(2) The Fund shall be managed by a council of management consisting of at least seven members, appointed and removed by the Government of the Republic of Croatia and including representatives of employers, trade unions and associations of persons with disabilities.

(3) Decisions of the council of management shall be implemented by the director of the Fund, who shall be appointed by the Government of the Republic of Croatia.

(4) The income of the Fund shall comprise:

1. Special contributions, as set out in section 10.a of this Act;

2. Appropriations from the state budget;

3. Unused resources for special purposes, as set out in section 31 of this Act; and

4. Other revenues generated in accordance with the law and other regulations, along with donations and financial aid from domestic and foreign physical and legal persons.

(5) The Fund shall:

– Implement the policy of developing and enhancing the vocational rehabilitation and employment of persons with disabilities;

– Finance or co-finance the establishments referred to in section 16 of this Act and work centres;

– Disburse financial incentives;

– Finance or co-finance programmes and projects to promote recruitment and sustained

employment of persons with disabilities;

– Monitor the exercise of rights to financial incentives and use of other Fund resources;  
and

– Pursue other activities defined in the regulations establishing the Fund and the Fund's statute.

#### Section 34.

(1) The competent inspectorate shall monitor the way in which the resources of the Fund are used, in accordance with a separate act.

(2) The Fund shall have the right to ask users of its resources to correct errors in calculations of financial incentives, or in requests for allocation of its resources on another basis, or to submit missing documentation within a period of no less than three and no more than eight working days.

(3) Users of the Fund's resources must reimburse the Fund for damages:

– If the Fund's resources have been allocated on the basis of false or incorrect information or in another illegal manner, or in an amount greater than that to which the user is entitled;

– If the Fund's resources have been used for a purpose incompatible with the purpose for which they were allocated.

(4) Recipients of the Fund's resources must return to the Fund resources acquired without any legal basis.

### VIII. PENALTIES

#### Section 35.

(1) Legal persons who commit the following violations shall be liable to a fine of between 3,000 and 30,000 kuna:

1. Failure to give preference in the recruitment process to a person with a disability (section 10, paragraph 3);

2. Violation of the provisions of section 13 in respect of a person with a disability;

3. Misuse of resources for special purposes (section 31, paragraphs 2 and 3);

4. Failure to maintain separate accounts for resources for special purposes (section 31, paragraph 5);

5. Failure to prepare or failure to submit annual financial reports on resources for special purposes (section 31, paragraph 5);

6. Failure to remit unused resources for special purposes to the Fund (section 31, paragraph 6).

(2) Employers – either physical persons or individuals with liability for legal persons – shall be liable to a fine of between 1,000 and 5,000 kuna for violations under paragraph 1 of this section.

### IX. SUPERVISION

#### Section 36.

The ministry responsible for social welfare shall supervise the legality of operations and general acts and the professional operations of the establishments referred to in section 16 of this Act and work centres.

### X. TRANSITIONAL AND FINAL PROVISIONS

#### Section 37.

Sheltered workshops must bring the number of persons with disabilities that they employ into line with the provisions of section 19, paragraph 2 of this Act within one year of the date on which this Act enters into force.

#### Section 38.

Sheltered workshops must bring their statutes into conformity with the provisions of this Act within three months of the date on which this Act enters into force.

Section 39.

The Government of the Republic of Croatia shall pass the decree referred to in section 33, paragraph 1 of this Act within six months of the date on which this Act enters into force.

Section 40.

The minister responsible for labour and social welfare shall pass the regulations referred to in section 14, paragraph 3, section 16, paragraph 5, section 22, paragraph 6 and section 36, paragraph 2 of this Act within nine months of the date on which this Act enters into force.

Section 41.

The decision referred to in section 30 of this Act, on the manner in which the right to financial incentives may be exercised, shall be adopted by the Fund and published in the *Official Gazette* within two months of the date on which the director of the Fund assumes his position.

Section 42.

The financial incentive referred to in section 30 of this Act shall first be paid within one month of the date on which the decision referred to in section 41 of this Act is published.

Section 43.

On the day this Act enters into force, the Companies (Employment of Persons with Disabilities) Act (*Official Gazette*, Nos 57/89 and 26/93) and the Act Determining the Jobs and Tasks to which Blind Persons with Occupational Disabilities and Blind Persons with Disabilities may be Assigned (*Official Gazette*, Nos 1 2/79 and 26/93) shall cease to be valid.

Section 44.

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

Classification: 100-03/02-01/01

Zagreb, 22 November 2002.

CROATIAN PARLIAMENT

President of the  
Croatian Parliament  
**Zlatko Tomčić**

**TRANSITIONAL AND FINAL PROVISIONS FROM THE ACT to Amend and Supplement the Act on Vocational Rehabilitation and Employment of Persons with Disabilities (No. 33/05)**

Section 30.

The regulations referred to in section 16, paragraph 5 and section 22, paragraph 6 shall be passed by the minister responsible for social welfare within three months of the date on which this Act enters into force.

Section 31.

The decision referred to in section 25, paragraph 6 of this Act, on the manner in which the right to financial incentives may be exercised, shall be adopted by the Fund and published in the *Official Gazette* within 60 days of the date on which this Act enters into force.

Section 32.

Establishments for vocational rehabilitation founded before the entry into force of this Act must bring their operations into conformity with this Act within six months of its entry into force.

Section 33.

The Committee on Legislation of the Croatian Parliament is hereby authorized to prepare and issue a consolidated text of the Act on Vocational Rehabilitation and Employment of

Persons with Disabilities.

Section 34.

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

Classification: 100-03/05-01/01

Zagreb, 25 February 2005.

CROATIAN PARLIAMENT

President of the  
Croatian Parliament

**Vladimir Šeks**