

Experiences from the Ombudsperson for Gender Equality of the Republic of Croatia

Online EU expert meeting, 1/3/2021

Gender equality for parents@work: preventing discrimination and moving forward



Ombudsperson for Gender Equality

- ▶ independent body in charge of combating discrimination in the field of gender equality
- ▶ monitor the enforcement of the Gender Equality Act and other regulations on gender equality and report to the Croatian Parliament at least once a year
- ▶ appointed by the Croatian Parliament
- ▶ 8 years of mandate
- ▶ staff number: 13
- ▶ protected grounds in the competence of the Ombudsperson for Gender Equality:
 - ▶ sex, family or marital status, pregnancy, maternity and sexual orientation, gender identity

Ombudsperson's responsibilities

- ▶ 1. receiving complaints regarding discrimination in the area of gender equality
- ▶ 2. providing assistance to persons who lodged a complaint of sexual discrimination when instituting legal proceedings
- ▶ 3. investigate individual complaints prior to the legal proceedings
- ▶ 4. conducting a mediation process
- ▶ 5. collecting and analysing statistical data
- ▶ 6. conducting independent surveys

Discrimination in the field of employment

Art.13. of the Gender Equality Act

Discrimination is forbidden in the field of employment and occupation in the public or private sector, including public bodies, in relation to:

1. conditions for access to employment
2. promotion
3. access to all types and to all levels of education, professional guidance, vocational training, advanced vocational training and retraining
4. employment and working conditions
5. membership of organisations of workers or employers, or any professional organisation
6. balance between a professional and private life
7. pregnancy, giving birth, parenting and any form of custody

The most common cases of parental discrimination

- ▶ violation of the right to return to previous jobs after maternity and parental leave
- ▶ the absence of a fixed-term contract renewal
- ▶ assignment to work shifts or work locations where it is difficult to reconcile professional and family responsibilities
- ▶ employers' pressures on parents to return earlier from their leave
- ▶ Indirect discrimination in the process of meeting the requirements for promotion at work
- ▶ COVID-19 specific cases:
 - ▶ complaints by working mothers about the inability to provide adequate care for children during lockdown
 - ▶ violation of the rules on protection of pregnant women, parents and adoptive parents under the justification of business rationalization due to losses caused by Covid -19

Anti-discrimination procedure

- ▶ > receiving a complaint
- ▶ > allegation analyses
- ▶ > the probability that the discrimination occurred
- ▶ > shifting the burden of proof
 - > request to supplement the complaint (correspondence, documents etc.)
- ▶ > anti-discrimination procedure
- ▶ > request for report and documentation from the alleged perpetrator
- ▶ > warning, recommendation or proposal
- ▶ > feedback information about the measures and actions taken in line with warning or/and recommendation or/and proposal received
- ▶ > request inspection by the labour inspectorate or another competent authority

Useful links:

Annual report summaries:

https://prs.hr/cms/page_eng/5

EU projects of the Ombudsperson for Gender Equality:

**"In Pursuit of Full Equality between Men and Women:
Reconciliation of Professional and Family Life", 2015- 2017**

<http://rec.prs.hr/>

**"Dismantling the Glass Labyrinth - Equal Opportunity Access to
Economic Decision-making in Croatia" (2013-2015)**

<http://staklenilabirint.prs.hr/>



THANK YOU!

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