



Striving for an inclusive labour market in Croatia

Positive actions and reasonable accommodation to facilitate hiring and employment of persons with disabilities involving employers and employer initiatives

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Positive actions and reasonable accommodation to facilitate hiring and employment of persons with disabilities involving employers and employer initiatives

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1 Executive summary

1.1 Support and incentives directed at employers to promote the employment of persons with disabilities, including guides on good practice, websites and advice services

The quota system is considered by the Government to be an important instrument by which the state seeks to increase the employment of persons with disabilities. There has been no major improvement in the performance of the quota system. Employers who employ persons with disabilities are not eligible for tax relief, which is aimed exclusively at persons with disabilities themselves. An employer who employs a person with a disability may be entitled, however, to a subsidy of paid contributions for compulsory health insurance. Incentives aimed at employers for the employment of persons with disabilities (covering architectural considerations, technical adaptation and transport support) are regulated by the Ordinance on Incentives for the Employment of Persons with Disabilities (2020).¹ Key information on all forms of incentives from the state budget for the employment of persons with disabilities can be found on the website of the Institute for Expert Evaluation, Professional Rehabilitation and Employment of Persons with Disabilities.² The best overview of the current employment situation of persons with disabilities (including on the provision of reasonable accommodation) can be found in the annual and thematic reports of the Ombudsperson for Persons with Disabilities.

1.2 Support and partnerships available to employers to assist them in making reasonable accommodations

The Institute for Expert Evaluation, Professional Rehabilitation and Employment of Persons with Disabilities (ZOSI) has a crucial role in approving subsidies and providing information on accommodations and advice to employers. ZOSI, a public body, has printed manuals providing detailed instructions for adapting workplaces. In addition to these manuals, important guides for the employment of persons with disabilities are published by associations of persons with disabilities (e.g. *Blind at Work in Croatia*, published by the Croatian Blind Union).³ The manual published by the Centre for Rehabilitation in Zagreb for persons with intellectual disabilities⁴ describes the role of work assistants in the employment of people with disabilities. The media (radio and TV shows and web portals) are extremely important for promoting the employment of persons with disabilities. Good examples are the radio show *Šesto čulo* (Sixth Sense)⁵ on Croatian Radio's HR1 and In-Portal, a website specialising in the problems that persons with disabilities encounter.⁶ Partnerships that help employers to make reasonable accommodations are most often involved in information activities and advocating for the employment of persons with disabilities (including through awards or promotional activities). The Employer of the Year for Persons with Disabilities Award promotes the employment of persons with disabilities and highlights examples of good

¹ See: https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_145_2804.html.

² See: <https://www.zosi.hr/zavod/poticaji/>.

³ See: https://savez-slijepih.hr/app/uploads/2021/01/Brosura_Slijepi_na_poslu_u_Hrvatskoj.pdf.

⁴ See: https://www.crzagreb.hr/hr/o_nama/bilteni/prirucnik.pdf.

See: <https://radio.hrt.hr/slusaonica/sesto-culo>.

⁶ See: <https://www.in-portal.hr/top-menu/5/o-nama>.

practice.⁷ Participation in partnerships can be mandatory or a condition of funding. One example is the implementation by ZOSI of the Ordinance on Incentives for the Employment of Persons with Disabilities through employers and professional rehabilitation centres. The Ombudsperson for Persons with Disabilities cites cases in which reasonable accommodation is interpreted as a requirement for privileged status and not as a right to equal opportunities.

1.3 Illustrative examples of good employer practice for providing reasonable accommodations for persons with disabilities

The Financial Agency (Fina) has been successful in applying the principle of reasonable accommodation at all stages of employment (in the selection process, performance monitoring and the training and development of workers with disabilities).⁸ This was confirmed by the Award for Best Practice in Human Resource Development within Corporate Social Responsibility that Fina received in 2016.

An example of the institutional framework for the inclusion of persons with disabilities is provided by the Clinical Hospital Centre (KBC) in Rijeka.⁹ The centre has established a committee to improve the working environment of persons with disabilities employed at the hospital. A reasonable accommodation has been implemented in relation to both the technical and psychosocial working conditions of these employees.

The regular and special reports of the Ombudsperson for Persons with Disabilities provide the most comprehensive overview of the conditions in which persons with disabilities have recently been living in Croatia.¹⁰ These reports contain examples of good employer practice.

1.4 Recommendations

Recruitment and Hiring

It is important to strengthen information and advocacy activities aimed at employers to influence their attitude towards the employment of persons with disabilities. It is important to train human resources staff to properly interview candidates.

Initial employment

In the initial employment process, it is important to ensure the support of colleagues and the involvement of experts (work assistants). Multidisciplinary teams are useful.

Promotion and Career Development

Teamwork and multidisciplinary work in companies and networked organisations is extremely important for the career development process.

⁷ See: www.zosi.hr/novosti/zosi_news/dodijeljena_priznanja_poslodavac_godine_za_osobe_s_invaliditetom_za_2020_godinu-1906/.

⁸ See: <https://data.hrprakse.hr/2015/03+HR+days+2015.pdf>.

⁹ See: <https://kbc-rijeka.hr/bolje-radno-okruzenje-osobe-s-invaliditetom-zaposlene-kbc-rijeka/>.

¹⁰ See: <https://posi.hr/wp-content/uploads/2022/04/Izvjesce-o-radu-Pravobranitelja-za-osobe-s-invaliditetom-za-2021.-godinu.pdf>.

Retention

The attitude of the person with a disability, a quality work environment and the understanding of colleagues are all important for work retention.

2 Support and incentives directed at employers to promote the employment of persons with disabilities, including guides on good practice, websites and advice services

2.1 Employment quotas

The quota obligation is prescribed by the Act on Professional Rehabilitation and Employment of Persons with Disabilities¹¹ and is elaborated in the relevant Ordinance on Determining Quotas for the Employment of Persons with Disabilities.¹² This ordinance determines that the quota includes only persons with disabilities who have been employed for at least 20 hours and who have been entered in the Register of Employed Persons with Disabilities at the Croatian Pension Insurance Institute. As of 31 December 2021, 11 694 employees with disabilities were registered, but this includes all registered persons with disabilities, regardless of the quota obligation.¹³ The quota for a particular month includes only persons with disabilities who are entered in the register on the last day of month.

The Ordinance on the Content and Manner of Keeping the Register of Employed Persons with Disabilities (2018)¹⁴ defines the categories of persons who are entered in this Register. The key condition is that persons must be registered for pension insurance on the basis of employment and must meet at least one of the defined criteria.¹⁵

¹¹ Act on Professional Rehabilitation and Employment of Persons with Disabilities (*Zakon o profesionalnoj rehabilitaciji i zapošljavanju osoba s invaliditetom*), 20 March 2020. *Narodne novine* (People's Newspaper, or official gazette) 157/13, 152/14, 39/18 and 32/20, <https://www.zakon.hr/z/493/Zakon-o-profesionalnoj-rehabilitaciji-i-zapo%C5%A1ljavanju-osoba-s-invaliditetom>.

¹² Ministry of Labour, Pension System, Family and Social Policy (2020), Ordinance on determining quotas for the employment of persons with disabilities (*Pravilnik o utvrđivanju kvota za zapošljavanje osoba s invaliditetom*), https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_145_2806.html.

¹³ Ombudsman for Persons with Disabilities (2022), Report of the Ombudsman for 2021 (*Izvešće o radu Pravobraniteljice za osobe s invaliditetom za 2021. godinu*), <https://posi.hr/wp-content/uploads/2022/04/Izvjescje-o-radu-Pravobranitelja-za-osobe-s-invaliditetom-za-2021.-godinu.pdf>.

¹⁴ Ministry of Labour and the Pension System (2018), Ordinance on the Content and Manner of Keeping the Register of Employed Persons with Disabilities (*Pravilnik o sadržaju i načinu vođenja očevidnika zaposlenih osoba s invaliditetom*), https://narodne-novine.nn.hr/clanci/sluzbeni/2018_08_75_1545.html.

¹⁵ The criteria are:

- recognised status of a person with mental and physical disabilities according to the regulations on social welfare;
- recognised status of a person with disabilities according to the regulations on pension insurance;
- recognised status of a Croatian veteran of the Homeland War with disabilities according to the regulations on Croatian veterans of the Homeland War and members of their families;
- recognised status of military or civilian war persons with disabilities according to the regulations on the protection of military and civilian war persons with disabilities;
- recognised status of students with disabilities according to the educational regulations;
- recognised disability and reduced working capacity on the basis of a decision of the state administration office responsible for social welfare, and the person is older than 21 years;
- recognised right to professional rehabilitation according to the regulations in force until the beginning of the performance of an expert assessment in accordance with the provisions of the Act on Professional Rehabilitation and Employment of Persons with Disabilities;
- recognised right to work adaptation according to the regulations in force until the beginning of the performance of an expert assessment in accordance with the provisions of the Act on Professional Rehabilitation and Employment of Persons with Disabilities;

In Article 10, the Act on Professional Rehabilitation and Employment of Persons with Disabilities states that an employer who does not meet the quota by employing persons with disabilities, or does not fulfil a replacement quota, is obliged to pay a monthly allowance of 20 % of the Croatian minimum wage for each person with disabilities the employer was obliged to employ to meet the prescribed quota. Those funds are used for the sustainability and development of the professional rehabilitation system and for incentives, rewards, projects and programmes for the employment of persons with disabilities. Because of the non-employment of persons with disabilities in 2021, employers paid out funds totalling EUR 21.2 million.¹⁶ In 2020, out of a total of 9 289 employers who were subject to the quota employment obligation, 1 246 employers (13.41 %) fully met the obligation to employ persons with disabilities, and 1 204 employers (12.96 %) partially fulfilled this obligation.¹⁷

In the case of unforeseeable and unpredictable special circumstances that endanger the life and health of citizens or property of greater value or that significantly damage the environment, disrupt economic activity or cause significant economic damage, the Minister responsible for labour may determine by special decision that those funds may be used for the purpose of preserving jobs and retaining employment and that the obligation to pay the allowance may be adjusted for the duration of special circumstances.

There are no additional schemes or actions to encourage employers to comply with the quota scheme through employing persons with disabilities.

The Act on Professional Rehabilitation and Employment of Persons with Disabilities states that, for employers who have not paid the financial allowance for non-employment of persons with disabilities in the prescribed manner and within the prescribed deadlines, a financial allowance (a kind of penalty payment) is determined and calculated by the Institute for Expertise, Professional Rehabilitation and Employment of Persons with Disabilities.

There is no comprehensive analysis assessing the strengths and weaknesses of the quota, however the Ombudsperson for Persons with Disabilities has regularly warned about problems with the way in which the quota system is being implemented. She has particularly focused on the issue of using the funds raised on the basis of compensation for non-compliance with the quota obligation.

The Ombudsperson for Persons with Disabilities points out¹⁸ that the Act on Professional Rehabilitation and Employment of Persons with Disabilities prescribes a

-
- recognised status of a person with a disability according to the regulations of other Member States of the European Union;
 - recognised imminent danger of disability according to the regulations on pension insurance, with a date before 1 January 1999;
 - determined disability in relation to work, based on a certificate from the Institute for Expertise, Professional Rehabilitation and Employment of Persons with Disabilities.

¹⁶ Ombudsman for Persons with Disabilities (2022), Report for 2021.

¹⁷ Institute for Expertise, Professional Rehabilitation and Employment of Persons with Disabilities (ZOSI) (2021), Report of the Institute for 2020 (*Izvešće o radu Zavoda za vještačenje, profesionalnu rehabilitaciju i zapošljavanje osoba s invaliditetom za 2020. godinu*), https://zosi.hr/docs/godisnje_izvjesce_o_radu_zavoda_za_2020g.pdf.

¹⁸ E-consultation (2020), Consultation on the form of preliminary assessment for the draft bill on amendments to the Act on Professional Rehabilitation and Employment of Persons with Disabilities

very narrow purpose for spending the funds, which has led to slow spending. Considering that the use of funds was too narrow in practice, amendments to the Act were adopted, which expanded their application. These funds can now be used for the sustainability and development of the professional rehabilitation system and incentives, subsidies, projects and programmes for the employment of persons with disabilities. Despite the expansion of their application, the funds still cannot be spent quickly enough, as their use depends on the capacity and functioning of professional rehabilitation centres, and as most of the financial incentives depend on their expert judgment, and the system is not yet functioning at a satisfactory level.

In the conditions of the COVID-19 pandemic, a significant part of the unused funds collected in this way was redirected to other purposes. For the purpose of preserving jobs and keeping workers in employment, EUR 39.8 million of unspent funds were redirected for the payment of the minimum wage as part of the implementation of active employment policy measures.¹⁹ EUR 19.9 million of unspent funds were redirected for the payment of subsidies under the implementation of the active employment policy measures.²⁰

The Ombudsperson criticised this decision.²¹ She expressed concern that it would further complicate the position of persons with disabilities in the open labour market and would make it more difficult for them to access the labour market. Persons with disabilities experience the most difficulty in finding employment, and they are also the first to have their employment contracts terminated. According to the Ombudsperson, the funds should have been directed in a timely manner for the development of programmes of activities and measures to strengthen capacities and expand the scope of professional rehabilitation, with the aim of increasing the employment of persons with disabilities in the open labour market.

(Savjetovanje o obrascu prethodne procjene za nacrt prijedloga zakona o izmjenama zakona o profesionalnoj rehabilitaciji i zapošljavanju osoba s invaliditetom),

<https://esavjetovanja.gov.hr/ECon/MainScreen?entityId=13781>.

¹⁹ Decision on the purpose of using the funds and postponing the payment of financial compensation due to non-fulfilment of the quota employment obligation of persons with disabilities (*Odluka o namjeni korištenja sredstava i odgodi plaćanja novčane naknade zbog neispunjenja obveze kvotnog zapošljavanja osoba s invaliditetom*), 25 March 2020, *Narodne novine* 36/20, https://narodne-novine.nn.hr/clanci/sluzbeni/2020_03_36_762.html.

²⁰ Decision on the purpose of using the funds for financial compensation due to non-fulfilment of the quota obligation of employment of persons with disabilities (*Odluka o namjeni korištenja sredstava novčane naknade zbog neispunjenja obveze kvotnog zapošljavanja osoba s invaliditetom*), 8 May 2020, *Narodne novine* 55/20, https://narodne-novine.nn.hr/clanci/sluzbeni/2020_05_55_1101.html.

²¹ Ombudsman for Persons with Disabilities (2020), Press release on the decision of the Minister of Labour and Pension System on the reallocation of funds collected from employers due to non-fulfilment of the quota employment of persons with disabilities (*Priopćenje povodom odluke ministra rada i mirovinskoga sustava o prenamijeni sredstva prikupljenih od poslodavaca zbog neispunjenja obveze kvotnog zapošljavanja osoba s invaliditetom*), <https://posi.hr/priopcenje-povodom-odluke-ministra-rada-i-mirovinskoga-sustava-o-prenamijeni-sredstva-prikupljenih-od-poslodavaca-zbog-neispunjenja-obveze-kvotnog-zaposljavanja-osoba-s-invaliditetom/>.

2.2 Tax relief / reduced social security contributions / wage subsidies for employers employing persons with disabilities

Employers who employ persons with disabilities are not eligible for tax relief. Tax relief is aimed exclusively at persons with disabilities themselves, who, according to the Income Tax Act,²² are eligible for a reduction in their income tax obligation.

An employer who employs a person with a disability may be entitled to a subsidy of paid contributions for compulsory health insurance, provided that the person is entered in the Register of Employed Persons with Disabilities.²³ The Ordinance on the Content and Manner of Keeping the Register of Employed Persons with Disabilities defines the conditions for being entered in the Register (see Chapter 2.1). An employer who employs a person with a disability may receive a subsidy of 75 % of the amount of the compulsory health insurance contribution for each employed person with a disability. In order to exercise this right to a subsidy, the employer must submit a request to the Institute for Expertise, Professional Rehabilitation and Employment of Persons with Disabilities, enclosing proof that the person for whom the subsidy is requested has received a salary, and that the corresponding contributions, taxes and surcharges have been paid, as well as proof that there are no remaining debts to the state. This scheme applies only to private sector employers.²⁴ In 2020, EUR 282 868 was paid to employers on this basis, which covered 391 persons with disabilities.²⁵

The employer is regularly entitled to claim a refund from the Croatian Health Insurance Fund starting from the 43rd day of sick leave, but in the case of a person with disabilities (in accordance with Pension Insurance Act), the employer is entitled to a refund starting from the 8th day of sick leave.²⁶

According to the Pension Insurance Act,²⁷ a person with disabilities is a person who, on the basis of a reduction in their remaining working capacity or a partial or complete loss of working capacity, has exercised the right to a disability pension or the right to professional rehabilitation. There is no analysis focusing specifically on this measure but, in her regular reports, the Ombudsperson for Persons with Disabilities, commenting on the employment of persons with disabilities in general, has expressed her opinion that the number of employees with disabilities is growing, and incentives and other forms of support have certainly contributed to this, but, on the other hand, these changes are happening too slowly.²⁸

²² Income Tax Act (*Zakon o porezu na dohodak*), 1 January 2021, *Narodne novine* 115/16, 106/18, 121/19, 32/20 and 138/20, <https://www.zakon.hr/z/85/Zakon-o-porezu-na-dohodak>.

²³ Ministry of Labour, Pension System, Family and Social Policy (2020), Ordinance on Incentives for the Employment of Persons with Disabilities (*Pravilnik o poticajima pri zapošljavanju osoba s invaliditetom*), https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_145_2804.html.

²⁴ Ordinance on Incentives for the Employment of Persons with Disabilities.

²⁵ ZOSI (2021), Report for 2020.

²⁶ Croatian Institute for Health Insurance (2021), Ordinance on the Conditions and Manner of Exercising the Rights from Compulsory Health Insurance (*Pravilnik o uvjetima i načinu ostvarivanja prava iz obveznog zdravstvenog osiguranja*), https://narodne-novine.nn.hr/clanci/sluzbeni/2021_02_9_185.html.

²⁷ Pension Insurance Act (*Zakon o mirovinskom osiguranju*), 1 August 2021, *Narodne novine* 157/13, 151/14, 33/15, 93/15, 120/16, 18/18, 62/18, 115/18, 102/19 and 84/21, <https://www.zakon.hr/z/91/Zakon-o-mirovinskom-osiguranju>.

²⁸ Ombudsman for Persons with Disabilities (2022), Report for 2021.

As part of the active employment policies implemented by the Croatian Employment Service, there are two measures aimed at employers who are employing persons with disabilities: Employment Support – Green / Digital and the Public Works scheme. These measures are being implemented in accordance with the 'Conditions and ways of using funds for the implementation of measures in 2022'.²⁹ Under the employment support measures, employers get financial subsidies for the salaries of persons with disabilities for 24 months. The Croatian Employment Service awards a monthly lump sum, regardless of the employer's actual costs, in accordance with the person's level of education and the possibility of using the tax relief for the co-financed person. The amount ranges from EUR 403.7 to EUR 718. A wide range of employers are eligible for these measures, and the conditions mostly focus on the prevention of manipulation (fictitious dismissal and re-employment of the same person, establishment of new fictitious companies for multiple use of incentives for the same person, etc.). For the Employment Support – Green / Digital scheme, the employment must relate to green or digital activities.

The Public Works scheme is aimed at local self-government units and/or administrations, institutions founded by local and regional self-government units and non-profit organisations. The aim is to include unemployed persons in an activation programme within the Public Works scheme. This measure may also be used for persons with disabilities. For persons with disabilities, 100 % of the cost of the minimum gross salary is financed (EUR 622.5 – EUR 727.9, depending on the length of service). This measure may be used for up to six months.

In 2021, 765 persons with disabilities were included in all active employment measures (those aimed at employers, as well as those which were not) implemented by the Croatian Employment Service: 487 men (63.7 %) and 278 women (36.3 %). Compared with the previous year, the number of newly included persons with disabilities in active employment policy measures increased by 23 %. In 2020, 622 persons with disabilities were newly included. Most persons with disabilities were employed through the financing / co-financing of Public Works, and numbered 372 (48.6 % of the total number of newly included persons with disabilities under the measures). A total of 194 persons with disabilities (25.4 %) were included in employment support measures, which is 21.3 % more than the previous year.³⁰

An employer who employs a person with a disability may be entitled to a wage subsidy for employees with disabilities if the professional rehabilitation centre has determined that, despite the workplace being adjusted and appropriate professional support services being provided, a person with a disability cannot achieve results that an average worker without disability would accomplish in the same job. An employer who employs a person with a disability can receive a salary subsidy of 10 % to 70 % for each employed person with a disability. The amount of support required through a salary subsidy is determined by the professional rehabilitation centre. The employer is not entitled to the payment of a salary subsidy while the person with a disability is temporarily unable to work and is being financially supported by the Croatian Health

²⁹ Croatian Employment Service (2021), 'Conditions and ways of using funds for the implementation of measures in 2022' (*Uvjeti i načini korištenja sredstava za provođenje mjera u 2022.*), <https://mjere.hr/dokumentacija/HZZ-Uvjeti-koristenja-mjera-aktivnog-zaposljavanja-u-2022-0703.pdf>.

³⁰ Ombudsman for Persons with Disabilities (2022), Report for 2021.

Insurance Institute. To exercise the right to a wage subsidy, the employer may submit an application to the Institute for Expertise, Professional Rehabilitation and Employment of Persons with Disabilities after the person with a disability is recruited. Evidence needs to be attached showing that the corresponding contributions, taxes and surcharges have been paid for, and that there is no debt owed to the state on any basis. This scheme applies only to private sector employers.³¹ In 2020, EUR 2.9 million was paid to employers on this basis, which covered 1 083 persons with disabilities.³² There is no analysis focusing specifically on this measure (see explanation above).

2.3 Reasonable accommodation

The Act on Professional Rehabilitation and Employment of Persons with Disabilities specifies that reasonable accommodation relates to necessary and appropriate adaptation and adjustments that do not represent a disproportionate or inappropriate burden and that ensure, on an individual basis and where needed, that the person with disability can be employed and work on an equal basis. Article 12 states that, depending on the working abilities, characteristics and individual needs of the person with disabilities, the employer is obliged to provide appropriate forms of reasonable accommodation for the adjustment of organisational, psychophysical and social aspects of the workplace and the work environment, as well as making necessary adjustments related to efficiency and work duration.

The Labour Act³³ states that, if the employee has a reduction in working capacity leaving residual working capacity or a reduction in working capacity with partial loss of working capacity or is in imminent danger of a reduction in working capacity, the employer is obliged to offer that employee an employment contract for the performance of jobs which the employee is able to perform, which must, as much as possible, correspond to the jobs that the employee previously performed. In order to ensure this, the employer is obliged to adjust the tasks to the abilities of the employee, change the schedule of working hours or take other measures to provide the employee with appropriate tasks.

The Anti-discrimination Act³⁴ states that discrimination includes a failure to provide persons with disabilities, in accordance with their specific needs, access to the workplace and satisfactory working conditions, which should be granted by adapting the infrastructure and space, by using equipment or in any other way.

2.4 Other relevant actions targeted at employers

An employer who employs a person with a disability may be entitled to benefit from co-financing of the costs of education programmes through which persons with disabilities acquire new knowledge, skills and abilities needed for work or for using new technologies and being part of the modern work organisation. The Institute for Expertise, Professional Rehabilitation and Employment of Persons with Disabilities co-

³¹ Ordinance on Incentives for the Employment of Persons with Disabilities (2020).

³² ZOSI (2021), Report for 2020.

³³ Labour Act (*Zakon o radu*), 1 January 2020, *Narodne novine* 93/14, 127/17 and 98/19, <https://www.zakon.hr/z/307/Zakon-o-radu>.

³⁴ Anti-discrimination Act (*Zakon o suzbijanju diskriminacije*), 11 October 2012, *Narodne novine* 85/08 and 112/12, <https://www.zakon.hr/z/490/Zakon-o-suzbijanju-diskriminacije>.

finances the costs of education up to a maximum of 6 months, and exceptionally up to 12 months.³⁵

The Institute for Expertise, Professional Rehabilitation and Employment of Persons with Disabilities may announce public tenders for the allocation of special funds for the development of new technologies and business processes in order to employ and maintain the employment of persons with disabilities.³⁶

2.5 Examples of good practice

In her reports, the Ombudsperson for Persons with Disabilities³⁷ has highlighted the Croatian Employment Service's active employment policy measures as a positive example. She has pointed out that the data indicate that active policy measures are well-accepted tools used by employers for employing persons with disabilities, and are therefore a prerequisite for successful employment for a very significant number of persons with disabilities. It follows from the Ombudsperson's experience that, in many cases, the availability of measures and the ability to use them has had a decisive effect on the employer's final decision on whether to employ a person with a disability. The latest data, presented in Chapter 2.2, show that the number of employed persons with disabilities is increasing through the use of these measures, with the largest share coming through Public Works.

2.6 Good practice guides, websites and advice services directed at employers

The website of the Institute for Expertise, Professional Rehabilitation and Employment of Persons with Disabilities contains all the necessary information regarding incentives³⁸ and quotas³⁹ for the employment of persons with disabilities. This includes a summary of relevant legislation, a list of relevant documents and frequently asked questions dealing with incentives and quota employment of persons with disabilities. It does not provide examples of good practice, but it is free to use. There is no evidence on the use or effectiveness of this website.

In 2011 a brochure, the 'Guide for employers – how to employ a person with disability?'⁴⁰ was published by the Croatian Employment Service under the EU-funded Instrument for Pre-Accession Assistance (IPA) project, Work and Education for Persons with Disabilities. The goal was to develop a guide for employers so that they could get all the information related to employment opportunities for persons with disabilities in one place. While this guide contains a summary of all relevant information relating to the employment of persons with disabilities (legislation, obligations of employers, incentives, etc.), it is now outdated, since all current legislation has either been superseded or significantly changed since the guide was published. It does not

³⁵ Ordinance on Incentives for the Employment of Persons with Disabilities.

³⁶ Ordinance on Incentives for the Employment of Persons with Disabilities.

³⁷ Ombudsman for Persons with Disabilities (2021), Report of the Ombudsman for 2020 (*Izveštje o radu Pravobraniteljice za osobe s invaliditetom za 2020. godinu*), <https://posi.hr/wp-content/uploads/2021/04/Izvjescje-o-radu-Pravobranitelja-za-osobe-s-invaliditetom-za-2020.-godinu.pdf>.

³⁸ ZOSI (2022), Incentives (*Poticaji*), <https://www.zosi.hr/zavod/poticaji/>.

³⁹ ZOSI (2022), Quota (*Kvota*), <http://www.zosi.hr/zavod/kvota/>.

⁴⁰ Croatian Employment Service (2011), 'Guide for employers – how to employ a person with disability?' (*Vodič za poslodavce – Kako zaposliti osobu s invaliditetom?*), https://www.hzz.hr/UserDocImages/Kako_zaposliti_OI.pdf.

contain examples of good practice, but it is free to use. There is no evidence on the use or effectiveness of this guide.

The Croatian Chamber of Commerce has published a brochure, 'Obligations regarding quota employment of persons with disabilities and possibilities of implementation of quota replacement'.⁴¹ This brochure is intended to familiarise entrepreneurs and employers with alternative ways to achieve their quota in order to strengthen employment opportunities for persons with disabilities in the labour market. The brochure does not contain examples of good practice, but it is free to use. There is no evidence on its use or effectiveness.

⁴¹ Croatian Chamber of Commerce (2020), Obligations regarding quota employment of persons with disabilities and possibilities of implementation of quota replacement (*Obveza kvotnog zapošljavanja osoba s invaliditetom i mogućnosti zamjenskog ispunjenja kvote*), <https://www.hgk.hr/documents/brosura-kvotno-zaposljavanje-osoba-s-invaliditetom-zamjensko-ispunjenje-kvote5f102aaf413ef.pdf>.

3 Support and partnerships available to employers to assist them in making reasonable accommodations

3.1 Support available to employers for making reasonable accommodation

Awarding and Financing

The basic support framework for helping employers to meet the reasonable accommodation requirements is defined by the Ordinance on Incentives for the Employment of Persons with Disabilities,⁴² which entered into force on 1 January 2021. The ordinance defines employment incentives and subsidies to ensure adequate transport for persons with disabilities, architectural and technical support for workplace adaptation, and subsidies for professional support and monitoring in a specific workplace and work environment. All subsidies from this ordinance are approved and paid by the Institute for Expertise, Professional Rehabilitation and Employment of Persons with Disabilities⁴³ from the State Treasury (state budget).

In addition to adjustments financed from the state budget on the basis of the Ordinance on Incentives for the Employment of Persons with Disabilities, part of the financial support to employers for reasonable accommodation comes from projects financed from the European Social Fund. One example is the call for 'Improving the access of vulnerable groups to the labour market in the tourism and hospitality sector II',⁴⁴ which was announced by the Ministry of Tourism in 2021. This call finances the social inclusion of persons with disabilities in the labour market in the tourism and hospitality sector and the strengthening of human resources in this sector. Eligible applicants include adult education institutions and professional associations in tourism and hospitality, and employers in tourism are eligible partners. In total, 14 organisations signed contracts in February 2022. Reasonable accommodation is included as an eligible activity, and awareness of the accessibility of the tourism and hospitality sector to persons with disabilities is raised through various promotional activities. The key topics are architectural accessibility, adaptations of the workplace and environment, the promotion of universal design and the encouragement of reasonable accommodation. The use of assistive technology in improving access to occupations in the tourism and hospitality sector for persons with disabilities is included.

Transportation

The Ordinance on Incentives for the Employment of Persons with Disabilities regulates the co-financing of transport costs for persons with disabilities for the purpose of arriving at and leaving work. The cost of transport to the workplace is reimbursed as the actual cost of using public transport or a private car in a situation where there is no organised public transport (Article 41). The condition for the use of benefits is that

⁴² Ordinance on Incentives for the Employment of Persons with Disabilities.

⁴³ ZOSI (2022), Incentives.

⁴⁴ *Ministry of Tourism and Sport* (2021), 'Improving the access of vulnerable groups to the labour market in the tourism and hospitality sector II. – ESF' (*Poboljšanje pristupa ranjivih skupina tržištu rada u sektoru turizma i ugostiteljstva II- ESF*), <http://www.esf.hr/natjecaji/socijalno-ukljucivanje/otvoren-poziv-na-dostavu-projektnih-prijedloga-poboljsanje-pristupa-ranjivih-skupina-trzistu-rada-u-sektoru-turizma-i-ugostiteljstva-ii/>.

persons with disabilities shall be entered in the Register of Employed Persons with Disabilities⁴⁵ kept by the Croatian Pension Insurance Institute.

Employers who employ a person with a disability in the open labour market, as well as those who run integrative and protective workshops, are eligible for this type of support. Self-employed persons are also eligible beneficiaries. A self-employed person is treated like any other employer. The employer must prove that the person for whom the incentive is requested has been paid the cost of transport, that the person has been paid a salary with taxes and contributions, and that the employer has no debts to the state.

Adapting the workplace

The same Ordinance sets out the co-financing of the costs of architectural adaptation of the workplace (Articles 17-22).⁴⁶ The employer can receive support to remove architectural barriers. The right to a subsidy can be exercised by the employer if the findings and opinion of the professional rehabilitation centre determine the need to adapt the workplace according to the plan for adaptation of the workplace and working conditions. Workplace adaptation refers only to the adaptation of a workplace that is already operational. An employer who has exercised the right to co-financing the costs of workplace adaptation may not terminate the employment contract of a person with a disability for whom he/she received this subsidy before the expiration of two years from the date the subsidy was paid, unless the termination is the worker's fault.

An employer who has employed a person with a disability and paid his/her salary and contributions, who has a workplace and work environment adaptation plan (architectural adaptation), and who has no debt to the state is entitled to benefit from co-financing of the costs of workplace adaptation. In order to secure co-financing, a public procurement process should be carried out (with at least three rolling bids / pro-forma invoices with detailed specification of costs), and proof of ownership or a long-term lease agreement is required for the premises for which the allocation of funds is requested.

Adapting premises and equipment

The procedure and conditions for technical adaptations of working conditions are almost identical (Ordinance on Incentives for the Employment of Persons with Disabilities, Articles 23-28). This refers to the adaptation of equipment and working resources so that a person with a disability can perform work tasks independently and without much additional effort. It includes providing additional lighting, dimmer or brighter lighting, sound or light signals, a suitable phone, keyboard or mouse, assistive technology, custom furniture, an office table with adjustable height and tilt, a massage chair or other specific aids, depending on the type of impairment and the needs of the employee. The adjustment of working conditions does not refer to the equipping of the workplace required to perform the activities of the employer, but only to the adjustment of working

⁴⁵ Croatian Pension Insurance Institute (*Hrvatski zavod za mirovinsko osiguranje*) (2022), Register of Employed Persons with Disabilities (*Očevidnik zaposlenih osoba s invaliditetom*), <https://ana.mirovinsko.hr/upute/html/osi/>.

⁴⁶ The work of centres for the professional rehabilitation of persons with disabilities is regulated by the Ordinance on Professional Rehabilitation and Centres for the Professional Rehabilitation of Persons with Disabilities, https://narodne-novine.nn.hr/clanci/sluzbeni/full/2018_08_75_1548.html.

conditions in relation to the type and severity of disability of a particular person in a particular workplace. The required evidence for this support is the same as mentioned above (salary, adjustment plan, opinion of the centre for professional rehabilitation, three offers, evidence that no debt is owed).

Assistance

It is possible to fund the costs of professional support for persons with disability through employee assistance under the Ordinance on Incentives for the Employment of Persons with Disabilities, Articles 32-35. Professional support for an employed person with a disability is financed by the employer if the findings and opinion of the centre for professional rehabilitation determine a need for individual assistance. This person should already be employed (i.e. he or she should already be performing a certain activity), and the employer must have a contract with the centre for professional rehabilitation for the provision of professional support services concluded on the basis of the centre's findings. The employer must prove that they are properly fulfilling their financial obligations (payment of a salary and contributions to the person with a disability, without debts to the state or to the centre that performed the assessment of the need for support).

Advice / guidance / information

Guidance and basic information on reasonable accommodation can be found on the web pages and printed materials of the Institute for Expert Evaluation, Professional Rehabilitation and Employment of Persons with Disabilities.⁴⁷ The Institute's website provides recommendations for employers and describes the legal channels and administrative procedures for obtaining subsidies for reasonable accommodation.

The handbooks containing recommendations for reasonable accommodation at the workplace published by the Institute for Expert Evaluation, Professional Rehabilitation and Employment of Persons with Disabilities are extremely useful, as was pointed out by the Ombudsperson in the report for 2021, at p. 159. So far, three manuals have been printed – in 2018,⁴⁸ 2019⁴⁹ and 2021.⁵⁰ They are based on experiences from working with employers who employ persons with disabilities. The manuals include applicable advice and illustrate the application of reasonable accommodation in daily work and in communication with persons with disabilities. They are intended for professionals, employers and everyone who works directly and indirectly with persons with disabilities, and they are also for persons with disabilities themselves.

⁴⁷ ZOSI (2022), *Incentives*.

⁴⁸ ZOSI (2018), A handbook with recommendations for reasonable workplace accommodation I (*Priručnik s preporukama za razumnu prilagodbu radnog mjesta I*), https://www.zosi.hr/docs/prirucnik_s_preporukama_za_razumnu_prilagodbu_radnog_mjesta.pdf.

⁴⁹ ZOSI (2019), A handbook with recommendations for reasonable workplace accommodation II (*Priručnik s preporukama za razumnu prilagodbu radnog mjesta II*), https://www.zosi.hr/docs/prirucnik_s_preporukama_za_razumnu_prilagodbu_radnog_mjesta_ii.pdf.

⁵⁰ ZOSI (2021), A handbook with recommendations for reasonable workplace accommodation III (*Priručnik s preporukama za razumnu prilagodbu radnog mjesta III*), https://www.hzz.hr/content/preporuka-razumna-prilagodba-radna-mjesta/ZOSI-prirucnik_s_preporukama_za_razumnu_prilagodbu_radnog_mjesta_iii.pdf.

3.2 Partnerships to assist employers to make reasonable accommodations

Partnerships that help employers to make reasonable accommodations are most often involved in information activities and in advocating for the employment of persons with disabilities (e.g. through awards or promotional activities). These are self-initiated partnership activities by associations and employers. There are also situations where establishing partnerships is mandatory. Examples of this include the implementation of the Ordinance on Incentives for the Employment of Persons with Disabilities implemented by the Institute for Expert Evaluation, Professional Rehabilitation and Employment of Persons with Disabilities with employers and professional rehabilitation centres and the mandatory conditions of tenders financed by the European Social Fund.

A good example of a voluntary partnership in informing and promoting reasonable accommodation is the Employer of the Year for Persons with Disabilities Award.⁵¹ The award is given by the Institute for Expert Evaluation, Professional Rehabilitation and Employment of Persons with Disabilities in cooperation with the Croatian Employment Service, the Croatian Employers' Association, the Institute for Labour Market Development, the MojPosao web portal and SOIH – the Croatian Association of Persons with Disabilities. In previous cycles (2007, 2008 and 2009), the award was given by the Fund for Professional Rehabilitation and Employment of Persons with Disabilities, MojPosao, the United Nations Development Programme (UNDP) and the Croatian Employment Service. One of the criteria for selecting the best employers is their implementation of reasonable accommodation for persons with disabilities. A great advantage of this project is the direct cooperation of employers, the umbrella national association of persons with disabilities and the Employment Service. Therefore, this award not only has a symbolic meaning, but its implementation enables continuous cooperation and communication in resolving individual cases.

As part of the call for inclusive projects announced by the Ministry of Tourism, a significant component is the inclusion of and adaptations for persons with disabilities. The projects were implemented in 2018 and 2019, and partnership was mandatory. An example is the Delicious Dietetics project,⁵² which was carried out by the Public Open University Zagreb (POUZ) and its partners HUP-ZAGREB d.d. for Hotel Management, Catering and Tourism, the Croatian Employment Service (Zagreb Regional Office) and the Croatian Academic Centre for Applied Nutrition. The project has improved the professional and pedagogical skills and knowledge of lecturers and mentors for working with persons with disabilities. Its emphasis is on the inclusion of persons with disabilities in the employer's working environment in Zagreb's Westin, Sheraton, Panorama and International hotels. The project has included the purchase of modern equipment for practical classes in the POUZ's catering department, teaching materials for modern, high-quality teaching in the field of nutrition, and IT equipment for persons with disabilities. This project is an example of partnership between employers, employment services, experts in the tourism sector and educational experts, all with

⁵¹ ZOSI (2021), Employer of the Year awards for persons with disabilities for 2020 (*Dodijeljena priznanja Poslodavac godine za osobe s invaliditetom za 2020*), http://www.zosi.hr/novosti/zosi_news/dodijeljena_priznanja_poslodavac_godine_za_osobe_s_invaliditetom_za_2020_godinu-1906/.

⁵² Public Open University Zagreb (2019), Delicious dietetics, project (*Ukusna dijetetika, projekt*), <http://www.ukusnadijetetika.pou.hr/>.

the support of EU funds. Parts of this project are continuing in the new project cycle (from 2022).

The partnership between the professional rehabilitation centres and employers is extremely important for the implementation of the concept of reasonable accommodation. This cooperation is an important part of the procedure for providing support for the adaptation of workplaces in accordance with the Ordinance on Incentives for the Employment of Persons with Disabilities. For now, the centres are focusing on holding meetings and re-contacting employers who have expressed interest in cooperating. All centres state that they continuously make contacts with employers in order to develop cooperation. In the most recent annual report (for 2021, published in 2022), the Ombudsperson for Persons with Disabilities concluded that the centres should play a more proactive role and, in addition to their active role and direct contact at the local level, they should develop cooperation at other levels, through the media, round tables and professional gatherings with the involvement of the Institute for Expert Evaluation, Professional Rehabilitation and Employment of Persons with Disabilities (p. 154).

4 Illustrative examples of good employer practice for providing reasonable accommodations for persons with disabilities

The Financial Agency (Fina) employs 62 persons with disabilities. Fina has been successful in applying the principle of reasonable accommodation. It is a leading Croatian company in the field of financial and electronic services, and it is state-owned.⁵³ Fina is guided by an individual approach to each individual and deals with different dimensions of adaptation: the selection process, performance monitoring and the training and development of workers with disabilities. In its selection procedure, Fina takes into account factors such as premises and accessibility, communication, additional explanations and time. It provides mentoring and additional training, works with experienced colleagues and creates additional work instructions and materials, internal education and training. For the organisation of work, Fina makes adaptations for different types of impairment – adapting the workspace, using appropriate equipment and communication. Everyday communication is carried out without the presence of a sign language interpreter. In 2016, Fina received the Award for Best Practice in Human Resource Development within Corporate Social Responsibility, awarded by the Ministry of Labour and the Pension System.

One example of institutional care for the inclusion of persons with disabilities is the Clinical Hospital Centre (KBC) in Rijeka.⁵⁴ In 2021, the Clinical Centre established a commission for improving the working environment of persons with disabilities employed at the hospital, led by the head of the Department of Clinical, Health and Organisational Psychology. KBC Rijeka employs about 180 persons with various disabilities. A reasonable accommodation is made not only in relation to technical aspects but also regarding the psychosocial working conditions of these employees. The task of the commission is to provide institutional, regular and special professional support to persons with disabilities. Two psychologists and, if necessary, lawyers specialising in personnel issues should be permanently available to staff. One of the goals of the commission is to achieve a full sense of the professional achievement of persons with disabilities, improving working conditions while ensuring responses to specific requirements regarding work equipment, as well as proposing and undertaking activities to further raise awareness among associates, managers and the general public regarding individual diversity. During the COVID-19 pandemic, individual psychological assistance was available to KBC Rijeka over a long period. No evaluation of the performance of the committee is available yet.

4.1 Good practice guides for employers regarding reasonable accommodation

Practical guides for employers are prepared and published by public institutions, state bodies, organisations and employers' associations. They are most often funded through projects or regular government grants.

In 2018, 2019 and 2021, the Institute for Expert Evaluation, Professional Rehabilitation and Employment of Persons with Disabilities published manuals with

⁵³ Fina (2015), 'Socially responsible business – by respecting diversity we grow together' (*Društveno odgovorno poslovanje – uvažavanjem različitosti zajedno rastemo*), <https://data.hrprakse.hr/2015/03+HR+days+2015.pdf>.

⁵⁴ Clinical Hospital Centre Rijeka (2021), 'Better working environment for persons with disabilities employed at KBC Rijeka' (*Bolje radno okruženje za osobe s invaliditetom zaposlene u KBC-u Rijeka*), <https://kbc-rijeka.hr/bolje-radno-okruzenje-osobe-s-invaliditetom-zaposlene-kbc-rijeka/>.

recommendations for reasonable accommodation at workplaces.⁵⁵ These manuals detail the characteristics of each of the impairments, difficulties and opportunities that persons with disabilities have. In addition, suggestions are provided for reasonable accommodation for the workplace and working conditions. The manuals describe what should be done to prepare the workplace and during the implementation of the work process. Finally, with a description of each impairment, several examples are given of the implementation of a reasonable accommodation (without giving the name of the company or person). The first manual (2018) details the general principles for implementing the concept of reasonable accommodation and all dimensions of adaptation (architectural, psychosocial, adaptation of cognitive aspects of workplaces, adjustment of organisational aspects, etc.) and ways to fund these adaptations. A very clear (schematic) overview of workplace adjustment procedures and working conditions is provided.

Adjustments for persons with cerebral palsy, intellectual disability, stroke, multiple sclerosis, hearing impairments, visual impairments, movement difficulties, mental disorders, heart disease and functional disorders of the spine are described. Adjustments are also described (in the 2019 manual) for cases of amputation, depressive disorders, diabetes, epilepsy and specific learning difficulties. The latest handbook (2021) describes adjustments for employees with alcoholism, arthritis, ADHD, muscular dystrophy, Parkinson's disease, autism spectrum disorder, post-traumatic stress disorder (PTSD), traumatic brain injury and malignancies. In the public and independent bodies (in particular, the Ombudsperson for Persons with Disabilities), this form of guidance has been very well received (for example in the Ombudsperson's 2021 annual report).

In 2014, the Zagreb Rehabilitation Centre published a manual for work assistants who work with employees with intellectual disabilities.⁵⁶ The Centre worked together with the Croatian Employment Service, the Zagreb Red Cross and the Volunteer Centre in Zagreb in drafting the manual. This manual is extremely important because persons with intellectual disabilities are less likely to be employed than other persons with disabilities. All forms of adjustment are crucial for this group of employees, and this includes professional assistance. In addition to general instructions, the manual includes a series of practical recommendations and questionnaires. It also includes initial employee assessments, detailed job and employer analysis, a list of job support programmes with job analysis, satisfaction assessments for employees with disabilities, and a questionnaire to assess the quality of work at the workplace.

A brochure for employers entitled 'Incentives for employers for the employment of persons with disabilities' was printed in Čakovec in 2021 with the support of the city and regional authorities (the city of Čakovec and Međimurje County).⁵⁷ The brochure was printed by the *Laboratorij inovativnih ideja* (Laboratory of New Ideas), an

⁵⁵ ZOSI, Handbook I (2018); Handbook II (2019); Handbook III (2021).

⁵⁶ Zagreb Rehabilitation Centre (2014), Employment of persons with intellectual disabilities: Handbook for work assistants (*Zapošljavanje osoba s intelektualnim teškoćama. Priručnik za radne asistente*), <https://www.crzagreb.hr/projekti/centar-za-pruzanje-podrske-pri-zaposljavanju-osoba-s-intelektualnim-teskocama/>.

⁵⁷ *Laboratorij inovativnih ideja* (Laboratory of New Ideas) (2021), 'Incentives for employers in the employment of persons with disabilities: Brochure for employers' (*Poticaji za poslodavce pri zapošljavanju osoba s invaliditetom Brošura za poslodavce*), https://lii.hr/wp-content/uploads/2021/12/brosura_poslodavci.pdf.

association established for the purpose of gathering and supporting marginalised persons, especially women, children and persons with disabilities. The key activities are support for rehabilitation, social inclusion and improving the quality of life. The brochure describes support for employers for architectural and technical adaptations, and how to use reasonable accommodation in a test or job interview. A whole chapter is dedicated to the adjustment of the workplace and transport to work. This is one in a series of examples where local and regional associations of persons with disabilities have prepared guidelines for employers. They know the situation best in their city or county, and have more direct contact with employers. The content of the brochure itself does not contain any new details in implementing reasonable accommodation, but it does provide for more direct contact with and influence on local employers.

Manuals are very useful, but in themselves (even supported by subsidies) they still cannot change the attitudes of a certain number of employers. According to the Ombudsperson for Persons with Disabilities, there have been difficulties in implementing the concept of reasonable accommodation⁵⁸ (see p. 4). She regularly warns about complaints from persons with disabilities who have been exposed to harassment and misunderstanding by superiors and colleagues after asking the employer to fulfil the right to reasonable accommodation in the workplace to eliminate or reduce difficulties arising from their disability in relation to work. A special group of complaints refers to the difficulty of working from home, including in cases where the nature of the workplace fully allows it. Flexible work organisation and flexible working hours are rarely understood as a form of reasonable accommodation.

4.2 Other sources of information regarding good practice for employers regarding reasonable accommodation

National sources on employers' practices in relation to reasonable accommodation are rather modest. Most sources (reports and analysis) deal with problems and disputes, and few of them contain positive examples.

One of the ongoing platforms for presenting positive practices is the Employer of the Year for Persons with Disabilities Award⁵⁹ from the Institute for Expert Evaluation, Professional Rehabilitation and Employment of Persons with Disabilities, in cooperation with the Croatian Employment Service, the Croatian Employers' Association, the Institute for Labour Market Development, MojPosao and the Croatian Association of Persons with Disabilities. The awards are given in the categories of micro, small, medium and large employer, public sector employer and a separate 'example of good practice' category. One of the key criteria for the award is the implementation of a reasonable accommodation (architectural and communication), which has made the work environment accessible to a larger number of employees, as well as to clients and associates. The award provides a good current overview of good practices of micro, small, medium and large employers and public sector employers who are successfully working on the employment of persons with disabilities.

⁵⁸ Ombudsman for Persons with Disabilities (2022), Report for 2021.

⁵⁹ ZOSI (2021), Employer of the Year awards.

An analysis of case law provides an overview of the operation of the courts in the legal protection of persons with disabilities. Croatian jurisprudence in this area is modest.⁶⁰ Cases relating to reasonable accommodation can be found in the database of verdicts of all courts⁶¹ maintained by the Supreme Court. The database can be searched by keywords (such as 'reasonable accommodation') or by the legal regulation on which cases are conducted. The case of a lawyer from Rijeka stands out in professional journals and publications. The lawyer, a person with a disability, initiated a dispute in 2012 due to the inaccessibility of a court, which prevented him from working there. This example has been described in the professional literature and in the *Analysis of case law in proceedings before Croatian courts initiated due to discrimination* by the Centre for Peace Studies.⁶²

A good overview of individual cases is provided by specialised broadcasts on national radio stations dealing with persons with disabilities. One of the most useful shows is *Šesto čulo* (Sixth Sense) on HR1. In addition to covering the problems faced by persons with disabilities, this show also presents examples of good practice. The programme has been dealing with specific cases and individuals, it has been presented by the same host for 17 years, and it has a strong users' perspective. It includes examples of employment of persons with disabilities and reasonable accommodation.

A good media example is In-Portal, a website specialising in the problems of persons with disabilities. This web portal was launched by URIHO (the institution for professional rehabilitation and employment of persons with disabilities) in 2013. In-Portal.hr⁶³ is a social network for all associations, organisations and institutions that bring together persons with disabilities. The portal has an inPOSAO section intended for the employment of persons with disabilities, which includes examples of incentives for employment, good and bad examples of reasonable accommodation and different opinions of persons with disabilities.

Regular and special reports of the Ombudsperson for Persons with Disabilities are the most comprehensive overview of the situation in which persons with disabilities have recently been living in Croatia.⁶⁴ There are numerous examples of good and bad practices in these reports. Bad examples relate to complaints from persons with disabilities, but the reports also include examples of good practice. A separate chapter in each report relates to a reasonable accommodation.

⁶⁰ Grgurev, I. (2020), 'The Reach of Reasonable Accommodation (in Domestic, Anglo-Saxon and EU Law)' (*Dosezi razumne prilagodbe (u domaćem, anglosaksonskom i pravu Europske unije)*), *Zbornik Pravnog fakulteta u Zagrebu*, vol. 70, nos. 2-3, pp. 287-314, <https://hrcak.srce.hr/file/355381>.

⁶¹ Supreme Court of the Republic of Croatia (2022), Croatia case law (*sudska praksa*), <https://sudskapraksa.csp.vsrh.hr>.

⁶² Centre for Peace Studies (2017), *Analysis of case law in proceedings before Croatian courts initiated due to discrimination (Analiza sudske prakse u postupcima pred hrvatskim sudovima pokrenutima zbog diskriminacije)*, Zagreb, CMS, https://www.cms.hr/system/publication/pdf/104/Analiza_sudske_prakse_u_postupcima_pred_hrvatskim_sudovima_pokrenutima_zbog_diskriminacije.pdf.

⁶³ In-Portal (2022), news portal for persons with disabilities (*Portal za osobe s invaliditetom*), <https://www.in-portal.hr/top-menu/5/o-nama>.

⁶⁴ Ombudsman for Persons with Disabilities (2022), Report for 2021.

In 2012, the Croatian Association of the Blind published a brochure entitled 'Blind at Work in Croatia',⁶⁵ which is still relevant because it abounds in examples of employment, adaptation and resolving issues in relation to the employment of persons with disabilities. The brochure gives individual examples of good practice after a detailed introduction in a separate chapter. All the employees with disabilities who are featured in it describe their jobs in detail, as well as the forms of adaptation that have been made to include them in the work process.

4.3 Examples of individual reasonable accommodations which reveal good practice

Three examples show different types of accommodation for different types of impairment.

Actors

There has been a theatre for the blind in Croatia since 1948, and it now attracts top national directors, playwrights and set designers. Their professional work requires the adaptation of space, scenography, texts and ways of directing. They themselves point out that directors are breaking the boundaries of their limitations,⁶⁶ including through adaptations for the blind. Recently (since 2021), the theatre has been using a sighted guide to provide support to blind and partially sighted actors in various activities. Blind and visually impaired actors move around the stage with the help of tactile markings on the floor that indicate their position. In order for a blind or visually impaired person to create a mental map of a space, he/she needs as much information as possible about that space. A sighted guide makes it easier for the blind actor to get to know the stage space by giving information about the distances and relationships between objects and about the materials that surfaces are made of, as well as assisting the actors on stage during their performance. The constant problem for this theatre is that it must be registered as an association, because the status of a professional theatre cannot be acquired without graduate actors, and blind persons cannot enrol at the Academy of Dramatic Arts in Zagreb.

Mother with child with multiple disabilities

A further interesting example relates to a mother (a graduate IT professional who has worked for a large telecommunications company for 20 years) whose child has multiple disabilities. She is extremely active in seeking and exercising rights for her child (initiating initiatives to change rules and procedures, etc.). For her, the adjustment of working hours and quality cooperation within the team she works with in the company are extremely important. She emphasises collegiality in the work environment (not only the formal rights and obligations of employers) as an important part of combining high-quality professional work with being a mother of a child with disabilities.⁶⁷ The company

⁶⁵ Robić, I. (ed.) (2012), *Blind at Work in Croatia (Slijepi na poslu u Hrvatskoj)*, Zagreb, Croatian Blind Union (*Hrvatski savez slijepih*), https://savez-slijepih.hr/app/uploads/2021/01/Brosura_Slijepi_na_poslu_u_Hrvatskoj.pdf.

⁶⁶ New Life, the theatre company of the blind and visually impaired (2022), 'I'm going, so where am I?!' (*Idem dakle gdje sam?!*), https://www.novizivot.hr/datastore/filestore/16/idem-dakle-gdje-sam_brosura.pdf.

⁶⁷ T portal (2022), 'Not only is she the only woman who did the impossible at the Faculty of Electronics and Computing, but she is also an example of a mother who is ready to change the world not only for her son, but also daily for all other children with disabilities.' (*Ne samo da je jedina žena koja je na Fakultetu elektronike I računarstva napravila nemoguće, nego je i primjer majke koja je spremna promijeniti svijet ne samo za svog sina, nego se svakodnevno predano bori*

employs 4 200 persons, 40 of whom are persons with disabilities. The employer fosters socially responsible business and, in practice, ensures accessibility, guided by the principle of universal design. It invests in employee training, technical and architectural adaptation of jobs and working conditions, and provides flexible forms of work. The company was selected as one of the employers of the year for persons with disabilities in 2020.

Beekeeping

A person with a disability (a visual impairment) from a small town has been engaged in beekeeping on his own family farm.⁶⁸ His example is interesting because he is working on adapting the tools he needs for beekeeping. He started beekeeping as a hobby but was educated in literature through professional lectures organised by the beekeeping association and the mentors of an experienced beekeeper. When he lost his job, his hobby became a profession. As the head of the family farm, he takes care of procurement, sales, marketing, the design of new products, bee health, product quality control and monitoring the financial results of the business. He also helps produce beekeeping equipment. In addition to the computer that has been adapted to his abilities, he uses a number of tools and aids that he had made according to his own ideas, which help him to perform tasks that require vision. He received a dozen awards for product quality.

i za svu ostalu djecu s teškoćama.), <https://native.tportal.hr/zivimo-sa-strascu-radimo-sa-strascu/nada-bjelcic>.

⁶⁸ Robić, Blind at Work.

5 Recommendations and guidance regarding good practice and reasonable accommodation

5.1 Recommendations regarding good practice and reasonable accommodation in recruitment and hiring

Good cooperation between employers, individual ability assessment bodies and public services that provide support for workplace adjustment is crucial and needs to be constantly improved. The final decision on inclusion in the work process (based on all the expert findings of these bodies) should include respect for the preferences and interests of the person with a disability. In order to effectively employ persons with disabilities and inform employers about public service incentives, bodies should be proactive and should use various channels to promote reasonable accommodation. In addition to the official structures, networks of associations, the media and independent bodies are also important in helping people search for jobs. They promote good practice, they inform, they warn against non-compliance and they can help with job search itself.

5.2 Recommendations regarding good practice and reasonable accommodation in initial employment

It is important to provide adequate space and equipment (as regulated by the Ordinance on Incentives for the Employment of Persons with Disabilities) and equal opportunities for transport to work. The availability of quality transport services for persons with disabilities should not depend on the resources and capacity of local authorities. It is important to provide adequate public transport that allows persons with disabilities, as well as other persons with reduced mobility or other difficulties, to get to work.

Manuals that offer tools for employers for preparing a person with a disability to be employed (assessment of their preferences and capabilities, preparation of appropriate premises and equipment) are useful. It is especially important to provide assistance to the person who will introduce the new person to their job (not just to the persons with disabilities themselves) and to have an assistant for solving certain problems. The role of work assistants is especially important for persons with intellectual disabilities.

It is extremely useful for companies to establish a multidisciplinary team if they have the capacity to do so. This team should take care of reasonable accommodation in the premises, and of equipment and work processes for employees with disabilities as well as for users.

5.3 Recommendations regarding good practice and reasonable accommodation in promotion and career development

It is important to check the final results of European Social Fund projects or projects financed from the Croatian state budget. These are highly desirable incentives for change in the organisation, preparation and implementation of reasonable accommodation. For example, all forms of assistance (not just the provision of services by a particular institution) are project funded, which certainly helps but is not enough, nor does it provide a systematic solution. It is necessary to regularly (not just at the end of the multi-year period) analyse what outcomes these projects have achieved:

how many new employees are persons with disabilities, how much these projects have helped change the situation in companies and the extent to which persons with disabilities are satisfied with these activities.

In addition to legal and financial instruments, collegial cooperation is extremely important and is not always formalised or publicly visible. In some examples in this report, it is clear that a number of problems can be solved more easily and efficiently with friendly assistance than through institutional procedures. Procedures need to be improved, but social networks of mutual assistance should not be neglected. Promotional activities and examples of good practice should point to situations where some small changes (which, for an individual person with disabilities, may be extremely significant) have been made with the understanding and support of colleagues, friends or informal networks.

5.4 Recommendations regarding good practice and reasonable accommodation in retention, i.e. enabling people to stay in work if they develop an impairment or their impairment changes

Adjustments and subsidies are related to the type of impairment and the status of the disability, not the time and manner in which the disability occurs. Examples from Croatia showing that persons with disabilities are treated differently depending on where and when the disability occurred (for example, for persons who acquired the status of persons with disabilities by serving in the war) revealed certain weaknesses. The assessment of impairment in the process of determining the status of a person with a disability differs between Croatian veterans and other persons. The Ministry of Veterans' Affairs is responsible for determining their impairment, and this determination is carried out on the basis of a special list of impairments. These differences do not relate to incentives for employers, but to personal support for people with disabilities.

There are also differences in social rights and the determination of personal disability benefits. The Ombudsperson for Persons with Disabilities regularly draws attention to these differences, recommending that all persons with disabilities should have the same status and benefits related to their impairment, regardless of where it occurred.⁶⁹ The point is that the same type of impairment requires the same type of accommodation, and for the same accommodation it is necessary to provide identical financial resources, regardless of when and how the impairment occurred. This is the case now and should not change, nor should it apply the different approaches that exist in the other cases that have been mentioned of differential treatment of different groups of people with disabilities to the area of incentives for reasonable accommodation.

⁶⁹ Ombudsman for Persons with Disabilities (2022), Report for 2021.

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