



European
Social
Charter

Charte
Sociale
Européenne



COUNCIL
OF EUROPE

CONSEIL
DE L'EUROPE

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EUROPEAN SOCIAL CHARTER

1st National Report on the implementation of
the European Social Charter

submitted by

THE GOVERNMENT OF SERBIA

(Articles 1, 9, 10, 15, 18, 20 and 24
for the period 01/11/2009 – 31/12/2010)

Report registered by the Secretariat on 31 October 2011

CYCLE 2012

REVISED EUROPEAN SOCIAL CHARTER

**The First National Report on the Implementation of the
Revised European Social Charter in the Republic of Serbia**

**Report refers to Articles 1, 9, 10 para. 1, 2, 3 and 4, 15, 18, 20, 24 and 25.
(Group I Employment, trainings and equal opportunities)**

Reference period: January 1, 2007 – December 31, 2010

Belgrade, September 2011

Article 1 – The right to work

With a view to ensuring the effective exercise of the right to work, the Parties undertake:

1. to accept as one of their primary aims and responsibilities the achievement and maintenance of as high and stable a level of employment as possible, with a view to the attainment of full employment;
2. to protect effectively the right of the worker to earn his living in an occupation freely entered upon;
3. to establish or maintain free employment services for all workers;
4. to provide or promote appropriate vocational guidance, training and rehabilitation.

Appendix to Article 1§2

This provision shall not be interpreted as prohibiting or authorising any union security clause or practice.

Information to be submitted

Article 1§1

- 1) Please describe national employment policy and the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics (for example Eurostat data) or any other relevant information, in particular: the GDP growth rate; trends in employment covering all sectors of the economy: employment rate (persons in employment as a percentage of the population aged 15-64 years), youth employment rate; activity rate (total labour force as a percentage of the population aged 15 years and over); unemployment rate, long-term unemployment rate, youth unemployment rate; employment status (employed, self-employed); all figures should be broken down by gender; employment policy expenditure as a share of GDP, including the relative shares of ‘active’ (job creation, training, etc.) and ‘passive’ (financial compensation, etc.) measures.

Reply:

Employment and Unemployment Insurance Act (“The Official Gazette of the Republic of Serbia“ number 36/09 and 88/10), entered in force since May 23, 2009, makes legal frame of the employment policy. Before the present Act, the Employment and Unemployment Insurance Act from the year 2003 applied. The new Act provides

adequate, substantial and flexible legal frame for the active employment policy planning and implementation in newfound circumstances on the labour market of the Republic of Serbia as well as better balance between active and passive employment policy. Furthermore, the obligation of closing individual employment plans has also been introduced, the active employment policy monitoring and assessment system has been introduced, as well as the forecast of future needs of employers. The law stipulating appropriate employment (an unemployed is to accept under threat that otherwise he/she will be deleted from the records) is adjusted to raise activity of the unemployed and his/her possibilities and desires. Organization and position of the National Employment Agency and other employment agencies and mechanisms stimulating more active inclusion of a province or a local self-administration in the active employment policy implementation.

Wording of the new regulation has been consolidated with the EU employment policy principles, directives, guidelines and recommendations, as well as with obligations and standards contained with the relevant conventions concluded under the auspices of the International Labour Organization.

On the other hand, the **Law on Professional Rehabilitation and Employment of Persons with Disabilities** ("The Official Gazette of the Republic of Serbia" number 36/09) providing completely redefined relations between persons with disabilities as potential employees and their work environment or employer.

This Law stipulates: the status of persons with disabilities who have not been offered such an opportunity pursuant to previously applicable stipulations (persons suffering from system diseases – multiple sclerosis, various forms of muscular dystrophy, paraplegia, quadriplegia etc. as well as to the persons who have become disabled before entering the labour world) and assessment of labour capacity and employment opportunity or maintenance through the introspection of labour capacity and employment

opportunity of every individual, in compliance with the EU criteria; definitions for professional rehabilitation, certain measures and activities, as well as holders of these jobs; active employment policy measures which refer to persons with disabilities; the obligation of all employers to employ a particular number of persons with disabilities out of the total number thereof; employment of persons with disabilities under special requirements – in professional rehabilitation companies and employment of persons with disabilities with social companies and organizations and labour centers.

Before this Law had been passed, practice indicated the lack of legal regulations to apply to the professional rehabilitation domain and employment of persons with disabilities, or to the possibility of their inclusion in the labour world and other social activities, in compliance with positive European legislations and the intention of the Republic of Serbia to consolidate regulations with the European Union Regulations. The obligation of passing a law stipulating the domain of employment and professional rehabilitation of persons with disabilities is conditioned by the International Labour Organization Convention number 159 concerning professional rehabilitation and employment of invalids, ratified by the Republic of Serbia in 2000.

In addition to that, pursuant to the European Employment Strategy, **the National Employment Strategy for the period 2005-2010** has been passed (Conclusion of the Republic of Serbia Government drawn on April 14, 2005), in accordance with the strategic orientation of Serbia toward the EU joining. The employment strategy stipulates specific directions which should solve unemployment issues during the Republic of Serbia transition period and offer solutions appropriate for the needs of development and available human and financial resources. The employment strategy relies upon 10 guidelines of the European Employment Strategy and upon two priorities especially relevant for Serbia, and that: support of direct foreign investments and activation of domestic savings directed towards employment maintenance and establishment and decrease in the differences among regional labour markets.

In accordance with key development goals of the Republic of Serbia, the National Employment Strategy also stipulates the employment policy goals:

- 1. increase in the overall employment;**
- 2. increase in the labour quality and efficiency;**
- 3. social cohesion and inclusion in the labour market.**

Pursuant to the Employment Strategy, the first **National Employment Action Plan for the period 2006-2008** has been made ("The Official Gazette of the Republic of Serbia" number 45/06).

The **Active Employment Policy Program of the Republic of Serbia for the year 2008** ("The Official Gazette of the Republic of Serbia", number 7/08) was implemented in 2008 in order to increase employment and employment opportunity – through the economic growth and development stimulation by means of opening new workplaces, from the viewpoint of equal regional development with the support of macroeconomic, fiscal, regional-local and sector policy measures. The program priorities were: flexible and efficient market development and economic development of business environment, as well as the employment rate increase of 1.5% a year.

The **Active Employment Policy Program of the Republic of Serbia for the year 2009** ("The Official Gazette of the Republic of Serbia", number 17/09) and the **National Employment Action Plan for the year 2009** ("The Official Gazette of the Republic of Serbia", number 17/09), were made in March 2009 in order to stipulate particular employment policy priorities, that is active employment policy goals, harmonized with the measures defined in the Program of the Measures to Mitigate Negative Effects of the World Economic Crisis, adopted on January 29, 2009, as well as the results of the active employment policy achieved in the previous years.

In terms of the above, stipulated priorities of the 2009 active employment policy are:

1. to maintain the 2008 employment level and to resolve on the legal employment status of redundant labour;
2. to increase formal employment within the private sector and to decrease regional differences;
3. to apply active employment policy measures in order to harmonize offer and demand on the labour market;
4. to improve social dialogue and to increase efficiency of the National Employment Agency.

Action Plan for the Youth Employment Policy Implementation for the period 2009-2011 was adopted in September 2009 ("The Official Gazette of the Republic of Serbia", number 78/09), stipulating goals and effects of the action plan, means, activity bearers, coordination, monitoring and assessment of the results achieved, bearing in mind the youth unemployment rate and difficult approach to the labour market. The action plan goals are:

1. to strengthen labour market management in accordance with the EU standards;
2. to strengthen employability in order to promote youth employment;
3. to strengthen private sector development in order to promote youth employment;
4. to improve perspective for the creation of youth-acceptable jobs;
 5. to pass target employment measures in order to promote inclusion of hard-to employ categories of young people in the labour market.

The **National Employment Action Plan for the year 2010** ("The Official Gazette of the Republic of Serbia", number 7/2010) was adopted in February 2010, stipulating priorities and goals of the employment policy in the year 2010, and that:

- to support opening of new workplaces, to mitigate the economic crisis impact on the existing jobs and to stimulate formal employment in the private sector, with considerable participation of social partners;
 - to decrease youth unemployment and to promote youth employment, especially the youth with decreased employment opportunities;
 - to decentralize employment policy and to apply proactive approach of local authorities in order to stimulate regional and local employment policy;
 - to improve education and training on the labour market offer and demand harmonization in order to increase investments in human resources;
 - to promote social inclusion and equal opportunities on the labour market.
- промовисање социјалне инклузије и једнаких могућности на тржишту рада.

The **National Employment Action Plan for the year 2011** ("The Official Gazette of the Republic of Serbia", number 55/10) was adopted in February 2010, and it stipulates directions, priorities and goals of the employment policy in the year 2011, while the National Employment Strategy for the period 2011-2020 has been prepared, and is to be adopted soon.

Table 1. Movement of the GDP increase rrate, 2007-2010

	2007	2008	2009	2010
Increase rate (%)	5.4	3.8	-3.5	1.5

Source: Statistical Office of the Republic of Serbia

Table 2. Number of employees with legal entities, by activity sectors, annual average

	2007	2008	2009	2010
TOTAL	100%	100%	100%	100%
AGRICULTURE, HUNTING, FORESTRY AND	3.8%	3.4%	3,2%	3,1%

WATERMANAGEMENT II				
FISHING	0.1%	0.1%	0,1%	0,1%
ORE AND STONE EXTRACTION	1.6%	1.6%	1,6%	1,7%
PROCESSING INDUSTRY	27.4%	25.9%	24,3%	23,0%
ELECTRIC POWER, GAS AND WATER PRODUCTION	3.1%	3,2%	3,3%	3,4%
CIVIL ENGINEERING	5.8%	5,8%	5,7%	5,3%
RETAIL AND WHOLESALE TRADE	13.7%	14,0%	13,8%	13,9%
HOTELS AND RESTAURANTS	1.7%	1,7%	1,6%	1,5%
TRAFFIC, STORING AND CONNECTIONS	7.6%	7,6%	7,6%	7,7%
FINANCIAL MEDIATION	2.1%	2,3%	2,6%	2,7%
REAL ESTATE ACTIVITIES, LEASE	4.7%	5,2%	5,7%	6,2%
GOVERNMENTAL ADMINISTRATION AND SOCIAL INSURANCE	4.8%	4,9%	5,1%	5,2%
EDUCATION	9.0%	9,3%	9,7%	10,1%
HEALTH AND SOCIAL WORK	11.0%	11,2%	11,6%	12,0%
OTHER UTILITY, SOCIAL AND PERSONAL SERVICES	3.7%	3,8%	4,1%	4,1%

Source: RAD investigation, Statistical Office of the Republic of Serbia

**Table 3. Movement of the activity rate of the citizens 15+ of age,
Republic of Serbia, 2007-2010**

Age category 15+	October	April	October	April	October	April	October
	2007	2008	2008	2009	2009	2010	2010

Activity rate	51.0%	51.5%	51.4%	49.3%	48.9%	47.2%	46.7%
<i>Men</i>	59.7%	60.2%	60.5%	58.0%	57.3%	55.9%	55.1%
<i>Women</i>	42.8%	43.6%	43.0%	41.4%	41.3%	39.2%	38.8%

Source: Opinion Poll on Labour, Statistical Office of the Republic of Serbia

Table 4. Movement of the basic labour market indicators for the citizens 15-64 of age, Republic of Serbia, 2007-2010

Age category 15-64	October 2007	April 2008	October 2008	April 2009	October 2009	April 2010	October 2010
Activity rate	63.4%	62.8%	62.6%	60.8%	60.5%	59.1%	58.8%
<i>Men</i>	71.9%	71.1%	71.3%	69.0%	68.4%	67.4%	67.2%
<i>Women</i>	54.9%	54.8%	54.1%	52.8%	52.8%	50.9%	50.6%
Employment rate	51.5%	54.0%	53.3%	50.8%	50.0%	47.2%	47.1%
<i>Men</i>	60.0%	62.3%	62.2%	58.7%	57.4%	54.3%	54.4%
<i>Women</i>	43.0%	46.0%	44.7%	43.3%	42.7%	40.2%	39.9%
Unemployment rate	18.8%	14.0%	14.7%	16.4%	17.4%	20.1%	20.0%
<i>Men</i>	16.5%	12.4%	12.7%	15.0%	16.1%	19.4%	19.0%
<i>Women</i>	21.7%	16.1%	17.3%	18.1%	19.1%	20.1%	21.2%
Inactivity rate	36.6%	37.2%	37.4%	39.2%	39.5%	40.9%	41.2%
<i>Men</i>	28.1%	28.9%	28.7%	31.0%	31.6%	32.6%	32.8%
<i>Women</i>	45.1%	45.2%	45.9%	47.2%	47.2%	49.1%	49.4%

Source: Opinion Poll on Labour, Statistical Office of the Republic of Serbia

Table 5. Basic indicators of the youth labour market, 15-24 of age, 2007-2010

Age group 15-24	October 2007	April 2008	October 2008	April 2009	October 2009	April 2010	October 2010
Activity rate	33.3%	31.1%	33.8%	28.3%	29.5%	28.2%	28.2%
<i>Men</i>	38.1%	36.5%	38.7%	32.3%	33.6%	34.6%	33.3%
<i>Women</i>	27.9%	25.6%	28.5%	24.2%	24.8%	21.2%	22.7%

Employment							
rate	18.7%	21.0%	21.6%	16.8%	17.0%	15.1%	15.2%
<i>Men</i>	22.6%	25.7%	26.3%	19.9%	20.2%	18.6%	18.4%
<i>Women</i>	14.4%	16.1%	15.7%	13.6%	13.3%	11.7%	16.1%
Unemployment							
rate	43.7%	32.7%	37.4%	40.7%	42.5%	46.4%	46.1%
<i>Men</i>	40.7%	29.6%	32.2%	38.5%	40.1%	46.3%	44.7%
<i>Women</i>	37.1%	48.3%	45.1%	43.7%	46.2%	46.7%	48.4%
Inactivity rate	66.7%	68.9%	66.2%	71.7%	70.5%	71.8%	71.8%
<i>Men</i>	61.9%	63.5%	61.3%	67.7%	66.4%	65.4%	66.7%
<i>Women</i>	72.1%	74.4%	71.5%	75.8%	75.2%	78.8%	77.3%

Source: Opinion Poll on Labour, Statistical Office of the Republic of Serbia

Table 6: Long-term unemployment rate, 15-64 of age, 2007-2010

Age category	October	April	October	April	October	April	October
15-64	2007	2008	2008	2009	2009	2010	2010
Long-term unemployment rate	15.2%	10%	10.4%	10.6%	11.4%	13.4%	14.3%
<i>Men</i>	13.1%	8.7%	8.9%	9.3%	10.7%	12.4%	13.8%
<i>Women</i>	17.9%	11.7%	12.3%	12.2%	12.3%	14.7%	14.9%

Source: Opinion Poll on Labour, Statistical Office of the Republic of Serbia

Table 7: Structure of the employed persons according to their labour status, 2007-2010

Age category	October	April	October	April	October	April	October
15+	2007	2008	2008	2009	2009	2010	2010
Employed workers	73.1%	64.5%	67.9%	67.4%	68.4%	65.6%	69.5%

<i>Men</i>	70.4%	63.5%	66.2%	65.1%	66.5%	62.7%	67.2%
<i>Women</i>	76.8%	65.8%	70.1%	70.3%	70.8%	69.5%	72.7%
Self-employed	20.1%	26.1%	23.5%	23.7%	22.8%	26.6%	22.1%
<i>Men</i>	26.5%	32.3%	29.9%	30.5%	28.9%	33.4%	28.1%
<i>Women</i>	11.3%	18.0%	14.9%	14.8%	14.9%	17.5%	14.0%
Supportive family members	6.8%	9.4%	8.6%	8.9%	8.8%	7.8%	8.4%
<i>Men</i>	3.1%	4.2%	3.9%	4.3%	4.6%	3.9%	4.7%
<i>Women</i>	11.9%	16.2%	14.9%	14.8%	14.3%	13.0%	13.3%

Source: Opinion Poll on Labour, Statistical Office of the Republic of Serbia

Table 8: The Republic of Serbia Budgetary Means apportioned for active and passive employment measures

	2007	2008	2009	2010
Means for active and passive employment measures as GDP %	0.10%	0.11%	0.13%	0.12%
Means for passive measures as GDP %	0.79%	0.75%	0.84%	0.84%

Source: Ministry of Economy and Regional Development,
Statistical Office of the Republic of Serbia

Article 1§2

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, if

appropriate.

Reply:

As one of the fundamental principles, Constitution of the Republic of Serbia («The Official Gazette of the Republic of Serbia», no. 95/06) stipulates prohibition of any discrimination at any basis, especially race, sex, nationality, social background, birth, religion, political or any other belief, financial standing, culture, language, age and psychological or physical disability, simultaneously stipulating that special measures, that might be introduced in order to establish full equality of persons or groups which basically do not share equal position with other citizens, will not be considered discrimination.

Prohibition of Discrimination Act («The Official Gazette of the Republic of Serbia», no. 22/09) has made actual contribution to the establishment of the constitutional principle of our country – equality and non-discrimination for all citizens. The above Act precisely stipulates discrimination forms and cases, as well as protection procedures, within all forms of social life.

The way to exercise and protect rights of persons with disabilities have been especially stipulated by the Law on Prevention of Discrimination of Persons with Disabilities («The Official Gazette of the Republic of Serbia», no. 33/06).

Considering equal rights exercising in the domain of employment, one should bear in mind that:

Employment and Unemployment Insurance Act, fundamentally prohibiting employment discrimination, stipulates impartiality principle when performing the activities of employment, concerning gender equality and affirmative action directed towards hard-to employ persons and freedom in choosing a workplace;

Law on Professional Rehabilitation and Employment of Persons with Disabilities established upon the principles of respect of human rights and dignity, inclusion in all domains of social life and decision-making processes concerning their rights and obligations, stimulation of employment in appropriate workplaces and within

appropriate work conditions by assuming affirmative actions of discrimination prohibition as well as gender equality of persons with disabilities.

Social cohesion and inclusion in the labour market is one of the strategic goals of the **National Employment Strategy for the year 2005-2010**. Within the relevant goal, the Strategy stipulates elements of the gender equality support in terms of employment and earnings and struggle against the discrimination of especially affected groups (unemployed, persons with disabilities and Roma People, refugees and internally displaced persons, persons new on the labour market and women).

National Action Plans annually stipulate priorities, programs and measures of the active employment policy, in compliance with the stipulated strategic goal. Therefore, goals and tasks of the 2009 employment policy were to create conditions for the youth employment and to stimulate employment of hard-to employ persons (persons with disabilities, Roma People, refugees and displaced persons, returnees upon the readmission agreement, women). Active employment policy programs in 2010 were directed towards the stimulation of youth employment, equalization of the labour market position of women and men and establishment of the conditions for social inclusion and employment of persons with disabilities, Roma People, refugees and displaced persons, returnees upon the readmission agreement, human trafficking victims and financial support beneficiaries).

Article 18 of the Labour Act («The Official Gazette of the Republic of Serbia», no. 24/05, 61/05 and 54/09) prohibits direct and indirect discrimination of the persons looking for a job or the employed ones, due to their gender, birth, language, race, skin colour, age, pregnancy, health condition that is invalidity, nationality, religion, marital status, familial obligations, sexual orientation, political or some other belief, social background, financial standing, membership in political organizations, trade unions or some other personal characteristic.

Pursuant to Article 19 paragraph 2 of this Act, in terms of the present Act, immediate discrimination is any activity caused at some of the basis from Article 18 of

the present Act, which puts a person looking for a job, or an employee, in a more disadvantageous position than other persons in the same or similar circumstances. Pursuant to paragraph 2 of the same Article, in terms of the present Act, immediate discrimination is the situation when a seemingly neutral stipulation, criterion or practice places or would place a person looking for a job or an employee, in more disadvantageous position than other persons, and that due to particular characteristic, status, orientation or belief from Article 18 of the present Act.

Discrimination from Article 18 of the present Act is forbidden in terms of: employment requirements and the selection of candidates for particular jobs; work conditions and all employment rights; education, training and development; promotion; employment agreement termination. Stipulations of the employment agreement which refer to discrimination based on some of the causes from Article 18 of the present Article are null and void. (Article 20).

Pursuant to Article 22, it will not be considered discrimination to separate, eliminate or give priority for a job due to the job nature or when its performance demands such circumstances in which the characteristics related to some of the basis from Article 18 of the present Act represent actual and crucial requirement for the job, or when its purpose is justified. Stipulations of the Act, general deed and employment agreement which refer to special protection and aid to particular categories of employees, especially the ones which apply to the protection of invalids, women during maternity-leave or sick-leave in order to take care of a child, special child care, as well as the stipulations which refer to special rights of parents, adopters, guardians and fosters – will not be considered discrimination. Pursuant to the Act (Article 23), a person looking for a job and an employee may institute damage recovery proceedings against discrimination in terms of the stipulations from Article 18 – 21 of the present Act, before the competent court.

Pursuant to Articles 8 and 9 of the Labour Act, the General Deed (collective agreement and labour rulebook) and employment agreement cannot contain stipulations which provide employees with fewer rights or stipulate more disadvantageous work requirements than the rights and requirements stipulated by the Act. Provided that the

General Act and its stipulations stipulate more disadvantageous work requirements than the ones stipulated by the Act, stipulations of the Act shall apply.

Labour Act does not contain any explicit stipulation which prohibits coercive or forced labour; however, basic principles of Article 26 of the Constitution of the Republic of Serbia prohibit slavery, slavery-like circumstances and coercive labour.

Article 1§3

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide indicators, estimated if necessary, on the functioning and the performance of the employment services in practice, including the number of vacancies registered by employment services; placement rate (placements made by the employment services as a share of notified vacancies).

Reply:

The Employment and Unemployment Insurance Law regulates explicitly that all the employment activities concerning the unemployed (also, those carried out by the National Employment Service and employment agencies) are provided free of charge. The employment activities as provided for by this Law include:

1. provision of information on employment opportunities and conditions
2. mediation in employment in the country and abroad
3. career guidance and professional orientation
4. implementation of the active employment policy measures
5. issuance of the work permit to a foreigner and stateless person

The National Employment Service is bound to inform the client on the opportunities and conditions for employment and usage of services provided by it. The unemployed exercises the right to information in the National Employment Service directly, that is, in its organisational units, by way of immediate and group information provision, use of self-service system, over phone, or via call centre, written information, a publication "Poslovi" (Jobs), web site, etc.

Also, the National Employment Service keeps records in the field of labour, in particular, about a person seeking employment (unemployed person, employed person

searching for another job, or any other person who is job-seeker), employer, and unemployment contribution payer and on employment demand.

The foreigner or stateless person may register with the National Employment Service if they have permission for permanent or temporary stay in the Republic of Serbia.

On the other hand, the unemployed person who is a beneficiary of cash social assistance pursuant to the law is eligible to the compensation of costs of submission of application for employment, as well as of the transport costs incurred for the interview with the employer.

Furthermore, the Law on Occupational Rehabilitation and Employment of Persons with Disability envisages the assessment procedure of work capacity, employability, or maintenance of employment covering medical, social and other criteria used to determine capacities and abilities of a person with disability required for entry into labour market and performance of actual tasks of workplace independently or with the support service, use of technical aids, i.e. capacities for employment under general and special conditions. The costs of assessment of work capacities and abilities or maintenance of job for the unemployed or person employed with an enterprise for occupational rehabilitation and employment of persons with disability are covered by the National Employment Service.

Table 9 Data from the registers kept with the National Employment Service

	2007	2008	2009	2010
Declared employment demand	758.832	790.261	516.116 *	94.418 *
Employment	895.508	737.725	642.989	703.773
Employment from the NES register	214.847	320.531	268.805	140.577

Source: NES

Notes on methodology applied:

*Pursuant to the provisions of the Employment and Unemployment Insurance Law (*Official Gazette of RS, no 36/09 and 88/10*), the National Employment Service maintains records (register) on declared employment demand submitted by the employers who have vacancies in the country and abroad pursuant to Article 93 of the Law. Therefore, the obligation to announce vacancies via the National Employment Services is optional. The data from June 2009 on the number of declared employment demand are not comparable with the data from the period preceding the adoption of the new Law in effect.

** The data on employment is obtained on the basis of received number of applications for mandatory social insurance forms on behalf of persons employed with the employer who is obliged to submit them to the Republic Health Insurance Fund (Form M). By May 2010, the NES obtained the data on the basis of the forms on entering into employment relationship submitted by the employer.

*** Persons who prior to entering the employment relations were registered with the NES are taken into account.

Article 1§4¹

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

Reply:

Employment and Unemployment Insurance Act stipulate jobs of professional orientation and additional education and training. On the other hand, the Law on Professional Rehabilitation and Employment of Persons with Disabilities stipulate specialized measures and activities of professional rehabilitation. Further information are provided in the replies concerning the implementation of Articles 9, 10 and 15.

Article 9 – The right to vocational guidance

<p>With a view to ensuring the effective exercise of the right to vocational guidance, the Parties undertake to provide or promote, as necessary, a service which will assist all persons, including the handicapped, to solve problems related to occupational choice and progress, with due regard to the individual's characteristics and their relation to occupational opportunity: this assistance should be available free of charge, both to young persons, including schoolchildren, and to adults.</p>
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Information to be submitted

¹ The conformity of national situations with this provision is assessed with reference to Articles 9, 10 and 15 of the Charter due to the links between these provisions. Consequently, where a state has accepted Articles 9, 10 and 15 reference may be made to the information provided in respect of these Articles. Where a state has not accepted one or more of the provisions of Articles 9, 10 or 15, the ECSR will assess the conformity of the situation under Article 1§4.

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please supply any relevant statistics or other information on public spending on vocational guidance services, their geographical distribution and the institutions that provide them, their staffing levels and the qualifications of those staff, and the number of persons served and their characteristics, in terms of age, sex, educational level and occupation.

Reply:

Employment and Unemployment Insurance Act stipulate the job of professional orientation and career planning consulting, as one of the employment jobs offered to the unemeployed without any compensation.

Jobs of professional orientation and career planning consulting include the jobs which provide individual or collective help for the persons looking for a job or other persons in the need of career planning, when choosing or chaning their occupation or when passing decisions concerning career development.

Professional orientation and career planning consulting should:

1. provide information of the labour market and occupation development;
2. provide career guidance for the persons looking for a job and for other persons, when making plans about the direction of their career development;
3. deveop ability with the persons looking for a job to make decisions about their own career;
4. develop the ability to actively look for a job;
5. select candidates according to the job requirements and psychophysical abilities of the person;
6. assume other consulting activities which increase employability of the persons looking for a job.

Professional orientation and career planning consulting provided within the National Agency include the following:

1) the provision of professional information, within the Information and Professional Counselling Center of the National Employment Agency, to individuals, groups or through self-informing, and by means of other organizational forms and manners which make the information relevant for career planning and management available to a large number of unemployed and other interested persons;

2) organization of professional orientation fairs and/or participation in the education fairs in order to make as much interested beneficiaries as possible familiar with the professional information services;

3) professional counselling which, pursuant to the law, includes the provision of aid for children, the youth, the unemployed and the employed in choosing or changing their occupations, education and qualifications as well as in passing other decisions concerning the career change, including professional rehabilitation as well;

4) organization of self-efficacy trainings (active job search-2) – the program stipulated for the long-term unemployed and/or under the threat of long-term unemployment in order to prevent social exclusion and to raise the level of competence and personal efficacy when looking for a job, by means of psychological support;

5) professional selection – carried out at the request of the employer / the National Employment Agency branch, in order to psychologically assess compatibility of characteristics and abilities of the persons looking for a job with requirements of the job / work environment or with the criteria required for the inclusion in the education and training programs;

6) professional classification – carried out at the employer's request in order to check compatibility of psychophysical characteristics of employees with the job requirements, in order to make work better organized and to use human resources in a more adequate manner.

Speaking of the availability of professional rehabilitation services, the following institutions have been established within the National Agency: Provincial Employment Agency (2 Provincial Agencies), branches (34 in administrative regions) and other internal organizational units (21 agency – in local self-administration units, 118 affiliations

and 2 offices in small settlements). The network of organizational units of the National Employment Agency covers the whole territory of the Republic of Serbia.

Pursuant to the Law Setting the Maximum Number of Employees in the Republic Administration, a new Rulebook on Job Organization and Systematization has been adopted, relocating human resources and thus ensuring rationalization, keeping administrative capacities within the fundamental functions of the National Employment Service. After the rationalization with the National Employment Agency, 1,773 persons have got full-time employed, while 154 have got part-time employed due to the temporarily increased scope of work. Full-time career planning jobs (professional orientation is included in such named jobs) count 39 persons, all with university education and psychologists by occupation.

Table 10: Number of persons provided with the services of professional orientation and career planning (according to services) and their characteristics

Year 2009	Total (number of persons)	Women	Education level							
			I	II	III	IV	V	VI	VII	VIII
Counselling and difficult employability factor	9,621	5,422	3,833	286	1,459	2,545	66	606	826	0
Selection and classification	18,911	12,071	1,266	353	2,967	5,858	158	2,540	5,766	3
Self-efficacy training – active job search 2	1,975	1,506	111	75	403	951	20	212	203	0

Year 2009	Years of age				Long-term unemployment (more than 12 months)
	up to 25	from 26 up to 30	from 31 up to 50	over 50	
Counselling and difficult employability factor	4,585	1,136	2,861	1,039	2,529
Selection and classification	3,595	5,131	8,875	1,310	8,223
Self-efficacy training – active job search 2	110	190	1,225	450	1,177

Year 2010	Total (number of persons)	Women	Education level							
			I	II	III	IV	V	VI	VII	VIII
Counselling and difficult employability factor	7,667	4,506	2,982	204	778	2,155	38	444	1,066	0
Selection and classification	24,759	16,524	928	298	2,002	4,718	121	4,149	12,541	2
Self-efficacy training – active job search 2	1,879	1,456	141	65	418	901	14	169	170	1

Year 2010	Years of age	Long-term
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	up to 25	from 26 up to 30	from 31 up to 50	over 50	unemployment (more than 12 months)
Counselling and difficult employability factor	3,866	942	2,079	780	1,825
Selection and classification	3,629	7,371	11,742	2,017	11,058
Self-efficacy training – active job search 2	93	171	1,174	441	1,207

Source: National Employment Agency

Article 10 – Everyone has the right to appropriate facilities for vocational training.

With a view to ensuring the effective exercise of the right to vocational training, the Parties undertake:

1. to provide or promote, as necessary, the technical and vocational training of all persons, including the handicapped, in consultation with employers' and workers' organisations, and to grant facilities for access to higher technical and university education, based solely on individual aptitude;
2. to provide or promote a system of apprenticeship and other systematic arrangements for training young boys and girls in their various employments;
3. to provide or promote, as necessary:
 - a. adequate and readily available training facilities for adult workers;
 - b. special facilities for the retraining of adult workers needed as a result of technological development or new trends in employment;
4. to provide or promote, as necessary, special measures for the retraining and reintegration of the long-term unemployed;
5. to encourage the full utilisation of the facilities provided by appropriate measures such as:
 - a. reducing or abolishing any fees or charges;
 - b. granting financial assistance in appropriate cases;
 - c. including in the normal working hours time spent on supplementary training taken by the worker, at the request of his employer, during employment;

- | |
|---|
| <p>d. ensuring, through adequate supervision, in consultation with the employers' and workers' organisations, the efficiency of apprenticeship and other training arrangements for young workers, and the adequate protection of young workers generally.</p> |
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Information to be submitted

Article 10§1

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please supply statistics or any other relevant information to show how this provision is applied in practice. The main indicators of compliance with this provision are: the total amount of public expenditure devoted to vocational training; the number of vocational and technical training institutions and types of education and training provided; number of teachers and pupils.

* The Republic of Serbia has ratified paragraphs 1-4 of the Article 10

Reply:

Employment and Unemployment Insurance Act stipulates additional education and training as an active employment policy measure.

Additional education and training include all the activities which give an opportunity to the unemployed and the employed whose work is no longer required with the employer and to whom it is impossible to provide appropriate employment, to attend theoretical and practical training in order to acquire new knowledge and skills necessary for employment, that is to make the ground for employment and self-employment.

Additional education and training is organized at the employer's request or when the market demands so. Pursuant to the General Deed of the National Agency, the expenses of additional education and training organized by the National Employment

Agency at the employer's request will be charged to the employer, while the expenses of additional education and training for the market will be charged to the National Agency.

The unemployed are to accept the appropriate education and training to which the national Agency has referred them so that they might get employed or increase their possibility of employment in compliance with the individual employment plan.

The Unemployed who complete additional education and training will be awarded a document confirming their capacity to do the jobs they have been trained for.

The National Employment Agency individually carries out the annual program of additional education and training for the labour market needs, as at-work training with the employers or through specialized trainers, with whom individual programs are arranged after the public procurement procedures.

Pursuant to the guidelines and tasks stipulated by employment action plans and the National Agency Workplan, the annual measures of additional education and trainings include: functional education of adults, apprentices and volunteers, postgraduate student co-financing and training for the labour market or the known employer. Apart from the abovementioned, additional education programs for the years 2009 and 2010 mainly focused on the realization of two programs, and that: vocational training and youth employment "The First Chance" and training programs for the labour market and the known employer. "The First Chance" program includes vocational training and employment of the youth up to 30 years of age, with no vocational work experience, and it is primarily provided for the private sector employers who get the opportunity to hire an apprentice and exercise the right to get compensation for earnings and social insurance contribution expenses for the maximum period of 12 months.

There is also a professional practice measure which is to train people for independent vocational work rather than to make them somebody's employees. This measure will be in force up to 12 months, during which period the engaged persons will get financial relief, while contributions for occupational injury and occupational disease will be calculated and paid, and all the expenses arising from the passing of vocational examination will be settled.

Table 11: Financial assets spent for additional education and training programs, in RSD

	2007	2008	2009*	2010*
Additional	738,248,657.62	738,775,018.28	3,739,950,961.96	2,093,423,249.77

education and training programs				
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* Apart from the budgetary assests of the Republic of Serbia, additional education and training programs in 2009 and 2010 were also financed from the budget of the Autonomous Province of Vojvodina.

Source: National Employment Agency

Table 12: Number of persons provided with the services of additional education and training (according to services) and their characteristics

Year 2007	Total (number of persons)	Women	Education level								
			I	II	III	IV	V	VI	VII	VIII	
Functional primary education of the adult	140	59	140	0	0	0	0	0	0	0	0
Apprentices	1,456	786	0	0	319	438	2	201	496	0	
Apprentices-volunteers	3,059	2,134	0	0	92	875	1	722	1,369	0	
Volunteers-voluntary trainees	3,086	2,093	0	0	864	1,706	3	300	213	0	
Postgraduate student co-financing	123	87	0	0	0	0	0	0	123	0	
Trainings	6,687	4,358	985	533	934	2,825	40	627	742	1	

Year 2007	Years of age				Long-term unemployment (more than 12 months)
	up to 25	from 26 up to 30	from 31 up to 50	over 50	
Functional primary education of adults	93	27	20	0	43
Apprentices	565	619	272	0	285
Apprentices-volunteers	885	1,431	736	7	762
Volunteers-voluntary trainees	1,502	963	621	0	1,200
Postgraduate student co-financing	23	55	45	0	30
Trainings	1,718	1,666	3,021	282	2,398

Year 2008	Total (number of persons)	Women	Education level							
			I	II	III	IV	V	VI	VII	VIII
Apprentices	2,140	1,164	0	3	437	617	9	288	784	2
Apprentices - volunteers	2,158	1,444	0	0	66	621	1	464	1,006	0
Volunteers-voluntary trainees	1,664	1,040	0	0	442	967	6	160	89	0
Functional primary	101	53	101	0	0	0	0	0	0	0

education of adults										
Trainings	3,875	2,141	401	63	677	1,728	16	504	484	2

Year 2008	Years of age				Long-term unemployment (more than 12 months)	Looking for a job for the first time
	up to 25	from 26 up to 30	from 31 up to 50	over 50		
Apprentices	876	966	297	1	261	1,557
Apprentices-volunteers	863	1,062	233	0	263	1,606
Volunteers-voluntary trainees	1,133	503	28	0	319	1,280
Functional primary education of adults	67	17	16	1	20	73
Trainings	981	1,073	1,613	208	1,169	2,158

Year 2009	Total (number of persons)	Women	Education level							
			I	II	III	IV	V	VI	VII	VIII
Apprentices	17,150	9,518	0	0	3,811	7,289	71	1,766	4,213	0
Trainings	3,365	2,154	289	65	488	1,417	28	461	617	0

Year 2009	Years of age				Long-term unemployment (more than 12 months)	Looking for a job for the first time
	up to 25	from 26 up to 30	from 31 up to 50	over 50		
Apprentices	8,649	6,940	1,535	26	1,989	10,498
Trainings	777	1,012	1,453	123	1,783	1,559

Year 2010	Total (number of persons)	Women	Education level							
			I	II	III	IV	V	VI	VII	VIII
Apprentices	17,175	9,065	0	0	4,347	6,292	39	1,822	4,675	0
Trainings	4,697	2,566	610	157	1,158	1,890	49	397	436	0

Year 2010	Years of age				Long-term unemployment (more than 12 months)	Looking for a job for the first time
	up to 25	from 26 up to 30	from 31 up to 50	over 50		
Apprentices	10,002	7,173	0	0	5,172	11,302
Trainings	987	977	2,459	64	2,060	1,629

Source: National Employment Agency

Article 10§2

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

3) Please supply statistics or any other relevant information to show how this provision is applied in practice. The main indicators of compliance with this provision are: the existence of apprenticeship and other training arrangements for young people; the number of young persons benefiting from training systems; how the arrangements for vocational training are divided between the various types of vocational activity; length of the apprenticeship; the total public spending (and private spending, if possible) on these types of training and the availability of places for all those seeking them; equality of access to apprenticeship training for all those interested, including national of the other States party.

Reply:

In order to promote full youth employment and more productive and freely chosen employment, the Government adopted the Youth Employment Action Plan for the period from 2009 to 2010, in 2009. Time period of three years gives the opportunity to consolidate the youth employment action plan with the employment strategy goals. Basic goals of the action plan are: to strengthen labour market management in compliance with EU standards; to develop private sector in order to promote youth employment; to improve the possibility of acceptable youth jobs; to pass targeted employment measures in order to promote the labour market inclusion of hard-to-employ categories of young people.

One of the employment policy priorities, stipulated by the National Employment Action Plan for 2010, is to decrease unemployment of youth and to promote their employment, especially of the youth affected by the decreased employment opportunities due to their dropping out of school or due to some other characteristics which make their approach to the labour market more difficult. Unless otherwise stipulated by the action plan, there are certain active employment policy programs and measures which should contribute to the achievement of a particular goal, that is, they are to:

- ensure synergistic effect of various policies and establish a unique youth employment policy,

- develop career management and counselling,
- increase youth employability through the acquisition of additional knowledge and skills,
- provide training and development for individual work,
- promote professional practice for pupils and students,
- stimulate employers to employ young people,
- support young entrepreneurs,
- finance active policy measures through the Youth Employment Fund.

Within the "YEM" (Youth Employment and Migration) project and "Youth Employment Promotion" program carried out in 2009, the Youth Employment Fund was established within the National Employment Agency in order to provide help for the young people in the need of special support, such as unqualified and low-qualified persons, persons with disabilities, Roma people, returnees in the readmission procedure and refugees and displaced persons. Apart from the budgetary assets of the Republic of Serbia allocated for active employment measures, the Fund is also financed from the donation of the Spanish fund for Millennium Development Goals, donations of the Italian Government and the Open Society Fund. The Fund assets are used for financing active youth employment measures, such as various trainings (in the institution, at workplace), employment strategies and support in instituting own business. There is also a possibility to combine measures and to use several various measures. Attendants of the employment preliminary program are primarily trained for the jobs pertaining to the following scopes of work:

- commerce, catering and tourism 16.67%,
- textiles and leather 15.27%,
- agriculture, food production and processing 13.27% and
- utilities, upholstery and painting services 10.68%.

Measures of the 2010 Project: "Youth Employment and Migrations" included 943 young persons up to 30 years of age and with 2nd level of vocational training maximum.

The Project measures included 201 persons of Roma nationality, 73 persons with disabilities and 15 refugees/displaced persons.

Measures of the 2010 Project: "Youth Employment Promotion" (International Labour Organization/SOROŠ) included 330 persons up to 30 years of age, of which 163 women (49.39%) and 230 long-term unemployed persons (70%).

In addition, measures of the Project: "Inclusion of Endangered Groups on the Labour Market" (Trade Labour Organization), which commenced in September 2010, included 33 persons up to 30 years of age, of which 16 women (18.48%), 8 unqualified persons (24.24%) and 25 long-term unemployed persons (75.75%).

Article 10§3

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

3) Please supply statistics or any other relevant information to show how this provision is applied in practice. The main indicators of compliance with this provision are: the existence of facilities for training and retraining of adult workers, in particular the arrangements for retraining redundant workers and workers affected by economic and technological change; the approximate number of adult workers who have participated in training or retraining measures; the activation rate – i.e. the ratio between the annual average number of previously unemployed participants in active measures divided by the number of registered unemployed persons and participants in active measures; equal treatment of non-nationals with respect to access to continuing vocational training.

Reply :

Trainings of adult unemployed persons are organized and carried out at the employer's request and they include participation in financing of the trainings, provided that there are no persons, recorded with the National Employment Service, with required occupations or with knowledge and skills necessary for vacant jobs or subsidy of the mandatory social insurance expenses for trained and employed persons upon the training completion. Training duration is up to 6 months, depending upon complexity of the relevant jobs. During the training, the compensation is provided for: 1. training expenses at the amount of RSD 90,000 per person, 2. financial support for attendants, in compliance with the Agreement, 3. insurance of attendants in case of injury at work and occupational disease.

Labour market trainings are organized and carried out in compliance with the employers' needs in the relevant area. These trainings are carried out on the annual level, in compliance with the Annual additional Education and Training Program and Work Program of the National Employment Service.

Programs of the functional adult primary education are organized for persons who have dropped out of primary school. The program enables these persons to complete the primary education they have already commenced and to proceed to secondary-school education, whether through continual trainings for the labour market needs or through the secondary education system based on the programs adjusted to the adult needs, all in order to acquire functional literacy and first qualifications, and thus to raise their competence on the labour market. Therefore, "The Second Chance – Development of the

System of Functional Adult Primary Education in Serbia“ project is carried out, and its aim is a contemporary system of functional adult education of the adult in Serbia, which will efficiently contribute to decrease in poverty, social cohesion and economic recovery of the country.

Article 10§4

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please supply statistics or any other relevant information to show how this provision is applied in practice. The main indicators of compliance with this provision are: types of training and retraining measures available; the number of persons in this type of training and the impact of the measures on reducing long-term unemployment; equal treatment of non-nationals with respect to access to training and retraining for long-term unemployed persons.

Reply:

Employment and Unemployment Insurance Act stipulates active employment measures as activities that are to improve employment, implemented also in case of long-term unemployed persons. That is to say, the annual employment action plan is to classify categories of unemployed persons considered to be hard-to-employ, so that such categories might have priority when being included in all active employment policy measures. Since the first employment action plan, hard-to-employ categories include youth and long-term unemployed persons, members of particular ethnic minorities with prominent unemployment rate, women, persons over 45/50 years of age, refugees and displaced persons and persons with disabilities.

The National Employment Strategy for the period 2005-2010 pays special attention to the prevention of long-term unemployment and intergration of unemployed persons before they reach the status of long-term unemployment.

Within the activities of long-term unemployment prevention, the most relevant are also vocational training measures, training and re-training. The basic aim of this type of active labour market policy is to increase employability and efficiency of unemployed persons, adapting the labour offer to the employer's requirements, that is giving the chance to the persons with the increased risk of long-term unemployment to acquire work experience, work habits and appropriate practical skills that might increase their chances of employment. The training can be directed towards individuals or groups, in formal classrooms or companies when in the form of training at work.

So, one of the priority tasks stipulated by the National Action Plan for the period 2006-2008 is to include unemployed persons registered with the National Employment Agency for more than 12 months in the training programs. The training encompass the following programs: fundamentals of informatics training, foreign language training, re-training and additional training for the labour market needs and a known employer and virtual companies. The National Employment Action Plans for 2009 and 2010 is also to include long-term unemployed persons in the active employment policy measures.

One of the strategies for prevention of long-term unemployment is to develop individual employment plan strategies so that to give priority to the persons who are more likely to reach long-term unemployment, whether based on individual or statistic (group) characteristics. Individual employment plan as a document contains the measures necessary to implement in order to employ the unemployed person and it is the basis for financing and implementation of the active employment policy measures concerning the unemployed.

Public works are an active measure, stipulated mainly for socially endangered groups with a higher long-term unemployment risk, for the performance of general-interest works (within the domain of utility services, infrastructural, social and other activities), financed from the central and local budgetary assests.

Article 15 – The right of persons with disabilities to independence, social integration and participation in the life of the community

With a view to ensuring to persons with disabilities, irrespective of age and the nature and origin of their disabilities, the effective exercise of the right to independence, social integration and participation in the life of the community, the Parties undertake, in particular:

1. to take the necessary measures to provide persons with disabilities with guidance, education and vocational training in the framework of general schemes wherever possible or, where this is not possible, through specialised bodies, public or private;
2. to promote their access to employment through all measures tending to encourage employers to hire and keep in employment persons with disabilities in the ordinary working environment and to adjust the working conditions to the needs of the disabled or, where this is not possible by reason of the disability, by arranging for or creating sheltered employment according to the level of disability. In certain cases, such measures may require recourse to specialised placement and support services;
3. to promote their full social integration and participation in the life of the community in particular through measures, including technical aids, aiming to overcome barriers to communication and mobility and enabling access to transport, housing, cultural activities and leisure.

Information to be submitted

Article 15§1

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information to demonstrate effective access to education and vocational training for persons with disabilities (total number of persons with disabilities, number of persons with disabilities of 0-18 years of age, number of persons with disabilities in mainstreaming and special education and vocational training, including higher education; number of integrated classes and special education institutions, basic and in-service training for teachers).

Reply:

The Law on Professional Rehabilitation and Employment of Persons with Disabilities stipulates employment stimulation which is to establish conditions for equal inclusion of persons with disabilities in the labour market; working ability assessment; professional rehabilitation; the obligation to employ persons with disabilities; requirements for establishment and performance of activities of the companies for professional rehabilitation and employment of persons with disabilities; other questions relevant for professional rehabilitation and employment of persons with disabilities.

This Law is established upon the principles of:

- 1) respect of human rights and dignity of persons with disabilities;
- 2) equal inclusion of persons with disabilities in all social life spheres – according to professional qualifications;
- 3) stimulation of the employment of persons with disabilities at appropriate workplaces and within appropriate working requirements;
- 4) prohibition of discrimination of persons with disabilities, in compliance with the Law;
- 5) equal rights and obligations;
- 6) gender equality of persons with disabilities.

The Law also stipulates professional rehabilitation of persons with disabilities through the organization and implementation of the program of measures and activities with the aim to provide training for a particular job, employment, employment maintenance, progress or the change of professional career.

Professional rehabilitation of persons with disabilities is implemented through the implementation of measures and activities which include:

- 1) career guidance, professional informing, counselling and individual employment plan;
- 2) work training, additional training, re-training and programs for the acquisition, maintenance and development of work and work and social skills and abilities;

3) individual and group, general and adjusted programs for the improvement of work and social integration;

4) motivation development, technical aid, professional support, monitoring and assessment of professional rehabilitation results;

5) individual counselling work which might also help accept one's own disability from the viewpoint of the possibility to get included in work and specific professional rehabilitation measures;

6) education and training seminars for employers, work training professionals and professional rehabilitation of persons with disabilities and other persons;

7) suggestions and training for the implementation of appropriate technical and technological solutions which should improve learning and studying efficiency of a disabled person, as well as support services;

8) other activities.

Apart from the organizations competent for employment activities, professional rehabilitation jobs can also be performed by the companies for professional rehabilitation and employment of persons with disabilities, educational institutions and other forms of organizing meeting the requirements, criteria and standards for the implementation of professional rehabilitation measures and activities.

Professional rehabilitation measures and activities which refer to: work training, additional qualification, re-qualification and programs for acquisition, maintenance and improvement of work and work and social skills and abilities of persons with disabilities; individual and group, general and adjusted programs for the improvement of work and social integration of persons with disabilities; education and training seminars for employers, work training professionals and professional rehabilitation of persons with disabilities and other persons; persons performing the jobs of professional rehabilitation are to carry out suggestions and training for the implementation of adequate technical and technological solutions which should improve learning and working efficiency of persons with disabilities, as well as support services, provided that the following standards have been met:

- 1) construction and technical standards;
- 2) standards concerning professional workers;
- 3) standards concerning equipment;
- 4) standards concerning training program content.

Expenses of professional rehabilitation of the persons with disabilities, whose working ability is decreased due to an injury at work or occupational disease which has occurred after this Law entered into force, will be charged to the employer with whom the relevant persons with disabilities were employed at the moment the injury at work or occupational disease occurred.

Expenses of professional rehabilitation of other persons with disabilities will be charged to the organization competent for employment jobs.

Pursuant to the Law on Professional Rehabilitation and Employment of Persons with Disabilities, persons with disabilities are employed in accordance with general or special requirements.

Employment with an employer which excludes adjustment of activities, workplace or both, will be considered employment of persons with disabilities according to general requirements.

Employment with an employer which includes adjustment of activities, workplace or both, will be considered employment of persons with disabilities according to special requirements.

Adjustment of activities means adjustment of a work process and work tasks.

Adjustment of a workplace assumes the provision of technical and technological equipment, work instruments, space and equipment – in compliance with possibilities and necessities of persons with disabilities.

In support of persons with disabilities when introduced to a job or a workplace, one may provide professional aid through the adjustment in terms of counselling, training, assistance and support at workplace, work monitoring, development of personal methods of work and efficacy rating.

Pursuant to the Law, each employer with minimum 20 employees is to employ a certain number of persons with disabilities.

Employers with 20 to 49 employees are to employ at least one person with disability.

Employers with 50 and more employees are to employ at least two persons with disabilities, and one more per every successive 50 employees.

Special forms of employment and work engagement of persons with disabilities, which should employ, that is engage and improve life quality of persons with disabilities, may be organized as:

- 1) companies for professional rehabilitation and employment of persons with disabilities;
- 2) workcenters;
- 3) social companies and organizations.

Companies for professional rehabilitation and employment of persons with disabilities are legal entities which employ and carry out professional rehabilitation of persons with disabilities.

A company for professional rehabilitation and employment of persons with disabilities may be established by the Republic of Serbia, the autonomous province, a local self-administration unit, a company, an association of persons with disabilities or some other legal or physical entity, in order to open new workplaces and to employ persons with disabilities.

A company for professional rehabilitation and employment of persons with disabilities may perform its activities on condition that:

- 1) there are at least five persons with disabilities employed within;
- 2) there are at least 50% of persons with disabilities, out of which 10% of persons with disabilities employable only under special requirements, employed within, depending on the total number of employees;
- 3) there is an appropriate space and technical and other equipment for work training and work of persons with disabilities;

4) there are work training and professional rehabilitation experts employed within, provided that the company employs more than 20 persons with disabilities, that is, two professionals engaged if the company employs less than 20 persons with disabilities, and that:

- one person to carry out teaching and training for the jobs the persons with disabilities are being trained for,
 - one person to provide professional assistance for employed persons with disabilities;
 - one person – workplace integration counsellor;
- 5) it has the permit to perform relevant activities.

A workcenter is a special form of an institution which provides work engagement as a work and therapeutic activity of persons with disabilities unemployable or unable to maintain employment neither under general nor under special requirements, that is whose work efficiency is less than a third of work efficiency of a person employed within a regular workplace.

A workcenter is allowed to perform its activities provided that it engages at least five persons with disabilities for work and therapeutic activities, i.e. if it engages at least 80% of persons with disabilities for work and therapeutic activities in comparison with the total number of work engaged and employed persons.

In terms of this Law, a social company is a company established to perform activities which should satisfy needs of the persons with disabilities and which, regardless of the total number of employees, employs at least one disabled person.

A social organization is the other organizing form established in order to perform activities the purpose of which is to satisfy the needs of persons with disabilities and which employs at least one disabled person.

A social company and a social organization are to invest a part of the income earned through the relevant activities in order to improve work conditions, work skills, social integration, life standard and satisfaction of the needs of persons with disabilities.

Pursuant to the Law on the Fundamentals of Education and Upbringing System (The Official Gazette of the Republic of Serbia, number 72/09) – hereinafter: the Law, equal rights and education availability has been stipulated for everybody, including the implementation of inclusion measures in educational practice. Within the law, the terminology used in education system in order to define disability is: children and pupils with developmental issues and disability, that is handicapped students, pursuant to the University Education Act.

The Law also stipulates General Education and Upbringing Principles, pursuant to which: equal rights and education and upbringing availability is to be provided for all children, pupils and adults; equal education and upbringing possibilities concerning all education and upbringing types and pursuant to the needs and interests of children, pupils and adults without any obstacles for a change; continuation and completion of education and life-long education; the possibility that children, pupils and adults with developmental issues and disabilities access to all institutional education levels, regardless of their financial status, as well as to exercise the right to education, without hindering other childrens' other human rights.

The law has been established upon inclusion principles and education upbringing aims (it stipulates mandatory enrollment in preliminary pre-school program – PPP, and primary school – PS, of all children from social groups – the possibility to work according to the individual education plan – IEP) stipulating that education and upbringing work for the persons using a sign language, that is a special script or other technical solutions, is to be carried out in that sign language and by means of its instruments.

The Law stipulates that special standards and achievements may be adjusted to every student with developmental issues and disability if supported by constant monitoring of his/her development, while final examination, general graduation and vocational graduation are organized in compliance with the student's motoric and sensory abilities, i.e. requirements specific for a particular type of disability.

Support of the children and pupils with developmental issues and disability is recognized in the following legislations and rulebooks:

- The Law on Textbooks and other Teaching Resources (The Official Gazette of the Republic of Serbia, number 72/09) stipulating the provision of textbooks for pupils with developmental issues and the textbook editing right. Textbooks or other teaching resources may be edited in Braille Script, as a soft copy or in formats adjusted to the blind and weak-sighted (writing printed in large letters, audio recordings or enlarged photos, that is some other forms and media) for the education and upbringing work with the blind and weak-sighted persons or as a soft copy for deaf and weak-hearing pupils.
- The Law on Pre-School Education and Upbringing (The Official Gazette of the Republic of Serbia, number 18/10) stipulates enrollment of the children with developmental issues in regular groups in kindergartens or in developmental groups which enroll the children with extremely difficult developmental issues, as well as the creation of individual upbringing and education plan for the children in the need of additional support. Hospitalized children will also have the possibility to exercise their education rights.
- The University Education Act (The Official Gazette of the Republic of Serbia, number 76/05) which organizes studies for the handicapped students as well.
- Rulebook on Additional Education, Health and Social Support of Children and Students (The Official Gazette of the Republic of Serbia, number 63/10) – which provides additional education system support of the children in the need of it, through the work of inter-ministerial commission – IMC, on the local level (the Rulebook has been signed by the Minister of Education, Health and Social Policy).
- The Rulebook on Precise Instructions for the Individual Education Plan Stipulation, Implementation and Estimation (The Official Gazette of the Republic of Serbia, number 76/10) – providing the children within sensitive groups with the education appropriate for their abilities in the regular education system. The

above does not prevent the students attending schools for the pupils with developmental issues to work according to the IEP as well, according to their individual potential.

Measures undertaken with the purpose of legislative frame implementation:

- Over 7500 practitioners within the education system have mastered the national training on inclusive education, making and implementation of the Individual Education Plan;
- 160 new inter-ministerial commissions (IMC) have been established within municipal and city administrations of the Republic of Serbia. Small municipalities may establish a joint IMC. All 160 IMCs have attended a training for work and implementation of the Rulebook on Additional education, health and social support for children and pupils. Three permanent IMC members (representatives of the health, education and social protection systems) and the commission representative have completed their trainings. IRK operations are also supported through the IRK Operation Manual. Parents' Guide is also available, and it is to more closely introduce the parents' role in the operations of interresource commission and their children's rights. Various needs of the children from socially sensitive groups, in the need of additional educational, health and social protection support due to social deprivation, developmental issues, disability, learning difficulties and other reasons, are assessed and monitored by local commissions which include representatives of all three ministries. The assessment is established upon the overall and individualized approach, based on equal possibilities in recognizing the needs of children and pupils, in order to provide appropriate support and social inclusion through the approach to the rights, services and ministries. Additional support has also been stipulated for the purchase and adjustment of textbooks and other education resources (e.g. in Braille Script),

assistive technologies, engagement of pedagogic assistants and/or personal attendants as well as other support, upbringing and education experts in a developmental group or a school for education of the pupils with developmental issues. Indirect support for the institution has also been stipulated through the environmental adjustment, mandatory professional development of the employed, increased sensitivity of peers and their parents in accepting all children, counselling work with parents of the children in the need of additional support, the provision of food, transport and extended dwelling of such children in the education institution.

- In school for persons with disabilities (known as specialized schools, 47 in total), pupils have acquired primary education according to special or adjusted education programs. The committee in charge of guidelines for further development of schools for persons with disabilities (established on the national level) has stipulated fundamental directions for the development of these institutions as multifunctional (education of children with all kind of issues), according to which an individual educational plan is prepared for every student. Pupils are presently enrolled in these schools only with the previous consent of their parents, and that at the doctor's recommendation and according to the need for additional educational, health or social support for a pupil.
- Three main organizational forms of the secondary education of pupils with developmental issues are: schools for pupils with developmental issues, special classes within regular schools and classes within regular schools in which children with developmental issues get educated together with other children.
- Ever since the school year 2010/2011, all pupils take the final examination upon the completion of the eighth grade. Earlier before, it used to be an obligation only for the pupils who wanted to continue their education in four-year secondary schools. Pupils who have turned 15 do not have to attend

school any more, while on the other hand, schools can provide them with education up to 17 years of age, that is, after 19 year of age as well, when it comes to pupils with developmental issues.

- Inclusive School Development Manual has been issued to help schools develop inclusive policy, culture and practice, in collaboration with the Institute for the Evaluation of Education and Upbringing Quality.
- Educational inclusion has been implemented through the partnership with non-governmental sector which includes school administration counsellors, teaching staff-practitioners, expert associates (Teachers Association of the Republic of Serbia) as well as through the promotional work with teams included in the DILS (Delivery of Improved Local Services) and EFA (European Forum Alpbach). Media promotion of education policy is carried out through interviews and public performances of top/level education system decision-makers in
- «Strengthening of Inclusive Education Institutions» is a program implemented to support school projects for the improvement of inclusive culture and practice through grants. Financial assets have been allocated for employee trainings, the supply of assistive technology, small construction renovation, local activities which raise consciousness of the importance of social inclusion and quality cooperation with parents. Electronic material has been prepared and distributed and manuals printed in support of teachers working with children in the need of additional support.
- The network of inclusive education support, consisting of 75 practitioners and 10 schools open for questions and issues, horizontal learning, visits of other employees, demonstration of education and upbringing work, internal network construction, learning resource development, cooperation with parents and construction of team work capacities etc, has been established and operates. Apart from the education employees, the network is also addressed by parents

of the children with developmental issues and disabilities, reference organizations of civilized society, interested public and media.

- Introduction of achievement standards according to the levels, for primary and secondary level of education.
- Educational infrastructure is still being adjusted to persons with disabilities, which is mainly realized with the support of donors/projects.
- Presently, there are several projects which are to increase availability of education to children/pupils from sensitive groups. A four-year project: Provision of improved services on the local level, has been implemented since 2008 in order to improve health, education and social protection services on the local level. The aforementioned refers to a better quality, availability, as well as justice and efficiency in the provision of the relevant services. The project supports implementation of new legal decisions in terms of inclusion of the children with developmental issues, Roma children and village children. The project that lasts until 2011 is financed from the World Bank loan, and it is being implemented in collaboration with the Ministry of Health, the Ministry of Labour and Social Policy and local self-administration bodies.
- The University Education Act stipulates organization of the studies, prescribing that handicapped students should have the right to pass examinations in the manner adjusted to their abilities, in compliance with general act of the university institution. All university institutions established by the Republic of Serbia allow a particular number of handicapped persons to enroll under special requirements, through an affirmative action. Universities have centers for handicapped students which provide various services such as organized transportation, the use of various software packages etc.

One of the tasks within the education system of the Republic of Serbia is to set Unique Informational System which should include data on children, pupils and students, including those with developmental issues and disabilities.

Article 15§2

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information on the number of persons with disabilities in working age, in ordinary employment and in sheltered employment (estimated, if necessary). Please, also indicate whether the basic provisions of labour law applies to persons working in sheltered employment where production is the main activity.

Reply:

In compliance with the Law on Professional Rehabilitation and Employment of Persons with disabilities, the organization competent for employment activities is to stimulate employment of persons with disabilities.

Activities which refer to the stimulation of employment of persons with disabilities include:

- 1) affirmation of equal possibilities of persons with disabilities on the labour market;
- 2) organization and implementation of professional rehabilitation measures and activities;
- 3) exercising of the right to active employment policy measures, i.e. measures for self-employment and employment of persons with disabilities;
- 4) provision of technical, professional and financial support for adjustment of jobs, workplaces or both jobs and workplaces, including technical and technological aid which should increase the possibility for employment or employment maintenance of persons with disabilities;
- 5) monitoring of the effects of work and social inclusion of persons with disabilities;

6) cooperation with organizations and associations of persons with disabilities, employers and other bodies and organizations in order to stimulate employment and inclusion of persons with disabilities;

7) other activities carried out in order to increase employment and inclusion of persons with disabilities in the labour market.

The Budgetary Fund for professional rehabilitation and stimulation of employment of persons with disabilities has been established by the Law in order to stimulate employment and professional rehabilitation of unemployed persons with disabilities, improve work conditions, advance production programs, introduce standards, improve quality of products and services provided, adjust workplaces as well as for other purposes.

Center for professional Rehabilitation and Employment of Persons with Disabilities began to operate in 2010; implementing activities of the National Employment Agency, it should contribute to better position of persons with disabilities on the labour market. The Center performs professional and analytical, organizational and operative activities of rehabilitation and employment of persons with disabilities, which include development of standards and operative instructions in the domain of assessment of work abilities, knowledge and skills, individual counselling and mediation in employment and work training of persons with disabilities.

From the beginning of its operation until the end, and inclusive with, 2010, the Center mediated in the employment of 3,681 invalids from the records, the Active Employment Policy Measures (APP) included 2,850 persons, 1,850 contacts were established with employers, there were also 50 platform speeches held in order to inform employers and public of the activities and subsidies concerning employment of persons with disabilities, expert-witnessing for 4,206 persons and 4,011 decisions passed on work ability assessment.

The National Agency, as the bearer of professional rehabilitation measures and activities, provides education and professional help for employers employing persons with disabilities, experts within the companies for professional rehabilitation and

employment of persons with disabilities, as well as for other interested persons, bodies or organizations contributing to uniform and inclusive treatment of persons with disabilities, based on the principles of discrimination prohibition, employment stimulation and affirmation of equal possibilities as well as the respect of human rights in all aspects of social life.

Active employment policy measures which apply to persons with disabilities are:

- 1) compensation of workplace adjustment expenses;
- 2) subsidy of earnings of persons with disabilities with no work experience;
- 3) self-employment support;
- 4) professional rehabilitation measures and activities; and
- 5) other measures.

Employers which, under special requirements, employ persons with disabilities who require special adjustment of jobs, work places or both jobs and workplaces due to their disability kind and severity, will be able to exercise the right to the compensation of appropriate expenses.

Employers who provide full-time employment for persons with disabilities with no previous experience will have the right to subsidy of the relevant persons' earnings for the time period of 12 months, at the amount of minimum earning stipulated pursuant to the labour regulations.

Persons with disabilities will have the right to exercise the right to self-employment support, under conditions and in the manner stipulated for self-employment support of the unemployed, having the priority to be included in the relevant measure, as well as other measures stipulated for all unemployed persons.

**Table 13: Number of persons with disabilities registered with the National
Employment Agency**

	Total (number of persons)	Women	Education level							
			I	II	III	IV	V	VI	VII	VIII
Year 2007	23,202	...	8,790	2,373	7,472	3,413	598	326	229	1
Year 2008	22,811	...	8,980	2,042	7,364	3,345	530	341	208	1
Year 2009	18,118	5,929	6,190	2,234	5,941	2,837	424	302	190	0
Year 2010	15,990	5,200	5,439	2,017	5,052	2,601	334	305	242	0

Note: Gender-based data on persons with disabilities registered with the National Employment Agency for years 2007 and 2008

Source: The National Employment Agency

Article 15§3

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information on persons with disabilities' access to housing, transport, telecommunications and cultural and leisure activities.

Reply:

Questions relevant for equal and full inclusion of persons with disabilities in the Republic of Serbia are encompassed by many legal stipulations: **Labour Act** prohibits disability-based discrimination and stipulates protection of persons with disabilities on a workplace. **Public Procurement Act** stipulates that documentation submitted by public tender applicants should include the proof that availability standard plans are applicable

to their products and services. **Planning and Construction Act** precisely stipulates the obligation to meet availability standards when designing and building new public and residential multi-storey buildings as well as to prescribe sanctions for offenders. **The Law on the Education and Upbringing System Fundamentals** is a strongly affirmed concept of inclusive pre-school, primary and secondary education and upbringing for children and youth with disabilities. **University Education Act** stipulates measures which are to equalize studying possibilities of persons with disabilities. **Discrimination Prohibition Act** contains a special Act prohibiting disability-based discrimination, while the present matter is more precisely stipulated by the **Law Preventing Discrimination of Persons with Disabilities**. **Public Transportation Safety Act** contains several stipulations which provide persons with disabilities with equal possibilities to take part in traffic.

Not only have the stipulations relevant for equality of persons with disabilities been built in general strategic documents and laws, but, apart from the abovementioned Strategy for Improvement of Persons with Disabilities in the Republic of Serbia during the period 2007-2015, several important laws have also been passed by the Republic of Serbia, primarily stipulating the position of persons with disabilities: the first anti-discriminatory act in our country – The Law Preventing Discrimination of Persons with Disabilities, was passed in April 2006. The **Law on Professional Rehabilitation and Employment of Persons with Disabilities** was adopted in May 2009. The National Assembly of the Republic of Serbia adopted the Law confirming the Convention on the Rights of Persons with Disabilities and the Law confirming the Optional Protocol to the Convention of the Rights with Persons with Disabilities on May 29, 2009, making the present international document a constituent part of the **internal rights of our country**.

Persistent and continuous implementation of a quality legal frame for the position of persons with disabilities in the Republic of Serbia is one of the preconditions of true equality and full inclusion of persons with disabilities in the Serbian society. Equal opportunities of persons with disabilities sometimes requires considerable assets a transitional society does not sufficiently dispose of. The Ministry of Labour and Social

Policy allocates a considerable amount of assets in order to promote equality of persons with disabilities, primarily through the Sector for Protection of Persons with Disabilities. There are yet some other ministries, such as the Ministry of Culture and the Ministry of Economics and Regional Development, which systematically and regularly allocate a part of their budgetary assets in order to equalize possibilities for persons with disabilities.

Apart from the Strategy for improvement of the position of persons with disabilities in the Republic of Serbia in the period 2007-2015, the question of the position of persons with disabilities is encompassed by a majority of Serbian general strategic documents: Poverty Reduction Strategy of Serbia, Social Protection Development Strategy, National Employment Strategy, National Youth Strategy and Strategy combating Violence Against Women.

Apart from the allocation of assets necessary to equalize possibilities of persons with disabilities and to use existing relatively restricted resources in a quality manner, it is vital that the multi-ministerial and multi-sectoral cooperation, concerning affirmation of the rights and improvement of the position of persons with disabilities, be further developed and strengthened, so that persons with disabilities might equally enjoy all the rights the other citizens of the Republic of Serbia do, in compliance with the Strategy improving the Position of Persons with Disabilities of the Republic of Serbia for the period 2007 – 2015.

On December 28, 2006, the Government of the Republic of Serbia adopted the Strategy improving the Position of Persons with Disabilities of the Republic of Serbia for the period 2007 – 2015. The Strategic goal set by the present document is to improve the position of persons with disabilities up to the one of equal citizens enjoying all rights and obligations.

Pursuant to the stipulated frames, the Strategy stipulates the following goals to be met up to the year 2015:

1. Question of the position of persons with disabilities should be integrated in general development plans concerning institutional frame development and operationalization of multi-ministeial cooperation in the activities concerning planning and monitoring of the policies within the relevant domain;
2. Efficient legal protection should be developed with advanced and implemented plans for the prevention of discrimination of persons with disabilities, as well as the plans for society sensibilization concerning disability matters;
3. Social, health and other services based upon rights and needs of beneficiaries should be made available, in compliance with contemporary internationally-accepted methods for the assessment of disabilities and needs;
4. To develop policy of measures and implement programs, especially within the domains of education, employment, labour and residence, which provide equal possibilities for persons with disabilities and stimulate independence, personal development and active life in all domains;
5. To develop and carry out the plan of barrier removal and construction of available facilities and services in order to provide persons with disabilities with the approach to developed environment, available transportation, information, communications and services stipulated for the public;
6. To provide persons with disabilities with appropriate life standard and social security.

Further activities concerning the elaboration of Strategy documentation stipulate the action plan to be made and the actual measures and activities to be defined, as well as activity bearers to realize goals stipulated by the present document.

Action Plan for implementation of the Strategy for improvement of the position of persons with disabilities in the Republic of Serbia in the period 2010-2011 is currently under the adoption procedure.

Many other strategic documents and plans the Republic of Serbia has adopted since 2003 till today also refer to the improvement of the position of persons with

disabilities, in compliance with the principle of inclusion of disability questions within general program documents (main streaming): Poverty Reduction Strategy, National Employment Strategy, National Youth Strategy and Strategy combating Violence Against Women.

Beginning with the Strategy-defined goal striving to increase inclusion of persons with disabilities in the society, establishing requirements for participation in cultural and sports and recreational life and leisure activities, the Ministry of Labour and Social Policy, Section for Protection of Persons with Disabilities, continually financially supports activities within the domain of cultural creation as well as sport development for persons with disabilities in order to promote opportunities of persons with disabilities and establish requirements for their successful integration in the community life. The Ministry of Labour and Social policy has developed a long-lasting cooperation with 37 Unions of Associations of Persons with Disabilities, within which 500 local associations of persons with disabilities operate.

These associations carry out many activities from the domain of support of persons with disabilities and their families, the aim of which is more successful social integration. These activities are primarily advisory, therapeutic but also the activities which should prevent occurrence of diseases, stimulative and inclusive programs, occupational activities, cultural and sport activities, activities concerning the promotion of integration and equal opportunities, rights of persons with disabilities, discrimination prevention activities, social inclusion strengthening and creation of the requirements for their active role in the society.

About RSD 20,000,000.00 is allocated in support of program activities of associations of persons with disabilities each month.

Share percentage of activity types among the Unions of associations vary. Activities from the domain of sport and culture were considerably present with the associations of persons with disabilities in the period 2008-2010. The share of culture and sports activities with associations of persons with sensory disabilities was from 46% to 62%, depending on the Union of Associations. In terms of regular activities of

associations of persons with bodily disabilities, sports, culture and entertainment activities were by far the most frequent activities, and that within the range from 8% up to 50%, depending on the period of the year and association type.

Associations providing help for mentally underdeveloped persons and persons suffering from some other kind of mental insufficiency are considerably less engaged in sport activities and activities in the domain of culture among regular activities. Within the relevant associations, activities of the kind are supported through larger projects which represent activities independent from regular programs, but nonetheless include participation of a large number of these associations.

The share of sport activities is also very high with the Unions of Associations of Labour Invalids, and that by 24%-43%, depending on a period of the year.

The smallest share in the activities of the type take associations of persons with disabilities occurred during the period of democratic changes in Serbia, that is after the year 2000.

It is important to point out that, the abovementioned 37 Unions of Associations of Persons with Disabilities include 5 sport Unions of Associations of Persons with Disabilities as well, and that: Disabled Sports Association of Serbia, Disabled Sports Association of Vojvodina, Disabled Shooting Association of Serbia, Sports Association of the Blind and Weak-Sighted of Serbia and Wheelchair Basketball Association of Serbia. The total amount of RSD 10,169,355.77 was allocated for activities of these Associations in 2009, while the abovementioned Associations were supported by RSD 10,804,217.80 in 2010.

The Ministry of Labour and Social Policy provided considerable support for the affirmation of Paralympic Sport Development in Serbia. The Ministry of Labour and Social Policy supported the first participation of the Serbian paralympic team in Winter Paralympic Games, as well as the participation of the Serbian paralympic team in Paralympic Games of 2008, held in Beijing.

Article 18 – The right to engage in a gainful occupation in the territory of other Parties

With a view to ensuring the effective exercise of the right to engage in a gainful occupation in the territory of any other Party, the Parties undertake:

1. to apply existing regulations in a spirit of liberality;
2. to simplify existing formalities and to reduce or abolish chancery dues and other charges payable by foreign workers or their employers;
3. to liberalise, individually or collectively, regulations governing the employment of foreign workers;

and recognise:

4. the right of their nationals to leave the country to engage in a gainful occupation in the territories of the other Parties

Information to be submitted

Article 18§1

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please supply any relevant statistics or other information, if appropriate, on the rate of refusals to issue work permits in response to requests from nationals of other States party, broken down by country and whether these are first time requests or applications for renewal.

Reply:

Pursuant to the Law on Employment of Foreigners ("The Official Gazette of the Socialist Federal Republic of Yugoslavia" no. 11/78 and 64/89 and "The Official Gazette of the Federal Republic of Yugoslavia" no. 42/92, 24/94 and 28/96), employment of foreigners is allowed if they have been permitted permanent residence in the Republic of Serbia and if the organizations competent for employment have issued them work permits.

Employment of foreigners with temporary or permanent residence permits is allowed even without workpermits, provided that employment is established in order to perform expert activities stipulated by the Agreement on Business and Technical Support,

Long-Term Production Cooperation, Foreign Investment Technology Transfer (Article 2 Paragraph 2 of the Law on Employment of Foreigners).

Pursuant to this Law, in total 2,533 approvals for the employment of foreigners with temporary residence were issued by the National Employment Agency branches in 2010, while 16 requests were turned down. During the above period, the National Employment Agency issued 42 work permits to the foreigners to whom permanent residence in the territory of Serbia was approved, while it turned down 2 requests.

Article 18§2

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please supply any relevant statistics or other information on chancery dues and other charges payable by foreign workers or their employers for work and/or residence permits and on the average time taken to issue these permits.

Reply:

The Law on the Requirements of Employment of Foreigners stipulates that the foreigners with permanent residence permits, that is with permits for temporary residence in the Republic of Serbia, can be employed if they have been issued work permits by the competent employment organizations.

Foreigners with permanent residence permits apply for the issuance of work permits with the National Employment Agency branches, according to their permanent place of residence. Work permits are issued to the time period permanent residence is allowed to foreigners.

Work permits are issued to the foreigners with permanent residence permits at the employers' requests, according to their seat and during the time temporary residence is allowed.

When issuing permits, the National Employment Agency branches take into account general requirements for employment according to the labour regulations, vocational education, occupation, knowledge, skills and work ability of the foreigners to whom permanent residence is allowed, that is the requirements for particular jobs with the employers as well as vocational education, occupation, knowledge, skills and work abilities of the foreigners to whom permanent residence is allowed.

Decision on the work permit issuance is passed within 30 days upon the application. Applicants may lodge an appeal against the first instance body's decision, and that within 15 days after the relevant decision has been passed. Work permits should be issued in about 3-5 days upon the application.

Pursuant to the Law, a republic administrative fee, at the amount of RSD 9,330.00, is charged for work permit issuance procedure by the National Employment Agency.

Article 18§3

- 1) Please describe the general legal framework.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Reply:

Pursuant to the National Integration Program, the Draft Law on Employment of Foreigners should be passed; therefore the Ministry of Economy and Regional Development has made the first draft of the relevant regulation. When the present regulation is made, the following should be taken into account: European standards should be introduced in the domain of employment of foreigners and they should comply with ratified international documents within the domain of employment, work and residence of foreigners as well as the protection of their family members, all in accordance with national interests.

Article 18§4

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Reply:

Pursuant to stipulations of the Employment and Unemployment Insurance Act, the National Employment Agency and other Employment Agencies mediate in the employment of unemployed persons and those persons who want to change their jobs in foreign countries.

During the mediation, bearers of employment activities in foreign countries are to provide protection of persons, which means to include work treatment at least equal to the one of the employing country's citizens during the work and work-based residence abroad (Articles 95-100 of the relevant Law) and to provide permits for work and residence, compensation of various expenses for health certificates, transportation, information of life and work conditions etc.

The National Employment Agency mediated in an employment procedure of medical doctors, with or without specializations, in clinics of the Federal Republic of Germany and Libya. The total number of persons employed in the above manner is 16.

Employment Agencies mediated in employment procedures for the jobs in USA, Belgium, Greece, England, Libya, Algeria, Montenegro and Croatia, employing 85 citizens of the Republic of Serbia.

Migration Service Center has been established within the project carried out by the International Organization for Migration in collaboration with the International Labour Organization, financed by the European Union, Federal Offices for Migration of the Government of Sweden and Federal Offices for Migration and Refugees of the Government of Germany, with the National Employment Agency – Belgrade Branch.

Migration Service Center provides information on the possibilities for employment and studies abroad, visa obtaining procedures, work and residential permits, health insurance as well as other useful information for emigration or temporary departure to a foreign country.

Migration Service Center organizes training and consulting for various needs as well.

Article 20 – The right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex

With a view to ensuring the effective exercise of the right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex, the Parties undertake to recognise that right and to take appropriate measures to ensure or promote its application in the following fields:

- a. access to employment, protection against dismissal and occupational reintegration;
- b. vocational guidance, training, retraining and rehabilitation;
- c. terms of employment and working conditions, including remuneration;
- d. career development, including promotion.

Appendix to Article 20

1. It is understood that social security matters, as well as other provisions relating to unemployment benefit, old age benefit and survivor's benefit, may be excluded from the scope of this article.
2. Provisions concerning the protection of women, particularly as regards pregnancy, confinement and the post-natal period, shall not be deemed to be discrimination as referred to in this article.
3. This article shall not prevent the adoption of specific measures aimed at removing *de facto* inequalities.
4. Occupational activities which, by reason of their nature or the context in which they are carried out, can be entrusted only to persons of a particular sex may be excluded from the scope of this article or some of its provisions. This provision is not to be interpreted as requiring the Parties to embody in laws or regulations a list of occupations which, by reason of their nature or the context in which they are carried out, may be reserved to persons of a particular sex.

Information to be submitted²

² States party that have accepted Article 20 of the European Social Charter (revised) do not have to reply to questions concerning Article 4§3, but must take account of these questions in their answers on Article 20.

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please provide pertinent figures, statistics or any other relevant information, in particular on employment and unemployment rates by sex and percentage differences in earnings.

Reply:

Women are equalized to men within the domain of work legislature (employment requirements, work requirements, salary etc.). Labour Act contains a special stipulation on discrimination prohibition, pursuant to which persons looking for a job, as well as employees, cannot be placed in more difficult position than others based on gender (Article 18 of the Act). Pursuant to Article 20 of the Labour Act, discrimination from Article 18 of the present Act is prohibited based on: employment requirements and choice of a candidate for a particular job; work conditions and all rights based on employment; education, training and development; promotion at work.

Employer is not allowed to condition employment by the pregnancy test (Article 26 paragraph 3 of the Labour Act).

Labour Act prohibits discrimination of employees based on gender, which includes prohibition of discrimination of employers in terms of exercising their rights to equal reward for the same work and equal treatment when assessing work quality. Pursuant to Article 104 of the Labour Act, employees have the right to appropriate earnings which is stipulated in compliance with the Act, general deed or employment agreement. Employers are guaranteed the same earnings for the same work or the-same-value work carried out with the employer.

Article 187 of the Labour Act stipulates special protection against employment agreement termination. Employers are not entitled to terminate employment agreements during pregnancy, pregnancy leave, childcare leave and special childcare leave, except in case of part-time employment.

In case of employment agreement termination, which is against Article 187 of the labour Act, employers will be charged a penalty.

During pregnancy and childbirth, employed women are entitled to special protection. Pursuant to Articles 89-93, employed pregnant women will not perform activities the competent medical bodies find harmful to their and children's health, especially activities which include heavy load lifting, harmful radiation or exposure to extreme temperatures and vibrations.

During the first 32 weeks of pregnancy, pregnant women will not work overtime or nights if such work could be detrimental to their and children's health, according to the findings of competent medical bodies. Employed women will not work overtime or nights during the last eight weeks of pregnancy.

One of the parents with a child up to three years of age will work overtime i.e. nights, only with his/her previous written consent.

A single parent with a child up to seven years of age or a severely disabled child, will work overtime i.e. nights only with his/her previous written consent.

Employers will have the right to re-arrange business hours of women during their pregnancy and employed parents with children under three years of age or children with a severe level of psychophysical disturbance – only with the previous written consent of the employee.

Pursuant to Article 94, employed women are entitled to pregnancy and childbirth leave – maternity leave, as well to childcare leave for 365 days in total.

Employed women are entitled to take maternity leave based on the findings of the competent medical body, and that no sooner than 45 and mandatorily 28 days prior to the date of the expected childbirth.

Maternity leave lasts until the completion of three months upon the childbirth. When maternity leave ends, employed women have the right to childcare leave until the completion of 365 days counting from the commencement of maternity leave from paragraph 2 of the present Article.

If mother abandons the child, dies or is prevented to exercise the right from paragraph 3 of the present Article due to some other reason (if in jail, severely sick etc.), father of the child is entitled to the relevant right. The father is also entitled to the previously mentioned right when mother is unemployed.

Father of the child can use the right from paragraph 4 of the present Article.

Pursuant to the law, during maternity and childcare leave, an employed woman, i.e. father of the child, is entitled to the compensation of earnings.

Paragraph 1 of Article 94a stipulates that an employed woman is entitled to maternity and childcare leave up to two years for the third and every successive newly born child.

The right to the abovementioned maternity and childcare leave up to two years belongs also to an employed woman who gives birth to three or more children at her first pregnancy, as well as an employed woman who gives birth to one, two or three children and then, at the following pregnancy, she gives birth to two or more children (Article 94, paragraph 2).

After maternity leave, the employed woman from paragraphs 1 and 2 is entitled to childcare leave until the expiry of two years from the maternity leave commencement from Article 94 paragraph 2 of the present Act.

The child's father from paragraphs 1 and 2 is entitled to maternity leave in case and under requirements stipulated by Article 94 paragraph 5 of the present Act, and the right to childcare leave lasting for the time period as stipulated in paragraph 3 of the present Article.

The right to the maternity leave lasting for the time period as stipulated in Article 94 paragraph 3 of the present Act belongs to an employed woman whose child is stillborn or dies before the expiry of her maternity leave (Article 95).

Pursuant to Article 96 of the Labour Act, one of the parents of a child in the need of special care due to severe psychophysical disturbance, except in cases stipulated by the health insurance regulations, is entitled to maternity and childcare leave or to the work for a half of the full business hours, until the child has turned five, and that upon the completion of maternity or childcare leave.

The right in terms of paragraph 1 of the present Article is exercised based on the opinion of the body competent for assessment of the level of psychophysical disturbance of children, pursuant to the Act (Article 96 paragraph 2).

During the leave from work in terms of paragraph 1 of the present Article, employees are entitled to the compensation of earnings, pursuant to the Act (Article 96 paragraph 3).

During the work for a half of full business hours, in terms of paragraph 1 of the present Article, employees are entitled to their earnings, pursuant to the Act, general deed and employment agreement, while for the other half of full business hours they are entitled to the compensation of earnings, pursuant to the relevant Act (Article 96 paragraph 4).

Requirements, procedures and the manner of exercising the right to childcare leave are more closely stipulated by the Minister competent for social care of children. (Article 96 paragraph 5).

Pursuant to Article 97 paragraph 1 of the Labour Act, a foster parent, that is a guardian of a child younger than five years of age, is entitled to take childcare leave for the maximum period of eight consecutive months after the child has been accommodated with the foster or guardian family, and not longer than until the child has turned five.

Provided that the child has been accommodated with the foster or guardian family before it turns three months of age, the child's foster parent or guardian is entitled to childcare leave until the child has turned 11 months of age. (Article 97 paragraph 2)

The right stipulated by paragraphs 1 and 2 of the present Act is invested in a person to whom a child has been sent for adjustment prior to and based on adoption, as well as one of the adopters.

Pursuant to the Act, a person exercising the right from paragraphs 1-3 of the present Act is entitled to the compensation of earnings during the childcare leave.

Pursuant to Article 98 of the Labour Act, a parent or a guardian, that is a person taking care of another person damaged by cerebral palsy, poliomyelitis, a kind of -plegia or a person suffering from muscular dystrophy and other severe diseases, according to the opinion of a competent medical body, may be allowed short-time work, but not shorter than a half of the full business hours.

Pursuant to the Act, general deed and employment agreement, employees working short-time in terms of paragraph 1 of the present Article are entitled to the appropriate earnings, proportional to the time spent at work.

One of the adopters, fosters i.e. guardians of the child is entitled to the rights from Article 96 of the present Act, provided that the child needs special care due to the level of its psychophysical disturbance.

Article 100 of the Labour act stipulates that one of the parents, adopters, fosters i.e. guardians are entitled to take leave from work until the child turns three years of age.

During the leave from work from paragraph 1 of the present Article, work-based rights and obligations are still, unless the Act, general deed and employment agreement stipulate the opposite concerning certain rights.

Pursuant to Articles 89-93, employed pregnant women will not perform activities the competent medical bodies find harmful to their and children's health, especially activities

which include heavy load lifting, harmful radiation or exposure to extreme temperatures and vibrations.

During the first 32 weeks of pregnancy, pregnant women will not work overtime or nights if such work could be detrimental to their and children's health, according to the findings of competent medical bodies. Employed women will not work overtime or nights during the last eight weeks of pregnancy.

One of the parents with a child up to three years of age will work overtime i.e. nights, only with his/her previous written consent.

A single parent with a child up to seven years of age or a severely disabled child, will work overtime i.e. nights only with his/her previous written consent.

Employers will have the right to re-arrange business hours of women during their pregnancy and of employed parents with children under three years of age or children with a severe level of psychophysical disturbance – only with the previous written consent of the employee.

Employment and Unemployment Insurance Act and the Law on Professional Rehabilitation and Employment of persons with Disabilities that entered into force on May 23, 2009, are established on the anti-discrimination and gender-equality principle.

The National Employment Action Plan for the year 2010 stipulates measures and activities which should equalize positions of men and women on the labour market and especially stimulate employment of women pertaining to the difficult-to-employ category (long-term unemployed persons, unqualified unemployed persons or low-qualified persons, redundant workers, persons with disabilities, Roma People, refugees and displaced persons and readmission-based returnees).

Table 14: Realization of the Active Employment Policy in the period 2007-2010

Active employment policy measure	2007		2008		2009		2010	
	Total number of persons	% Women	Total number of persons	% Women	Total number of persons	% Women	Total number of persons	% Women
Active job search	90,528	60.5%	105,765	61.7%	93,377	59.2%	89,911	57.8%
Additional Education and Training Program	14,551	65.4%	10,298	57.4%	20,515	56.9%	21,872	53.2%
Employment subsidies	9,573	43.9%	12,054	46.7%	11,732	21.8% *	8,843	35.4% *
Public Works	3,688	/	10,184	/	10,160	/	5,604	38.5%

NOTE: Data for the years 2009 and 2010 represent the overall data concerning participation of people in the measures implemented by the national Employment Agency, financed from the Budget of the Republic of Serbia and from the Budget of the Autonomous Province of Vojvodina.

* We cannot present characteristics i.e. gender division of the persons financed from the Budget of the republic of Vojvodina.

Source: The National Employment Agency

Apart from the above results, there were no special programs and summons through the National Employment Agency directed exclusively to women or particular vulnerable groups of women on the republican level, in the period 2008-200.

The Provincial Secretariat for Labour, Employment and Gender Equality, in collaboration with the National Employment Agency, carried out the subsidy allocation program for self-employment and new employment of single mothers in the territory of the AP Vojvodina, on the provincial level, in the year 2008. 18 self-employment and 27 new employment requests were approved.

Article 11 of the Gender Equality Act stipulates employers' obligation to provide equal opportunities and treatment of employees regardless of their gender. Article 15 of the Gender Equality Act establishes obligation of employers to keep records of gender structure of employees, while article 13 of the Act stipulates that employers are to adopt the plan of measures for elimination and alleviation of unequal gender presence for every calendar year, until January 31 at the latest, as well as to make annual report on the measure plan implementation.

Article 15 of the Gender Equality Act stipulates that distinction-making concerning gender is not allowed in the advertising of jobs and requirements for their performance as well as in decision-making about the choice of persons looking for a job in order to establish employment or any other kind of work engagement, except if there are justified reasons stipulated in compliance with the labour-stipulating law.

Article 24 – Right of workers to protection in cases of termination of employment

With a view to ensuring the effective exercise of the right of workers to protection in cases of termination of employment, the Parties undertake to recognise:

- a. the right of all workers not to have their employment terminated without valid reasons for such termination connected with their capacity or conduct or based on the operational requirements of the undertaking, establishment or service;
- b. the right of workers whose employment is terminated without a valid reason to adequate compensation or other appropriate relief.

To this end the Parties undertake to ensure that a worker who considers that his employment has been terminated without a valid reason shall have the right to appeal to an impartial body.

Information to be submitted

- 1) Please describe the general legal framework, including decisions by courts and other judicial bodies, if possible. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

Reply:

Article 179 of the Labour Act stipulates that the employers are allowed to terminate employment agreement of employees based on a good reason which refers to the employees' work ability and behaviour as well as employers' needs, and that:

- 1) if employees do not give work results, that is do not have the abilities necessary for their jobs;
- 2) if due to their own mistakes employees infringe work obligation, stipulated by the general deed or employment agreement;
- 3) if employees fail to obey work discipline stipulated by the employer's deed, that is if their behaviour is such that they cannot proceed to work with the relevant employer;
- 4) if employees perpetrate a crime at or in relation to their work;
- 5) if employees have failed to return to work with their employer 15 days upon the expiry of the deadline stipulated for their leave without pay or employment at standstill in terms of the relevant Act;
- 6) if employees abuse their right to the leave of absence due to a temporary work inability;
- 7) if employees reject to conclude annex to the employment agreement in terms of article 171 paragraph 1 point 1) – 4) of the present Act;
- 8) if employees reject to conclude annex to the employment agreement in terms of article 33 paragraph 1 point 10) of the present Act;
- 9) if due to technological, economic or organizational changes the need for a particular job ceases or if the scope of work depleats.

Article 180 stipulates that, before terminating the employment agreement due to the case from Article 179 point 1) – 6) of the present Act, the employer is to inform the employee in writing of the reason for employment agreement termination and to give him/her the time of at least five business hours after the notice has been sent to declare about the statements from the notice.

In the notice from paragraph 1 of the present Act the employer will state the basis for dismissal, facts and proofs that the conditions for dismissal have been met, as well as the deadline within which to answer the notice. In case of extenuating circumstances or if disrespect of the work discipline is insufficient a reason for the employment agreement termination, employer is to send notice to the employee in order to inform him/her that the employment agreement will be terminated in case of the same or similar mistake gets repeated without the previous notice.

Employer is to submit the notice for the opinion of the trade union the employee is a member of. Trade union is to give its opinion within five business days upon submitting the notice.

If the employer terminates employment agreement based on the cases from Article 179 point 9) of the present Act, it will not have the right to employ some other person to perform the same job for the six months following employment termination. If the need for the relevant job occurs prior to the expiry of the stipulated deadline, the employee whose employment has been terminated will have the priority to conclude employment agreement.

Article 158 of the present Act stipulates that the employer is to pay the employee terminal wage, at the amount stipulated by the general deed and employment agreement, before the employment agreement termination, in terms of Article 179 point 9) of the present Act.

Amount of the terminal wage from paragraph 1 of the present Article will not be less than the sum of a third of the employee's income for each year of employment that

ended, for the first 10 years of employment and a quarter of the employee's income for every successive year of employment that ended, for more than 10 years of employment. Income in terms of Article 158 of the present Act is considered average monthly income of the employee, paid for the last three months preceeding the one the terminal wage payment has been effected.

The employee whose employer, upon providing the terminal wage from Article 158 of the present Act, terminates the employment agreement since the relevant work is no longer required, will be entitled to the financial compensation and the right to pension and disability insurance and medical protection, according to the employment regulations.

The following will not be considered good reasons for the employment agreement termination, in terms of article 179 of the present Act:

- 1) temporary work inability due to an illness, accident at work or occupational disease
- 2) the use of maternity leave, childcare leave or special childcare leave;
- 3) military service or supplementary military service;
- 4) membership in a political organization, trade union, gender, language, nationality, social background, religion, political or other beliefs or some other personal characteristic of the employee;
- 5) activities in the capacity of a employees' representative, pursuant to the relevant Act;
- 6) employee's addressing the trade union or bodies competent for the protection of employment rights pursuant to the Act, general deed and employment agreement.

Pursuant to Article 188 of the Labour Act, employer is not entitled to terminate employment agreement, nor to otherwise put the employees' representative in a disadvantageous position during his/her term of office and a year afterwards, provided that the representative acts in compliance with the Act, general deed and employment agreement, and that:

- 1) to the employee council and employees' representative engaged in the administrative and supervisory board of employer;

- 2) representative of the trade union with the employer;
- 3) appointed or elected trade union representative;

If employee's representative from paragraph 1 of the present Article fails to comply with the Act, general deed and employment agreement, the employer will be entitled to terminate the employment agreement.

The number of trade union representatives enjoying the protection in terms of paragraph 1 point 3) of the present Act, is stipulated by the collective agreement, that is, by the consent between the employer and the trade union, depending on the number of trade union members with the employer.

With the Ministry's consent, the employer will be entitled to terminate employment agreement to the employees' representative from paragraph 1 of the present Article, provided that he/she has refused the job offered in terms of Article 171, paragraph 1 point 4) of the present Act.

Pursuant to Article 195 of the Act, the employee, i.e. the representative of the trade union the employee is a member of, will be entitled to institute legal proceedings against the decision infringing the employee's right with the competent court, as soon as the employee has find out about the relevant right infringement.

Legal proceedings should be instituted within 90 days upon submitting the decision, that is, upon finding out about the relevant right infringement.

The legal proceedings carried out before the competent court will be finally settled within six months upon the commencement of legal proceedings.

Pursuant to Article 271 of the Labour Act, if an inspector finds the employer's decision to terminate employment agreement obviously infringes the employee's right, and provided that the employee has initiated a labour dispute, execution of the above decision will be postponed by the inspector's decision at the employee's request and until the court passes the final judgement. Employee will be entitled to submit a complaint within 30 days upon the initiation of the labour dispute. Labour inspector is to pass a decision on postponement of the execution of the employer's decision and termination of

the employment agreement, within 15 days after the employee's request has been submitted, provided that all requirements from paragraphs 1 and 2 of the present Article have been met.

Employment and Unemployment Insurance Act stipulates that an unemployed person is entitled to the right to financial compensation, inter alia if:

1. the employer terminates employment by dismissal, pursuant to the labour regulations, and that:

- 1) if pursuant to the Act, the need for a particular job ceases or if the scope of work depleats due to technological, economic or organizational changes, except for the persons who have of their own will decided to to take financial compensation or special financial compensation – at the amount higher that the one of the terminal wage stipulated by the Labour Act, pursuant to the Governmental Decision on the program stipulating solutions for redundancy workers within the privatization rationalization, renovation and preparation process,

- 2) if the employee fails to achieve work results, i.e. does not have knowledge and abilities necessary for the relevant job,

2. if employment ceases to a particular time period and in case of temporary and casual jobs and work trial;

3. if the function of selected, named and appointed persons cease since the right to standstill employment or salary compensation has not been exercised pursuant to the Act;

4. if founder's that is company member's ownership rights get transferred;

5. in case of a bankruptcy procedure, liquidation procedure and in other cases of the employer's operation termination, pursuant to the Act;

6. if a spouse changes his/her location, pursuant to special requirements;

7. in case employment in a foreign country is terminated, pursuant to the Act, that is international consent.

Financial compensation belongs to the employee ever since the first day of termination of the mandatory insurance, if reported and applied to the national Employment Agency within 30 days upon the employment or insurance termination.

Financial compensation will be paid out to the unemployed:

1. three months in case of one to five years of service;
2. six months in case of five to fifteen years of insurance;
3. nine months in case of fifteen to twenty-five years of insurance;
4. twelve months in case of years of insurance of more than 25 years.

Pursuant to the Pension and Disability Insurance Regulations, a 24 month-financial-compensation will extraordinarily pertain to an unemployed person, provided that there are two more years missing to exercise the retirement right.

Pursuant to the Act, as long as a person is entitled to a financial compensation, he/she will also exercise the right to medical, retirement and disability insurance.

The basis for the financial compensation amount calculation is average income, i.e. salary or the unemployed person's salary compensation, over the last six months preceding the one the employment i.e. insurance has terminated. The financial compensation is stipulated to the amount of 50% of the basis.

Financial compensation will neither exceed 160% nor will it be less than 80% of the minimum income stipulated pursuant to the labour regulations for the month in which the payment of financial compensation has been effected.

Financial compensation will also be paid during:

1. additional education and training, in compliance with individual employment plan;
2. temporary inability to work, stipulated according to the medical insurance stipulations, but no longer than 30 days after the temporary inability to work has occurred;
3. maternity, childcare and special care leave, pursuant to the labour and other regulations stipulating leave of absence.

At the unemployed persons's request, financial compensation will be provided through a single payment, with the purpose of establishing self-employment,.

There were 79,417 financial compensation beneficiaries in 2010, while in 2009 there were 86,602 beneficiaries .

The Government of the Republic of Serbia has passed a Decision on the program stipulating solutions for redundancy workers within the privatization rationalization, renovation and preparation process ("The Official Gazette of the Republic of Serbia" no. 64/05, 89/06, 85/08, 90/08-correction, 15/09, 21/10 and 46/10) which applies to the companies undergoing the renovation and privatization preparation process, companies for employment and work training of disabled persons under the renovation and privatization preparation process, public companies founded by the Republic of Serbia undergoing the renovation process; health, cultural, educational and other institutions founded by the Republic of Serbia, undergoing rationalization of the number of employees, to the public companies founded by the local self-administration determined as a devastated area and self-administration units within the rationalization procedure. The present decision and Instructions for detailed criteria for application of the Program stipulating solutions for redundancy workers within the privatization rationalization, renovation and preparation process ("The Official Gazette of the Republic of Serbia" no. 89/05), stipulates that a redundant employer's employment will be terminated as soon as he/she has decided to exercise one of the most beneficial rights, and that:

- 1) Financial compensation at the amount of 10 average earnings within the Republic of Serbia economy, according to the last published information of the republican body competent for statistics – for employees with more than 10 years of service and insurance;
- 2) Financial compensation at the amount of EUR 100, in RSD countervalue, per a year of insurance, at the average exchange rate as at the day the lists have been submitted by the employer;

- 3) Terminal wage in compliance with the Labour asct, for the employees missing up to two years to exercise the retirement right, pursuant to the pension and disability insurance regulations;
- 4) Special financial compenasion for the redundant employees of a company undergoing renovation procedures, missing up to five years to exercise the retirement right, pursuant to the pension and disability insurance regulations. Special financial compensation is a sum of a sixfold average monthly income realized in the Republic of Serbia economy, according to the last information published by the republican body competent for statistics and the product of the number of months which remained until the fulfillment of the first requirement for exercising the right to retirement and 60% of average monthly income realized within the the Republic of Serbia economy, according to the last information published by the republican body competent for statistics.

Article 25 – The right of workers to the protection of their claims in the event of the insolvency of their employer

With a view to ensuring the effective exercise of the right of workers to the protection of their claims in the event of the insolvency of their employer, the Parties undertake to provide that workers' claims arising from contracts of employment or employment relationships be guaranteed by a guarantee institution or by any other effective form of protection.

Appendix to Article 25

1. It is understood that the competent national authority may, by way of exemption and after consulting organisations of employers and workers, exclude certain categories of workers from the protection provided in this provision by reason of the special nature of their employment relationship.
2. It is understood that the definition of the term “insolvency” must be determined by national law and practice.
3. The workers' claims covered by this provision shall include at least:
 - a. the workers' claims for wages relating to a prescribed period, which shall not be less than three months under a privilege system and eight weeks under a guarantee system, prior to the insolvency or to the termination of employment;

- | |
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| <ul style="list-style-type: none">b. the workers' claims for holiday pay due as a result of work performed during the year in which the insolvency or the termination of employment occurred;c. the workers' claims for amounts due in respect of other types of paid absence relating to a prescribed period, which shall not be less than three months under a privilege system and eight weeks under a guarantee system, prior to the insolvency or the termination of the employment. <p>4. National laws or regulations may limit the protection of workers' claims to a prescribed amount, which shall be of a socially acceptable level.</p> |
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Information to be submitted

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
- 3) Please supply any relevant statistics or other information where possible on the amount of such claims, whether there is a ceiling on payments, the time taken between presentation of claims and payment of the amounts due and the overall percentage of employees' claims that are honoured by a guarantee institution and/or because those concerned are privileged creditors.

Reply:

The Labour Act («The Official Gazette of the Republic of Serbia», number 24/05, 61/05 and 54/09) stipulated the right to the payment of outstanding receivables with the employer, due to which a bankruptcy procedure is instituted (hereinafter: the receivables) and the Solidarity Fund has been established to pay out these receivables. The right to the relevant receivables belongs to an employee who was employed on the day the redundancy procedure was instituted as well as a person employed during the period for which the rights stipulated by the present Act are being exercised. Article 125 of the Act stipulates that the employee is entitled to be effected payment of: 1) earnings and compensation of earnings during the leave of absence due to temporary work inability, pursuant to the medical insurance stipulations, which should be paid out by the employer for the last nine months prior to the bankruptcy procedure, in compliance with the present

Act; 2) damage compensation for the unused annual vacation due to the employer's guilt, for the calendar year in which the bankruptcy procedure has been instituted, provided that he/she used to be entitled to such right prior to the bankruptcy procedure; 3) terminal wage due to the retirement taking place in the year of the bankruptcy procedure, provided that the retirement right has been exercised prior to the bankruptcy procedure; 4) compensation of damages based on the court decision passed during the calendar year of the bankruptcy procedure, due to an injury at work or occupational disease, on condition that the relevant decision has been valid prior to the bankruptcy procedure.

So that the relevant rights might be exercised pursuant to the Labour Act, the Solidarity Fund has been established in order to perform the activities which include provision and payment of receivables pursuant to the present Act. The Fund has the capacity of a legal entity and operates as a public service.

The right exercising procedure is instituted with the Fund, at the request of an employee, within 15 after the relevant final decision stipulating the right to receivables has been submitted, pursuant to the law stipulating bankruptcy procedures.

Receivables from Article 125 of the Act, and that: earnings, compensation of earnings and damage are paid out in the amount of a minimum earnings, terminal retirement wage at the amount of average earnings within the Republic of Serbia economy as well as damage compensation are paid out in the amount of a compensation stipulated by a court decision.

Pursuant to the present Act, the minimum earning is stipulated by the decision of the Social-Economic Council established for the territory of the Republic of Serbia, and if the above Council has failed to pass a decision within 10 days upon the negotiations, the decision on the minimum earning amount will be passed by the Government of the Republic of Serbia.

We hereby provide the following presentation of the number of requests submitted to the Solidarity Fund, as well as the number of requests with successful outcome and the paid out ones, arranged by years, for the period from January 1, 2007 to December 31, 2010:

Year	Requests submitted	Requests with successful outcome and the paid out requests
2007	4863	2805
2008	6824	4301
2009	4336	2634
2010	4885	2384