

# **THE ACT PROMULGATING THE ACT AMENDING THE ANTI-DISCRIMINATION ACT**

## **Article 1.**

In the Anti-Discrimination Act (Official Gazette 85/08) after Article 1, paragraph 1a is added reading as follows:

### **“Article 1.a**

This Act includes provisions which are in line with the following EU acts:

(4) Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (OJ L 303, 2.12.2000)

(5) Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (OJ L 180, 19.7.2000.)

(6) COUNCIL DIRECTIVE 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services (OJ L 373/37, 21.12.2004.)

(7) Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (OJ L 204/23, 26.7.2006)”

## **Article 2.**

Article 2, paragraph 2 is amended reading as follows:

(3) Indirect discrimination shall be taken to occur when an apparently neutral provision, criterion or practice places or could place a person in a less favourable position on the grounds referred to in Article 1 paragraph 1 of this Act, in relation to other persons in a comparable situation, unless such a provision, criterion or practice may be objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.

## **Article 3.**

Article 3, paragraph 2 is amended reading as follows:

(3) Sexual harassment is any verbal, non-verbal or physical/bodily unwanted conduct of sexual nature with the purpose or effect of violating the dignity of a person, and particularly when creating an intimidating, hostile, degrading, offensive or insulting environment.

## **Article 4.**

Article 4, paragraph 1 is amended reading as follows:

LLL. Encouragement to discrimination shall be deemed to be discrimination within the meaning of Article 1 of this Act.

## **Article 5.**

Article 9 is amended and reads as following

(4) Discrimination is prohibited in all its manifestations.

(5) As an exception to paragraph 1 of this Article, the placing in a less favourable position shall not be deemed to be discrimination in the following cases:

(3) when such a conduct is set forth by law with the aim to preserve health and to prevent criminal acts and misdemeanours, prevention of criminal acts and protection of rights and freedoms of other persons and when the means used in a democratic society are appropriate and necessary for the aim to be achieved, under the condition that such measures do not lead to direct or indirect discrimination based on the grounds of race or ethnic affiliation or colour, gender, religion, gender, national or social origin, property, sexual orientation an disability;

(4) special measures which include any such measure of temporary character actions, when such a measure is necessary and appropriate for the realization of equality of social groups referred to in the Article 1 of this Act and when it is with the aim of based on provisions of laws, subordinate regulations, programmes, measures or decisions with the aim to improve the status of ethnic, religious, language or other minorities or other groups of citizens or persons discriminated on the grounds referred to in Article 1 paragraph 1 of this Act;

(5) implementation of social policy measures which favours persons or households of lower income or social status under the conditions that such measures do not lead to direct or indirect discrimination based on the grounds of race or ethnic affiliation or colour, gender, religion, gender, national or social origin, property, sexual orientation an disability;

(6) in relation to a particular job, when the nature of the job is such or the job is performed under such conditions that its characteristics related to any of the grounds referred to in Article 1 of this Act present an actual and decisive condition for performing that job, provided that the purpose to be achieved is justified and the condition appropriate;

3. in relation to occupational activities, i.e. entering employment, including entering into membership and acting in conformity with the canon and mission of a church and religious congregation entered into the Register of Religious Congregations of the Republic of Croatia, and any other public or private organisation whose system of values is based on the religion or the conviction, and which acts in conformity with the Constitution and laws, if this is required by the religious doctrine, beliefs or objectives; in cases when due to the nature of such activities or the environment in which they are conducted, religion or the belief of a person represents true, legitimate and justified condition for the carrying of the work, taking into consideration the value system of that organization;

4. on the ground of age in the course of determining insurance premiums, insurance amounts and other insurance conditions in line with relevant and accurate statistical data and rules of actuarial calculations;

5. in access to goods, services and sport and providing the access to them if the access and/or the service is intended solely or principally to members of one sex or persons with disabilities provided that such

conduct is objectively and reasonably justified by a legitimate aim and if the measures used are appropriate and necessary for the aim to be achieved;

6. on the ground of age, if such behaviour is objectively and reasonably justified by a legitimate aim, including the legitimate goals of social policy, social and health care, and employment policy, promotion of labour market goals and vocational training, and if means are appropriate and necessary. For example, discrimination is not considered to be: a determination of the lowest or the highest age and/or professional experience and/or degree of education as a condition for employment or as conditions for obtaining other benefits related to employment; determining of adequate and appropriate senior age as a reason for termination of employment, and which is in compliance with the conditions for acquiring the right to the age retirement, prescribing age or reasonable period of employment as a condition for acquiring or realizing the right to retirement, or other rights from the social security system, including the area of social welfare, pension and health insurance and unemployment insurance and age determination as a condition for accessing education or certain goods or services, provided that the conditions from the first sentence of this line are satisfied;

7. on the grounds of nationality pursuant to separate regulations;

8. placing in a less favourable position when regulating the rights and obligations arising from family relations when it is stipulated by law, particularly with the aim to protect the rights and interests of children, protection of public morals and favouring the marriage, while used measures need to be appropriate and necessary.

2. All the exceptions laid down in paragraph 2 of this Article shall be interpreted in proportion to the aim and purpose for which they are determined and need to be appropriate and necessary for the realization of the aim.

#### **Article 6.**

In the Anti-Discrimination Act (Official gazette, 85/08), the provision of Article 9, paragraph 2, line 6 shall cease to apply on 30 June 2013.

#### **Article 7.**

This Act shall enter into force on the eighth day following the day of its publication in the Official Gazette, apart from the provisions of the Article 9, paragraph 2, line 6 which is amended by the Article 5 of this Law, and which will enter in force on 30th June 2012.

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Zagreb, 28 September 2012

### **THE CROATIAN PARLIAMENT**

President  
of the Croatian Parliament

Josip Leko, m.p.