

Hard work and soft rights: Croatian workers in the European Union

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Through opening up borders and markets by insisting on clear rules and individual rights, EU membership arguably moves Croatia towards a more liberal society and economy. It will also facilitate a decline of collective identities, solidarities and bargaining regimes. Under such conditions a further segmentation of the labour market can be expected, as well as widening of the disparities between those who reap the rewards of the expanded opportunities and those who lag behind. Economic and social policies should provide responses that will mitigate the negative effects, but such mitigation also requires much more social dialogue and bottom-up activism than it has been customary in Croatia.

Introduction

There are several competing interpretations of the position of workers in the current socioeconomic system. Claiming inspiration from Marx, in a popular business book *Funky business* the authors argued that in the post-industrial economy workers are the ultimate owners of the means of production (Nordström and Ridderstråle, 1999). A more sophisticated argument was put forward by Hodgson (1999), who claimed that learning economy expands opportunities for emancipation from mainstream capitalism through co-operatives of knowledge workers. A much more pessimistic perspective is offered by the traditional left, which focuses on the negative effects of capitalism, such as social inequalities, demise of organised labour and the growth of structural unemployment and underemployment. The concept of 'cognitive capitalism' extends such thinking by viewing collective knowledge work as a new area of expropriation of surplus value (cf. Cvijanović, Fumagalli and Vercellone, 2010).

This essay analyses the positions and prospects of different categories of workers in Croatia in the context of the EU membership. As a post-socialist country on the periphery of Europe, Croatia has undergone a transition from market socialism to state capitalism and now awaits inclusion into the developed capitalist world (which is itself undergoing a profound economic and institutional crisis). That period has been characterised by low competitiveness, growth of structural unemployment and emergence of much more fragmented industrial structures. Industrial relations have been radically transformed along the way. Legal protection of employment, as measured by the Employment Protection Legislation (EPL) Index has been initially reduced by changes in relevant laws (1995, 2001, 2003), but it has remained at a fairly

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high level¹. The situation was further strengthened by collective agreements in the public sector. However, in practice there has been an erosion of rights of private sector employees.

Labour market policy is implemented at the national level, so it has not been directly a subject of the EU accession negotiations. However, institutional structures and market processes associated with the EU membership (e.g. free movement of goods and capital, temporary restrictions on the movements of labour in many countries, financial instruments provided by the European Social Fund) have influenced and will influence the positions and prospects of workers in Croatia. The effects of the EU accession on the labour market and employee rights are often difficult to distinguish from more general trends. The crucial part of privatisation, which set the course of many future labour market trends, occurred during the 1990s, before the EU accession was initiated. On the other hand, market liberalisation was a crucial component of Stabilisation and Association Agreement signed with the EU in 2001; but it could be argued that a similar process would have occurred nonetheless. Spillovers from the EU economy occurred through trade, tourism and investment, whereas bilateral relationships and agreements with the EU member states influenced the policy relatively independently of the formal accession process.

From market socialism to political capitalism and beyond

In former Yugoslavia socialism was mixed with some elements of the regulated market economy (product market, bank finance). Industrial relations were characterised by full employment, self-management and collective bargaining under an ideological umbrella. Due to the overarching role of the League of Communists, enterprises were run by autocratic proto-capitalist managers politically supported by the party officials and connected with regional oligarchies (Županov, 1997). The primary industrial relationship was between the government (i.e. the Party) and the working class (rather than individual worker). A specific company only fulfilled the ideological promise of availability of work for all. In order to facilitate the political legitimacy of the system, almost unconditional job security was practised regardless of the economic performance of a company. The post-1979 crisis increased the differences among workers in different companies and organisations, but the basic features of the system were kept until its dissolution.

Regaining independence led to reinforcement of 'political capitalism' (Županov, 1997), although the prevailing ideology changed. The first stage, which encompassed the 1990s, was marked by a poorly managed privatisation, clientelism, post-war reconstruction and relative isolation from

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Prior to the Labour Act reform in 2003 Croatia had the value of the EPL index (3.6), which was second only to Portugal, while significantly higher than the EU average (2.4) and the transition countries for which the data existed at that time (2.2). Labour legislation reform in 2003 decreased EPL index in Croatia from 3.6 to 2.8 (cf. Matković and Biondić, 2003). Despite minor changes in labour market regulations, the EPL Index has remained at a similar level ever since.

international economy. Between 2000 and 2008, opening up occurred and a credit-driven expansion fuelled the economy. That was followed by a prolonged crisis from 2008 onwards.

Post-socialist transition engendered a break up with some of the key elements of socialist heritage. Instead of self-management a more authoritarian management practices were introduced not only into privatised and private companies but also into state-owned companies. New 'bosses' and politically appointed managers adopted similar authoritarian styles of management and leadership (cf. Sikavica, 1997). The primary industrial relationship was reconstituted as a relationship between employer and employee. Government thus assumed the role of regulator and judge but it often failed in fulfilment of its obligations. A redefined form of political capitalism, which includes entrepreneurship and partial privatisation of social/state property, emerged. Political and entrepreneurial capitalism co-existed, with the political aspect still positioned at the core and entrepreneurialism assuming the role of periphery.

Political capitalism thus entailed a weak legal protection of most firms and employees. Firms suffered from inadequate rule of law, state voluntarism, rigged public procurement and abuses of market power by politically connected competitors. Such a situation constrained the development of a productive private sector and exacerbated the tendencies towards rent seeking. Private sector employees were the eventual victims of such a situation – through layoffs, early retirement, violation of rights and overall decline of trade unions and collective bargaining.

In many Western countries the past struggle of industrial workers and their trade unions led to expansion of employee rights and improved legal protection of workers. That was only partly reversed by globalisation of business operations and financial transactions. In Croatia, a major part of industrialisation occurred after the World War II. One-party system and the doctrine of self-management precluded antagonistic relationships between the employer (i.e. the state) and the workers - and a similar situation was continued during the struggle for independence and post-war recovery. By the time industrial relations came into focus, the major part of privatisation was over, many traditional companies were bankrupt or significantly downsized, whereas new business owners often viewed employee rights just as an obstacle to competitiveness.

The expansion of the economy in the period between 2000 and 2008 brought about improvements in wages and employment, but economic growth (which will prove to be unsustainable) masked the unresolved conflicts within the political economy. An earlier analysis (Račić, Babić and Podrug, 2005) indicated that, despite all-encompassing applicability of the relevant laws, Croatian labour market was in practice segmented. Employees in different sectors have tended to experience substantial differences in protection of their legal and contractual rights. Due to the institutional insufficiency of the judicial system to protect individual rights, segmentation largely resulted from the patterns of unionisation and collective bargaining. Employees of public sector and state-owned enterprises (where unionisation is still strong) and some larger companies tended to enjoy job security, above-average wages, and good working

conditions. The workers in the SME sector and many larger privately-owned companies, where unionisation has been ineffective or even discouraged by employers, have experienced more problems in the protection of their rights. The economic crisis has brought about loss of jobs and lower real wages and further reduced the bargaining power and rights of private sector employees. Public sector employees have experienced relatively milder consequences, but the current government plans further reforms of the public sector.

Croatia is entering the European Union while experiencing low employment and high unemployment², as well as uncompetitive economy and weak trade unions. The overall quality and effectiveness of social dialogue is weak. The government intends to amend the Labour Act in order to facilitate flexibility in the labour market, while protecting the key rights of workers, but it is not yet clear what would such 'flexicurity' mean in the Croatian context. The negotiations with stakeholders are in the process, but the consensus is far from being reached.

Types of workers

Individualisation of industrial relations is taking place throughout the Western world. It is driven both by technology and ideology. ICT enables better management and measurement of individual productivity, and the changing industrial and technological landscape changes the nature of collective work effort. Ideology of individual achievements and rewards fuels and follows these processes. The quest for efficiency facilitates polarisation between employees who develop the ability to reap its rewards and those who lag behind. Although the distinction between them is somewhat blurred, the line usually follows opportunities (or lack of them) of certain groups of workers to acquire and utilise knowledge and other resources. Alongside core competences and employees, organisations produce their margins. Work flexibility has several aspects (wage flexibility, geographical mobility, occupational status, contractual security etc. – cf. Freeman and Soete, 1994), any of which being able to facilitate divisions. These divisions initially occur in the private sector, but efficiency-related reforms also bring elements of the same logic into the public sector. Furthermore, wider societal, economic and technological trends bring about new types of work and new categories of workers.

The overall result is a segmented labour market in which different categories of workers find themselves in substantially different positions in the labour market. In order to analyse them, a simple matrix is outlined here, based on the dimensions of the level of education and skills and the level of individualisation of each category of workers. Higher level of individualisation entails direct individual participation in the labour market, whereas lower level implies that a worker's

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The Labour Force Survey employment rate (15-64) has reached 52.5% in Q3/2013 due to seasonal effects, but the employment rate is still lower than in Q3/2011 (53.2%). Unemployment rate stood at 15.0% (Q3/2011: 12.6%), 68% of the unemployed being long-term unemployed. The total registered unemployment rate in December 2012 was 21.1%.

participation in the labour market is mediated by organisational hierarchies (employers and/or trade unions).

		Level of individualisation	
		Low	High
Skill level	High	public workers	net-workers
	Low	private workers	not-workers

Net-workers³ are 'ideal type' workers of our age. They include professionals, experts, managers, consultants, small entrepreneurs, freelancers and other 'knowledge workers' who have skills, flexibility and resources to actively participate in the flexible accumulation regime. They rarely seek collective means of protection in the labour market because their position in the labour market is seen as individualised both by them and by their current or potential employers or clients. The fragmentation of tasks, interests and positions precludes formation of strong collective identities and representation of collective interests. In addition, net-workers often view themselves as competent, self-reliant and entrepreneurial. In reality, this self-reliance involves a wide spectrum of socio-economic positions - from relative wealth (or at least comfortable middle class lifestyles) to temporarily or even permanently precarious existence. Some net-workers are in this position by choice (because of opportunities, freedom and flexibility related to such work), whereas others are forced to take it (e.g. because of inability to find stable jobs).

The category of **public workers** involves workers in public administration, public services and public enterprises⁴ owned by central or local government. Many public workers are similar to net-workers in terms of education, but they differ in terms of higher job security and public sector ethos. They are often employed in larger public sector organisations which implement complex tasks (universities, hospitals, government agencies, but also public companies). However, this group also includes public sector employees who perform generic tasks and have

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They are called 'net-workers' because they extensively use personal networking (as a form of cultural capital) and internet as a means to get and implement jobs and projects.

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This means a company in public or state ownership and is not to be confused with publicly listed companies.

few specific skills, but enjoy the benefits of collective protection instruments. The rights and position of workers in the public sector are in the short run determined by Labour Act provisions and existing wage setting mechanisms (usually collective bargaining), and in the longer run by the debate about roles, size and performance criteria applicable to different types of public sector organisations. Namely, most organisations of the public sector are likely to be subjected to some form of reform, restructuring, outsourcing of some functions or even privatisation.

Private workers are traditional industrial and service workers with some specific skills and accumulated experience employed in stable jobs in private sector companies. They are 'ideal type' workers of the past industrial era. Their skills are related to specific jobs and specific companies. Unlike net-workers, they cannot easily change jobs or become independent contractors. But they also have more valuable skills than not-workers (please see below), and are not readily replaceable. Their relative weight has been reduced by deindustrialisation, increased role of SMEs, fragmentation of tasks enabled by ICT, as well as by globalisation of business operations which put pressures on labour costs and jeopardised the position of labour unions. After privatisation, many established companies have entered defensive restructuring through layoffs or early retirement of workers, which was at the heart of resulting labour productivity growth (cf. Račić and Cvijanović 2005). In the process, occasional shortages of skilled workers were also created. Trade union coverage is nowadays low. An increasing proportion of private sector employees works for SMEs where they have a lower level of rights (e.g. related to job termination). Most new employment contracts are fixed-term, also leading to reduced rights. Consequently, the position of private workers is problematic – it depends on the competitive position and strategy of their company⁵, and on their skill portfolio (generic vs. specialised skills). Private sector workers have been severely affected by the economic crisis as they suffered massive layoffs and stagnation or fall of income.

The final group of **not-workers** involves those with few skills, limited experience, those who perform precarious low wage work and the long-term unemployed. In the future it may also include immigrant job seekers. As 'invisible' and marginalised participants in the labour market, they have difficulties in finding any job, let alone a permanent or a reasonably well-paid one. During transition, first emerged a large group of middle age workers who lost their jobs at restructured (usually privatised) companies in traditional industries. They either became long-term unemployed or retired early. Fixed term or seasonal jobs in construction, retail and tourism could not provide a proper alternative, and many such jobs were lost during the recession. More recently, youth unemployment has also boomed; during the crisis, first time job seekers found themselves competing for few available jobs with more experienced workers⁶. Not-working also

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For example, despite low wages and poor protection of employee rights in store chains, drugstore chain DM has adopted a different approach and is often named as one of the most desirable employers in Croatia.

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has a regional dimension; unemployment is particularly problematic in rural and semi-rural areas of continental Croatia. Continued recession forces not-workers into long-term unemployment or even makes them economically inactive because of discouragement.

A look into the future

Individualisation of industrial relations restricts the availability and effectiveness of collective means of protection of workers' rights. The categories that are heavily individualised (net-workers and not-workers) are usually outside the scope of unionisation and collective bargaining.

In the case of net-workers, both the specificities of their jobs and the dominant ideologies prevent them from seeking collective means of protection. The rights of net-workers rarely stem from belonging to an organisation or a trade union. Collective representation exists only in the case of professional chambers which secure some specific rights of their members (e.g. attorneys at law, auditors, construction engineers). This lack of collective rights is compensated by higher propensity to set up small companies, as well as by the skills and motivation to seek work outside the immediate local labour market – either by moving abroad or by seeking distance work. As in other new EU member states, many younger and some middle aged Croatian professionals will look for jobs, contracts or other types of flexible working arrangements in the European labour market. Despite restrictions imposed by some EU countries, the availability of work for such professionals will be determined by the specific labour market demand in more developed EU economies. On the other hand, attraction and facilitation of net-workers to stay (or immigrate from other EU and non-EU countries) and develop their careers and businesses in/from Croatia will be a major challenge of economic and immigration policy in the coming decades. 'Brain circulation' in which professionals gather experience abroad and return to Croatia should be particularly facilitated.

On the other end of the spectrum, not-workers are a diverse group without any significant bargaining power in the labour market, which makes their position particularly vulnerable. They face a high risk of poverty social exclusion. Their interests are not served by existing trade unions (who primarily protect those who are currently employed). The only sources of support available to them come from government-sponsored social and labour market policy measures (social assistance, unemployment support, further education, retraining etc.) or from civil society organisations that tackle poverty and social exclusion. As for social policy measures, their coverage is insufficient, service users have no voice, but the current policy is focused on the size and manipulations related to social transfers (cf. Stubbs and Zrinščak, 2013). The scope of active

Structural and long-term unemployment also affects highly educated persons (mostly youth without working experience but also some older workers) – so their categorisation under 'not-workers' may be questioned. However, given the structural nature and long-term duration of unemployment, it can be argued that their education and skills have not been recognised by employers and put into practice. They thus share the conditions of labour market invisibility and/or marginalisation with other 'not-workers', which justifies their inclusion into this group.

labour policy measures will be increased after Croatia becomes a member of the European Union, because of the availability of resources within the European Social Fund. These activities will improve the knowledge and skills of some not-workers, but it is unlikely that that will directly lead to job creation. New jobs for not-workers can be created through major increase in demand for labour (major new investments, growth in service sectors require relatively less training) or through community-based projects (e.g. social enterprises) that will creatively combine business and social objectives.

The position of not-workers may also be affected by emigration from Croatia and immigration into Croatia. Despite the crisis in Croatia, the scope of actual 'proper' emigration from Croatia is likely to be limited and postponed until restriction on employment of Croatians in many EU member states are lifted (cf. Mežnarić and Stubbs, 2012). However, even before that there will be a wide 'grey' area of (usually short-term) job seeking by those who cannot earn a living in Croatia⁷. An example of these new forms of 'guest work' is care of older people in Italy performed by Istrian women. An additional form applicable to younger Croatian not-workers may involve circumventing employment restrictions by acquiring student status in an EU country in order to seek service jobs. Some Croatians will seek seasonal work in agriculture or construction, some of which is likely to be within the unofficial economy. Furthermore, the position on the EU border may make Croatia attractive for illegal immigrants from non-EU countries. Unless the economic situation improves significantly, Croatia will mostly serve as a point of entry for those trying to reach the West.

When it comes to the future of work and industrial relations in Croatia, the greatest changes can be expected in the case of the public sector. They will in part be driven by EU membership, which will bring into focus the issues of liberalisation of different sectors previously occupied by public sector monopolies or oligopolies, and efficiency of public sector organisations in general. As in other EU countries, a heated public debate can be expected on the roles, size, and performance criteria applicable to the public sector. However, public sector entails a diverse set of organisations, some of which are excluded from the market logic (public administration, state/local monopolies), whereas all others need to serve the public interest in competitive conditions (and thus are influenced by both regulation and market processes).

New competition and requirements to become more efficient or financially sustainable facilitate reforms which deeply affect the position of employees of public sector organisations. Reforms of industrial relations in public administration and public monopolies are negotiated by the government and trade unions and have so far been minimal. However, the perceived inadequacies of such organisations (e.g. poor quality of service, high costs and prices, expected price increases) have led to increased public support for efficiency-related measures. That may

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It is unlikely that these forms of 'guest work' will emulate the patterns from 1960s and 1970s when numerous Croatian workers found stable and reasonably well paid jobs in countries such as Germany and Austria. The demand for such jobs is lower.

weaken the positions of trade unions in future collective bargaining and lead to future layoffs and lowering of employee rights. In the case of major macroeconomic disturbances, such a scenario will be highly likely, as the example of neighbouring Slovenia demonstrates. Although industrial actions have been relatively rare, they may intensify in the future⁸.

When public sector organisations are subjected to market liberalisation, private competition emerges, but so far its effects have often been limited⁹. The main issue for public sector organisations has been how to perform public service in the context of reforms and EU membership, and how to prepare for future competition. Reforms of public institutions and companies in different sectors (broadcasting, electricity, health, higher education etc.) have been burdensome and their future outcomes are uncertain. Public institutions are more likely to lose their dominance when the service provided is straightforward so a price competition can ensue (e.g. electricity) than in the cases when new providers not only inevitably charge higher fees but also have to demonstrate more complex capabilities and build a reputation (e.g. higher education).

What can be expected in most cases is differentiation (segmentation) of public sector employees and the corresponding erosion of group solidarity. Although purely political appointments will not vanish, a more independent public sector elite is being formed on the basis of competences and networking capabilities. Top members of the elite will circulate among public sector (at national and EU levels), politics and private sector companies. Most public sector professionals will be much more specialised and much less mobile, but will often be able to develop their careers on the basis of individual capabilities; some of them will develop strong linkages and initiate projects with their counterparts from the EU. Some current public workers will become net-workers or private workers in Croatia or abroad. That will occur either because they will want to seize opportunities, or because the reforms in their sector will reduce the scope of public provision of services and force them to seek employment in the private sector. At the bottom of the pyramid, there will be public servants without significant career prospects. Introduction of new performance criteria will also be used as a basis for restructuring of core activities and outsourcing of non-core activities (e.g. food preparation, cleaning, facility management). Less skilled workers who now perform non-core activities are at the highest risk

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As Žižek (2013: 278) has analysed, current strikes and protests are usually carried out by those who still earn a 'surplus wage', usually in the public sector, but whose position is jeopardised: 'In times of crisis, the obvious candidates for 'belt-tightening' are the lower levels of the salaried bourgeoisie: since their wage surplus does not play an immanent economic role, political protest is their only recourse if they are to avoid joining the proletariat.'

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For example, private providers in health care, social services and higher education have often focused on simpler and more profitable services and programmes which do not require significant investments, and which are still relatively affordable to clients. With few exceptions, public providers remained better staffed and equipped, as well as more prestigious.

of layoffs or significant reduction of their rights (if they transfer from public sector work to private sector work).

Private sector workers have already experienced a profound transformation of their organisations, lowering of actual rights and weakening of bargaining positions. Only a redefined development model, which will increase levels of investment and competitiveness of Croatian companies, but also emphasise the social responsibility of businesses, may lead towards renegotiated industrial relations in the private sector. In other words, the future of private sector workers will largely depend upon the effectiveness of development policies and the corresponding ability of economic actors to create 'good' jobs in sophisticated manufacturing and high value added services¹⁰. A complementary role can be played by facilitating rights of workers through ownership (e.g. employee stock ownership plans, co-operatives owned by workers) and participation in decision making within companies¹¹. Finally, pressures applied by regulatory bodies, consumers and other stakeholders should steer businesses towards a more complex form of economic, social and environmental sustainability. A wider public debate is needed on the subject, which could bring about creative solutions aligned with institutional and cultural characteristics of the Croatian society, as neither simplistic market fundamentalism nor preservation of uncompetitive businesses through subsidies are compatible with EU regulations.

Concluding remarks

Croatia is entering the European Union while facing a prolonged economic crisis to which effective policy responses have not been reached so far. EU will bring a better protection of individual rights, but it will also facilitate a decline of collective identities, solidarities and bargaining regimes. EU membership necessitates the development of strategies which will not only be the basis of absorption of EU funds, but also need to steer the Croatian society and economy towards a more sustainable future. The success of that complex process is however uncertain – and the future of Croatian workers will significantly depend on it. Persistently high levels of unemployment and low rate of employment can only be tackled by new productive economic activities. Without a strong impetus to the economy and an increased demand for work, only the most capable 'net-workers' will be able to prosper – and many of them may opt to do it abroad.

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A small minority of workers may opt for 'guest work' or emigration abroad, but the demand for such work in many EU countries will be limited. Moreover, language and cultural barriers will be difficult to overcome for many potential migrants.

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EU accession makes worker councils mandatory for EU multinationals with more than 1000 employees.

The following table provides a brief summary of the main implications of the paper. Starting from the defined categories of workers, and taking into account their skill levels and the level of unionisation in their sector, possible policy responses for each group of workers are identified.

Types of workers	Skill level	Level of unionisation	Policy response
net-workers	high to medium	low	<ul style="list-style-type: none"> ☐ education ☐ brain circulation & immigration policy ☐ SME policy
public workers	high to low	high	<ul style="list-style-type: none"> ☐ public debate ☐ strategic approach to reforms ☐ accountability & performance management
private workers	medium	medium	<ul style="list-style-type: none"> ☐ investment promotion ☐ matching skills and labour market needs
not-workers	low	low	<ul style="list-style-type: none"> ☐ active labour market policy ☐ social policy

Net-workers need to be educated, kept and attracted from abroad (through brain circulation and immigration policies) and facilitated in their activities through SME policies. As for the public sector, a more substantive public debate about its future is needed. On the basis of such a debate, a strategic approach to reforms should be developed. Public goods need to be protected and created, but that does not entail that institutions responsible for them should be exempt from accountability or some forms of performance management. Public sector also needs to tackle high prospects of further segmentation among its employees. Job creation in the private sector requires investment promotion and better linkages between skill formation and labour market needs. A similar logic can be applied to not-workers, who should be additionally supported through measures provided by the active labour market policy and social policy. Although positions, challenges and prospects of these groups of workers in the Croatian labour market are fundamentally different, they are also interrelated and borders between groups can be crossed. Therefore, although policy responses should be specific, their wider implications should also be taken into account.

Through opening up borders and markets by insisting on clear rules and individual rights, EU membership moves Croatia towards a more liberal society and economy. Having in mind strong authoritarian and clientelistic tendencies in recent past, whose consequences can still be vividly

observed, it is reasonable to view that as a positive development. However, taking advantage of more liberal conditions and mitigating their adverse consequences (weaker social cohesion, democratic deficits etc.) requires much more social dialogue and bottom-up activism than it has been customary in Croatia. Such activism can take place at the level of particular professions, sectors, regions and companies – and can help define what kinds of practices, jobs, companies and societal conditions Croatian citizens and workers prefer. That finally brings us to the issue of political representation. One can hardly speak about a homogeneous working class with similar interests and a coherent ideology, which could be represented by a single party or a social movement. However, the current situation in which only the interests of some net-workers seem to be represented (by liberal political elites) also leaves space for political action.

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