



## DECENT WORK FOR MIGRANT WORKERS THIRD-COUNTRY NATIONALS IN CROATIA\*

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### ABSTRACT

*Migrant workers are essential for the functioning of the internal market of the EU. Croatia too has over the recent years become dependent on migrant workers (third-country nationals) due to the shortage of workers. The current geo-political crises (following COVID) and practices involving undeclared work, abusive subcontracting, intermediaries and letterbox companies, rendered these workers one of the most vulnerable and least protected groups.*

*Observed against this backdrop, this paper analyses the working conditions of third-country nationals in Croatia, including abusive recruitment practices, R&W permits and appropriate accommodation. By virtue of a comparative approach, the authors propose viable legal solutions for the national legislation.*

**Keywords:** Accommodation, Croatia, Decent work, Migrants, Recruitment, Third-country nationals

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## 1. INTRODUCTION

As other EU Member States, Croatia is facing an increased employment of migrant workers – third country nationals (non-EU workers; hereinafter: TCNs). The shortage of domestic workers is visible especially in the construction, hospitality and tourism sector (HORECA), as well as in the public health sector, which marks the highest outflow of workers to other EU Member States.

In comparison with other EU Member States the number of workers TCNs in Croatia is still small, showing a growth tendency since 2021. According to the Ministry of Interior, in 2025 a total of 170,723 residence and work permits were issued to workers TCNs, which is 35,917 less permits than in 2024 (an decrease of 17.3%), but 530,92% more than in 2018.<sup>1</sup> Most migrant workers came from Bosnia and Herzegovina (32,225), Nepal (31,708), Serbia (24,278), the Philippines (17,629), India (15,400), North Macedonia (11,856), Kosovo (6,355), Uzbekistan (5,521), Egypt (5,504) and Bangladesh (3,404).<sup>2</sup> The most common occupations for which residence and work permits were issued in 2024 include the following categories: high-rise construction worker, waiter, cook, assistant cook, bricklayer, civil engineering worker, cleaner, valet, assistant waiter, and carpenter.<sup>3</sup> Therefore, migrant workers TCNs in Croatia are mostly employed in low-qualification jobs which are associated with the highest risks of undignified work and exploitation.

Different actors point to these problems. In her report for 2024, the Ombudswoman of the Republic of Croatia (herein forward: Ombudswoman) emphasized that her office received more complaints of foreign workers compared to the previous year. They complained about issues such as: working without the residence and work permit (hereinafter: R&W permit), non-payment of stipulated or promised salary, partial envelope payment of salary, illegal overtime work, denial of the right to rest periods, non-payment of the salary compensation for unused paid annual leave, failure to report injuries at work, failure to register to the competent obligatory insurance authorities, non-conclusion of employment contract and unlawful

<sup>1</sup> But since 2021, when the new Aliens Act was enacted, the number has been growing: 2021 – 81.995; 2022 – 124.121; 2023 – 172.499. Vlada Republike Hrvatske, *Nacrt Prijedloga Zakona o izmjenama i dopunama Zakona o strancima*, Zagreb, veljača 2026, p. 2.

<sup>2</sup> Ministarstvo unutarnjih poslova, *Statistika*, Available at: [https://mup.gov.hr/gradjani-281562/moji-dokumenti-281563/stranci-333/statistika-169019/169019], Accessed: 20 February 2026. New employment: 80,365; prolongation: 70,275; seasonal employment: 20,083.

<sup>3</sup> Ombudswoman's Report for 2024, p. 65, Available at: [https://www.ombudsman.hr/hr/download/annual-ombudsman-report-for-2024/?wpdmdl=21831&refresh=69d62ea8829fb1775644328], Accessed: 19 February 2025.

dismissal. What is more, they had been exposed to harassment from their employer, based on their race or ethnic origins. The Ombudswomen points out that, after receiving the general legal information, “most did not come forward, certainly due to fear of dismissal and the obligation to return to their country”.<sup>4</sup>

Some workers complained about high employment intermediation fees, up to several thousand euros, that often forced them to take up loans, and of paying for the issuing of documentation they never received, while the intermediaries stopped communication. Recognizing the urgency of this problem the Ombudswoman concluded that systematic supervision over the work of the intermediation agencies had to be carried out, in the interest of both migrant workers and agencies that operate by the law.<sup>5</sup> For more see *infra* chapter 6.

The inefficient protection of migrant workers in Croatia (as well as in other EU Member States) represents a well known problem.<sup>6</sup> In the Ombudswoman’s Report the lack of protection of migrant workers’ rights concerned several aspects: difficulties in reporting the injuries at work or in claiming unpaid salary. Workers who claimed their rights by the employer, or wanted to change the employer, suffered threat or insults from the employer, or were forced to leave Croatia. The problem arose when the R&W permit was issued for a specific employer and consequently the workers had no option to change the employer (see *infra* chapter 5). In some cases, the employers took the worker’s passport and other documents, actually limiting their freedom to move.<sup>7</sup>

Furthermore, the Ombudswoman underscored the lack of knowledge of both Croatian and English. Consequently, the complaints of migrant workers were often difficult to understand. In order to overcome this, the general information (concerning the way of legal protection of rights) was given not only in these two languages but also in ten other languages, including the languages of the countries of origin of most of those workers. The migrants were given the possibility to send complaints and documentation to the Ombudswoman that forwarded it to the Croatian State Inspectorate and other competent authorities.<sup>8</sup>

<sup>4</sup> Ombudswoman’s Report for 2024, *op. cit.*, note 3, p. 63.

<sup>5</sup> Ombudswoman’s Report for 2024, *op. cit.*, note 3, p. 63.

<sup>6</sup> Kotulovski, K.; Laleta, S., *The abuse and exploitation of foreign seasonal workers: did the coronavirus emergency exacerbate already precarious working conditions in the agricultural sector?*, in: Petrašević, T.; Duić, D.; Novokmet A. (eds.), EU and Comparative Law Issues and Challenges Series (ECLIC 5): EU 2021 – The future of the EU in and after the pandemic, Osijek, Pravni fakultet Sveučilišta Josipa Jurja Strossmayera u Osijeku, 2021, pp. 326-358.

<sup>7</sup> Ombudswoman’s Report for 2024, *op. cit.*, note 3, p. 64.

<sup>8</sup> Ombudswoman’s Report for 2024, *op. cit.*, note 3, p. 63.

Migrant workers face the problem of inadequate accommodation.<sup>9</sup> The Ombuds-woman examined the employers' practices, acting on her own initiative, discovering that employers placed numerous workers in the same, sanitarily and technically inadequate rooms.<sup>10</sup> See more *infra*, chapter 7. A great portion of migrant workers performs seasonal work, facing an even higher level of precariousness compared to migrant workers employed as "regular workers".<sup>11</sup> One of the challenges is undeclared work of TCNs. It is considered "a serious concern for fair competition in host-countries, decent employment relations, but also social and fundamental rights of those workers ... that... more often engage in undeclared work – and are consequently exposed to exploitative working conditions".<sup>12</sup> Moreover, recent research highlights that the development of better immigration policy and integration policy of migrant workers and their families in Croatian society, creation of employers' and trade unions' strategies concerning migrant workers as well as strengthening of the labour inspection and education of labour inspectors about the vulnerabilities of migrant work are necessary.<sup>13</sup>

Most workers TCNs in Croatia perform work temporary, based on a (up to) 3-years R&W permit. Therefore, in this paper the authors focus and analyse the recruitment practices, residence and work permit, and some aspects of working and living conditions, particularly appropriate accommodation of TCNs, focusing primarily on one group of migrant workers - legally residing TCNs with a restricted work authorization (limited to sectors, such as seasonal workers, or linked to a single employer, such as workers who work based on the opinion of the CES). This specific group is considered more vulnerable than the group of migrant workers TCN with a fully flexible work authorisation.<sup>14</sup>

In case of breach of the conditions of their status, the R&W permit could be withdrawn or not renewed. This "increases their dependency on their employer and,

<sup>9</sup> Izvješće Odbora za rad, mirovinski sustav i socijalno partnerstvo, P.Z.E. br. 63, Available at: [https://www.sabor.hr/hr/radna-tijela/odbori-i-povjerenstva/izvjesce-odbora-za-rad-mirovinski-sustav-i-socijalno-325], Accessed: 11 March 2026.

<sup>10</sup> Ombudswoman's Report for 2024, *op. cit.*, note 3, pp. 66 – 67.

<sup>11</sup> Kotulovski *et al.*, *op. cit.*, note 6, p. 342; Stefanov, R.; Mineva, D., *Tackling undeclared work among seasonal (including mobile) workers: developments, trends and good practices*, 2021, p. 1-3., Available at: [https://eur-lex.europa.eu/legal-content/en/ALL/?uri=celex%3A32014L0036], Accessed: 11 March 2026.

<sup>12</sup> Nierop, P. van; Scönenberg, L.; Terziev, P., *Counteracting undeclared work and labour exploitation of third-country national workers*, European Platform tackling undeclared work, January 2021, p. 1.

<sup>13</sup> Butković, H.; Samardžija, V.; Rukavina, I., *Strani radnici u Hrvatskoj: Izazovi i mogućnosti za gospodarski i društveni razvoj (Foreign Workers in Croatia: Challenges and Opportunities for Economic and Social Development)*, IRMO, Zagreb, 2022, p. 9-14.

<sup>14</sup> See distinction in: Nierop, *op. cit.*, note 12, pp. 2-3.

in turn, the risk of labour exploitation.”<sup>15</sup> If they work only part-time, it is likely that they work undeclared in order to earn more money or they find a better job at the same employer or in a sector not permitted by their status. Consequently, they complain less about their working conditions.<sup>16</sup>

## **2. THE VULNERABILITY OF MIGRANT WORKERS TCNS: UNDECLARED WORK AND LABOUR EXPLOITATION**

According to research, most migrant workers TCNs come from countries with lower wages, restricted job opportunities and often with a higher share of undeclared work, while the risk to be engaged in labour exploitation can increase if they work illegally, and/or are low-skilled workers, and/or lack adequate language skills. They are employed mostly in sectors that engage flexible workforce in labour-intensive jobs (agriculture, construction, domestic work and transport), but also work illegally or undeclared in services within the HORECA sector, and beauty salons. The specificity of these sectors is the difficulty to monitor labour, due to “frequently changing or hidden workplace settings and subcontracting chains”.<sup>17</sup> The recruitment in undeclared work is “primarily via private contracts and informal networks, fraudulent temporary work agencies, online recruitment and pick-up spots.”<sup>18</sup>

There is no official EU legal definition of labour exploitation. The European agency for fundamental rights (FRA) defines it as: “work situations that deviate significantly from standard working conditions as defined by legislation or other binding legal regulations, concerning in particular remuneration, working hours, leave entitlements, health and safety standards and decent treatment”.<sup>19</sup> In short, it is the treatment of workers below minimum standards, deviating significantly from decent work.<sup>20</sup> It can be understood “as a continuum ranging from mild inconsistencies with the principles of decent work to severe exploitation, characterised by distinctive forms and degrees of immobility, devaluation, and coercion”.<sup>21</sup> Severe forms of labour exploitation fall under criminal law. As a result of dependency on

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<sup>15</sup> Nierop, *op. cit.*, note 12, pp. 3, 22.

<sup>16</sup> Nierop, *op. cit.*, note 12, p. 22.

<sup>17</sup> Nierop, *op. cit.*, note 12, p. 4.

<sup>18</sup> Nierop, *op. cit.*, note 12, p. 4.

<sup>19</sup> European Union Agency for Fundamental Rights (FRA), *Severe labour exploitation: workers moving within or into the European Union*, 2015, p. 10.

<sup>20</sup> Nierop, *op. cit.*, note 12, p. 17.

<sup>21</sup> Nierop, *op. cit.*, note 12, p. 17; Skrivankova, K., *Between decent work and forced labour: examining the continuum of exploitation*, Joseph Rowntree Foundation, 2010, pp. 16-21.

the employer exercising his power over worker in order to cut costs, labour exploitation includes different employers' strategies to control workers.<sup>22</sup>

“Compared with undeclared work, labour exploitation undermines a wider set of obligations by employers and to fair and decent work” in relation to: undeclared work (as a form of labour exploitation), payment, working time, health and safety regulations, no access to other basic rights (e.g. written contracts), pressuring the worker to work as self-employed or in atypical employment relations. Undeclared work is a form of labour exploitation and increases the risk thereof because of the fact that the worker is “hidden” from enforcement authorities.<sup>23</sup>

### 3. LEGAL SOURCES REGULATING THE EMPLOYMENT OF MIGRANT WORKERS TCNS IN CROATIA

#### 3.1. Aliens Act and Labour Act

In the Croatian legal system, the legal status of TCNs is regulated through the interaction of several legal acts, whereby the Labour Act<sup>24</sup> (hereinafter: LA) functions as the *lex generalis* in the field of employment relations, and Aliens Act as the *lex specialis* with regard to the access to the labour market and the legality of residence. The LA applies to all workers irrespective of nationality and governs the fundamental aspects of the employment relationship, including the conclusion of employment contracts, working time, rest periods and leave, termination of employment, and the protection of workers' rights. It is grounded in the principle of equal treatment, ensuring that TCNs enjoy the same employment-related rights as domestic workers. However, the applicability of these rights is contingent upon prior compliance with the requirements set out in the Aliens Act,<sup>25</sup> which regulates the conditions for issuing residence and work permits, the linkage of the worker to a specific employer, and other conditions governing access to the labour market, thereby establishing its role as a special legal regime that precedes the application of labour law.

<sup>22</sup> Those are: creating a fearful and intimidating environment, e.g. threats with dismissal or reporting the worker; spatial and social isolation of many exploited workers (especially those that perform housework or work in agriculture) that doesn't allow them to communicate with the outside world and seek help; inadequate accommodation; minimize the risk of detection during labour inspections; low income that enables the worker to pay for accommodation and consequently finds himself / herself in 'debt-bondage'. Nierop, *op. cit.*, note 12, p. 19.

<sup>23</sup> See more: Nierop, *op. cit.*, note 12, p. 18 ff.

<sup>24</sup> Zakon o radu, Official Gazette (hereinafter: OG), Nos. 93/2014, 127/2017, 98/2019, 151/2022, 64/2023.

<sup>25</sup> Zakon o strancima, OG, Nos. 133/2020, 114/2022, 151/2022, 40/2025.

### 3.2. Health Insurance, Health Care and Occupational Health and Safety

The legal position of TCN workers is further complemented by the Act on Compulsory Health Insurance and Health Care of Foreigners in the Republic of Croatia.<sup>26</sup> It regulates entitlement to healthcare and compulsory health insurance for foreigners, including TCN workers. In line with the Art. 6 (1) TCN worker that is obliged to the mandatory health insurance, has the rights and duties deriving from mandatory health insurance under the same conditions and in the same manner as the insured persons that have this status according to the Act on Compulsory Health Insurance.<sup>27</sup>

Although health protection is formally accessible, the scholars point to the shortcomings regarding real accessibility of those rights to migrant workers TCN. H. Špadina<sup>28</sup> emphasises that Croatian legislation is not fully harmonized with the international and European standards of social rights of migrants, especially with regard to the access to health protection and harmonization with the European Social Charter. This access is often limited due to their insurance status and (dis)continuity of the payment of contributions. Consequently, the workers with only temporary stay authorization may have only the right to urgent medical care. This model causes the discontinuity of rights in connection with the termination of employment (or administrative pitfalls), in particular those categories of workers in temporary or insecure type of employment have a limited access to health services.

In a comparative analysis,<sup>29</sup> the Croatian system has been depicted as formally inclusive, but functionally restrictive, especially due to the dependence on the contributions, limited scope of rights guaranteed to certain categories of migrants and administrative impediments in the realization of rights.

Occupational Health and Safety Act (OHSA)<sup>30</sup> regulates the duty of the employer to train the employees to work safely. For the migrant workers it should be done in an understandable and clear way, considering their knowledge of the

<sup>26</sup> Zakon o obveznom zdravstvenom osiguranju i zdravstvenoj zaštiti stranaca u Republici Hrvatskoj, OG, Nos. 80/2013, 15/2018, 26/2021, 46/2022.

<sup>27</sup> Zakon o obveznom zdravstvenom osiguranju, OG, Nos. 80/2013, 137/2013, 98/2019, 33/2023, 105/2025.

<sup>28</sup> Špadina, H., *Socijalna prava stranaca u Republici Hrvatskoj*, Zbornik Pravnog fakulteta u Zagrebu, vol. 69, no. 5–6, 2019, p. 252.

<sup>29</sup> Špadina, H.; Kovacevic, L., *Social Law as a Lighthouse for Labour Migration Law: Comparative Study—Croatia and Serbia*, in: Jorens, Y. (ed.), *The Lighthouse Function of Social Law*, 2023, Springer, Cham, pp. 467–485.

<sup>30</sup> Zakon o zaštiti na radu (Occupational Health and Safety Act, OG, Nos. 71/2014, 118/2014, 154/2014, 94/2018, 96/2018).

Croatian language. Special right to health protection at work is regulated in the mentioned general acts on compulsory health insurance and health care.

### 3.3. Labour Market Act

The Labour Market Act<sup>31</sup> fosters the development of standardized classifications of occupations and competencies, as well as the implementation of active employment policies aimed at acquiring the required skills, such as training programs and lifelong learning. These tools serve as a basis for adopting educational and migration policies, and are directly linked to the identification of shortage occupations and the implementation of a labor market test. The fact that third-country nationals often do not have equal access to certain labour market measures can be attributed to the circumstance that access to some services and rights depends on their migration status, residence and work permit, or registration as unemployed persons..<sup>32</sup> The Act also provides for employment mediation by the CES and private agencies as well as cash benefits for unemployment if the legal prerequisites are met (Art. 1; Art. 10, 14, 15 (concerning TCN)).

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## 4. PITFALLS OF THE REGULATION IN FORCE

According to the Croatian Government, the existing model of issuing the R&W permit does not allow the migrant workers TCNs to change the occupation that is not in high demand by the same employer, nor to change the employer before one year in other occupation (Art. 103 b (1)). Therefore, the new procedure of issuing a residence and work permit, and consequently new administrative costs, new opinion of CES, in sum new administrative burden for authorities, TCN migrant worker and employer are necessary.<sup>33</sup>

The procedure of issuing the R&W permit seems to have some pitfalls. First, the term of 15 days<sup>34</sup> is too short for police authorities to conduct the necessary checks

<sup>31</sup> Labour Market Act (Zakon o tržištu rada), OG, Nos. 118/2018, 32/2020, 18/2022, 156/2023, 152/2024.

<sup>32</sup> See: CES, Available at: [<https://www.hzz.hr/en/services/third-country-non-eu-nationals/?utm>], Accessed 2 July 2026.

<sup>33</sup> Nacrt Prijedloga ZIDZS, *op. cit.*, note 1, pp. 2-3.

<sup>34</sup> See Aliens Act, Art. 91 (7).

before issuing the permits and to prevent their misuse, from both migrant workers, human traffickers or fictitious employers.<sup>35</sup> Second, as Croatia has become a part of Schengen area it is necessary to prevent misuse in issuing the R&W permits, mostly from those TCN migrant workers coming from the countries that represent migration risk, from human traffickers or fictitious.

The labour market test was introduced five years ago.<sup>36</sup> The CES decides upon the list of shortage occupations, in which case the labour market test is not necessary. The shortage occupation can be determined for the whole territory of Croatia, but also for a particular county.<sup>37</sup> In practice some employers misuse it by getting R&W permit for the territory where particular occupation is in high demand, and then send the migrant worker to the territory where it is not, and where the labour market test would be necessary (and their demand for issuing the R&W permit would be refused).<sup>38</sup> Consequently, the duty to undergo labour market test is circumvented and the labour market stability is undermined. The examples are taxi drivers or workers in the construction industry.<sup>39</sup>

Moreover, first, for seasonal workers the employer has to obtain a new permit for every season (AA, Art. 104, 106), what represents a burden for all involved in the issuing procedure. Second, the AA does not prescribe the knowledge of Croatian language and Latin script as obligatory precondition for employment,<sup>40</sup> but only as a possibility for the employer to set it as a condition during the selection procedure.

In the following part the analysis of the regulation concerning residence and work permit (single permit) is given.

## 5. RESIDENCE AND WORK PERMIT

In Croatian law, a R&W permit is a combined approval of temporary stay and work. Concerning its duration, according to Art. 91 (10) of the AA it can be

<sup>35</sup> Their goal is primarily to make the entrance to the EU territory easier for the TCNs who do not really want or need to work in Croatia. Nacrt Prijedloga ZIDZS, *op. cit.*, note 1, p. 3.

<sup>36</sup> Aliens Act, OG, No. 133/2020 (Art. 98).

<sup>37</sup> Aliens Act, Art. 101.; see: Lista Upravnog vijeća HZZ, available at: [<https://www.hzz.hr/usluge/radne-dozvole-za-zaposljavanje-stranaca-i-test-trzista-rada/savjeti-za-predaju-zahatjeva/>], Accessed 1 June 2026.

<sup>38</sup> Nacrt Prijedloga ZIDZS, *op. cit.*, note 1, p. 3.

<sup>39</sup> Especially in construction industry the AA does not restrict the employment of migrant workers TCN, that got permit without the labour market test in order to perform work on reconstruction of buildings damaged by the earthquake (in 2020), to work on the territory of other counties (police headquarter) where the permit should be obtained. Nacrt Prijedloga ZIDZS, *op. cit.*, note 1, p. 3.

<sup>40</sup> It is prescribed as precondition for the long-term stay (AA, Art. 152-154).

issued: a) for the same period on which the employment contract is concluded (with the employer or with the employer – temporary work agency (TWA), to up to three years if it is issued based on a labour market test or in case of R&W permit prolongation; b) for the same period on which the employment contract for a seasonal work is concluded, up to 90 days or up to nine months (in accordance with the Art. 104 of the AA); c) for a period necessary to perform work resp. for the same period for which the employment contract is concluded, to up to two years in case of issuing or the prolongation of a permit for certain categories of persons etc.

A permit can be issued if the CES gives a positive opinion about the employment of the TCN, based on the results of the labour market test.<sup>41</sup> This rule has exceptions.<sup>42</sup>

One important exception should be emphasised. It concerns seasonal workers in so far as in case of employment of seasonal workers in agriculture, forestry, catering industry and tourism in Croatia, the residence and work permit may be issued without the labour market test and the opinion of the CES for a period of up to 90 days during a calendar year or in a case of the prolongation of the R&W permit for the same employer and same third-country national in the same occupation. (Art. 97 (7) AA).

### **5.1. Issuing of R&W Permit When the Employer is a Temporary Work Agency**

If the employer is a temporary work agency, the assignment contract should be attached, whose duration could be shorter than the duration of the employment contract and the user company should fulfil the general conditions prescribed for the employer of the worker TCN<sup>43</sup> (Art. 100 (1-2) AA). The temporary work agency can assign the worker TCN to another user company in the same occupation for which the R&W permit was issued. The agency has a duty to submit the application for the change of user company to the police authority within three days from the conclusion of the assignment contract with other user company. The police authority will officially request the opinion of CES (Art. 100 (3-4) AA).

<sup>41</sup> The employer's obligation is to request a labour market test before submitting the application for a residence and work permit. The test is carried out by the CES office.

<sup>42</sup> Pursuant to Art. 110 of the AA, the permit is issued without the CES labour market test and the opinion of CES for a number of TCN, e.g. foreign reporter, accredited in Republic of Croatia or a reporter of a foreign media; key staff in companies, candidates for the EU blue card etc.

<sup>43</sup> For general conditions see Art. 99 (1-3) of the AA.

## 5.2. New Application for the R&W Permit (Change of employer and/or Occupation)

A new application for the R&W permit should be submitted for the worker who has a permit based on the opinion of the CES in the following cases: if the worker TCN wants to change occupation by the same employer, whereas the occupation is not a shortage one; if he/she changes the employer in the same occupation within one year; if he/she changes the employer and the occupation (Art. 103 b (1) AA).

In the period of validity of the permit the migrant worker enjoys the right to a period of unemployment of up to 60 days (consecutively or with breaks), during which he/she has the right to search for a job and to employment (Art. 103 a of the AA). If the application for the permit was submitted during this period, the worker TCN may stay in Croatia until the decision on the application has become enforceable. The application submitted after the prescribed period of unemployment is going to be discharged by a decision, and the R&W permit cancelled (Art. 103 b (2-3)).

Similar to Croatia, in Slovakia non-EU workers who lose their job have to find a new employment in 60 days, otherwise they must leave the country due to the invalid permit. Therefore, this so-called “protection period” seems to be too short and the TCN workers with such uncertain legal status are generally vulnerable.<sup>44</sup> Research confirms, moreover, the difficult situation of TCNs in countries who tied the permits to a specific job and employer, as the worker is tied to the employer who uses different strategies to exploit this situation.<sup>45</sup>

## 5.3. Novelties Enabling Easier Changes of Occupation and/or Employer

In 2025 the number of issued R&W permits decreased. According to the Croatian Government it is the result of the novelties introduced by the amendments to the AA (in 2025), including the new rules (institutions) of the possibility to change more easily shortage occupation by the same employer, and easier change of em-

<sup>44</sup> Chudžíková, A.; Bargerová, Z., *Victims of labour exploitation or ‘illegal’ migrants? Ukrainian workers’ labour rights protection in Slovakia*, Bratislava, Centre for the Research of Ethnicity and Culture, 2018, pp. 16-17.

<sup>45</sup> European Labour Authority, *Counteracting undeclared work and labour exploitation of third-country national workers*, 2023, p. 3, Available at: [<https://www.ela.europa.eu/sites/default/files/2023-12/counteracting-undeclared-work-labour-exploitation-third-country-national-workers.pdf>], Accessed 10 April 2026.

ployer in the same occupation. Therefore, it is no longer necessary to apply for a new R&W permit.

In the following part the authors analyse the possibility of the worker TCN to change occupation and/or employer, i.e. the degree of the restriction (flexibility) of their work authorization, that point to their vulnerability/exploitation and existing legal gaps.

### **5.3.1. Change of (Shortage) Occupation at the Same Employer**

Pursuant to Art. 103 c (1-2) of the AA a worker TCN who has a R&W permit or the permit was prolonged may change his/her occupation with the same employer within the validity period of the permit, if it concerns a shortage occupation and the employment contract for the new occupation is concluded for the period until the end of the validity period of the R&W permit. This worker may start working in a new occupation from the date of a positive opinion from the CES, and the R&W permit shall remain valid until its expiry (i.e. up to three years). This provision does not apply to seasonal workers.

### **5.3.2. Change of the employer in the same occupation**

According to Art. 103 d (1, 3) of the AA a worker TCN who has a R&W permit valid for at least one year, based on the opinion of the CES, or has it extended, may, within the validity period after one year of work, change employer in the same occupation. The other employer is obliged to submit a request for a change of employer to the police administration in three days after the conclusion of the employment contract, which will officially request the opinion of the CES. A worker TCN may start working for another employer from the date of a positive opinion of the CES, and his/her R&W permit shall remain valid until its expiry.

If the opinion of the CES is negative, a TCN with a valid permit may seek a new employer within the mentioned period of unemployment (of up to 60 days), taking into account previous periods of unemployment, and be employed.<sup>46</sup>

This provision also applies to a worker TCN who has immediately before resided and worked continuously in Croatia for at least one year on the basis of a R&W

<sup>46</sup> If the opinion was negative, the Ministry of Interior (through the police administration or police station), rejects the request for a change of employer by a decision and inform the worker TCN of the permitted period of unemployment and that it will revoke the permit if the longest permitted period of unemployment has elapsed and worker has not found employment within that period (Art. 103 d (4, 6) AA).

permit based on the opinion of CES (Art. 103 d (9)). It seems that this provision can be used as a sort of “bridge” because it does not refer only to the existing R&W permit, but to total uninterrupted employment of the worker in Croatia. This provision can be useful for a worker who has a single permit issued for less than a year, under the condition that the previous permit was also based on the opinion of the CES and that there is not interruption in the employment relationship/stay. CES has to check if the worker had performed work for a year and if the employer legally performed his activity (has no debts etc.(Art. 93 (1) (1-5) of the AA).

The legal gap is evident on the example of workers who have seasonal work permits (up to 6 or 9 months) or workers who get the permit exactly up to one year, without the possibility of extension. Therefore, worker who is dismissed e.g. after 11 months, according to a strict interpretation has not fulfilled the condition of „one year of work“ and has to pass the new labour market test (as the worker who has just arrived in Croatia). The new amendments envisage the extension of the permits up to three years.

The mobility of workers and possibility to change employer is prescribed in Directive (EU) 2021/1883. Art. 15 provides for the possibility of change of employer while preserving the legal status of worker (blue card).<sup>47</sup> Even though the Directive refers to high-qualified workers, it reflects the common trend of EU law to more flexibility and mobility at the labour market. This can serve as a base for the proposals *de lege ferenda* for national law.

### 5.3.3. Additional work of worker TCN

Pursuant to Art. 103 e (1, 2, 9) of the AA, a worker TCN who has a valid R&W permit based on the opinion of the CES or has it extended, who is employed and works full-time of 40 hours per week may, within the validity period of the permit, additionally works on the basis of an employment contract for additional work for second employer under the conditions prescribed by the Labour Act.<sup>48</sup> The second employer requests a labour market test from the CES before submitting a request for additional work. A worker who remains unemployed with his/her first employer or does not work full-time (40 hours per week) may not continue to work additionally with a second employer and is obliged to notify the

<sup>47</sup> Directive (EU) 2021/1883 of the European Parliament and of the Council of 20 October 2021 on the conditions of entry and residence of third-country nationals for the purpose of highly qualified employment, and repealing Council Directive 2009/50/EC [2021] OJ L 382.

<sup>48</sup> As a rule, up to 8 hours per week (or 16 hours per week if working time is unevenly distributed). Art. 18 a – 18 c, LA.

police department or police station and return the certificate (on additional work) issued by the police authority.

This provision is rather strict. As additional work can be a possible step to employment of migrant worker by the second employer, it is worth to consider different solutions.

German law has a similar provision. Pursuant to the German Residence Act (*Aufenthaltsgesetz*), third country nationals with a residence permit should have an explicit authorisation for performing an economic activity, including additional work. Worker who wants to change the employer or perform additional work in first two years, has to previously request an approval of the Foreigners Office (*Ausländerbehörde*). The working time should not exceed 48 hours per week in total (Act on Working Time, (*Arbeitszeitgesetz*). In case of termination of employment relationship, the permit holder is obliged to inform the Foreigners Office in two weeks. After the employment has terminated, the Office may approve additional term of 3 up to 6 months for finding a new job matching the qualifications.<sup>49</sup> If the Blue Card holder wants to change the employer, he/she needs approval of the Foreigners Office during the first 12 months, and afterwards he/she has only to inform this office.<sup>50</sup> Persons who had insurance at least 12 months in the last 30 months are entitled to the unemployment subsidy (*Arbeitslosengeld*).<sup>51</sup>

According to German, as well as Croatian law, the migrant worker has the right to perform additional work only if the worker at the same time performs full-time work by the first employer. This causes the legal and economic dependency of the migrant worker from the first employer and can have a deterrent effect on the worker's mobility and transfer to more stable employment. In contrast, EU law points to the need of more flexible regulation. Namely, Directive 2011/98/EU,<sup>52</sup> in Art. 12 prescribes the right to equal treatment of TCNs with nationals of the Member State where they reside, while settled case law emphasizes the need

<sup>49</sup> Aufenthaltsgesetz (Gesetz über den Aufenthalt, die Erwerbstätigkeit und die Integration von Ausländern im Bundesgebiet), In der Fassung der Bekanntmachung vom 25.02.2008 (BGBl. I S. 162), zuletzt geändert durch Gesetz vom 20.03.2026 (BGBl. I S. 95) m.W.v. 02.04.2026, Available at: [\[https://dejure.org/gesetze/AufenthG\]](https://dejure.org/gesetze/AufenthG), Accessed 10 April 2026, Art. 82 (6) and Art. 7 (2).

<sup>50</sup> Aufenthaltsgesetz, *op. cit.*, note 48, Art. 4a (1); Art. 18 (2); Art. 3-5; Art. 18, g (4).

<sup>51</sup> Art. 137, 142. Drittes Buch Sozialgesetzbuch - Arbeitsförderung - geändert durch Gesetz vom 18.06.1997 (BGBl. I S. 1430) m.W.v. 01.06.1998, zuletzt geändert durch Gesetz vom 22.12.2025 (BGBl. I S. 371) m.W.v. 01.01.2026, Available at: [\[https://dejure.org/gesetze/SGB\\_III\]](https://dejure.org/gesetze/SGB_III), Accessed 10 April 2026.

<sup>52</sup> Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State [2011], OJ L 343.

to enable real access to the labour market.<sup>53</sup> Directive (EU) 2021/1883<sup>54</sup> explicitly prescribes larger mobility of workers, including the possibility to change the employer, under certain conditions and control of the competent authorities (e.g. Arts. 15 and 16).

Therefore, in order to improve the Croatian regulation, the authors' proposal *de lege ferenda* is to introduce the possibility for a second employer to submit a request for issuing a new single permit in an appropriate term after the termination of the first employment (e.g. 30 days), while guaranteeing the worker the right to continue working for the second employer (by a written approval of the competent police authority) during the period of issuing the permit. This solution would be in line with the goals of EU law, enhancing the labour market flexibility and guaranteeing a higher level of protection for workers TCNs.

## 6. EMPLOYMENT INTERMEDIATION AGENCIES

As mentioned, TCNs are vulnerable due to the recruitment methods.

The list of service providers facilitating the matching of supply and demand for foreign labour is continuously expanding in the contemporary labour market.<sup>55</sup> However, intermediary arrangements involve a specific category of actors characterized by highly problematic practices. In this research, the authors focus specifically on private employment agencies particularly as the enforcement of TCN rights at user undertakings may give rise to the same issues encountered by agency workers who are Croatian citizens.<sup>56</sup> This article examines the recruitment channels for TCNs and the conditions for establishing private employment agencies.

<sup>53</sup> See e.g. ECJ, Case C-449/16, *Kerly Del Rosario Martinez Silva v Istituto nazionale della previdenza sociale (INPS) and Comune di Genova*.

<sup>54</sup> Directive (EU) 2021/1883 of the European Parliament and of the Council of 20 October 2021 on the conditions of entry and residence of third-country nationals for the purpose of highly qualified employment, and repealing Council Directive 2009/50/EC, OJ L 382.

<sup>55</sup> European Labour Authority, *Posting of third-country nationals: Contracting chains, recruitment patterns, and enforcement issues. Insights from case studies*, ELA Strategic Analysis, Publications Office of the European Union, 2025, Luxembourg, p. 47, Available at: [<https://www.ela.europa.eu/sites/default/files/2023-12/counteracting-undeclared-work-labour-exploitation-third-country-national-workers.pdf>], Accessed 1 April 2026.

<sup>56</sup> Under Croatian law, agency workers must be entitled to the same scope of rights as workers employed directly by the user undertaking; this applies to working conditions, remuneration, occupational health and safety, etc. Without entering into a detailed analysis, research indicates that, in practice, the rights of agency workers at user undertakings are significantly more limited than those of workers employed directly by the user. For more, see Senčur Peček, D.; Laleta, S.; Kotulovski, K., *Ugovorni odnosi u vezi s privremenim agencijskim radom*, Zbornik Pravnog fakulteta Sveučilišta u Rijeci, Vol. 40, No. 3, 2019, pp. 1101–1127.

These insights can help identify factors that could increase the risk of non-compliance and unfavourable working conditions for TCN workers. Additionally, particular emphasis is placed on the role of labour market intermediaries in the process of recruiting TCN workers involved in transnational labour supply chains.

### 6.1. The concept and development of private employment agencies

The concept of private employment agencies is not uniformly defined at the EU level. Generally, a distinction is made between two fundamental categories: recruitment agencies (placement services) and temporary agency work providers.<sup>57</sup> While the concept of temporary work agencies<sup>58</sup> has been progressively harmonised at the EU level, the broader term ‘private employment agencies’ remains heterogeneous.<sup>59</sup>

Private employment agency is any natural or legal person, independent of the public authorities, who provides various labour market services including matching offers of and applications for employment, without becoming a party to the employment relationships that may arise therefrom and other services relating to job-seeking, determined by the competent authority.<sup>60</sup> This is a profitable service which, according to some sources, significantly contributes to the successful matching of supply and demand on a global scale.<sup>61</sup> Since the 1990s, both their role and numbers have increased, driven in part by the privatization of government migration management processes.<sup>62</sup> The development of private agencies is closely linked to the gradual abandonment of the monopoly held by public employment services and the simultaneous establishment of foreign branches aimed

<sup>57</sup> The concept of private employment agencies may operate as intermediaries between labour supply and demand without assuming the status of employer, whereas temporary work agencies employ workers and assign them to user undertakings.

<sup>58</sup> Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work defines temporary-work agency as any natural or legal person who, in compliance with national law, concludes contracts of employment or employment relationships with temporary agency workers in order to assign them to user undertakings to work there temporarily under their supervision and direction (Art. 3 (1) (c)).

<sup>59</sup> European Parliament, *The Role and Activities of Employment Agencies*, Directorate-General for Internal Policies, Policy Department A: Economic and Scientific Policy, Brussels, 2013, pp. 38–41.

<sup>60</sup> Article 1(1) of the ILO Private Employment Agencies Convention, 1997 (No 181).

<sup>61</sup> Cremers, J., *The international recruitment chain: Experiences and policy recommendations*, European Journal of Industrial Relations, Vol. 32, No. 1, 2026, p. 72.

<sup>62</sup> Jones, K.; Ksaifi, L.; Clark, C., ‘*The biggest problem we are facing is the running away problem: recruitment and the paradox of facilitating the mobility of immobile workers*’, Industrial Relations Journal, Vol. 54, No. 3, 2023, p. 240.

at building a global network comprised of numerous subcontracting entities.<sup>63</sup> In this context, their legal classification stems from the broader system of EU economic freedoms. Specifically, the private agency market is growing robustly precisely due to the liberalization of the labour market. At the same time, private agencies operate within the framework of the freedom to provide services (Art. 56 TFEU) and the freedom of competition. This duality reflects a compromise between the social function of employment and market principles. Private agencies can partially address both requirements, which is why they are considered key actors in global foreign labour recruitment chains.<sup>64</sup> The case law of the Court of Justice of the EU (hereinafter: CJEU) has played a crucial role in dismantling state monopolies in the field of employment intermediation.<sup>65</sup>

## 6.2. Private Recruitment Agencies for TCNs in Croatia: Challenges in Practice

There is a rising number of exploitative business methods that remain insufficiently researched. According to the Ombudswoman,<sup>66</sup> employers in Croatia rely heavily on the recruitment of TCNs through intermediation agencies. This practice particularly applies to small and medium-sized enterprises which often lack the necessary capacity (financial resources, human capital or professional expertise) for international recruitment.<sup>67</sup>

Agencies play a crucial role in the arrival of foreign workers and the filling of vacancies.<sup>68</sup> However, their operations in practice reveal systemic deficiencies. Trade

<sup>63</sup> Cremers, J., *op. cit.*, note 61, p. 72.

<sup>64</sup> European Parliament, *The Role and Activities of Employment Agencies*, Directorate-General for Internal Policies, Policy Department A: Economic and Scientific Policy, Brussels, 2013, p. 23.

<sup>65</sup> Case C-55/96, Job Centre II, EU:C:1997:603. More: Houwerzijl, M., *The working conditions of cross-border temporary agency workers on paper and in reality*, European Labour Law Journal, 2024, Vol. 15, No. 1, pp. 50–672.

<sup>66</sup> European Labour Authority, *Accommodation and food service activities: issues and challenges related to labour mobility*, ELA Strategic Analysis, Publications Office of the European Union, Luxembourg, 2024, Available at: [<https://www.ela.europa.eu/sites/default/files/2024-10/horeca-report-ela.pdf>], Accessed 3 March 2026.

<sup>67</sup> See also: Villares-Varela, M., “Not helping out”: classed strategies of the (non)contribution of children in immigrant family businesses, *Ethnic and racial studies*, Vol. 40, No. 10, 2017, pp. 1758–1775, Available at: [<https://www.tandfonline.com/doi/epdf/10.1080/01419870.2016.1206591?needAccess=true>], Accessed 15 March 2026.

<sup>68</sup> Sve više agencija za uvoz radnika: Uskoro ćemo zapošljavati strance i u javnom sektoru, Available at: [<https://www.vecernji.hr/vijesti/sve-vise-agencija-za-uvoz-radnika-uskoro-cemo-zaposljavati-strance-i-u-javnom-sektoru-1775841?utm>], Accessed 23 March 2026.

unions warn of a sharp increase in the number of agencies<sup>69</sup> participating in the immigration process, which has led to an expansion of the intermediation market, but also to the emergence of unfair competition and insufficiently regulated business models that can negatively impact the position of both foreign workers and employers. The greatest challenge for trade unions concerns access to migrant workers in order to provide them with timely and comprehensive information regarding their rights. Agencies in Croatia are actively involved in sourcing candidates, the logistical organization of workers' arrival, and the process of obtaining necessary work permits and other documentation.<sup>70</sup> With the aim of securing quick profits, agencies import unskilled workers whom employers can select from 'candidate catalogues.' However, in this process, they frequently 'trade' in TCNs, treating them as mere commodities, due to high intermediation costs<sup>71</sup> and the retention of personal documents,<sup>72</sup> leading TCNs into debt bondage and a state of dependency on their recruiters.<sup>73</sup> Such business models call into question the responsibility of states that fail to safeguard the dignity and fundamental human rights of foreign workers. One of the root causes of this problem stems from non-transparent recruitment procedures, which create conditions for abuse, particularly regarding workers arriving from distant Eastern countries who often lack sufficient information on almost all aspects of living and working in Croatia.

An additional challenge is the emergence of 'fictitious' agencies which, exploiting the liberal framework for incorporating companies, evade responsibility for paying wages and social security contributions, leaving foreign workers without legal protection or means of subsistence.<sup>74</sup> Specifically, natural or legal persons

<sup>69</sup> Izvješće o agencijskom radu za 2024., Available at:

[[http://apzp.mrms.hr/Izvjesce\\_2024.pdf](http://apzp.mrms.hr/Izvjesce_2024.pdf)], Accessed 8 March 2026.

<sup>70</sup> NOVI SUPER BIZNIS: U Hrvatskoj su svi "stručnjaci" za zapošljavanje stranih radnika, 2024, Available at:

[<https://totalinfo.hr/novi-super-biznis-u-hrvatskoj-su-svi-strucnjaci-za-zaposljavanje-stranih-radnika/p6+>], Accessed 2 April 2026.

<sup>71</sup> InfoMigrants, Nepalese workers: Fueling Croatia's economy amid violence and exploitation, 2026, Available at:

[<https://www.infomigrants.net/en/post/69895/nepalese-workers-fueling-croatias-economy-amid-violence-and-exploitation>], Accessed 11 April 2026.

<sup>72</sup> Ispovijesti stranih radnika, Available at:

[<https://www.24sata.hr/news/ispovijesti-stranih-radnika-u-hrvatskoj-ne-isplicaju-nam-place-nemozemo-naci-lijecnika-1068458?utm>], Accessed 14 March 2026.

<sup>73</sup> Nezavisni hrvatski sindikat, Neki strani radnici u Hrvatskoj rade u katastrofalnim uvjetima, često i bez sanitarnih čvorova!, 2023, Available at:

[[https://www.nhs.hr/novosti/neki\\_strani\\_radnici\\_u\\_hrvatskoj\\_rade\\_u\\_katastrofalnim\\_uvjetima\\_cesto\\_i\\_bez\\_sanitarnih\\_cvorova\\_72270/?utm](https://www.nhs.hr/novosti/neki_strani_radnici_u_hrvatskoj_rade_u_katastrofalnim_uvjetima_cesto_i_bez_sanitarnih_cvorova_72270/?utm)], Accessed 17 March 2026.

<sup>74</sup> Jutarnji list, U Hrvatskoj je više od 115.000 stranih radnika, dovode ih 424 agencije za posredovanje, 2023, Available at:

establish limited liability companies (d.o.o.) with a share capital of only ten euros, import TCNs, collect commissions, and then lead the company into bankruptcy at the first intervention by supervisory bodies or the labour inspectorate following a regulatory violation, most commonly the non-payment of wages to TCNs.<sup>75</sup>

In this regard, the increasing number of such agencies in Croatia often operate outside the professional scope. Employers, acting as users, conclude employment contracts and import TCNs via 'phantom agencies' before work permits or visas are issued; in the meantime, TCNs work in the informal economy (undeclared work). Consequently, 'lapsed' work permits occur when TCNs fail to appear or employers withdraw but fail to de-register the permit, which, clogs the system with redundant documentation. A large number of TAWs opened annually are registered under different National Classification of Activities (NKD) codes. As stated by the Croatian Chamber of Economy (HGK), regardless of whether they are registered for intermediation or temporary agency work, some TAWs operate illegally by 'hiding' behind certain codes (the so-called use of licences for illegal work).<sup>76</sup> Ombudswoman that monitoring of media reports also indicates that TCNs from distant countries pay intermediaries amounts of up to 10,000 euros to come to Croatia. The Ombudswoman emphasized that TNC reported paying high fees to agencies and other intermediaries involved in the recruitment process, which reached several thousand euros and often led them into debt. At the same time, complaints were recorded that, after making these payments, workers were not provided with the promised documentation. Moreover, intermediaries ceased communication with TNC.<sup>77</sup> Irregularities are equally present among both large and small employers.

### 6.3. Legal Prerequisites for Establishing Employment Mediation Agencies Under Croatian law

At EU level, there is no single comprehensive legal framework governing private recruitment agencies for TCNs. Instead, the regulatory environment is fragment-

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[<https://www.jutarnji.hr/vijesti/hrvatska/u-hrvatskoj-je-vise-od-115-000-stranih-radnika-dovode-ih-424-agencije-za-posredovanje-15293929?utm>], Accessed 5 April 2026.

<sup>75</sup> Source: information received from the manager of the employment agency.

<sup>76</sup> Nova regulativa dovest će do masovnog gašenja agencija za uvoz stranih radnika, poslodavci protiv strožih uvjeta zapošljavanja (Donatella Pauković), Lider, Available at: [<https://lidermedia.hr/biznis-i-politika/nova-regulativa-dovest-ce-do-masovnog-gasenja-agencija-za-uvoz-stranih-radnika-poslodavci-protiv-strozih-uvjeta-zaposljavanja-155700/>], Accessed 23 March 2024; European Labour Authority, *Accommodation and food service activities*, *op. cit.*, note 63, p. 98.

<sup>77</sup> Pučka pravobraniteljica Republike Hrvatske, Izvješće pučke pravobraniteljice za 2024. godinu, Analiza ljudskih prava i jednakosti u Hrvatskoj, 2025, Available at: [<https://www.ombudsman.hr/wp-content/uploads/2025/05/Izvjescje-pucke-pravobraniteljice-za-2024.-godinu-2.pdf>], Accessed 2 June 2026, p. 63.

ed and based on a combination of international standards, EU secondary legislation and soft-law instruments.<sup>78</sup>

Croatia has not yet ratified the ILO Convention No. 181<sup>79</sup> although its standards have been partially incorporated into domestic regulation through European legislation.<sup>80</sup> There is therefore scope for improving and regularly supervising this system, particularly given that Article 4(4) of the Temporary Agency Work Directive<sup>81</sup> leaves measures on registration, licensing, certification, financial guarantees and monitoring of TAW to Member States.

Croatian law primarily regulates placement activities through the Labour Market Act and the LA as the general statute governing employment relations. The *lex specialis* for foreign workers including employers' obligations towards TCNs — is the Aliens Act, which indirectly prescribes preventive measures for lawful agency conduct when mediating in the employment of TCNs. The distinction between agency employment and placement depends on the level of legal responsibility and applicable sources of law.

Conditions for establishing and performing TAW are regulated at the statutory level when the agency has the status of employer. Under the current LA, the legislator introduced an obligation to register and licence agencies in accordance with special regulations and to obtain the relevant authorisation and entry in the competent ministry's register (Art. 44) to ensure legality, supervision and prevention of abuse. On registration, the ministry issues a certificate containing the number under which the agency is registered and the date of registration. In legal transactions, in business documents, on every letter and contract, the Agency is obliged to indicate the number under which it is entered in the records of the ministry (Art. 52). It must also comply with statutory restrictions and prohibitions (Arts. 46-49), which are subject to oversight by the competent authority. This statutory specification of conditions for establishment and operation provides, to some extent, clear identification of regulatory requirements largely aligned with those in the TAWD.<sup>82</sup>

<sup>78</sup> Cremers, J., *TCNs on the EU Labour Market*. Working paper. INTEFP-Lyon: Eurodétachement-Project, 2024, p. 6.

<sup>79</sup> ILO, Private Employment Agencies Convention, 1997 (No. 181).

<sup>80</sup> Čujko, K., Agencije za privremeno zapošljavanje, *Pravnik*, Vol. 38, No. 79, 2004, p. 39.

<sup>81</sup> Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work, OJ L 327, 5 December 2008.

<sup>82</sup> Directive 2008/104/EC (TAWD) establishes minimum standards for agency work but does not regulate the migration status of TCNs or the conditions for establishing agencies. It focuses on operational safeguards, including the prohibition of fees charged to agency workers, while leaving registration, licensing, financial guarantees and supervision to national law. Although Article 4 addresses restrictions

By contrast, placement regulated by the Labour Market Act is a service activity of matching supply and demand. In this model, the agency acts solely as an intermediary facilitating the formation of the contractual employment relationship between worker and employer, without assuming employer status or related obligations. Pursuant to Art. 4(7), both legal and natural persons may perform placement services if registered for those activities under special regulation, opening the field to private intermediaries independent of the public employment service. (Constitution, Art. 4). However, the Act does not elaborate on the content, manner and conditions of placement operations, instead referring to a subordinate act — the By-law on the Provision of Activities Related to Employment.<sup>83</sup> It prescribes legal and administrative conditions, including mandatory registration and notification in the Ministry of Labour's register before commencing its activity. The By-law defines that placement includes: employment mediation, professional guidance and education in order to increase the employability of the workforce (Art. 1). Agencies are required to establish their terms of business and inform employers and job seekers who request their services about those terms (Art. 5). They are also obligated to keep appropriate records of legal transactions and business documents and indicate its register number in all correspondence and contracts (Art. 6). Following recent amendments there is no longer an explicit statutory prohibition limiting them to market research or counselling, which permits a broader scope of operations while maintaining the obligation to perform placement professionally, impartially and critically free of charge for jobseekers.

However, the sources of labour law under review do not contain detailed provisions on the registration procedure. The latter is governed by separate legislation (Companies Act<sup>84</sup>, Crafts Act<sup>85</sup>), leaving founders with the choice whether to register the placement agency as a craft or a commercial company. The registration procedure for temporary-employment agencies in Croatian law therefore follows a registry model: the right to conduct the activity is acquired by entry in the Ministry of Labour's register without prior assessment of compliance with substantive operational requirements. The fact that an agency may be established as a company with minimal initial capital or even as a craft, without prescribed financial guarantees or specific economic conditions, creates legal uncertainty. Moreover,

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on agency work, it does not harmonise authorisation systems across Member States. Furthermore, the Directive provides limited remedies against abuse and allows significant regulatory divergence, while triangular employment relationships such as subcontracting remain outside its scope.

<sup>83</sup> Pravilnik o obavljanju djelatnosti u svezi sa zapošljavanjem, OG, No. 104/2025.

<sup>84</sup> Companies Act, OG, Nos. 111/1993, 34/1999, 121/1999, 52/2000, 118/2003, 107/2007, 146/2008, 137/2009, 111/2012, 125/2011, 68/2013, 110/2015, 40/2019, 34/2022, 114/2022, 18/2023, 130/2023, 136/2024.

<sup>85</sup> Crafts Act, OG, Nos. 143/2013, 127/2019, 41/2020.

the law does not provide for *ex ante* control before commencement of operations; oversight is exercised subsequently via labour inspection. The registry system and the obligation to submit statistical data through an application<sup>86</sup> typically rely on self-reporting without effective data verification, reducing the reliability of supervision and complicating detection of irregularities.

In line with the ILO standards and the principles of Private Employment Agencies Convention (No. 181), that gives the “green light” to states to pass strict national conditions to ensure worker protection, Croatia should enhance its regulatory framework by introducing more stringent spatial and personnel requirements for agencies. To combat the issue of ‘hidden’ TAWs the legislation should mandate that agencies provide adequate premises ensuring confidentiality (a room for interviews). Furthermore, professionalizing the employees with appropriate qualifications and relevant experience (often requiring at least tertiary education for managers). By incorporating these specific criteria into national law, Croatia would align with international best practices, ensuring that only legitimate entities with the necessary infrastructure and expertise can facilitate labor migration, thereby preventing the exploitation of workers through unauthorized recruitment channels.

#### **6.4. Recommendations for the Development of Intermediary Structures in Cross-Border Employment of TNCs in Croatia**

Unlawful employment of TCNs undermines tax revenues, social security systems and fair competition, and therefore requires coordinated action. The relaxation of the regulatory framework has led to the emergence of a complex system of relationships requiring continuous oversight in order to ensure adequate protection of TNCs who indisputably contribute to the state budget. Proposed improvements do not call into question the principles of free market competition or the advantages of employment through intermediary agencies. Furthermore, it should be emphasized that Convention No. 181 directly regulates the activities of private employment agencies by establishing minimum standards for their operation. Given the rapid increase of the number of migrant workers TCNs in Croatia, there is a clear need for stricter supervision of both the establishment and operation of agencies engaged in TNC recruitment. In this context, the proposal for its ratification is further justified under current circumstances, particularly as it would provide Croatia with clearer rules on agency accountability and improved protection of workers within recruitment chains.

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<sup>86</sup> Art. 44(7) of the LA.

The ILO Convention No. 181 highlights the need for specific measures to prevent abuses in the recruitment of foreign workers.<sup>87</sup> Croatian law explicitly stipulates that intermediaries may not charge workers fees for employment mediation, which is consistent with the principles of the Convention. In the broader context of foreign worker employment and international mediation, practical challenges arise due to the lack of detailed legal regulation of all related costs, which intermediaries may in practice transfer to workers.

The objective is to reduce the number of “ghost agencies” that merely act as intermediaries without assuming responsibility for workers, through the introduction of stricter registration requirements. Recent amendments to the Aliens Act stipulate that the competent employment service (CES) will issue a positive opinion if the employer meets certain conditions. For the purposes of this research, key prerequisites include engagement in a registered economic activity and, for legal entities, a minimum turnover of 10,000 euros per month over the previous six months, and for natural persons, 15,000 euros over the observed period, as well as other prescribed conditions that in sum represent an attempt to filter employers through criteria such as: lawful business conduct, settlement of public liabilities, minimum employment levels, and a certain degree of financial activity (Art. 99(1–3) AA). However, the AA does not provide for a system of continuous supervision following the issuance of permits, nor does it impose an obligation of periodic verification of compliance. Furthermore, there is reason to question whether these requirements are primarily oriented toward formal legality rather than the substantive protection of workers. Such an approach does not necessarily ensure effective prevention of fraud in complex subcontracting and recruitment chains, where formally compliant employers may still engage in exploitative practices affecting TCNs.

The current framework focuses on the formal employer while neglecting the actual structure of work, particularly in cases involving subcontracting, agency work, and outsourcing, where the end user of labour remains beyond the scope of effective control. This leads to the fragmentation of responsibility for labour rights compliance, thereby complicating enforcement and worker protection. The ILO explicitly emphasizes that private employment agencies operate within the broader labour market context.<sup>88</sup> Consequently, the definition of employment mediation as merely linking unemployed persons with employers appears overly narrow,

<sup>87</sup> See: ILO General Principles and Operational Guidelines for Fair Recruitment, Available at: [<https://www.ilo.org/resource/ilos-2016-general-principles-and-operational-guidelines-fair-recruitment>], Accessed 3 March 2026; Palm Olsson, A.-K.; Choi, D.; Espinosa Erazo, G., *Guide to Private Employment Agencies*, 2nd (revised) edition, ILO, Geneva, 2022, p. 25.

<sup>88</sup> Palm Olsson, A. et al., *op. cit.*, note 87, p. 25.

as it limits the governance of TNC migration flows to traditional intermediation functions.

There is scope for improvement, particularly given that the requirement of “economic activity” lacks precise operational criteria for assessing lawful agency operations. Apart from the employer’s compliance with public obligations and absence of prior offences, the AA does not establish detailed quantitative thresholds or standardized criteria for evaluating “genuine economic activity” or “irregularities in business conduct,” which may lead to inconsistent application in practice. A central issue lies in the discrepancy between the ease of company formation and the weak supervision of agencies’ operational activities. Current legislation allows the establishment of companies with minimal capital, leading to a rapid increase in the number of employment agencies lacking real operational capacity (so-called “fake agencies” without deposits or guarantees), often operating in violation of ethical and labour standards.

The CES issues a positive opinion based, among others, on a legally prescribed level of employer’s turnover achieved over the previous six months (Art. 99 (1) (7) of the AA). Other Member States place greater emphasis on system development, cooperation, licensing, supervision, and transparency of employers’ business operations within recruitment chains. Drawing on comparative models, the Croatian legislator should consider, alongside formal licensing requirements, the introduction of criteria relating to managerial integrity, professional qualifications, proof of operational capacity,<sup>89</sup> mandatory financial guarantees, including subsidiary liability of user undertakings in cases of agency insolvency.<sup>90</sup> The absence of such qualitative selection mechanisms weakens control over actors within recruitment chains.

The Croatian system remains predominantly administrative rather than a genuine market control mechanism. While it provides that agencies must pay wages to assigned workers if the user undertaking fails to submit payroll calculations (Art. 49 (4) of the Labour Act), questions remain regarding the actual availability of financial resources to fulfil such obligations. Additionally, agencies engaged in one-off recruitment often evade accountability by changing their business identity following complaints or inspections. To address “letterbox companies” that facilitate TCN employment while depriving workers of fundamental rights, the

<sup>89</sup> See Slovenian law, *Zakon o urejanju trga dela (ZUTD) 62/24*, Available at: [<https://www.racunovodstvo.net/zakonodaja/zutd/163-clen?utm>], Accessed 1 January 2026.

<sup>90</sup> Frenzel, H., *The Temporary Agency Work Directive*, ELLJ, Vol. 1, No. 1, 2010, p. 131.

establishment of a public register of agencies with a rating system is proposed.<sup>91</sup> Serious violations should result in the immediate and permanent revocation of licenses for all associated persons (owners and directors).<sup>92</sup>

## 7. ADEQUATE ACCOMMODATION

Inadequate accommodation represents a form of labour exploitation concerning health and safety regulation. In order to be admitted to work in the EU under the Seasonal Work Directive, workers must accompany their application with evidence of adequate accommodation (Art. 5 (1) (c)). The most used indicators to define minimum standards may vary among Member States but mostly include sanitation, living space and safety.<sup>93</sup>

Before the amendments in 2025, the Croatian AA guaranteed the adequate accommodation only to seasonal workers TCNs.<sup>94</sup> But stories about horrible living conditions of migrant workers in general, often coming from the media,<sup>95</sup> as well as warnings and demands of Ombudswoman or trade unions, raised awareness of the problem prompting the legislator to extend the right to adequate accommodation. Pursuant to (amended) Art. 103 f of AA, this right should be also guaranteed to TCNs who perform work for which they need a permit based on the opinion of the CES.

In the application for the R&W permit, an approval of adequate accommodation should be enclosed when the employer has ensured the accommodation or the employer acts as an intermediary in ensuring the accommodation (Art. 97(3) AA).

Consequently, the R&W permit will be issued to these two categories of migrant workers TCNs only if they have “ensured adequate accommodation”.

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<sup>91</sup> For an EU Directive on subcontracting and labour intermediation, 2025, Available at: [<https://www.etuc.org/en/document/eu-directive-subcontracting-and-labour-intermediation>], Accessed 25 March 2026.

<sup>92</sup> Employment agencies and businesses UK, Available at: [<https://www.gov.uk/employment-agencies-and-businesses/licences-for-employmentagencies?utm>], Accessed: 19 February 2026.

<sup>93</sup> Where the accommodation is arranged by or through the employer, the Directive aims to protect seasonal workers and prohibits excessive rent that should not be automatically deducted from his or her wage (Art. 20).

<sup>94</sup> See Art. 104(5) AA.

<sup>95</sup> Uvodi se novo pravilo, Available at: [<https://www.dnevno.hr/gospodarstvo-i-turizam/uvodi-se-novo-pravilo-odzvonoilo-omrazenoj-i-opasnoj-praksi-sa-stranim-radnicima-2721380/>], Accessed 19 March 2026.

The „ensured adequate accommodation“ is defined as “the accommodation enabling ... adequate standard of living during the entire stay” (Art. 103 f (2) AA). The employer who has ensured or who is an intermediary in ensuring the accommodation should demand that the migrant worker TCN / seasonal worker pays a rent that is not too high compared with his/her net remuneration and with the quality of the accommodation. Such rent should not be automatically deducted from the wage of these workers. The employer should submit the rental contract or an equivalent document in which the rental conditions for the accommodation are clearly stated, ensuring that the accommodation fulfils the general health and security norms in force in Croatia (Art. 103 f (3); for seasonal workers Art. 104 (10) AA).<sup>96</sup>

Technical and other conditions for the adequate accommodation should be prescribed by a special By-law of the Minister of Interior (with the approval of the ministers in charge of construction, labour and health; Art. 103f (4) AA). The By-law proposal has passed the public consultation but has not been adopted to date.

Therefore, there is a legal lacuna. We have a special By-law from 2022 that applies only for seasonal workers.<sup>97</sup> According to this By-law, in the rental contract (or the equivalent document) the amount of rent, the data on the surface area and the number of persons (seasonal workers) that use such a space should be specified (Art. 46 (2)).

Rental contract or an equivalent document are considered valid proofs of adequate accommodation.<sup>98</sup> The premises must satisfy certain conditions in order to be considered adequate (Art. 47-48).<sup>99</sup>

While the draft of the new Aliens Act is in the legislative procedure, the novelties provided by the draft By-law concerning accommodation are worth mentioning. The By-law introduces additional formalities concerning the necessary documents for the both mentioned categories of migrant workers. If the employer ensures accommodation the rental contract should be authorized by the public notary or tax authority; in other cases, the same goes for the statement of the owner of the

<sup>96</sup> Member States have the possibility to determine whether workers are free to arrange accommodation or if it is the employer's responsibility. See more: Herzfeld Olsson, *op. cit.*, note 87, p. 452.

<sup>97</sup> By-law on residence of third country nationals in the Republic of Croatia, Official Gazette (OG), Nos. 20/2022, 155/2022) (*Pravilnik o boravku državljanina trećih zemalja u Republici Hrvatskoj*).

<sup>98</sup> The accommodation expenses should be appropriate to the amount of wage of the seasonal worker and should not exceed 30% of the net wage. If the employer ensures the accommodation to the seasonal worker without charge, he/she has to issue a document in which the conditions of the accommodation are clearly specified (Art. 28 (e)).

<sup>99</sup> See in: Kotulovski et al., *op. cit.*, note 6, p. 342.

property (that should be added when applying for residence and stay permit). If seasonal worker ensures the accommodation himself, the statement of the person who is in a parental relationship with him/her should be enclosed.

If the accommodation is ensured by a legal or natural person that offers accommodation services (in line with the regulation of catering activity), proof of paid accommodation is needed.

Also, the draft By-law defines the characteristics of buildings in which an adequate accommodation for both categories of migrant workers should be ensured. It is: an apartment in a building with two or more residential units and a house (a building with one living unit) (Art. 24).

The conditions of minimum ensured space for accommodation was not changed, but some restrictions are introduced: 8 persons TCNs can be placed in one apartment, irrespective if the space is bigger than the previously mentioned maximum, and it should have at least one sanitary facility. A maximum of 10 workers can be placed in a house, and it should have at least one sanitary facility on 150 m<sup>2</sup>. Several new technical conditions for an accommodation have been introduced that must be considered adequate (concerning daily/artificial light, airing, furniture etc.) (Art. 25, draft By-law).

## 7.1. Control of the Accommodation

The adequate accommodation is crucial in guaranteeing and achieving decent working and living conditions of migrant workers. Different research proved that migrant workers in the EU, often in the sectors of agriculture, manufacturing and healthcare, are accommodated in “overcrowded, unsanitary environment that contribute to serious health risks. Poor ventilation, inadequate sanitation, and pest infestations lead to the spread of infectious diseases, respiratory issues, and gastrointestinal ailments. Additionally, the psychosocial impact of insecure living conditions – stress, anxiety, and depression – further harms workers’ well-being.”<sup>100</sup> The occupational health risks at work and poor wages of migrant workers are issues that are more visible in the policy sphere and research discourse compared with their substandard accommodation. Therefore, the latter aspect merits more attention.<sup>101</sup> Croatian medical scientists recently warned of different diseases that are

<sup>100</sup> Samant, Y.; Fabregat, M. R.; Seneviratne, M., *Europe’s Overlooked Health and Hygiene Issues in Migrant Worker Housing: A Call for Action*, Safety and Health at Work, Vol. 16, 2025, p. 255; Bubaš, M. *et al.*, *Utjecaj životnih i radnih uvjeta na zdravlje radnika migranata*, Sigurnost, Vol. 55, No. 4, 2013, pp. 333 – 339.

<sup>101</sup> Samant, Y., *op. cit.*, note 95, pp. 255 – 256.

the result of poor working and living conditions of migrant workers. Research of dermatologists about melanoma show that foreign workers often come too late to medical experts, when the disease is advanced.<sup>102</sup>

With that in mind, it is not surprising that the Croatian legislator decided to regulate more technical details of the accommodation. Croatian media bring up many stories about inadequate living of migrant workers, like the one about migrant workers living in an ex-coffee shop in Zadar. When they turned on the light, neighbours and passers-by could see through the curtains the stack of bunk beds and the stove in the former bar, out of function. In this space migrant workers lived throughout the year, not only in the season. Since adequate accommodation was prescribed only for seasonal workers, the journalist concluded that such scenes should not be surprising. The State Inspectorate answered that it was powerless because it had no legal ground to act, and was waiting for a new By-law to define adequate accommodation. It added that the building inspection of the State Inspectorate included the mentioned location<sup>103</sup> in its supervision plan as the place was not converted into a residential space as it should have been bylaw. They attempted to contact the tenants but unsuccessfully. The neighbours never complained, because the workers were not loud and, apart for the occasional scent of spices they sometimes noticed, everything was normal.<sup>104</sup>

We are aware of the practice of employers taking advantage of migrant workers, using them to perform construction work on weekends, without being paid for overtime work, in the employer's building in which he is going to place these workers.<sup>105</sup>

<sup>102</sup> Koža svijeta: Dermatološki izazovi u doba migracija, Šitum, Mirna (ed.), Zagreb: Medicinska naklada, Hrvatska akademija znanosti i umjetnosti, 2025; HTV, Dijagnoza - Koža svijeta: Dermatološki izazovi u doba migracija, Available at : [\[https://hrt.prikazuje.hrt.hr/hrt1/dijagnoza-koza-svijeta-dermatoloski-izazovi-u-doba-migracija-12436341\]](https://hrt.prikazuje.hrt.hr/hrt1/dijagnoza-koza-svijeta-dermatoloski-izazovi-u-doba-migracija-12436341), Accessed 6 April 2026.

<sup>103</sup> It consisted of 231,18 square meters, of nine9 working rooms, 4 spremišta and double sanitary ...-four storage rooms and double toilet facilities...the owner was one company from Slavonia which they could not reach by phone.

<sup>104</sup> Bucić, Ivo, (Ne)legalni smještaj: Strani radnici privremeni dom pronašli u – kafiću. Inspektorat tvrdi: "Nemoćni smo", 16 February 2026, Available at: [\[https://www.glasistre.hr/hrvatska/2026/02/16/strani-radnici-privremeni-dom-pronasli-u-kaficu-inspektorat-tvrdi-nemocni-smo-1051059\]](https://www.glasistre.hr/hrvatska/2026/02/16/strani-radnici-privremeni-dom-pronasli-u-kaficu-inspektorat-tvrdi-nemocni-smo-1051059), Accessed 16 February 2026.

<sup>105</sup> See also a story of 50 foreign workers of one big Croatian building company, placed in a shabby house, close to Zagreb airport, living without electricity, warm water and heating, in a house full of mould and moisture, crammed into small rooms with bunk beds, without salary. Strani radnici iz derutne kuće kod Zagreba mjesecima rade bez plaće, očajni su: "Nemamo za hranu, neki su se razboljeli", 2.3.2026, [dnevnik.hr](https://dnevnik.hr); Available at:

As mentioned, labour exploitation includes different employers' strategies to control workers. Employers can use the accommodation, inadequate housing or living at the employers' home to control workers: not only their work, but their access to food and transport. Based on our experience, we can add – and their free time too.<sup>106</sup> In case of a low wage and a high rent for the accommodation arranged by the employer, the workers can find themselves in a “debt-bondage”.<sup>107</sup>

One of the challenges regarding the adequate accommodation of workers TCNs is the efficient control of the conditions in practice. Before the amendments of the AA in 2025, it was not strictly regulated which body had to perform control over the accommodation. The Ministry of Interior and State Inspectorate kept passing the responsibility back and forth. Therefore, it is possible to conclude that the control was inefficient.

This legal lacuna was (partly) eliminated by means of the amendments. Pursuant to Art. 239 (1) of the AA the body authorised to carry out the inspection over the accommodation of seasonal workers and workers TCNs is “the body of public administration in charge of inspection of labour of foreigners and posted workers”. The Ombudswoman suggested that in the Act the exact name of the inspection (sector) of the Inspectorate authorized to control the accommodation should be provided, but this was not accepted. Instead, this broader formulation is used.<sup>108</sup> Therefore, it is still not clear who will be in charge of the inspection,<sup>109</sup> namely, sector of labour inspection or sanitary inspection. The authors are of the opinion that such uncertainty might have a negative impact on the quality and efficiency of the control.

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[<https://dnevnik.hr/vijesti/hrvatska/strani-radnici-nisu-dobili-placu-od-prosinca-vlasnik-obecao-stize-ovaj-tjedan---966646.html>], Accessed 6 April 2026.

<sup>106</sup> ETUC, 2020, Overlooked: migrant workers in the COVID-10 crisis, mentions transport sector in which workers had to sleep in their trucks for months, without a right to weekly rest periods. Available at:

[<https://www.etuc.org/en/document/overlooked-migrant-workers-covid-19-crisis>], Accessed 6 April 2026; Nierop, *op. cit.*, note 12, p. 19.

<sup>107</sup> Nierop, *op. cit.*, note 12, p. 19. We heard the migrant taxi drivers complaining on their (big) employer that cut off the rent from their salary, that is far below the minimum wage, in a fixed amount, earned for 16 hours working day, but only if they earn 200 euro for drives per day (otherwise they are additionally penalized).

<sup>108</sup> Konačni Prijedlog Zakona o izmjenama i dopunama Zakona o strancima, Available at: [[https://www.sabor.hr/sites/default/files/uploads/sabor/2025-02-07/095303/PZE\\_63.pdf](https://www.sabor.hr/sites/default/files/uploads/sabor/2025-02-07/095303/PZE_63.pdf)], Accessed 19 March 2026.

<sup>109</sup> Novi list, Katalinić, Dražen, *Stroža kontrola boravka stranih radnika. Država naredila kontrolu, a ne zna još tko će ju provoditi*, Available at:

[<https://www.novolist.hr/novosti/hrvatska/stroza-kontrola-boravka-stranih-radnika-drzava-naredila-kontrolu-a-ne-zna-jos-tko-ce-ju-provoditi/>], Accessed 20 March 2026.

Pursuant to the Act on State Inspectorate,<sup>110</sup> the sector of labour inspection monitors the implementation of laws and other regulations that govern the relationships between employer and worker in the field of employment relationship and OSHA. In the field of employment relationships, the labour inspection is responsible for the control of the legality of the work of foreigners (TCNs) in Croatia (based on the R&W permit or application for work when prescribed), salaries, intermediation, activity of temporary employment agencies and user companies, working time, etc. In the field of OSHA,<sup>111</sup> the inspection controls, *inter alia*, are done by the investors, owners of buildings, concessionaires and other persons for whom work is performed, and fulfill the prescribed duties in implementing OSHA measures during the design of buildings, construction and the execution of construction works; perform control upon other bodies' requests and joint inspection control; and control in the field of health protection and social care.<sup>112</sup>

The Croatian State Inspectorate lacks inspectors and capacities.<sup>113</sup> The issue of scarce resources of the inspection and other authorities is not a uniquely Croatian problem, but exists in other European countries, limiting their authorities' scope especially in case of undeclared work and illegal employment and in complex fraud schemes of employers who want to gain profit.<sup>114</sup>

Research shows that when labour authorities prioritize checking the workers' immigration status, this diverts attention from working conditions, and guaranteeing workers' rights, as well as from informing the workers about their rights and supporting services.<sup>115</sup>

Relevant literature and research hence emphasize the need for cooperation between different actors: inspection, trade unions, NGOs, police, tax, migration and social security organisations in tackling undeclared work and labour exploitation. There are however good examples that point to the joint cooperation procedures

<sup>110</sup> State Inspectorate Act, OG, No. 67/2023.

<sup>111</sup> In 2024, 86 foreign workers were injured, representing 12,3% of totally injured workers. Ombudsman's Report for 2024, *op. cit.*, note 3, p. 66.

<sup>112</sup> Sektor inspekcije rada, Available at: [<https://dirh.gov.hr/o-drzavnom-inspektoratu-9/ustrojstvo-77/13-sektor-inspekcije-rada/364>], Accessed 12 April 2026.

<sup>113</sup> Manojlović Toman, R.; Lopizić, I., *Personalni kapaciteti Državnog inspektorata*, Informator, No. 6924 26 January 2026, Available at: [<https://informator.hr/strucni-clanci/personalni-kapaciteti-drzavnog-inspektorata>], Accessed 1 April 2026.

<sup>114</sup> Nierop, *op. cit.*, note 12, p. 43.

<sup>115</sup> European Union Agency for Fundamental rights (FRA), *Protecting migrant workers from exploitation in the EU: boosting workplace inspections*, 2018, pp. 7-8.

as good mechanisms to combat fraud, violations and crime, even though there are obstacles (like limitation concerning data sharing and cooperation, capacity constraints in enforcement, limited resources etc.).<sup>116</sup>

## 7.2. Good Practices in EU Member States

Showcasing examples of good practice, the authors point to first, the cooperation between labour inspection and the police, and second, to the cooperation of multiple authorities (multi-agency approach), as these are interesting for the Croatian regulation.

In Spain, a special law regulates assistance and collaboration between police forces and Labour and Social Security Inspectorate, further specified by their agreements. It resulted in numerous joint visits that they routinely perform together (e.g. in 2019 almost 20.000 visits). In Italy the police (*carabinieri*) and national labour inspectorate jointly act in combating exploitation of foreign workers. Belgian labour inspectors can ask for assistance from police in case of fraud detection, illegal work or human trafficking. Moreover, a special police unit deals with the labour exploitation undertaking monthly inspections of high-risk sectors, led by auditor or public prosecutor. In addition, they have support of labour and social inspectorates, and victim support organizations.<sup>117</sup>

Also, the literatures point to the need for cooperation between more subjects – authorities, using the tools of each enforcement authority in a single case. This mechanism offers a more effective cooperation.<sup>118</sup> Sweden and the Netherlands can be mentioned as positive examples in this respect. In Sweden, the Regional Agency Cooperation (RAC) cover eight subjects (agencies) that deal with the work-place irregularities, with the emphasis on TCNs: police, Work Environment Authority, the Tax Agency, the Gender Equality Agency, the Migration Agency, the public employment service, and the Social Insurance Agency. Each plays its part. The first three take part in joint inspections. RAC has its own reporting system, listing all measures from the respective agencies, inspected companies, control and sanctions etc.<sup>119</sup> In 2020, Dutch special teams were established, involving seven ministries,

<sup>116</sup> Nierop, *op. cit.*, note 12, p. 42.

<sup>117</sup> FRA, *Protecting migrant workers*, *op. cit.*, note 110, p. 13.

<sup>118</sup> ILO, *Labour inspection in Europe: undeclared work, migration, trafficking*, Geneva, International Labour Organization, 2010, pp. 23-27; International Migration Outlook 2018, *Chapter 4. Addressing the illegal employment of foreign workers*, OECD Publishing, Paris, Available at: [[https://www.oecd.org/en/publications/international-migration-outlook-2018\\_migr\\_outlook-2018-en.html](https://www.oecd.org/en/publications/international-migration-outlook-2018_migr_outlook-2018-en.html)], Accessed 3 April 2026.

<sup>119</sup> Nierop, *op. cit.*, note 12, p. 45.

cooperating with other stakeholders, like social partners, at the local and sectoral level, focusing upon the working conditions of foreign workers. To emphasize, the inspectors conducted interviews at the residences of migrant workers and worked with other authorities “to collate information and resultant visits to companies” where they expected problems (where many migrant workers were employed, e.g. meat processing industry, distribution centres, construction industry firms etc.).<sup>120</sup> Also worth mentioning are the Norwegian joint work-crime centres, gathering police, labour authorities and tax administration, who opt for a specific procedure on a case-by-case basis. This is a model of a stronger cooperation that sets off at the beginning of a specific case in order to save time and resources.<sup>121</sup>

Several Croatian county police authorities inform about the non-announced joint inspections with the State Inspectorate into the legality of residence and work of foreign citizens in order to protect workers’ rights, prevent informal work and raise common security.<sup>122</sup>

Based on these examples, the authors conclude that the Croatian labour inspection should be strengthened by new employments of inspectors. Some model of cooperation of labour inspectors and other authorities (police, construction inspection, sanitary inspection etc.) should be introduced.

## 8. CONCLUSION

Eventhough desirable and needed, migrant workers TCNs in Croatia face different problems. Those with a restricted work authorization that is linked to a specific occupation or employer are more vulnerable and exposed to a higher risk to be engaged in undeclared work and labour exploitation. The opinion of the authors is that their position could be improved by introducing *de lege ferenda* longer term (unemployment period) after the termination of employment to find a new job matching the qualifications, e.g. three to six months, instead of 60 days.

The regulation of the criteria of appropriate accommodation, including more technical details, is one of the prerequisites for good living and working standards of workers TCNs. But the efficient control of the accommodation conditions can be achieved only with *de lege ferenda* strictly prescribing a body (bodies) authorised to provide inspection of the premises. Furthermore, the regulation of joint

<sup>120</sup> Nierop, *op. cit.*, note 12, pp. 45-46.

<sup>121</sup> Nierop, *op. cit.*, note 12, p. 46.

<sup>122</sup> Obavljale poslove bez valjanih dozvola za boravak i rad u RH, Available at: [<https://bjelovarsko-bilogorska-policija.gov.hr/vijesti/obavljale-poslove-bez-valjanih-dozvola-za-boravak-i-rad-u-rh/23230>], Accessed 6 April 2026.

inspection (authorities) control, well equipped and with specific knowledge of the issue of labour exploitation and illegal work, together with other social actors (social care, NGOs, trade unions) could improve the social position of TCNs, as good practices of other Member States illustrate.

Concerning the complex issue of employment mediation, the authors propose strengthening of the conditions for the activity of different “placement agencies” and their control, as well as severe sanctions in case they break the law.

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