

## USPOREDNI PRIKAZ

### Država pristupnica: Hrvatska

<p>Council Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions</p> <p>DIRECTIVE 2002/73/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 23 September 2002 amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions (Text with EEA relevance)</p>		<p>Zakonodavstvo države pristupnice Zakon o radu (Nacrt)</p>				
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<b>Article 1 Paragraph 1</b>	<p>Article 1</p> <p>The purpose of this Directive is to put into effect in the Member States the principle of equal treatment for men and women as regards access to employment, including promotion, and to vocational training and as regards working conditions and, on the conditions referred to in paragraph 2, social security. This principle is herinafter referred to as "the principle of equal treatment."</p>					<p><b>Direktiva usklađena Zakonom o suzbijanju diskriminacije (NN 85/08)</b></p>

U= potpuno usklađeno, DU= djelomično usklađeno, N= neusklađeno

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<b>Article 1 Paragraph 1 a</b>	Article 1 Member States shall actively take into account the objective of equality between men and women when formulating and implementing laws, regulations, administrative provisions, policies and activities in the areas referred to in paragraph 1.;					Neprijmjenjivo
<b>Article 1 Paragraph 2</b>	Article 1 With a view to ensuring the progressive implementation					Neprijmjenjivo

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	of the principle of equal treatment in matters of social security, the Council, acting on a proposal from the Commission, will adopt provisions defining its substance, its scope and the arrangements for its application.					
<b>Article 2 Paragraph 1</b>	Article 2 For the purposes of the following provisions, the principle of equal treatment shall mean that there shall be no discrimination whatsoever					Usklađeno Zakonom o suzbijanju diskriminacije (NN 85/08)

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	on grounds of sex either directly or indirectly by reference in particular to marital or family status.					
<b>Article 2 Paragraph 2</b>	<p>Article 2</p> <p>For the purposes of this Directive, the following definitions shall apply:</p> <p>— direct discrimination: where one person is treated less favourably on grounds of sex than another is, has been or would be treated in a comparable situation,</p> <p>— indirect discrimination:</p>					Usklađeno Zakonom o suzbijanju diskriminacije (NN 85/08)

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	<p>where an apparently neutral provision, criterion or practice would put persons of one sex at a particular disadvantage compared with persons of the other sex, unless that provision, criterion or practice is objectively justified by a legitimate aim, and the means of achieving that aim are appropriate and necessary,</p> <p>— harassment: where an unwanted conduct related to the sex of a person occurs with the purpose or effect of</p>					

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	violating the dignity of a person, and of creating an intimidating, hostile, degrading, humiliating or offensive environment, — sexual harassment: where any form of unwanted verbal, non-verbal or physical conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment.					

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<b>Article 2 Paragraph 3</b>	<p>Article 2 Harassment and sexual harassment within the meaning of this Directive shall be deemed to be discrimination on the grounds of sex and therefore prohibited. A person's rejection of, or submission to, such conduct may not be used as a basis for a decision affecting that person.</p>					Neprijmjenjivo
<b>Article 2 Paragraph 4</b>	<p>Article 2 An instruction to discriminate against persons on</p>					Neprijmjenjivo

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	grounds of sex shall be deemed to be discrimination within the meaning of this Directive.					
<b>Article 2 Paragraph 5</b>	Article 2 Member States shall encourage, in accordance with national law, collective agreements or practice, employers and those responsible for access to vocational training to take measures to prevent all forms of discrimination on grounds of sex, in particular harassment and sexual harassment at the					Neprimjenjivo



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	workplace.					
<b>Article 2 Paragraph 6</b>	<p>Article 2 Member States may provide, as regards access to employment including the training leading thereto, that a difference of treatment which is based on a characteristic related to sex shall not constitute discrimination where, by reason of the nature of the particular occupational activities concerned or of the context in which they are</p>					<p>Usklađeno Zakonom o suzbijanju diskriminacije (NN 85/08)</p>

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	carried out, such a characteristic constitutes a genuine and determining occupational requirement, provided that the objective is legitimate and the requirement is proportionate.					
<b>Article 2 Paragraph 7</b>	<p>Article 2</p> <p>This Directive shall be without prejudice to provisions concerning the protection of women, particularly as regards pregnancy and maternity.</p> <p>A woman on maternity leave shall be entitled, after the end</p>	Labour Act (Draft)	<b>Article 73 Paragraph 1, 2, 3</b> Pravo povratka na prethodne ili odgovarajuće poslove	(1) Nakon proteka roditeljnog, roditeljskog, posvojiteljskog dopusta, dopusta radi skrbi i njege djeteta s težim smetnjama u razvoju te mirovanja radnog odnosa do treće godine života djeteta sukladno posebnom propisu, radnik koji je koristio	U	

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	<p>of her period of maternity leave, to return to her job or to an equivalent post on terms and conditions which are no less favourable to her and to benefit from any improvement in working conditions to which she would be entitled during her absence.</p> <p>Less favourable treatment of a woman related to pregnancy or maternity leave within the meaning of Directive 92/85/EEC shall constitute discrimination within the</p>			<p>neko od tih prava ima pravo povratka na poslove na kojima je radio prije korištenja toga prava, a ako je prestala potreba za obavljanjem tih poslova, poslodavac mu je dužan ponuditi sklapanje ugovora o radu za obavljanje drugih odgovarajućih poslova.</p> <p>(2) Ako radnik prestane koristiti pravo iz stavka 1. ovoga članka, poslodavac ga je dužan vratiti na poslove na kojima je radio prije korištenja prava iz stavka 1. ovoga članka, u roku mjesec dana</p>		

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	<p>meaning of this Directive.</p> <p>This Directive shall also be without prejudice to the provisions of Council Directive 96/34/EC of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC (*) and of Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and</p>		<p><b>Article 71 Paragraph 1, 2, 3 Zabrana</b></p>	<p>od dana kada ga je radnik obavijestio o prestanku korištenja tih prava.</p> <p>(3) Radnik koji se koristio pravom iz stavka 1. ovoga članka ima pravo na dodatno stručno osposobljavanje, ako je došlo do promjene u tehnici ili načinu rada.</p> <p>(1) Za vrijeme trudnoće, korištenja roditeljnog, roditeljskog, posvojiteljskog dopusta te rada u skraćenom radnom vremenu,</p>		
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	<p>health at work of pregnant workers and workers who have recently given birth or are breastfeeding (tenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) (**). It is also without prejudice to the right of Member States to recognise distinct rights to paternity and/or adoption leave. Those Member States which recognise such rights shall take the necessary measures to protect working men and</p>		otkaza	<p>odnosno u roku od petnaest dana od prestanka trudnoće ili prestanka korištenja tih prava, poslodavac ne može otkazati ugovor o radu trudnici i osobi koja se koristi nekim od spomenutih prava.</p> <p>(2) Otkaz je ništetan ako je na dan davanja otkaza poslodavcu bilo poznato postojanje okolnosti iz stavka 1. ovoga članka ili ako radnik u roku od petnaest dana od dostave otkaza obavijesti poslodavca o postojanju okolnosti iz stavka 1. ovoga</p>		
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	women against dismissal due to exercising those rights and ensure that, at the end of such leave, they shall be entitled to return to their jobs or to equivalent posts on terms and conditions which are no less favourable to them, and to benefit from any improvement in working conditions to which they would have been entitled during their absence.			članka te o tome dostavi odgovarajuću potvrdu ovlaštenog liječnika ili drugoga ovlaštenog tijela. (3) Okolnosti iz stavka 1. ovoga članka ne sprečavaju prestanak ugovora o radu sklopljenog na određeno vrijeme, istekom vremena za koje je sklopljen taj ugovor.		
<b>Article 2 Paragraph 8</b>	Article 2 Member States may maintain or adopt measures within the					Usklađeno Zakonom o suzbijanju

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	meaning of Article 141(4) of the Treaty with a view to ensuring full equality in practice between men and women.					diskriminacije (NN 85/08)
<b>Article 3 Paragraph 1</b>	Article 3 Application of the principle of equal treatment means that there shall be no direct or indirect discrimination on the grounds of sex in the public or private sectors, including public bodies, in relation to: (a) conditions for access to					Usklađeno Zakonom o suzbijanju diskriminacije (NN 85/08)

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	<p>employment, to self-employment or to occupation, including selection criteria and recruitment conditions, whatever the branch of activity and at all levels of the professional hierarchy, including promotion;</p> <p>(b) access to all types and to all levels of vocational guidance, vocational training, advanced vocational training and retraining, including practical work experience;</p>					



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	(c) employment and working conditions, including dismissals, as well as pay as provided for in Directive 75/117/EEC; (d) membership of, and involvement in, an organisation of workers or employers, or any organisation whose members carry on a particular profession, including the benefits provided for by such organisations.					
<b>Article 3 Paragraph 2</b>	Article 3 To that end, Member States					Usklađeno Zakonom o

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	shall take the necessary measures to ensure that: (a) any laws, regulations and administrative provisions contrary to the principle of equal treatment are abolished; (b) any provisions contrary to the principle of equal treatment which are included in contracts or collective agreements, internal rules of undertakings or rules governing the independent occupations and professions and workers' and employers'					suzbijanju diskriminacije (NN 85/08)

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	organisations shall be, or may be declared, null and void or are amended.';					
<b>Article 4</b>	DELETED					
<b>Article 5</b>	DELETED					
<b>Article 6 Paragraph 1</b>	Article 6 Member States shall ensure that judicial and/or administrative procedures, including where they deem it appropriate conciliation procedures, for the enforcement of obligations under this Directive are					Neprimjenjivo

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	available to all persons who consider themselves wronged by failure to apply the principle of equal treatment to them, even after the relationship in which the discrimination is alleged to have occurred has ended.					
<b>Article 6 Paragraph 2</b>	Article 6 Member States shall introduce into their national legal systems such measures as are necessary to ensure real and effective compensation or reparation as the Member					Neprimjenjivo

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<p>Council Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions</p> <p>DIRECTIVE 2002/73/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 23 September 2002 amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions (Text with EEA relevance)</p>		<p>Zakonodavstvo države pristupnice Zakon o radu (Nacrt)</p>				
1	2	3	4	5	6	7
Članak	Tekst	Referenca	Članak, Stavak, Alineja, Broj Naslov, dan stupanja na snagu	Sadržaj	Usklađenost	Napomene
	States so determine for the loss and damage sustained by a person injured as a result of discrimination contrary to Article 3, in a way which is dissuasive and proportionate to the damage suffered; such compensation or reparation may not be restricted by the fixing of a prior upper limit, except in cases where the employer can prove that the only damage suffered by an applicant as a result of discrimination within the					

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	meaning of this Directive is the refusal to take his/her job application into consideration.					
<b>Article 6 Paragraph 3</b>	Article 6 Member States shall ensure that associations, organisations or other legal entities which have, in accordance with the criteria laid down by their national law, a legitimate interest in ensuring that the provisions of this Directive are complied with, may engage, either on behalf or in support of the complainants, with his					Neprimjenjivo

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	or her approval, in any judicial and/or administrative procedure provided for the enforcement of obligations under this Directive.					
<b>Article 6 Paragraph 4</b>	Article 6 Paragraphs 1 and 3 are without prejudice to national rules relating to time limits for bringing actions as regards the principle of equal treatment.?					Neprimjenjivo
<b>Article 7</b>	Article 7 Member States shall introduce into their national legal systems such measures as are					Neprimjenjivo

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	necessary to protect employees, including those who are employees' representatives provided for by national laws and/or practices, against dismissal or other adverse treatment by the employer as a reaction to a complaint within the undertaking or to any legal proceedings aimed at enforcing compliance with the principle of equal treatment.					
<b>Article 8</b>	Article 8 Member States shall take					Neprimjenjivo



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	care that the provisions adopted pursuant to this Directive, together with the relevant provisions already in force, are brought to the attention of employees by all appropriate means, for example at their place of employment.					
<b>Article 8 a Paragraph 1</b>	Article 8 a Member States shall designate and make the necessary arrangements for a body or bodies for the promotion, analysis, monitoring and					Neprijmjenjivo

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	support of equal treatment of all persons without discrimination on the grounds of sex. These bodies may form part of agencies charged at national level with the defence of human rights or the safeguard of individuals' rights.					
<b>Article 8 a Paragraph 2</b>	Article 8 a Member States shall ensure that the competences of these bodies include: (a) without prejudice to the right of victims and of					Neprimjenjivo

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	<p>associations, organisations or other legal entities referred to in Article 6(3), providing independent assistance to victims of discrimination in pursuing their complaints about discrimination;</p> <p>(b) conducting independent surveys concerning discrimination;</p> <p>(c) publishing independent reports and making recommendations on any issue relating to such</p>					

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	discrimination.					
<b>Article 8 b Paragraph 1</b>	Article 8 b Member States shall, in accordance with national traditions and practice, take adequate measures to promote social dialogue between the social partners with a view to fostering equal treatment, including through the monitoring of workplace practices, collective agreements, codes of conduct, research or exchange of					Neprimjenjivo

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	experiences and good practices.					
<b>Article 8 b Paragraph 2</b>	Article 8 b Where consistent with national traditions and practice, Member States shall encourage the social partners, without prejudice to their autonomy, to promote equality between women and men and to conclude, at the appropriate level, agreements laying down anti-discrimination rules in the fields referred to in Article 1 which fall within the					Neprimjenjivo

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	scope of collective bargaining. These agreements shall respect the minimum requirements laid down by this Directive and the relevant national implementing measures.					
<b>Article 8 b Paragraph 3</b>	Article 8 b Member States shall, in accordance with national law, collective agreements or practice, encourage employers to promote equal treatment for men and women in the workplace in a planned and systematic way.					Neprimjenjivo

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<b>Article 8 b Paragraph 4</b>	<p>Article 8 b To this end, employers should be encouraged to provide at appropriate regular intervals employees and/or their representatives with appropriate information on equal treatment for men and women in the undertaking. Such information may include statistics on proportions of men and women at different levels of the organisation and possible measures to improve the situation in</p>					Neprijmjenjivo

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	cooperation with employees' representatives.					
<b>Article 8 c</b>	Article 8 c Member States shall encourage dialogue with appropriate non-governmental organisations which have, in accordance with their national law and practice, a legitimate interest in contributing to the fight against discrimination on grounds of sex with a view to promoting the principle of equal treatment.					Neprimjenjivo



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<b>Article 8 d</b>	<p>Article 8 d Member States shall lay down the rules on sanctions applicable to infringements of the national provisions adopted pursuant to this Directive, and shall take all measures necessary to ensure that they are applied. The sanctions, which may comprise the payment of compensation to the victim, must be effective, proportionate and dissuasive. The Member States shall</p>					Neprijmjenjivo

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	notify those provisions to the Commission by 5 October 2005 at the latest and shall notify it without delay of any subsequent amendment affecting them.					
<b>Article 8 e Paragraph 1</b>	Article 8 e Member States may introduce or maintain provisions which are more favourable to the protection of the principle of equal treatment than those laid down in this Directive.					Neprimjenjivo
<b>Article 8 e Paragraph 2</b>	Article 8 e The implementation of this					Neprimjenjivo

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	Directive shall under no circumstances constitute grounds for a reduction in the level of protection against discrimination already afforded by Member States in the fields covered by this Directive.’					
<b>Article 9 Paragraph 1</b>	Article 9 Member States shall put into force the laws, regulations and administrative provisions necessary in order to comply with this Directive within 30 months of its					Nepريمjenjivo

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	<p>notification and shall immediately inform the Commission thereof.</p> <p>However, as regards the first part of Article 3 (2) (c) and the first part of Article 5 (2) (c), Member States shall carry out a first examination and if necessary a first revision of the laws, regulations and administrative provisions referred to therein within four years of notification of this Directive.</p>					

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<b>Article 9 Paragraph 2</b>	Article 9 Member States shall periodically assess the occupational activities referred to in Article 2 (2) in order to decide, in the light of social developments, whether there is justification for maintaining the exclusions concerned. They shall notify the Commission of the results of this assessment.					Neprijmjenjivo
<b>Article 9 Paragraph 3</b>	Article 9					Neprijmjenjivo

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	Member States shall also communicate to the Commission the texts of laws, regulations and administrative provisions which they adopt in the field covered by this Directive.					
<b>Article 10</b>	<p>Article 10</p> <p>Within two years following expiry of the 30-month period laid down in the first subparagraph of Article 9 (1), Member States shall forward all necessary</p>					Neprimjenjivo

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	information to the Commission to enable it to draw up a report on the application of this Directive for submission to the Council.					
<b>Article 11</b>	Article 11 This Directive is addressed to the Member States.					Neprimjenjivo
<b>DIRECTIVE 2002/73/EC OF THE EUROPEAN</b>	Article 2 Paragraph 1 Member States shall bring into force the laws, regulations and administrative provisions					Neprimjenjivo

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<b>N PARLIAMENT AND OF THE COUNCIL of 23 September 2002 amending Council Directive 76/207/EEC on the implementation of the</b>	necessary to comply with this Directive by 5 October 2005 at the latest or shall ensure, by that date at the latest, that management and labour introduce the requisite provisions by way of agreement. Member States shall take all necessary steps to enable them at all times to guarantee the results imposed by this Directive. They shall immediately inform the Commission thereof.					



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<p><b>principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions (Text with</b></p>	<p>When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by such reference on the occasion of their official publication.</p> <p>Member States shall determine how such reference is to be made.</p> <p>Article 2 Paragraph 2 The Member States shall communicate to the</p>					
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<b>EEA relevance)</b>	<p>Commission, within three years of the entry into force of this Directive, all the information necessary for the Commission to draw up a report to the European Parliament and the Council on the application of this Directive.</p> <p>Article 2 Paragraph 3 Without prejudice to paragraph 2, Member States shall communicate to the</p>					

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	<p>Commission, every four years, the texts of laws, regulations and administrative provisions of any measures adopted pursuant to Article 141(4) of the Treaty, as well as reports on these measures and their implementation.</p> <p>On the basis of that information, the Commission will adopt and publish every four years a report establishing a comparative assessment of any measures in the light of Declaration No 28 annexed to</p>					

## USPOREDNI PRIKAZ

### Država pristupnica: Hrvatska

<p>Council Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions</p> <p>DIRECTIVE 2002/73/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 23 September 2002 amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions (Text with EEA relevance)</p>		<p>Zakonodavstvo države pristupnice Zakon o radu (Nacrt)</p>				
1	2	3	4	5	6	7
Članak	Tekst	Referenca	Članak, Stavak, Alineja, Broj Naslov, dan stupanja na snagu	Sadržaj	Usklađenost	Napomene
	<p>the Final Act of the Treaty of Amsterdam.</p> <p>Article 3 This Directive shall enter into force on the day of its publication in the <i>Official Journal of the European Communities</i>.</p> <p>Article 4 This Directive is addressed to the Member States.</p>					

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